

The House Committee on Judiciary Non-civil offers the following substitute to HB 599:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to
2 juvenile proceedings, so as to provide the juvenile court with concurrent jurisdiction for
3 certain adoption proceedings; to provide for certain procedures relating to adoption
4 proceedings; to amend Chapter 8 of Title 19 of the Official Code of Georgia Annotated,
5 relating to adoption, so as to revise provisions relating to jurisdiction of adoption
6 proceedings; to provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile
10 proceedings, is amended by adding a new subsection to Code Section 15-11-28, relating to
11 the jurisdiction and venue of the juvenile court, to read as follows:

12 "(f) *Concurrent jurisdiction as to adoption proceedings.* The juvenile court shall have
13 concurrent jurisdiction to hear an adoption petition that is first filed in the superior court
14 in accordance with Chapter 8 of Title 19, provided that the juvenile court has previously
15 entered an order pursuant to Code Section 15-11-103 terminating parental rights of one or
16 more of the parents of the child or a deprivation proceeding is pending at the time the
17 adoption petition is filed in the superior court based upon a parent voluntarily signing a
18 surrender of parental rights in support of an adoption plan for such child, and the date set
19 by the superior court for final hearing on such adoption petition is not within 30 days from
20 the date of filing. In cases meeting the requirements of this subsection, the adoption
21 petition previously filed in the superior court may be transferred to the juvenile court or
22 withdrawn and refiled in the juvenile court for a hearing to be held within ten days from
23 the date of transfer or refiling. An adoption petition withdrawn and refiled pursuant to this
24 subsection shall not constitute a ground for invalidation of a decree of adoption granted by
25 the juvenile court."

SECTION 5.

Said chapter is further amended by revising subsection (c) of Code Section 19-8-20, relating to adoption certificates, as follows:

"(c) The adoption certificate shall be in substantially the following form:

This is to certify that _____ (names of each adopting parent) have obtained a decree of adoption for _____ (full name of adopted child) in the ~~Superior~~ _____ (level of court) Court of _____ County, Georgia, on the _____ day of _____, as shown by the court's records. Given under the hand and seal of said court, this the _____ day of _____, _____.

Clerk"

SECTION 6.

Said chapter is further amended by revising subsection (c) of Code Section 19-8-26, relating to the surrender of parental rights and forms, as follows:

"(c) The surrender of rights by a parent or guardian pursuant to paragraph (1) of subsection (e) of Code Section 19-8-5 shall conform substantially to the following form:

SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION
NOTICE TO PARENT OR GUARDIAN:

This is an important legal document and by signing it you are surrendering all of your right, title, and claim to the child identified herein, so as to facilitate the child's placement for adoption. You are to receive a copy of this document and as explained below have the right to withdraw your surrender within ten days from the date you sign it.

I, the undersigned, being solicitous that my (male) (female) child, born (insert name of child), on (insert birthdate of child), should receive the benefits and advantages of a good home, to the end that (she) (he) may be fitted for the requirements of life, consent to this surrender.

I, the undersigned, (insert relationship to child) of the aforesaid child, do hereby surrender the child to (insert name, surname not required, of each person to whom surrender is made), PROVIDED each such person is named as petitioner in a petition for adoption of the child filed in accordance with Chapter 8 of Title 19 of the Official Code of Georgia

1 Annotated within 60 days from the date hereof. Furthermore, I promise not to interfere
 2 in the management of the child in any respect whatever; and, in consideration of the
 3 benefits guaranteed by (insert name, surname not required, of each person to whom
 4 surrender is made) in thus providing for the child, I do relinquish all right, title, and claim
 5 to the child herein named, it being my wish, intent, and purpose to relinquish absolutely
 6 all parental control over the child.

7 It is also my wish, intent, and purpose that if each such person is not named as petitioner
 8 in a petition for adoption as provided for above within the 60 day period, other than for
 9 excusable neglect, or, if said petition for adoption is filed within 60 days but the adoption
 10 action is dismissed with prejudice or otherwise concluded without an order declaring the
 11 child to be the adopted child of each such person, then I do hereby surrender the child as
 12 follows:

13 (Mark one of the following as chosen)

14 ____ I wish the child returned to me, and I expressly acknowledge that this provision
 15 applies only to the limited circumstance that the child is not adopted by the person or
 16 persons designated herein and further that this provision does not impair the validity,
 17 absolute finality, or totality of this surrender under any circumstance other than the
 18 failure of the designated person or persons to adopt the child and that no other provision
 19 of this surrender impairs the validity, absolute finality, or totality of this surrender once
 20 the revocation period has elapsed; or

21 ____ I surrender the child to (insert name of designated licensed child-placing agency),
 22 a licensed child-placing agency, for placement for adoption; or

23 ____ I surrender the child to the Department of Human Resources, as provided by
 24 subsection (k) of Code Section 19-8-5, for placement for adoption; and (insert name of
 25 designated licensed child-placing agency) or the Department of Human Resources may
 26 petition the superior court or other court of competent jurisdiction for custody of the
 27 child in accordance with the terms of this surrender.

28 Furthermore, I hereby agree that the child is to be adopted either by each person named
 29 above or by any other such person as may be chosen by the (insert name of designated
 30 licensed child-placing agency) or the Department of Human Resources and I do expressly
 31 waive any other notice or service in any of the legal proceedings for the adoption of the
 32 child.

33 Furthermore, I understand that under Georgia law an agent appointed by the court is
 34 required to conduct an investigation and render a report to the court in connection with
 35 the legal proceeding for the legal adoption of the child and I hereby agree to cooperate
 36 fully with such agent in the conduct of this investigation.

1 Furthermore, I hereby certify that I have received a copy of this document and that I
 2 understand I may only withdraw this surrender by giving written notice, delivered in
 3 person or mailed by registered mail or statutory overnight delivery, to (insert name and
 4 address of agent of each person to whom surrender is made) within ten days from the date
 5 hereof; that the ten days shall be counted consecutively beginning with the day
 6 immediately following the date hereof; however, if the tenth day falls on a Saturday,
 7 Sunday, or legal holiday then the last day on which the surrender may be withdrawn shall
 8 be the next day that is not a Saturday, Sunday, or legal holiday; and I understand that it
 9 may NOT be withdrawn thereafter.

10 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 11 pressure in the execution of this surrender document and do so freely and voluntarily.

12 Witness my hand and seal this _____ day of _____, _____.

13 _____(SEAL)
 14 (Parent or guardian)

15 _____

16 Unofficial witness

17 Sworn to and subscribed

18 before me this _____

19 day of _____, _____.

20 _____

21 Notary public (SEAL)

22 My commission expires _____."

23 **SECTION 7.**

24 This Act shall become effective upon its approval by the Governor or upon its becoming law
 25 without such approval.

26 **SECTION 8.**

27 All laws and parts of laws in conflict with this Act are repealed.