

House Bill 21

By: Representative Oliver of the 82nd

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 provide for postadoption contact
3 agreements; to provide for procedure; to provide for jurisdiction; to provide for modification
4 of such agreements; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to
9 general provisions relative to adoption, is amended by adding a new Code section to read as
10 follows:

11 "19-8-27.

12 (a) As used in this Code section, the term 'birth relative' means a child's parent,
13 grandparent, brother, sister, half-brother, or half-sister by blood, marriage, or adoption.

14 (b) An adopting parent or parents, a child's birth relatives, and the child may voluntarily
15 enter into a written postadoption contact agreement to permit continuing contact between
16 a child's birth relatives and such child if such agreement is found by a court to have been
17 entered into voluntarily and is in the best interests of the child at the time the final order of
18 adoption is entered. A postadoption contact agreement shall be filed with the court no later
19 than 30 days after the filing of a petition for adoption.

20 (c)(1) The terms of any postadoption contact agreement shall be limited to, but need not
21 include, all of the following:

22 (A) Notwithstanding Code Sections 19-7-3 and 19-8-15, provisions for visitation or
23 future contact between the child and his or her birth relatives; and

24 (B) Provisions for the sharing of information about the child in the future.

25 (2) A postadoption contact agreement shall contain the following warnings in bold type:

26 (A) After the entry of a decree for adoption, an adoption cannot be set aside due to the
27 failure of an adopting parent, a birth parent, a birth relative, or the child to follow the
28 terms of this agreement or a later change to this agreement; and

29 (B) A disagreement between the parties or litigation brought to enforce, terminate, or
30 modify this agreement shall not affect the validity of the adoption and shall not serve
31 as a basis for orders affecting the custody of the child.

32 (d) A child shall be considered a party to a postadoption contact agreement. The written
33 consent to the terms and conditions of a postadoption contact agreement and any
34 subsequent modifications of such agreement by a child who is 14 years of age or older shall
35 be a necessary condition to the granting of privileges regarding visitation, contact, or
36 sharing of information about the child, unless the court finds by a preponderance of the
37 evidence that such agreement, as written, is in the best interests of the child. Any child
38 who has been determined to be a deprived child, as such term is defined by Code Section
39 15-11-2, shall be represented by an attorney for purposes of consent to a postadoption
40 contact agreement.

41 (e) After the entry of a decree for adoption and the issuing of the order of adoption of a
42 child adjudicated as a deprived child by a juvenile court, juvenile court deprivation
43 jurisdiction shall be terminated. Enforcement of a postadoption contact agreement shall
44 be under the continuing jurisdiction of the court granting the petition of adoption.

45 (f) A postadoption contact agreement may be modified or terminated only if either of the
46 following occurs:

47 (1) All parties, including the child if the child is 14 years of age or older at the time of
48 the requested termination or modification, have signed a modified postadoption contact
49 agreement and such agreement is filed with the court that granted the petition of adoption;
50 or

51 (2) The court that granted the adoption finds that the termination or modification is
52 necessary to serve the best interests of the child and there has been a substantial change
53 of circumstances since the original postadoption contact agreement was executed and
54 approved by the court.

55 (g) All costs and expenses of litigation shall be borne by the party filing the action to
56 terminate, modify, or enforce a postadoption contact agreement when no party has been
57 found by the court as failing to comply with an existing postadoption contact agreement.
58 Otherwise, a party, other than the child, found by the court as failing to comply without
59 good cause with an existing postadoption contact agreement shall bear all the costs and
60 expenses of litigation.

61 (h) A court shall not set aside a decree of adoption, rescind a relinquishment, or modify
62 an order to terminate parental rights or any other prior court order because of the failure of

63 a birth parent, an adoptive parent, a birth relative, or the child to comply with any or all of
64 the original terms of, or subsequent modifications to, a postadoption contact agreement."

65 **SECTION 2.**

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