

House Bill 1212

By: Representatives Johnson of the 37th, Cooper of the 41st, Manning of the 32nd, Oliver of the 83rd, Dickson of the 6th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to adoption, so as to change the period for withdrawing
3 a surrender of parental rights; to provide for related matters, to repeal conflicting laws; and
4 for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to
8 general provisions relative to adoption, is amended by revising Code Section 19-8-9, relating
9 to surrender of parental rights where a legal mother puts up for adoption a child she has
10 previously adopted, withdrawal of surrender, and expiration of rights, as follows:

11 "19-8-9.

12 (a) In those cases where the legal mother of the child being placed for adoption has herself
13 previously adopted such child, said adoptive mother shall execute, in lieu of the affidavit
14 specified in subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, an affidavit
15 meeting the requirements of subsection (i) of Code Section 19-8-26.

16 (b) A person signing a surrender pursuant to Code Section 19-8-4, 19-8-5, 19-8-6, or
17 19-8-7 shall have the right to withdraw the surrender by written notice delivered in person
18 or mailed by registered mail or statutory overnight delivery within ~~ten days~~ 24 hours after
19 signing; and the surrender document shall not be valid unless it so states. The ~~ten days~~
20 ~~shall be counted consecutively beginning with the day immediately following the date~~ 24
21 hour period shall begin at midnight of the day the surrender is executed, however, if the
22 ~~tenth day falls on a Saturday, Sunday, or legal holiday then the last day on which the~~
23 ~~surrender may be withdrawn shall be the next day that is not a Saturday, Sunday, or legal~~
24 ~~holiday.~~ After ~~ten days~~ 24 hours, a surrender may not be withdrawn. The notice of
25 withdrawal of surrender shall be delivered in person or mailed by registered mail or
26 statutory overnight delivery to the address designated in the surrender document.

27 (c) If a legal mother has voluntarily and in writing surrendered all of her parental rights
 28 pursuant to the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or
 29 19-8-7 and has not withdrawn her surrender within the ~~ten-day~~ 24 hour period after signing
 30 as permitted by the provisions of subsection (b) of this Code section, she shall have no right
 31 or authority to sign either a voluntary acknowledgment of legitimation pursuant to the
 32 provisions of paragraph (2) of subsection (g) of Code Section 19-7-22 or a voluntary
 33 acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1
 34 regarding the same child."

35 SECTION 2.

36 Said article is further amended by revising Code Section 19-9-26, relating to how surrender
 37 of parental rights is executed, how and when surrender may be withdrawn, and forms, as
 38 follows:

39 "19-8-26.

40 (a) The surrender of rights by a parent or guardian pursuant to paragraph (1) of subsection
 41 (e) of Code Section 19-8-4 shall conform substantially to the following form:

42 SURRENDER OF RIGHTS 43 FINAL RELEASE FOR ADOPTION

44 NOTICE TO PARENT OR GUARDIAN:

45 This is an important legal document and by signing it you are surrendering all of your
 46 right, title, and claim to the child identified herein, so as to facilitate the child's placement
 47 for adoption. You are to receive a copy of this document and as explained below have
 48 the right to withdraw your surrender within ~~ten days from the date~~ 24 hours from the time
 49 you sign it.

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

55 I, the undersigned, (insert relationship to child) of the aforesaid child, do hereby surrender
 56 the child to (insert name of child-placing agency or Department of Human Services, as
 57 applicable) and promise not to interfere in the management of the child in any respect
 58 whatever; and, in consideration of the benefits guaranteed by (insert name of
 59 child-placing agency or Department of Human Services, as applicable) in thus providing

60 for the child, I do relinquish all right, title, and claim to the child herein named, it being
 61 my wish, intent, and purpose to relinquish absolutely all parental control over the child.
 62 Furthermore, I hereby agree that the (insert name of child-placing agency or Department
 63 of Human Services, as applicable) may seek for the child a legal adoption by such person
 64 or persons as may be chosen by the (insert name of child-placing agency or Department
 65 of Human Services, as applicable) or its authorized agents, without further notice to me.
 66 I do, furthermore, expressly waive any other notice or service in any of the legal
 67 proceedings for the adoption of the child.

68 Furthermore, I understand that under Georgia law the Department of Human Services or
 69 the child-placing agency is required to conduct an investigation and render a report to the
 70 court in connection with the legal proceeding for the legal adoption of the child and I
 71 hereby agree to cooperate fully with such department or agency in the conduct of its
 72 investigation.

73 Furthermore, I hereby certify that I have received a copy of this document and that I
 74 understand I may only withdraw this surrender by giving written notice, delivered in
 75 person or mailed by registered mail or statutory overnight delivery, to (insert name and
 76 address of child-placing agency or Department of Human Services, as applicable) within
 77 ~~ten days~~ 24 hours from the date time hereof; that the ~~ten days shall be counted~~
 78 ~~consecutively beginning with the day immediately following the date hereof; however,~~
 79 ~~if the tenth day falls on a Saturday, Sunday, or legal holiday then the last day on which~~
 80 ~~the surrender may be withdrawn shall be the next day that is not a Saturday, Sunday, or~~
 81 ~~legal holiday;~~ 24 hour period shall begin at midnight of the day I sign the surrender, and
 82 ~~I understand~~ that it may NOT be withdrawn thereafter.

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

85 Witness my hand and seal this _____ day of _____, ____.

86 _____(SEAL)
 87 (Parent or guardian)

88 _____
 89 Unofficial witness

90 _____
 91 Notary public

92 (b) Reserved.

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

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

98 This is an important legal document and by signing it you are surrendering all of your
 99 right, title, and claim to the child identified herein so as to facilitate the child's placement
 100 for adoption. You are to receive a copy of this document and as explained below have
 101 the right to withdraw your surrender within ~~ten days~~ 24 hours from the ~~date~~ time you sign
 102 it.

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

108 I, the undersigned, (insert relationship to child) of the aforesaid child, do hereby surrender
 109 the child to (insert name, surname not required, of each person to whom surrender is
 110 made), PROVIDED that each such person is named as petitioner in a petition for
 111 adoption of the child filed in accordance with Article 1 of Chapter 8 of Title 19 of the
 112 Official Code of Georgia Annotated within 60 days from the date hereof. Furthermore,
 113 I promise not to interfere in the management of the child in any respect whatever; and,
 114 in consideration of the benefits guaranteed by (insert name, surname not required, of each
 115 person to whom surrender is made) in thus providing for the child, I do relinquish all
 116 right, title, and claim to the child herein named, it being my wish, intent, and purpose to
 117 relinquish absolutely all parental control over the child.

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

124 (Mark one of the following as chosen)

125 ____ I wish the child returned to me, and I expressly acknowledge that this provision
 126 applies only to the limited circumstance that the child is not adopted by the person or
 127 persons designated herein and further that this provision does not impair the validity,
 128 absolute finality, or totality of this surrender under any circumstance other than the
 129 failure of the designated person or persons to adopt the child and that no other provision

130 of this surrender impairs the validity, absolute finality, or totality of this surrender once
 131 the revocation period has elapsed; or

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

134 ____ I surrender the child to the Department of Human Services, as provided by
 135 subsection (k) of Code Section 19-8-5, for placement for adoption; and (insert name of
 136 designated licensed child-placing agency) or the Department of Human Services may
 137 petition the superior court for custody of the child in accordance with the terms of this
 138 surrender.

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

144 Furthermore, I understand that under Georgia law an evaluator is required to conduct and
 145 provide to the court a home study and make recommendations to the court regarding the
 146 qualification of each person named above to adopt a child concerning the circumstances
 147 of placement of my child for adoption. I hereby agree to cooperate fully with such
 148 investigations.

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

153 Furthermore, I hereby certify that I have received a copy of this document and that I
 154 understand I may only withdraw this surrender by giving written notice, delivered in
 155 person or mailed by registered mail or statutory overnight delivery, to (insert name and
 156 address of agent of each person to whom surrender is made) within ~~ten days~~ 24 hours
 157 from the date ~~time~~ hereof; that the ~~ten days shall be counted consecutively beginning with~~
 158 ~~the day immediately following the date hereof; provided, however, that if the tenth day~~
 159 ~~falls on a Saturday, Sunday, or legal holiday, then the last day on which the surrender~~
 160 ~~may be withdrawn shall be the next day that is not a Saturday, Sunday, or legal holiday;~~
 161 ~~24 hour period shall begin at midnight of the day I sign the surrender, and I understand~~
 162 ~~that it may NOT be withdrawn thereafter.~~

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

165 Witness my hand and seal this ____ day of _____, ____.

166 _____(SEAL)
 167 (Parent or guardian)
 168 _____
 169 Unofficial witness
 170 Sworn to and subscribed
 171 before me this _____
 172 day of _____, ____.

173 _____
 174 Notary public (SEAL)
 175 My commission expires _____.

176 (d) The surrender of rights by a biological father who is not the legal father of the child
 177 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or
 178 19-8-7 shall conform substantially to the following form:

179 SURRENDER OF RIGHTS
 180 FINAL RELEASE FOR ADOPTION

181 NOTICE TO ALLEGED BIOLOGICAL FATHER:

182 This is an important legal document and by signing it you are surrendering all of your
 183 right, title, and claim to the child identified herein, so as to facilitate the child's placement
 184 for adoption. You are to receive a copy of this document and as explained below have
 185 the right to withdraw your surrender within ~~ten days~~ 24 hours from the date you sign it.

186 _____
 187 I, the undersigned, alleged biological father of a (male) (female) child, born (insert name
 188 of child) to (insert name of mother) on (insert birthdate of child), being solicitous that
 189 said child should receive the benefits and advantages of a good home, to the end that
 190 (she) (he) may be fitted for the requirements of life, consent to this surrender.

191 I, the undersigned, do hereby surrender the child. I promise not to interfere in the
 192 management of the child in any respect whatever; and, in consideration of the benefits
 193 provided to the child through adoption, I do relinquish all right, title, and claim to the
 194 child herein named, it being my wish, intent, and purpose to relinquish absolutely all
 195 control over the child.

196 Furthermore, I hereby agree that the child is to be adopted and I do expressly waive any
197 other notice or service in any of the legal proceedings for the adoption of the child.

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

202 Furthermore, I hereby certify that I have received a copy of this document and that I
203 understand I may only withdraw this surrender by giving written notice, delivered in
204 person or mailed by registered mail or statutory overnight delivery, to (insert name and
205 address of child-placing agency representative, Department of Human Services
206 representative, person to whom surrender is made, or petitioner's representative, as
207 appropriate) within ~~ten days~~ 24 hours from the ~~date~~ time hereof; that the ~~ten days~~ shall
208 ~~be counted consecutively beginning with the day immediately following the date hereof;~~
209 ~~however, if the tenth day falls on a Saturday, Sunday, or legal holiday then the last day~~
210 ~~on which the surrender may be withdrawn shall be the next day that is not a Saturday,~~
211 ~~Sunday, or legal holiday;~~ 24 hour period shall begin at midnight of the day I sign the
212 surrender, and I understand that it may NOT be withdrawn thereafter.

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

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

216 _____(SEAL)
217 (Alleged biological father)

218 _____
219 Unofficial witness

220 Sworn to and subscribed
221 before me this _____
222 day of _____, _____.

223 _____
224 Notary public (SEAL)
225 My commission expires _____.

226 (e) The surrender of rights by a parent or guardian pursuant to paragraph (1) of subsection
227 (e) of Code Section 19-8-6 or 19-8-7 shall conform substantially to the following form:

228 SURRENDER OF RIGHTS
229 FINAL RELEASE FOR ADOPTION

230 NOTICE TO PARENT OR GUARDIAN:

231 This is an important legal document and by signing it you are surrendering all of your
 232 right, title, and claim to the child identified herein, so as to facilitate the child's placement
 233 for adoption. You are to receive a copy of this document and as explained below have
 234 the right to withdraw your surrender within ~~ten days~~ 24 hours from the ~~date~~ time you sign
 235 it.

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

241 I, the undersigned, (insert relationship to child) of the aforesaid child, do hereby surrender
 242 the child to (insert name of each person to whom surrender is made) and promise not to
 243 interfere in the management of the child in any respect whatever; and, in consideration
 244 of the benefits guaranteed by (insert name of each person to whom surrender is made) in
 245 thus providing for the child, I do relinquish all right, title, and claim to the child herein
 246 named, it being my wish, intent, and purpose to relinquish absolutely all parental control
 247 over the child.

248 Furthermore, I hereby agree that (insert name of each person to whom surrender is made)
 249 may initiate legal proceedings for the legal adoption of the child without further notice
 250 to me. I do, furthermore, expressly waive any other notice or service in any of the legal
 251 proceedings for the adoption of the child.

252 Furthermore, I understand that under Georgia law the Department of Human Services
 253 may be required to conduct an investigation and render a report to the court in connection
 254 with the legal proceeding for the legal adoption of the child and I hereby agree to
 255 cooperate fully with the department in the conduct of its investigation.

256 Furthermore, I hereby certify that I have received a copy of this document and that I
 257 understand I may only withdraw this surrender by giving written notice, delivered in
 258 person or mailed by registered mail or statutory overnight delivery, to (insert name and
 259 address of each person to whom surrender is made) within ~~ten days~~ 24 hours from the
 260 ~~date~~ time hereof; that the ~~ten days shall be counted consecutively beginning with the day~~
 261 ~~immediately following the date hereof; however, if the tenth day falls on a Saturday,~~
 262 ~~Sunday, or legal holiday then the last day on which the surrender may be withdrawn shall~~
 263 ~~be the next day that is not a Saturday, Sunday, or legal holiday; 24 hour period shall~~
 264 ~~begin at midnight of the day I sign the surrender, and I understand it may NOT be~~
 265 withdrawn thereafter.

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

268 Witness my hand and seal this _____ day of _____, ____.

269 _____(SEAL)

270 (Parent or guardian)

271 _____

272 Unofficial witness

273 _____

274 Notary public

275 (f) The pre-birth surrender of rights by a biological father who is not the legal father of the
276 child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or 19-8-7
277 shall conform substantially to the following form:

278 PRE-BIRTH SURRENDER OF RIGHTS

279 FINAL RELEASE FOR ADOPTION

280 NOTICE TO ALLEGED BIOLOGICAL FATHER

281 This is an important legal document and by signing it you are surrendering any and all
282 of your right, title, and claim to the child identified herein, so as to facilitate the child's
283 placement for adoption. You have the right to wait to execute a Surrender of Rights Final
284 Release for Adoption after the child is born, but by signing this document you are
285 electing to surrender your rights prior to the birth of this child. You are to receive a copy
286 of this document and as explained below have the right to withdraw your pre-birth
287 surrender within ~~ten days~~ 24 hours from the ~~date~~ time you sign it.

288 _____

289 I, the undersigned, understand that I have been named by _____, the
290 mother of the child expected to be born in _____(city) _____(county)
291 _____(state) on or about the _____day of _____(month),
292 _____(year), as the biological father or possible biological father of her child. I
293 further understand that the mother wishes to place this child for adoption.

294 To the best of my knowledge and belief, the child has not been born as of the date I am
295 signing this pre-birth surrender; however, if in fact the child has been born, this surrender
296 shall have the same effect as if it were a surrender executed following the birth of the
297 child.

298 I understand that by signing this document I am not admitting that I am the biological
299 father of this child, but if I am, I hereby agree that adoption is in this child's best interest.

300 I consent to adoption of this child by any person chosen by the child's mother or by any

301 public or private child-placing agency without further notice to me. I expressly waive
 302 any other notice or service in any of the legal proceedings for the adoption of the child.
 303 I understand that I have the option to wait until after the child is born to execute a
 304 surrender of my rights (with a corresponding ~~ten-day~~ 24 hour right of withdrawal) and,
 305 further, that by executing this document I am electing instead to surrender my rights
 306 before the child's birth.

307 I further understand that execution of this document does not fully and finally terminate
 308 my responsibilities until a final order of adoption is entered. I understand that if the child
 309 is not adopted, legal proceedings can be brought to establish paternity, and I may become
 310 liable for financial obligations related to the birth and support of this child.

311 Furthermore, I hereby certify that I have received a copy of this document and that I
 312 understand that I may only withdraw this pre-birth surrender by giving written notice,
 313 delivered in person or by statutory overnight delivery or registered mail, return receipt
 314 requested, to _____ within ~~ten days~~ 24 hours from the ~~date~~ time
 315 hereof; that the ~~ten days shall be counted consecutively beginning with the day~~
 316 ~~immediately following the date hereof; that, however, if the tenth day falls on a Saturday,~~
 317 ~~Sunday, or legal holiday, then the last day on which the surrender may be withdrawn~~
 318 ~~shall be the next day that is not a Saturday, Sunday, or legal holiday;~~ 24 hour period shall
 319 begin at midnight of the day I sign the surrender, and that it may NOT be withdrawn
 320 thereafter.

321 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
 322 father registry then if I do not withdraw this surrender within the time permitted, I waive
 323 the notice I would be entitled to receive pursuant to the provisions of Code Section
 324 19-8-12 of the Official Code of Georgia Annotated because of my registration on the
 325 putative father registry.

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

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

329 _____(SEAL)

330 Alleged biological father

331 _____

332 Unofficial Witness

333 Sworn to and subscribed

334 before me on this _____ day of

335 _____, _____.

336 _____

337 Notary Public

338 Seal

339 My commission expires: _____.

340 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section
341 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

342 ACKNOWLEDGMENT OF SURRENDER
343 OF RIGHTS

344 By execution of this paragraph, the undersigned expressly acknowledges:

345 (A) That I have read the accompanying SURRENDER OF RIGHTS/FINAL
346 RELEASE FOR ADOPTION relating to said minor child born (insert name of child),
347 a (male) (female) on (insert birthdate of child);

348 (B) That I understand that this is a full, final, and complete surrender, release, and
349 termination of all of my rights to the child;

350 (C) That I have the unconditional right to revoke the surrender by giving written
351 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
352 to (insert name and address of each person or entity to whom surrender is made) not
353 later than ~~ten days~~ 24 hours from the ~~date~~ time of the surrender and that after such
354 ~~ten-day~~ 24 hour period I shall have no right to revoke the surrender;

355 (D) That the ~~ten days shall be counted consecutively beginning with the day~~
356 ~~immediately following the date the surrender is executed; however, if the tenth day falls~~
357 ~~on a Saturday, Sunday, or legal holiday then the last day on which the surrender may~~
358 ~~be withdrawn shall be the next day that is not a Saturday, Sunday, or legal holiday~~ 24
359 hour period shall begin at midnight of the day I sign the surrender;

360 (E) That I have read the accompanying surrender and received a copy thereof;

361 (F) That any and all questions regarding the effect of said surrender and its provisions
362 have been satisfactorily explained to me;

363 (G) That I have been afforded an opportunity to consult with counsel of my choice
364 prior to execution of the surrender; and

365 (H) That the surrender of my rights has been knowingly, intentionally, freely, and
366 voluntarily made by me.

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

368 _____(SEAL)

369 (Parent, guardian,

370 or biological father)

371 _____

372 Unofficial witness

373 _____

374 Notary public

375 (h) The affidavit of a legal mother required by subsection (g) of Code Section 19-8-4,
376 19-8-5, 19-8-6, or 19-8-7 shall meet the following requirements:

377 (1) The affidavit shall set forth:

378 (A) Her name;

379 (B) Her relationship to the child;

380 (C) Her age;

381 (D) Her marital status;

382 (E) The identity and last known address of any spouse or former spouse;

383 (F) The identity, last known address, and relationship to the mother of the biological
384 father of her child, provided that the mother shall have the right not to disclose the
385 name and address of the biological father of her child should she so desire;

386 (G) Whether or not the biological father of the child has lived with the child,
387 contributed to its support, provided for the mother's support or medical care during her
388 pregnancy or during her hospitalization for the birth of the child, or made an attempt
389 to legitimate the child; and

390 (H) All financial assistance received by or promised her either directly or indirectly,
391 from whatever source, in connection with her pregnancy, the birth of the child, or the
392 placement or arranging for the placement of the child for adoption (including the date,
393 amount or value, description, payor, and payee), provided that financial assistance
394 provided directly by the mother's husband, mother, father, sister, brother, aunt, uncle,
395 grandfather, or grandmother need not be detailed and instead the mother need only state
396 the nature of the assistance received; and

397 (2) The affidavit shall conform substantially to the following form:

398 MOTHER'S AFFIDAVIT

399 NOTICE TO MOTHER:

400 This is an important legal document which deals with your child's right to have its father's
401 rights properly determined. If you decline to disclose the name and address of the
402 biological father of your child, understand that you may be required to appear in court to
403 explain your refusal and that your name may be used in connection with the publication

404 of notice to the biological father. Understand that you are providing this affidavit under
405 oath and that the information provided will be held in strict confidence and will be used
406 only in connection with the adoption of your child.

407 STATE OF GEORGIA
408 COUNTY OF _____

409 Personally appeared before me, the undersigned officer duly authorized to administer
410 oaths, _____, who, after having been sworn, deposes and says as
411 follows:

412 That my name is _____.

413 That I am the mother of a (male) (female) child born (insert name of child) in the State
414 of _____, County of _____ on (insert birthdate of child).

415 That I am _____ years of age, having been born in the State of _____, County
416 of _____ on _____.

417 That my social security account number is _____.

418 That my marital status at the time of the conception of my child was (check the status
419 and complete the appropriate information):

420 () Single, never having been married.

421 () Separated but not legally divorced; the name of my spouse is
422 _____; his last known address is _____;
423 we were married in the State of _____, County of _____ on _____; we
424 have been separated since _____; we last had sexual relations on
425 _____.

426 () Divorced; the name of my previous spouse is _____; we
427 were married in the State of _____, County of _____ on _____; his last
428 known address is _____; divorce granted in the State of _____,
429 County of _____ on _____.

430 () Legally married; the name of my spouse (was)(is) _____; we were
431 married in the State of _____, County of _____ on _____; and his
432 last known address is _____.

433 () Married through common-law marriage relationship prior to January 1, 1997; the
434 name of my spouse (was) (is) _____; his last known address is
435 _____; our relationship began in the State of _____, County of _____
436 on _____.

437 () Widowed; the name of my deceased spouse was _____; we
 438 were married in the State of _____, County of _____ on _____; and he
 439 died on _____ in the County of _____, State of _____.

440 That my name and marital status at the time of the birth of my child was (check the
 441 status and complete the appropriate information):

442 Name _____

443 () Single, never having been married.

444 () Separated, but not legally divorced; the name of my spouse (was) (is)
 445 _____ ; his last known address is _____ ;
 446 we were married in the State of _____, County of _____ on
 447 _____ ; we have been separated since _____ ;
 448 we last had sexual relations on _____.

449 () Divorced; the name of my former spouse is _____ ; we were married
 450 in the State of _____, County of _____ on
 451 _____ ; his last known address is _____ ;
 452 divorce granted in the State of _____, County of _____.

453 () Legally Married; the name of my spouse (was) (is) _____ ; we
 454 were married in the State of _____, County of _____
 455 on _____ on _____ ; and his last known address is
 456 _____.

457 () Married through common-law relationship prior to January 1, 1997; the name of
 458 my spouse (was)(is) _____ ; his last known address is _____ ;
 459 our relationship began in the State of _____, County of _____
 460 on _____.

461 () Widowed; the name of my deceased spouse was _____ ; we were
 462 married in the State of _____, County of _____ on _____ ;
 463 and he died on _____ in the County of _____, State of
 464 _____.

465 That the name of the biological father of my child is (complete appropriate response):

466 Known to me and is (_____);

467 Known to me but I expressly decline to identify him because
 468 _____ ; or

469 Unknown to me because
 470 _____
 471 _____.

472 That the last known address of the biological father of my child is (complete
 473 appropriate response):

474 Known to me and is _____;

475 Known to me but I expressly decline to provide his address because

476 _____; or

477 Unknown to me because

478 _____

479 _____.

480 That, to the best of my knowledge, I (am) (am not) of American Indian heritage. If

481 so:

482 (A) The name of my American Indian tribe is _____ and the percentage

483 of my American Indian blood is _____ percent.

484 (B) My relatives with American Indian blood are:

485 _____

486 _____

487 (C) I (am) (am not) a member of an American Indian tribe. If so, the name of the

488 tribe is _____.

489 (D) I (am) (am not) registered with an American Indian tribal registry. If so, the

490 American Indian tribal registry is: _____ and my registration

491 or identification number is: _____.

492 (E) A member of my family (is) (is not) a member of an American Indian tribe. If

493 so, the name of each such family member is: _____ and the name

494 of the corresponding American Indian tribe is: _____.

495 (F) A member of my family (is) (is not) registered with an American Indian tribal

496 registry. If so, the name of each such family member is:

497 _____ and the name of the

498 corresponding American Indian tribal registry is:

499 _____ and their corresponding registration or

500 identification numbers are:_____.

501 That to the best of my knowledge, the biological father (is) (is not) of American

502 Indian heritage. If so:

503 (A) The name of his American Indian tribe is _____ and the percentage

504 of his American Indian blood is _____ percent.

505 (B) His relatives with American Indian blood are:

506 _____

507 _____

508 _____.

509 (C) He (is) (is not) a member of an American Indian tribe. If so, the name of the

510 tribe is:_____.

511 (D) He (is) (is not) registered with an American Indian tribal registry. If so, the
 512 American Indian tribal registry is: _____
 513 and his registration or identification number is: _____.

514 That the date of birth of the biological father (was _____, ____) or (is not
 515 known to me).

516 That the biological father (is) (is not) on active duty in a branch of the United States
 517 armed forces. If so:

518 (A) The branch of his service is (Army) (Navy) (Marine) (Air Force) (Coast
 519 Guard).

520 (B) His rank is _____.

521 (C) His duty station is _____.

522 If applicable, please provide any additional available information regarding his
 523 military service.

524 _____
 525 _____
 526 _____.

527 That the biological father of my child, whether or not identified herein (strike each
 528 inappropriate phrase):

529 (Was) (Was not) married to me at the time this child was conceived;

530 (Was) (Was not) married to me at any time during my pregnancy with this child;

531 (Was) (Was not) married to me at the time that this child was born;

532 (Did) (Did not) marry me after the child was born and recognize the child as his
 533 own;

534 (Has) (Has not) been determined to be the child's father by a final paternity order
 535 of a court;

536 (Has) (Has not) legitimated the child by a final court order;

537 (Has) (Has not) lived with the child;

538 (Has) (Has not) contributed to its support;

539 (Has) (Has not) provided for my support during my pregnancy or hospitalization for
 540 the birth of the child;

541 (Has) (Has not) provided for my medical care during my pregnancy or
 542 hospitalization for the birth of the child; and

543 (Has) (Has not) made any attempt to legitimate the child.

544 That I have received or been promised the following financial assistance, either
 545 directly or indirectly, from whatever source, in connection with my pregnancy, the
 546 birth of my child, and its placement for adoption: _____.

547 That I recognize that if I knowingly and willfully make a false statement in this
548 affidavit, I will be guilty of the crime of false swearing.

549 _____
550 (Biological mother's signature)

551 Sworn to and subscribed
552 before me this _____
553 day of _____, ____.
554 _____

555 Notary public (SEAL)
556 My Commission Expires _____.

557 (i) The affidavit of an adoptive mother required by subsection (a) of Code Section 19-8-9
558 for the surrender of her rights shall meet the following requirements:

- 559 (1) The affidavit shall set forth:
 - 560 (A) Her name;
 - 561 (B) Her relationship to the child;
 - 562 (C) Her age;
 - 563 (D) Her marital status;
 - 564 (E) The name and last known address of any spouse at the time the child was adopted
565 and whether any such spouse also adopted the child or was the biological father of the
566 child;
 - 567 (F) The circumstances surrounding her adoption of her child, including the date the
568 adoption was finalized, the state and county where finalized, and the name and address
569 of the adoption agency, if any; and
 - 570 (G) All financial assistance received by or promised her either directly or indirectly,
571 from whatever source, in connection with the placement or arranging for the placement
572 of her child for adoption (including the date, amount or value, description, payor, and
573 payee), provided that financial assistance provided directly by the adoptive mother's
574 husband, mother, father, sister, brother, aunt, uncle, grandfather, or grandmother need
575 not be detailed and instead the adoptive mother need only state the nature of the
576 assistance received.

577 (2) The affidavit shall be in substantially the following form:

578 ADOPTIVE MOTHER'S AFFIDAVIT

579 NOTICE TO MOTHER:

580 This is an important legal document which deals with your child's right to have its legal
 581 father's rights properly terminated. Understand that you are providing this affidavit under
 582 oath and that the information provided will be held in strict confidence and will be used
 583 only in connection with the adoption of your child.

584 STATE OF GEORGIA COUNTY OF _____

585 Personally appeared before me, the undersigned officer duly authorized to administer
 586 oaths, _____, who, after having been sworn, deposes and says as follows:

587 That my name is _____.

588 That I am the adoptive mother of a (male) (female) child born (insert name of child) in
 589 the State of _____, County of _____ on (insert birthdate of child).

590 That I am _____ years of age, having been born in the State of _____, County
 591 of _____ on _____.

592 That my marital status is (check the status and complete the appropriate information):

593 Single, never having been married.

594 Separated but not legally divorced; the name of my spouse is _____;
 595 his last known address is _____; we were married in the State of
 596 _____, County of _____ on _____; we have been separated since
 597 _____; my spouse (did) (did not) also adopt said child; my spouse (is) (is
 598 not) the biological father of said child.

599 Divorced; the name of my previous spouse is _____; we were married
 600 in the State of _____, County of _____ on _____; his last known
 601 address is _____; divorce granted in the State of _____, County of
 602 _____ on _____; my previous spouse (did) (did not) also adopt said
 603 child; my previous spouse (is) (is not) the biological father of said child.

604 Legally married; the name of my spouse is _____; we were married in
 605 the State of _____, County of _____ on _____; his last known
 606 address is _____; my spouse (did) (did not) also adopt said child; my
 607 spouse (is) (is not) the biological father of said child.

608 Married through common-law marriage relationship; the name of my spouse is
 609 _____; his address is _____; the date and place our relationship
 610 began is (date, county, state); my spouse (did) (did not) also adopt said child; my
 611 spouse (is) (is not) the biological father of said child.

612 Widowed; the name of my deceased spouse is _____; we were married
 613 in the State of _____, County of _____ on _____; he died on

614 _____ in the County of _____, State of _____; he (did) (did not)
615 also adopt said child; and he (was) (was not) the biological father of said child.

616 That I adopted my child in the State of _____, County of _____;

617 That the final order of adoption was entered on _____;

618 That there (was) (was not) an adoption agency involved in the placement of my child
619 with me for adoption; and if so its name was _____, and its
620 address is _____.

621 That I have received or been promised the following financial assistance, either directly
622 or indirectly, from whatever source, in connection with my child's placement for
623 adoption: _____.

624 That I recognize that if I knowingly and willfully make a false statement in this
625 affidavit, I will be guilty of the crime of false swearing.

626 _____
627 (Adoptive mother)

628 Sworn to and subscribed
629 before me this _____
630 day of _____, ____.

631 _____
632 Notary public

633 (j) The affidavit of an agency or department representative required by subsection (h) of
634 Code Section 19-8-4 shall conform substantially to the following form:

635 AFFIDAVIT OF AGENCY OR
636 DEPARTMENT REPRESENTATIVE

637 Personally appeared before me, the undersigned officer duly authorized to administer
638 oaths, _____, who, after having been sworn, deposes and says as
639 follows:

640 That I am (position) of (department or agency).

641 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
642 RELEASE FOR ADOPTION by _____, releasing and
643 surrendering all of (his) (her) rights in a (male) (female) minor child born (insert name
644 of child) on (insert birthdate of child), I reviewed with and explained to said individual
645 all of the provisions of the surrender, and particularly the provisions which provide that
646 the surrender is a full surrender of all rights to the child.

647 That based on my review and explanation to said individual, it is my opinion that said
648 individual knowingly, intentionally, freely, and voluntarily executed the SURRENDER
649 OF RIGHTS/FINAL RELEASE FOR ADOPTION.

650 _____
651 (Agency representative)

652 Sworn to and subscribed
653 before me this _____ day
654 of _____, _____.
655 _____

656 Notary public

657 (k) The affidavit of a petitioner's representative required by subsection (h) of Code Section
658 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

659 AFFIDAVIT OF PETITIONER'S REPRESENTATIVE

660 Personally appeared before me, the undersigned officer duly authorized to administer
661 oaths, _____, who, after having been sworn, deposes and says as
662 follows:

663 That my name is _____.

664 That my address is _____.

665 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
666 RELEASE FOR ADOPTION by _____, releasing and
667 surrendering all of (his) (her) rights in a (male) (female) minor child born (insert name
668 of child) on (insert birthdate of child), I reviewed with and explained to said individual
669 all of the provisions of the surrender, and particularly the provisions which provide that
670 the surrender is a full surrender of all rights to the child.

671 That based on my review and explanation to said individual, it is my opinion that said
672 individual knowingly, intentionally, freely, and voluntarily executed the SURRENDER
673 OF RIGHTS/FINAL RELEASE FOR ADOPTION.

674 _____
675 (Petitioner's representative)

676 Sworn to and subscribed
677 before me this _____ day
678 of _____, _____.
679 _____

680 Notary public

681 (l) The parental consent to a stepparent adoption required by subsection (j) of Code
682 Section 19-8-6 shall conform substantially to the following form:

683 PARENTAL CONSENT TO STEPPARENT ADOPTION

684 I, the undersigned, hereby consent that my spouse (insert name of spouse) adopt my (son)
685 (daughter), (insert name of child), whose date of birth is _____, and in so
686 doing I in no way relinquish or surrender my parental rights to the child.

687 I further acknowledge service of a copy of the petition for adoption of the child as filed
688 on behalf of my spouse, and I hereby consent to the granting of the prayers of the
689 petition. I also waive all other and further service and notice of any kind and nature in
690 connection with the proceedings.

691 This _____ day of _____, ____.

692 _____
693 (Parent)

694 _____
695 Unofficial witness

696 _____
697 Notary public"

698 SECTION 3.

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