

House Bill 881

By: Representatives Reeves of the 34th, Fleming of the 121st, Kelley of the 16th, Oliver of the 82nd, Evans of the 42nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to
2 adoption, so as to substantially revise the general provisions applicable to adoptions; to
3 change the requirements for adopting children; to provide for adoption of foreign-born
4 children; to provide for a waiver to withdraw a surrender of rights; to change the age for
5 individuals to access the Adoption Reunion Registry; to revise and provide for forms; to
6 provide for the annulment of an adoption under certain circumstances; to amend Code
7 Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination of
8 parental rights, so as to correct a cross-reference; to provide for related matters; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, is
13 amended by revising Article 1, relating to general provisions, as follows:

14 style="text-align:center">"ARTICLE 1

15 19-8-1.

16 For purposes of this chapter, the term:

17 (1) 'Alaskan native' means a member of the Alaska Native Regional Corporations formed
18 under the Alaska Native Claims Settlement Act of 1971 (ANCSA).

19 ~~(1)~~(2) 'Biological father' means the male who impregnated the biological mother
20 resulting in the birth of the child.

21 ~~(2)~~(3) 'Child' means a person who is under 18 years of age and who is sought to be
22 adopted.

23 ~~(3)~~(4) 'Child-placing agency' means an agency licensed as a child-placing agency
24 pursuant to Chapter 5 of Title 49.

25 ~~(4)~~(5) 'Department' means the Department of Human Services.

26 ~~(4.1)~~(6) 'Evaluator' means the person or agency that conducts a home study. An
 27 evaluator shall be a ~~licensed~~ child-placing agency, the department, or a licensed
 28 professional with at least two years of adoption related professional experience, including
 29 a licensed clinical social worker, licensed master social worker, licensed marriage and
 30 family therapist, or licensed professional counselor; provided, however, that ~~where~~ when
 31 none of the foregoing evaluators are available, the court may appoint a guardian ad litem
 32 or court appointed special advocate to conduct the home study.

33 ~~(5)~~(7) 'Guardian' means ~~a legal guardian of the person of a child~~ an individual appointed
 34 as a:

35 (A) Guardian or temporary guardian of a child as provided in Title 29;

36 (B) Guardian of a child pursuant to Code Section 15-11-13; or

37 (C) Permanent guardian of a child as provided in Part 13 of Article 3 of Chapter 11 of
 38 Title 15.

39 ~~(5.1)~~(8) 'Home study' means an evaluation by an evaluator of the petitioner's home
 40 environment for the purpose of determining the suitability of the environment as a
 41 prospective adoptive home for a child. Such evaluation shall consider the petitioner's
 42 physical health, emotional maturity, financial circumstances, family, and social
 43 background and shall conform to the rules and regulations established by the department
 44 for child-placing agencies for adoption home studies.

45 ~~(5.2)~~(9) 'Home study report' means the written report generated as a result of the home
 46 study.

47 ~~(6)~~(10) 'Legal father' means a male who:

48 (A) Has legally adopted a child;

49 (B) Was married to the biological mother of that child at the time the child was
 50 conceived or was born, unless such paternity was disproved by a final order pursuant
 51 to Article 3 of Chapter 7 of this title;

52 (C) Married the legal mother of the child after the child was born and recognized the
 53 child as his own, unless such paternity was disproved by a final order pursuant to
 54 Article 3 of Chapter 7 of this title;

55 (D) Has legitimated the child by a final order pursuant to Code Section 19-7-22; or

56 (E) Has legitimated the child pursuant to Code Section 19-7-21.1

57 and who has not surrendered or had terminated his rights to the child.

58 ~~(7)~~(11) 'Legal mother' means the female who is the biological or adoptive mother of the
 59 child and who has not surrendered or had terminated her rights to the child.

60 (12) 'Native American heritage' means any individual who is:

61 (A) A member of an American Indian tribe; or

62 (B) An Alaskan native.

63 (13) 'Out-of-state licensed agency' means an agency or entity that is licensed in another
 64 state or country to place children for adoption.

65 ~~(8)~~(14) 'Parent' means either ~~the~~ a legal father or ~~the~~ a legal mother of the child.

66 ~~(9)~~(15) 'Petitioner' means a person who petitions to adopt or terminate rights to a child
 67 pursuant to this chapter.

68 ~~(10)~~(16) 'Putative father registry' means the registry established and maintained pursuant
 69 to subsections (d) and (e) of Code Section 19-11-9.

70 19-8-2.

71 (a) The superior courts of the several counties shall have exclusive jurisdiction in all
 72 matters of adoption, ~~except such jurisdiction as may be granted to the juvenile courts.~~

73 (b) All petitions under this chapter shall be filed in the county in which any petitioner
 74 resides, except that:

75 (1) Upon good cause being shown, the court may, in its discretion, allow the petition to
 76 be filed in the court of the county ~~of:~~

77 (A) Of the child's domicile ~~or of the county in;~~

78 (B) In which is located any child-placing agency having legal custody of the child
 79 sought to be adopted ~~may, in its discretion, allow the petition to be filed in that court;~~
 80 ~~and~~

81 (C) Where the child was born; or

82 (D) In which is located an office of the department having legal custody of the child
 83 sought to be adopted;

84 (2) Any person who ~~has been~~ is a resident of any United States ~~Army~~ army post or
 85 military reservation within this state ~~for six months next preceding the filing of the~~
 86 ~~petition for adoption~~ may file the petition in any county adjacent to the United States
 87 ~~Army~~ army post or military reservation; ~~and~~

88 (3) When a child has been placed for adoption with an individual who is a resident of
 89 another state in compliance with Chapter 4 of Title 39, relating to the Interstate Compact
 90 on the Placement of Children, the petition shall be filed in:

91 (A) The court of the county where the child was born;

92 (B) The court of the county in which is located any child-placing agency having legal
 93 custody of the child sought to be adopted; or

94 (C) Fulton County Superior Court.

95 19-8-3.

96 (a) Any ~~adult person~~ individual may petition to adopt a child if ~~the person~~ he or she:

- 97 (1) Is at least ~~25~~ 21 years of age or is married and living with his or her spouse;
- 98 (2) Is at least ten years older than the child, except as provided in Code Sections 19-8-6
- 99 and 19-8-7 for stepparent and relative adoption, respectively;
- 100 (3) ~~Has been~~ Is a bona fide resident of this state ~~for at least six months immediately~~
- 101 ~~preceding~~ at the filing of the petition; provided, however, that when a child has been
- 102 placed in compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the
- 103 Placement of Children, and the individual who received physical custody of such child
- 104 born in this state is a resident of the receiving state, he or she may petition to adopt such
- 105 child; and
- 106 (4) Is financially, physically, and mentally able to have permanent custody of the child.
- 107 ~~(b) Any adult person, including but not limited to a foster parent, meeting the requirements~~
- 108 ~~of subsection (a) of this Code section shall be eligible to apply to the department or a~~
- 109 ~~child-placing agency for consideration as an adoption applicant in accordance with the~~
- 110 ~~policies of the department or the agency.~~
- 111 ~~(c)~~(b) If a person seeking to adopt a child is married, the petition ~~must~~ shall be filed in the
- 112 name of both spouses; provided, however, that, when the child is or was the stepchild of
- 113 the party seeking to adopt, the petition shall be filed by the stepparent alone.

114 19-8-4.

- 115 (a) Except as otherwise authorized in this chapter, a child who has any living parent or
- 116 guardian may be adopted through the department, ~~or~~ any child-placing agency, or any
- 117 out-of-state licensed agency only if each such parent and each such guardian:
- 118 (1) Has voluntarily and in writing surrendered all of his or her rights to the child to the
- 119 department, ~~or to~~ a child-placing agency, or an out-of-state licensed agency as provided
- 120 in this Code section and the department or agency thereafter consents to the adoption; or
- 121 (2) Has had all of his or her rights to the child terminated by order of a court of
- 122 competent jurisdiction, the child has been committed by the court to the department, ~~or~~
- 123 ~~to~~ a child-placing agency, or an out-of-state licensed agency for placement for adoption,
- 124 and the department or agency thereafter consents to the adoption.
- 125 (b) In the case of a child 14 years of age or older, the written consent of the child to his or
- 126 her adoption ~~must~~ shall be given and acknowledged in the presence of the court.
- 127 (c) The surrender to the department, ~~or to~~ a child-placing agency, or an out-of-state
- 128 licensed agency specified in paragraphs (1) and (2) of subsection (e) of this Code section
- 129 shall be executed following the birth of the child, and the pre-birth surrender to the
- 130 department, ~~or to~~ a child-placing agency, or an out-of-state licensed agency specified in
- 131 paragraph (3) of subsection (e) of this Code section shall be executed prior to the birth of
- 132 the child. Each surrender shall be executed under oath and in the presence of a

133 representative of the department or the agency, another adult witness, and a notary public.
 134 A copy of the surrender shall be delivered to the individual signing the surrender at the
 135 time of the execution thereof.

136 (d) ~~A person~~ An individual signing a surrender pursuant to this Code section shall have the
 137 right to withdraw the surrender as provided in subsection ~~(b)~~ (a) of Code Section 19-8-9
 138 and shall also have the right to waive his or her right to withdraw the surrender by
 139 executing a separate waiver as provided in subsection (c) of Code Section 19-8-9.

140 (e)(1) The surrender by a parent or guardian specified in paragraph (1) of subsection (a)
 141 of this Code section shall meet the requirements of subsection (a) of Code Section
 142 19-8-26.

143 (2) The biological father who is not ~~the~~ a legal father of a child may surrender all his
 144 rights to the child for the purpose of an adoption pursuant to this Code section. That
 145 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26.

146 (3)(A) The biological father who is not ~~the~~ a legal father of a child may execute a
 147 surrender of his rights to the child prior to the birth of the child for the purpose of an
 148 adoption pursuant to this Code section. A pre-birth surrender, when signed under oath
 149 by the alleged biological father, shall serve to relinquish the alleged biological father's
 150 rights to the child and to waive the alleged biological father's right to notice of any
 151 proceeding with respect to the child's adoption, custody, or guardianship. The court in
 152 any adoption proceeding shall have jurisdiction to enter a final order of adoption of the
 153 child based upon the pre-birth surrender and in other proceedings to determine the
 154 child's legal custody or guardianship shall have jurisdiction to enter an order for those
 155 purposes.

156 (B) The responsibilities of an alleged biological father are permanently terminated only
 157 upon the entry of a final order of adoption. ~~A person~~ An individual executing a
 158 pre-birth surrender pursuant to this Code section shall have the right to withdraw the
 159 surrender within ten days from the date of execution thereof, notwithstanding the date
 160 of birth of the child.

161 (C) If a final order of adoption is not entered after the execution of a pre-birth
 162 surrender and paternity is established by acknowledgment, by administrative order, or
 163 by judicial order, then the alleged biological father shall be responsible for child
 164 support or other financial obligations to the child or to the child's mother, or to both.

165 (D) The pre-birth surrender shall not be valid for use by a legal father ~~as defined under~~
 166 ~~paragraph (6) of Code Section 19-8-1~~ or for any man who has executed ~~either~~ a
 167 voluntary acknowledgment of legitimation pursuant to ~~the provisions of~~ paragraph (2)
 168 of subsection (g) of Code Section 19-7-22 or a voluntary acknowledgment of paternity
 169 pursuant to ~~the provisions of~~ Code Section 19-7-46.1.

170 (E) The pre-birth surrender may be executed at any time after the biological mother
 171 executes a sworn statement identifying such ~~person~~ individual as an alleged biological
 172 father of the biological mother's unborn child meeting the requirements of subsection
 173 (m) of Code Section 19-8-26.

174 (F) The pre-birth surrender shall meet the requirements of subsection (f) of Code
 175 Section 19-8-26.

176 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders
 177 those rights by also signing an acknowledgment meeting the requirements of subsection
 178 (g) of Code Section 19-8-26.

179 (g)(1) Whenever the legal mother surrenders her parental rights pursuant to this Code
 180 section, she shall execute an affidavit meeting the requirements of subsection (h) of Code
 181 Section 19-8-26.

182 (2) When the legal mother of the child being placed for adoption has herself previously
 183 adopted such child, in lieu of the affidavit specified in paragraph (1) of this subsection,
 184 she shall execute an affidavit meeting the requirements of subsection (i) of Code Section
 185 19-8-26.

186 (h) Whenever rights are surrendered to the department, ~~or to a child-placing agency, or an~~
 187 out-of-state licensed agency, the department or agency representative before whom the
 188 surrender is signed shall execute an affidavit meeting the requirements of subsection (j) of
 189 Code Section 19-8-26.

190 (i) A surrender pursuant to this Code section may be given by any parent or biological
 191 father who is not ~~the~~ a legal father of the child ~~irrespective~~ regardless of whether such
 192 parent or biological father has arrived at the age of majority. The surrender given by any
 193 such minor shall be binding upon him or her as if the individual were in all respects sui
 194 juris.

195 (j) In any surrender pursuant to this Code section, ~~the provisions of Chapter 4 of Title 39,~~
 196 relating to the Interstate Compact on the Placement of Children, if applicable, shall be
 197 complied with.

198 (k) A biological father or a legal father who signs a pre-birth surrender or post-birth
 199 surrender shall, if possible, also execute an affidavit regarding his Native American
 200 heritage and military service meeting the requirements of subsection (o) of Code Section
 201 19-8-26.

202 (l) If the child who is the subject of a petition for adoption brought pursuant to subsection
 203 (a) of this Code section was born in a country other than the United States, unless such
 204 child is already a legal permanent resident or citizen of the United States, prior to the court
 205 granting an adoption, the petitioner shall provide the court with a written opinion from an

206 attorney qualified to practice immigration law or otherwise satisfy the court as to how such
 207 child will be able to obtain lawful permanent resident status.

208 19-8-5.

209 (a) Except as otherwise authorized in this chapter, a child who has any living parent or
 210 guardian may be adopted by a third party who is neither the stepparent nor relative of that
 211 child, as described in subsection (a) of Code Sections 19-8-6 and 19-8-7, only if each such
 212 living parent and each such guardian has voluntarily and in writing surrendered all of his
 213 or her rights to such child to that third party for the purpose of enabling that third party to
 214 adopt such child. A third party to whom such child is voluntarily surrendered shall be
 215 financially responsible for such child as of the date of surrender by the parent. Except as
 216 provided in subsection ~~(m)~~ (l) of this Code section, no child shall be placed with a third
 217 party for purposes of adoption unless prior to the date of placement a home study shall
 218 have been completed, and the home study report recommends placement of a child in such
 219 third party's home.

220 (b) In the case of a child 14 years of age or older, the written consent of the child to his or
 221 her adoption ~~must~~ shall be given and acknowledged in the presence of the court.

222 (c) The surrender specified in paragraphs (1) and (2) of subsection (e) of this Code section
 223 shall be executed following the birth of the child, and the pre-birth surrender specified in
 224 paragraph (3) of subsection (e) of this Code section shall be executed prior to the birth of
 225 the child. Each surrender shall be executed under oath and in the presence of a notary
 226 public and another adult witness. The name and address of each person to whom the child
 227 is surrendered may be omitted to protect confidentiality, provided the surrender sets forth
 228 the name and address of his or her agent for purposes of notice of withdrawal as provided
 229 for in subsection (d) of this Code section. A copy of the surrender shall be delivered to the
 230 individual signing the surrender at the time of the execution thereof.

231 ~~A person~~ An individual signing a surrender pursuant to this Code section shall have the
 232 right to withdraw the surrender as provided in subsection ~~(b)~~ (a) of Code Section 19-8-9
 233 and shall also have the right to waive his or her right to withdraw the surrender by
 234 executing a separate waiver as provided in subsection (c) of Code Section 19-8-9.

235 (e)(1) The surrender by a parent or guardian specified in subsection (a) of this Code
 236 section shall meet the requirements of subsection (c) of Code Section 19-8-26.

237 (2) The biological father who is not ~~the~~ a legal father of a child may surrender all his
 238 rights to the child for purposes of an adoption pursuant to this Code section. That
 239 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26.

240 (3)(A) The biological father who is not ~~the~~ a legal father of a child may execute a
 241 surrender of his rights to the child prior to the birth of the child for the purpose of an

242 adoption pursuant to this Code section. A pre-birth surrender, when signed under oath
 243 by the alleged biological father, shall serve to relinquish the alleged biological father's
 244 rights to the child and to waive the alleged biological father's right to notice of any
 245 proceeding with respect to the child's adoption, custody, or guardianship. The court in
 246 any adoption proceeding shall have jurisdiction to enter a final order of adoption of the
 247 child based upon the pre-birth surrender and in other proceedings to determine the
 248 child's legal custody or guardianship shall have jurisdiction to enter an order for those
 249 purposes.

250 (B) The responsibilities of an alleged biological father are permanently terminated only
 251 upon the entry of a final order of adoption. ~~A person~~ An individual executing a
 252 pre-birth surrender pursuant to this Code section shall have the right to withdraw the
 253 surrender within ten days from the date of execution thereof, notwithstanding the date
 254 of birth of the child.

255 (C) If a final order of adoption is not entered after the execution of a pre-birth
 256 surrender and paternity is established by acknowledgment, by administrative order, or
 257 by judicial order, then the alleged biological father shall be responsible for child
 258 support or other financial obligations to the child or to the child's mother, or to both.

259 (D) The pre-birth surrender shall not be valid for use by a legal father ~~as defined under~~
 260 ~~paragraph (6) of Code Section 19-8-1~~ or for any man who has executed either a
 261 voluntary acknowledgment of legitimation pursuant to ~~the provisions of~~ paragraph (2)
 262 of subsection (g) of Code Section 19-7-22 or a voluntary acknowledgment of paternity
 263 pursuant to ~~the provisions of~~ Code Section 19-7-46.1.

264 (E) The pre-birth surrender may be executed at any time after the biological mother
 265 executes a sworn statement identifying such ~~person~~ individual as an alleged biological
 266 father of the biological mother's unborn child meeting the requirements of subsection
 267 (m) of Code Section 19-8-26.

268 (F) The pre-birth surrender shall meet the requirements of subsection (f) of Code
 269 Section 19-8-26.

270 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders
 271 those rights by also signing an acknowledgment meeting the requirements of subsection
 272 (g) of Code Section 19-8-26.

273 (g)(1) Whenever the legal mother surrenders her parental rights pursuant to this Code
 274 section, she shall execute an affidavit meeting the requirements of subsection (h) of Code
 275 Section 19-8-26.

276 (2) When the legal mother of the child being placed for adoption has herself previously
 277 adopted such child, in lieu of the affidavit specified in paragraph (1) of this subsection,

278 she shall execute an affidavit meeting the requirements of subsection (i) of Code Section
 279 19-8-26.

280 (h) Whenever rights are surrendered pursuant to this Code section, the representative of
 281 each petitioner or the representative of the individual signing the surrender shall execute
 282 an affidavit meeting the requirements of subsection (k) of Code Section 19-8-26.

283 (i) A surrender pursuant to this Code section may be given by any parent or biological
 284 father who is not ~~the~~ a legal father of the child sought to be adopted ~~irrespective~~ regardless
 285 of whether such parent or biological father has arrived at the age of majority. The
 286 surrender given by any such minor shall be binding upon him or her as if the individual
 287 were in all respects sui juris.

288 ~~(j) A copy of each surrender specified in subsection (a) of this Code section, together with~~
 289 ~~a copy of the acknowledgment specified in subsection (f) of this Code section and a copy~~
 290 ~~of the affidavits specified in subsections (g) and (h) of this Code section and the name and~~
 291 ~~address of each person to whom the child is surrendered, shall be mailed, by registered or~~
 292 ~~certified mail or statutory overnight delivery, return receipt requested, to the~~

293 Office of Adoptions

294 Georgia Department of Human Services

295 Atlanta, Georgia

296 ~~within 15 days from the execution thereof. Upon receipt of the copy the department may~~
 297 ~~commence its investigation as required in Code Section 19-8-16.~~

298 ~~(k)~~(j) A petition for adoption pursuant to subsection (a) of this Code section shall be filed
 299 within 60 days from the date of the surrender; provided, however, that for good cause
 300 shown the court may waive the 60 day requirement. If the petition is not filed within the
 301 time period specified by this subsection or if the proceedings resulting from the petition are
 302 not concluded with an order granting the petition, the surrender shall operate as follows
 303 according to the election made therein by the ~~legal~~ parent or guardian of the child:

304 (1) In favor of ~~that legal~~ such parent or guardian, with the express stipulation that neither
 305 this nor any other provision of the surrender shall be deemed to impair the validity,
 306 absolute finality, or totality of the surrender under any other circumstance, once the
 307 ~~revocation~~ withdrawal period has elapsed;

308 (2) In favor of the ~~licensed~~ child-placing agency or out-of-state licensed agency
 309 designated in the surrender of rights, if any; or

310 (3) If the ~~legal~~ parent or guardian is not designated and no child-placing agency is
 311 designated in the surrender of rights, or if the designated child-placing agency declines
 312 to accept the child for placement for adoption, in favor of the department for placement
 313 for adoption pursuant to subsection (a) of Code Section 19-8-4. ~~The court may waive the~~
 314 ~~60 day time period for filing the petition for excusable neglect.~~

315 ~~(h)(k)~~ In any surrender pursuant to this Code section, ~~the provisions of Chapter 4 of Title~~
 316 39, relating to the Interstate Compact on the Placement of Children, if applicable, shall be
 317 complied with.

318 ~~(m)(l)~~ If the home study for a third-party adoption has not occurred prior to the date of
 319 placement, then the third party shall, ~~at the time of the filing of~~ within the petition for
 320 adoption ~~or in a separate motion, file a motion with the court seeking~~ seek an order
 321 authorizing placement of such child prior to the completion of the home study. ~~Such~~ The
 322 petition or such motion shall identify the evaluator that the petitioner has selected to
 323 perform the home study. The court may waive the requirement of a preplacement home
 324 study in cases when a child to be adopted already resides in the prospective adoptive home
 325 either as a child of one of the residents of such home or pursuant to a court order of
 326 guardianship, testamentary guardianship, or custody.

327 ~~(n)(m)~~ The court may ~~grant the motion for~~ authorize the placement prior to the completion
 328 of a home study if the court finds that such placement is in the best ~~interest~~ interests of the
 329 child.

330 ~~(o)(n)~~ If the court ~~grants the motion for~~ authorizes the placement prior to the completion
 331 of a home study ~~and authorizes placement of a child prior to the completion of the home~~
 332 ~~study~~, then:

- 333 (1) Such child shall be permitted to remain in the home of the third party with whom the
 334 parent or guardian placed such child pending further order of the court;
- 335 (2) A copy of the order authorizing placement of such child prior to the completion of
 336 the home study shall be delivered to the department and the evaluator selected to perform
 337 the home study by the clerk of the court within 15 days of the date of the entry of such
 338 order; and
- 339 (3) The home study, if not already in process, shall be initiated by the evaluator selected
 340 by the petitioner or appointed by the court within ten days of such evaluator's receipt of
 341 the court's order.

342 ~~(o)~~ A biological father or a legal father who signs a pre-birth surrender or post-birth
 343 surrender shall, if possible, also execute an affidavit regarding his Native American
 344 heritage and military service meeting the requirements of subsection (o) of Code Section
 345 19-8-26.

346 ~~(p)~~ If the child who is the subject of a petition for adoption brought pursuant to subsection
 347 (a) of this Code section was born in a country other than the United States, unless such
 348 child is already a legal permanent resident or citizen of the United States, prior to the court
 349 granting an adoption, the petitioner shall provide the court with a written opinion from an
 350 attorney qualified to practice immigration law or otherwise satisfy the court as to how such
 351 child will be able to obtain lawful permanent resident status.

352 19-8-6.

353 (a) Except as otherwise authorized in this chapter:

354 (1) A child whose legal father and legal mother are both living but are not still married
 355 to each other may be adopted by the spouse of either parent only when the other parent
 356 voluntarily and in writing surrenders all of his or her rights to the child to that spouse for
 357 the purpose of enabling that spouse to adopt the child and the other parent consents to the
 358 adoption and, ~~where~~ when there is any guardian of that child, each such guardian has
 359 voluntarily and in writing surrendered to such spouse all of his or her rights to the child
 360 for ~~purposes~~ the purpose of such adoption; or

361 (2) A child who has only one parent still living may be adopted by the spouse of that
 362 parent only if that parent consents to the adoption and, ~~where~~ when there is any guardian
 363 of that child, each such guardian has voluntarily and in writing surrendered to such
 364 spouse all of his or her rights to the child for the purpose of such adoption.

365 (b) In the case of a child 14 years of age or older, the written consent of the child to his or
 366 her adoption ~~must~~ shall be given and acknowledged in the presence of the court.

367 (c) The surrender specified in this Code section shall be executed, following the birth of
 368 the child, under oath and in the presence of a notary public and another adult witness. A
 369 copy of the surrender shall be delivered to the individual signing the surrender at the time
 370 of the execution thereof.

371 (d) ~~A person~~ An individual signing a surrender pursuant to this Code section shall have the
 372 right to withdraw the surrender as provided in subsection ~~(b)~~ (a) of Code Section 19-8-9
 373 and shall also have the right to waive his or her right to withdraw the surrender by
 374 executing a separate waiver as provided in subsection (c) of Code Section 19-8-9.

375 (e)(1) The surrender by a parent or guardian specified in subsection (a) of this Code
 376 section shall meet the requirements of subsection (e) of Code Section 19-8-26.

377 (2) The biological father who is not ~~the~~ a legal father of a child may surrender all his
 378 rights to the child for purposes of an adoption pursuant to this Code section. That
 379 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26.

380 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders
 381 those rights by also signing an acknowledgment meeting the requirements of subsection
 382 (g) of Code Section 19-8-26.

383 (g)(1) Whenever the legal mother surrenders her parental rights or consents to the
 384 adoption of her child by her spouse pursuant to this Code section, she shall execute an
 385 affidavit meeting the requirements of subsection (h) of Code Section 19-8-26.

386 (2) When the legal mother of the child being placed for adoption has herself previously
 387 adopted such child, in lieu of the affidavit specified in paragraph (1) of this subsection,

388 she shall execute an affidavit meeting the requirements of subsection (i) of Code Section
 389 19-8-26.

390 (h) Whenever rights are surrendered pursuant to this Code section, the representative of
 391 each petitioner or the representative of the individual signing the surrender shall execute
 392 an affidavit meeting the requirements of subsection (k) of Code Section 19-8-26.

393 (i) A surrender or consent pursuant to this Code section may be given by any parent or
 394 biological father who is not ~~the~~ a legal father of the child sought to be adopted ~~irrespective~~
 395 regardless of whether such parent or biological father has arrived at the age of majority.
 396 The surrender given by any such minor shall be binding upon him or her as if the individual
 397 were in all respects sui juris.

398 (j) The parental consent by the spouse of a stepparent seeking to adopt a child of that
 399 spouse and required by subsection (a) of this Code section shall be as provided in
 400 subsection (l) of Code Section 19-8-26.

401 (k) In any surrender pursuant to this Code section wherein Chapter 4 of Title 39, relating
 402 to the Interstate Compact on the Placement of Children, is applicable, compliance with
 403 such chapter shall be required.

404 (l) A biological father or a legal father who signs a surrender shall, if possible, also execute
 405 an affidavit regarding his Native American heritage and military service meeting the
 406 requirements of subsection (o) of Code Section 19-8-26.

407 (m) If the child who is the subject of a petition for adoption brought pursuant to subsection
 408 (a) of this Code section was born in a country other than the United States, unless such
 409 child is already a legal permanent resident or citizen of the United States, prior to the court
 410 granting an adoption, the petitioner shall provide the court with a written opinion from an
 411 attorney qualified to practice immigration law or otherwise satisfy the court as to how such
 412 child will be able to obtain lawful permanent resident status.

413 19-8-7.

414 (a) Except as otherwise authorized in this Code section, a child who has any living parent
 415 or guardian may be adopted by a relative who is related by blood or marriage to the child
 416 as a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, or sibling only if
 417 each such living parent and each such guardian has voluntarily and in writing surrendered
 418 to that relative and any spouse of such relative all of his or her rights to the child for the
 419 purpose of enabling that relative and any such spouse to adopt the child.

420 (b) In the case of a child 14 years of age or older, the written consent of the child to his or
 421 her adoption ~~must~~ shall be given and acknowledged in the presence of the court.

422 (c) The surrender specified in paragraphs (1) and (2) of subsection (e) of this Code section
 423 shall be executed following the birth of the child, and the pre-birth surrender specified in

424 paragraph (3) of subsection (e) of this Code section shall be executed prior to the birth of
 425 the child. Each surrender shall be executed under oath and in the presence of a notary
 426 public and another adult witness. A copy of the surrender shall be delivered to the
 427 individual signing the surrender at the time of the execution thereof.

428 (d) ~~A person~~ An individual signing a surrender pursuant to this Code section shall have the
 429 right to withdraw the surrender as provided in subsection ~~(b)~~ (a) of Code Section 19-8-9
 430 and shall also have the right to waive his or her right to withdraw the surrender by
 431 executing a separate waiver as provided in subsection (c) of Code Section 19-8-9.

432 (e)(1) The surrender by a parent or guardian specified in subsection (a) of this Code
 433 section shall meet the requirements of subsection (e) of Code Section 19-8-26.

434 (2) The biological father who is not ~~the~~ a legal father of the child may surrender all his
 435 rights to the child for purposes of an adoption pursuant to this Code section. That
 436 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26.

437 (3)(A) The biological father who is not ~~the~~ a legal father of a child may execute a
 438 surrender of his rights to the child prior to the birth of the child for the purpose of an
 439 adoption pursuant to this Code section. A pre-birth surrender, when signed under oath
 440 by the alleged biological father, shall serve to relinquish the alleged biological father's
 441 rights to the child and to waive the alleged biological father's right to notice of any
 442 proceeding with respect to the child's adoption, custody, or guardianship. The court in
 443 any adoption proceeding shall have jurisdiction to enter a final order of adoption of the
 444 child based upon the pre-birth surrender and in other proceedings to determine the
 445 child's legal custody or guardianship shall have jurisdiction to enter an order for those
 446 purposes.

447 (B) The responsibilities of an alleged biological father are permanently terminated only
 448 upon the entry of a final order of adoption. ~~A person~~ An individual executing a
 449 pre-birth surrender pursuant to this Code section shall have the right to withdraw the
 450 surrender within ten days from the date of execution thereof, notwithstanding the date
 451 of birth of the child.

452 (C) If a final order of adoption is not entered after the execution of a pre-birth
 453 surrender and paternity is established by acknowledgment, by administrative order, or
 454 by judicial order, then the alleged biological father shall be responsible for child
 455 support or other financial obligations to the child or to the child's mother, or to both.

456 (D) The pre-birth surrender shall not be valid for use by a legal father ~~as defined under~~
 457 ~~paragraph (6) of Code Section 19-8-1~~ or for any man who has executed ~~either~~ a
 458 voluntary acknowledgment of legitimation pursuant to ~~the provisions of~~ paragraph (2)
 459 of subsection (g) of Code Section 19-7-22 or a voluntary acknowledgment of paternity
 460 pursuant to ~~the provisions of~~ Code Section 19-7-46.1.

461 (E) The pre-birth surrender may be executed at any time after the biological mother
 462 executes a sworn statement identifying such ~~person~~ individual as an alleged biological
 463 father of the biological mother's unborn child meeting the requirements of subsection
 464 (m) of Code Section 19-8-26.

465 (F) The pre-birth surrender shall meet the requirements of subsection (f) of Code
 466 Section 19-8-26.

467 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders
 468 those rights by also signing an acknowledgment meeting the requirements of subsection
 469 (g) of Code Section 19-8-26.

470 (g)(1) Whenever the legal mother surrenders her parental rights pursuant to this Code
 471 section, she shall execute an affidavit meeting the requirements of subsection (h) of Code
 472 Section 19-8-26.

473 (2) When the legal mother of the child being placed for adoption has herself previously
 474 adopted such child, in lieu of the affidavit specified in paragraph (1) of this subsection,
 475 she shall execute an affidavit meeting the requirements of subsection (i) of Code Section
 476 19-8-26.

477 (h) Whenever rights are surrendered pursuant to this Code section, the representative of
 478 each petitioner or the representative of the individual signing the surrender shall execute
 479 an affidavit meeting the requirements of subsection (k) of Code Section 19-8-26.

480 (i) A surrender pursuant to this Code section may be given by any parent or biological
 481 father who is not ~~the a~~ legal father of the child sought to be adopted ~~irrespective~~ regardless
 482 of whether such parent or biological father has arrived at the age of majority. The
 483 surrender given by any such minor shall be binding upon him or her as if the individual
 484 were in all respects sui juris.

485 (j) In any surrender pursuant to this Code section wherein Chapter 4 of Title 39, relating
 486 to the Interstate Compact on the Placement of Children, is applicable, compliance with
 487 such chapter shall be required.

488 (k) A biological father or a legal father who signs a pre-birth surrender or post-birth
 489 surrender shall, if possible, also execute an affidavit regarding his Native American
 490 heritage and military service meeting the requirements of subsection (o) of Code Section
 491 19-8-26.

492 (l) If the child who is the subject of a petition for adoption brought pursuant to subsection
 493 (a) of this Code section was born in a country other than the United States, unless such
 494 child is already a legal permanent resident or citizen of the United States, prior to the court
 495 granting an adoption, the petitioner shall provide the court with a written opinion from an
 496 attorney qualified to practice immigration law or otherwise satisfy the court as to how such
 497 child will be able to obtain lawful permanent resident status.

498 19-8-8.

499 ~~A child may be adopted pursuant to the provisions of this chapter based upon:~~

500 ~~(1) A decree which has been entered pursuant to due process of law by a court of~~
 501 ~~competent jurisdiction outside the United States establishing the relationship of parent~~
 502 ~~and child by adoption between each petitioner and a child born in such foreign country;~~
 503 ~~and~~

504 ~~(2) The child's having been granted a valid visa by the United States Immigration and~~
 505 ~~Naturalization Service.~~

506 (a)(1) A child, who was born in a country other than the United States and for whom a
 507 decree or order of adoption has been entered pursuant to due process of law by a court
 508 of competent jurisdiction or an administrative proceeding in the country of the child's
 509 birth or the country in which the child habitually resided immediately prior to coming to
 510 the United States establishing the relationship of parent and child by adoption between
 511 each petitioner named in the foreign decree or order of adoption and the child according
 512 to the law of such foreign country, shall be eligible to have his or her adoption
 513 domesticated under this subsection if a consular officer of the United States Department
 514 of State has issued an immigrant visa for the child as an immediate relative.

515 (2) Evidence of the issuance of an immediate relative immigrant visa or Hague
 516 Convention immigrant visa by the United States Department of State in the child's
 517 passport shall be prima-facie evidence that all parental rights have been terminated, that
 518 the child was legally available for adoption by each petitioner named in the foreign
 519 decree or order of adoption, that the adoption of the child by each petitioner named in the
 520 foreign decree or order of adoption was in the child's best interests, and that the child's
 521 adoption by each petitioner named in the foreign decree or order of adoption was
 522 finalized in full compliance with the laws of the foreign country and the court need not
 523 make any inquiry into those proceedings but shall domesticate the foreign decree or order
 524 of adoption hereunder and issue a final decree of adoption pursuant to subsection (b) of
 525 Code Section 19-8-18.

526 (3) A child who qualifies for domestication of his or her adoption under this subsection
 527 and whose adoption was full and final prior to entering the United States shall, upon entry
 528 of a final decree of domestication of adoption by the court, be entitled to have a
 529 Certificate of Foreign Birth issued to him or her by the State Office of Vital Records of
 530 the Georgia Department of Public Health pursuant to paragraph (2) of subsection (f) of
 531 Code Section 31-10-13.

532 (b)(1) A child, who was born in a country other than the United States and for whom a
 533 decree or order of guardianship has been entered pursuant to due process of law by a
 534 court of competent jurisdiction or an administrative proceeding in the country of the

535 child's birth or the country in which the child habitually resided immediately prior to
536 coming to the United States terminating the parental rights of both of his or her parents
537 and establishing a guardianship-ward relationship between each petitioner named in the
538 foreign decree or order of guardianship and the child according to the law of such foreign
539 country, shall be eligible to be adopted pursuant to this subsection if a consular officer
540 of the United States Department of State has issued and affixed in the child's passport an
541 immediate relative immigrant visa.

542 (2)(A) Evidence of the issuance of an immediate relative immigrant visa or Hague
543 Convention immigrant visa by the United States Department of State in the child's
544 passport shall be prima-facie evidence that all parental rights have been terminated, that
545 the child was legally available for adoption by each petitioner named in the foreign
546 decree or order of guardianship, and that the guardianship-ward relationship between
547 each petitioner named in the foreign decree or order of guardianship and the child was
548 granted in full compliance with the laws of the foreign country and the court need not
549 make any inquiry into those proceedings but shall be authorized to finalize the child's
550 adoption as provided in this subsection.

551 (B) Notwithstanding subparagraph (A) of this paragraph, when the foreign decree or
552 order of guardianship requires specific postplacement supervision, the court shall not
553 be authorized to finalize such child's adoption as provided in this subsection until the
554 petitioner provides written evidence of formal consent to the finalization of the
555 adoption.

556 (3) If the child entered the United States on an immediate relative immigrant visa or
557 Hague Convention immigrant visa and the petitioner finalizes the child's adoption prior
558 to the child's eighteenth birthday, then the child will become a citizen of the United States
559 by operation of law. However, if the child entered the United States on an immediate
560 relative immigrant visa or Hague Convention immigrant visa based on a guardianship
561 order, decree, or license issued by a court of competent jurisdiction or an administrative
562 proceeding in a foreign country and the petitioner fails to finalize the child's adoption
563 prior to the child's eighteenth birthday, then the child shall retain the status of a legal
564 permanent resident of the United States and shall be eligible to apply for United States
565 citizenship five years after receiving legal permanent resident status.

566 (4) Once a child's adoption is granted pursuant to this subsection, he or she shall be
567 entitled to have a Certificate of Foreign Birth issued to him or her by the State Office of
568 Vital Records of the Georgia Department of Public Health pursuant to paragraph (2) of
569 subsection (f) of Code Section 31-10-13.

570 (c) The court shall have authority to change a child's date of birth from that shown on the
 571 child's original birth certificate and as reflected in the child's passport upon presentation of
 572 evidence of a more accurate date of birth.

573 19-8-9.

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

578 ~~(b) A person~~ Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes
 579 the use of certified mail, an individual signing a surrender pursuant to Code Section 19-8-4,
 580 19-8-5, 19-8-6, or 19-8-7 shall have the right to withdraw the surrender by written notice
 581 delivered in person or mailed by registered mail or statutory overnight delivery within ten
 582 days after signing; and the surrender document shall not be valid unless it so states. The
 583 ten days shall be counted consecutively beginning with the day immediately following the
 584 date the surrender is executed; however, if the tenth day falls on a Saturday, Sunday, or
 585 legal holiday then the last day on which the surrender may be withdrawn shall be the next
 586 day that is not a Saturday, Sunday, or legal holiday. After ten days, a surrender may not
 587 be withdrawn. ~~The~~ Notwithstanding subsection (a) of Code Section 9-10-12 which
 588 authorizes the use of certified mail, the notice of withdrawal of surrender shall be delivered
 589 in person or mailed by registered mail or statutory overnight delivery to the address
 590 designated in the surrender document. If delivered in person, it shall be delivered to the
 591 address shown in the surrender document not later than 5:00 P.M. on the tenth day.

592 ~~(c)~~(b) If a legal mother has voluntarily and in writing surrendered all of her parental rights
 593 pursuant to ~~the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or~~
 594 ~~19-8-7 and has not withdrawn her surrender within the ten-day period after signing as~~
 595 ~~permitted by the provisions of subsection (b) (a) of this Code section, she shall have no~~
 596 ~~right or authority to sign either a voluntary acknowledgment of legitimation pursuant to the~~
 597 ~~provisions of paragraph (2) of subsection (g) of Code Section 19-7-22, or a voluntary~~
 598 ~~acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1, or~~
 599 ~~consent to the granting of a petition for legitimation filed pursuant to Code Section 19-7-22~~
 600 regarding the same child.

601 (c) An individual signing a surrender pursuant to Code Section 19-8-4, 19-8-5, 19-8-6, or
 602 19-8-7 shall have the right to waive the ten-day right to withdraw his or her surrender only
 603 if such waiver is both referenced in the surrender document and set forth in a separate
 604 document that is executed under oath in the presence of a notary public and an unofficial
 605 witness. The waiver of the right to withdraw a surrender shall meet the requirements of

606 subsection (n) of Code Section 19-8-26. A copy of the waiver shall be delivered to the
 607 individual signing the waiver at the time of the execution thereof.

608 19-8-10.

609 (a) Surrender or termination of rights of a parent pursuant to ~~subsection (a) of~~ Code
 610 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall not be required as a prerequisite to the ~~filing~~
 611 granting of a petition for adoption of a child of that parent pursuant to Code Section
 612 19-8-13 ~~where~~ when the court determines by clear and convincing evidence that the:

- 613 (1) Child has been abandoned by that parent;
 614 (2) Parent cannot be found after a diligent search has been made;
 615 (3) Parent is insane or otherwise incapacitated from surrendering such rights; or
 616 (4) Parent, without justifiable cause, has failed to exercise proper parental care or control
 617 due to misconduct or inability, as set out in paragraph (3), (4), or (5) of subsection (a) of
 618 Code Section 15-11-310,

619 and the court is of the opinion that the adoption is in the best interests of that child, after
 620 considering the physical, mental, emotional, and moral condition and needs of the child
 621 who is the subject of the proceeding, including the need for a secure and stable home.

622 (b) Surrender of rights of a parent pursuant to ~~subsection (a) of~~ Code Section 19-8-6 or
 623 19-8-7 shall not be required as a prerequisite to the ~~filing~~ granting of a petition for adoption
 624 of a child of that parent pursuant to Code Section 19-8-13, ~~if that~~ when the court
 625 determines by clear and convincing evidence that the parent, for a period of one year or
 626 longer immediately prior to the filing of the petition for adoption, without justifiable cause,
 627 has significantly failed:

- 628 (1) To communicate or to make a bona fide attempt to communicate with that child in
 629 a meaningful, supportive, parental manner; or
 630 (2) To provide for the care and support of that child as required by law or judicial decree,
 631 and the court is of the opinion that the adoption is for the best interests of that child.

632 (c)(1) Whenever it is alleged by any petitioner that surrender or termination of rights of
 633 a parent is not a prerequisite to the ~~filing~~ granting of a petition for adoption of a child of
 634 that parent in accordance with subsection (a) or (b) of this Code section, that parent shall
 635 be personally served with a conformed copy of the adoption petition, together with a copy
 636 of the court's order thereon specified in Code Section 19-8-14, or, if personal service
 637 cannot be perfected, by registered or certified mail ~~or statutory overnight delivery~~, return
 638 receipt requested, or statutory overnight delivery, one-day service not required, at his or
 639 her last known address. If service cannot be made by ~~either of~~ these methods, that parent
 640 shall be given notice by publication once a week for three weeks in the official organ of
 641 the county where the petition has been filed and of the county of his or her last known

642 address. In the interest of time, publication may be initiated simultaneously with efforts
 643 to perfect service personally or by registered or certified mail, return receipt requested,
 644 or statutory overnight delivery. A parent who receives notification pursuant to this
 645 paragraph ~~may~~ has no obligation to file an answer, but rather has the right to appear in
 646 the pending adoption ~~action~~ proceeding and show cause why such parent's rights to the
 647 child sought to be adopted in that action should not be terminated by that adoption.
 648 Notice shall be deemed to have been received the date:

- 649 ~~(1)~~(A) Personal service is perfected;
 650 ~~(2)~~(B) Of delivery shown on the return receipt of registered or certified mail or proof
 651 of delivery for statutory overnight delivery, one-day service not required; or
 652 ~~(3)~~(C) Of the last publication.

653 (2) No prior order of court is required to publish notice pursuant to this Code section;
 654 provided, however, that it shall be averred that, after diligent efforts, service could not be
 655 perfected personally or by registered or certified mail, return receipt requested, or
 656 statutory overnight delivery.

657 (d) Consistent with the requirement of paragraph (7) of subsection (a) of Code Section
 658 19-8-13, when the petitioner is seeking to involuntarily terminate the rights of a parent as
 659 a prerequisite to the granting of the petition, the petitioner shall, in lieu of obtaining and
 660 attaching those otherwise required surrenders, acknowledgments, and affidavits, allege
 661 facts in the petition demonstrating the applicability of the grounds set forth in subsection
 662 (a) or (b), or both, of this Code section and also shall allege compliance with subsection (c)
 663 of this Code section.

664 19-8-11.

665 (a)(1) In those cases ~~where~~ when the department, ~~or~~ a child-placing agency, or an
 666 out-of-state licensed agency has ~~either~~ obtained:

667 (A) The voluntary written surrender of all parental rights from one of the parents or the
 668 guardian of a child; or

669 (B) An order of a court of competent jurisdiction terminating all of the rights of one
 670 of the parents or the guardian of a child,

671 ~~the~~ such department, ~~or~~ child-placing agency, or out-of-state licensed agency may in
 672 contemplation of the placement of such child for adoption petition the superior court of
 673 the county ~~where the child resides~~ of the child's domicile; of the county where the child
 674 was born; of the county in which is located the principal office of the department or a
 675 child-placing agency having legal custody of the child sought to be adopted; of the county
 676 in which is located the office of the department having legal custody of the child sought

677 to be adopted; or of Fulton County to terminate the parental rights of the remaining parent
 678 pursuant to this Code section.

679 (2) In those cases ~~where~~ when a person who is the resident of another state has obtained
 680 the voluntary written surrender of all parental rights from one of the parents or the
 681 guardian of a child, each such person to whom the child has been surrendered may in
 682 contemplation of the adoption of such child in such other state petition the superior court
 683 of the county where the ~~child resides~~ child was born or of Fulton County to terminate the
 684 parental rights of the remaining parent pursuant to this Code section.

685 (3) Parental rights may be terminated pursuant to paragraph (1) or (2) of this subsection
 686 ~~where~~ when the court determines by clear and convincing evidence that the:

687 (A) Child has been abandoned by that parent;

688 (B) Parent of the child cannot be found after a diligent search has been made;

689 (C) Parent is insane or otherwise incapacitated from surrendering such rights; or

690 (D) Parent, without justifiable cause, has failed to exercise proper parental care or
 691 control due to misconduct or inability, as set out in paragraph (3), (4), or (5) of
 692 subsection (a) of Code Section 15-11-310,

693 and the court shall set the matter down to be heard in chambers not less than 30 and not
 694 more than 60 days following the receipt by such remaining parent of the notice under
 695 subsection (b) of this Code section and shall enter an order terminating such parental
 696 rights if it so finds and if it is of the opinion that adoption is in the best interests of the
 697 child, after considering the physical, mental, emotional, and moral condition and needs
 698 of the child who is the subject of the proceeding, including the need for a secure and
 699 stable home.

700 (b)(1) Whenever a petition is filed pursuant to subsection (a) of this Code section, the
 701 parent whose rights the petitioner is seeking to terminate shall be personally served with
 702 a conformed copy of the petition; and a copy of the court's order setting forth the date
 703 upon which the petition shall be considered or, if personal service cannot be perfected,
 704 by registered or certified mail ~~or statutory overnight delivery~~, return receipt requested,
 705 or statutory overnight delivery, one-day service not required, at his or her last known
 706 address. If service cannot be made by ~~either~~ of these methods, that parent shall be given
 707 notice by publication once a week for three weeks in the official organ of the county
 708 where the petition has been filed and of the county of his or her last known address. In
 709 the interest of time, publication may be initiated simultaneously with efforts to perfect
 710 service personally or by registered or certified mail, return receipt requested, or statutory
 711 overnight delivery. A parent who receives notification pursuant to this paragraph ~~may~~
 712 has no obligation to file an answer, but rather has the right to appear and show cause why

713 such parent's rights to the child sought to be placed for adoption should not be terminated.

714 Notice shall be deemed to have been received the date:

715 ~~(1)(A)~~ Personal service is perfected;

716 ~~(2)(B)~~ Of delivery shown on the return receipt of registered or certified mail or proof
717 of delivery for statutory overnight delivery, one-day service not required; or

718 ~~(3)(C)~~ Of the last publication.

719 (2) No prior order of court is required to publish notice pursuant to this Code section;
720 provided, however, that it shall be averred that, after diligent efforts, service could not be
721 perfected personally or by registered or certified mail, return receipt requested, or
722 statutory overnight delivery.

723 19-8-12.

724 (a) The General Assembly finds that:

725 (1) The state has a compelling interest in promptly providing stable and permanent
726 homes for adoptive children, and in preventing the disruption of adoptive placements;

727 (2) Adoptive children have a right to permanence and stability in adoptive placements;

728 (3) Adoptive parents have a constitutionally protected liberty and privacy interest in
729 retaining custody of children;

730 (4) A biological father who is not ~~the~~ a legal father may have an interest in his biological
731 child. This inchoate interest is lost by failure to develop a familial bond with the child
732 and acquires constitutional protection only if the biological father who is not ~~the~~ a legal
733 father develops a familial bond with the child;

734 (5) The subjective intent of a biological father who is not a legal father, whether
735 expressed or otherwise, unsupported by evidence of acts manifesting such intent, shall
736 not preclude a determination that the biological father who is not a legal father has failed
737 to develop a familial bond with the child; ~~and~~

738 (6) A man who has engaged in a nonmarital sexual relationship with a woman is deemed
739 to be on notice that a pregnancy and adoption proceeding regarding a child may occur
740 and has a duty to protect his own rights and interests in that child. He is therefore entitled
741 to notice of an adoption proceeding only as provided in this Code section; and

742 (7) Because a biological father has both the right to register on the putative father
743 registry to protect his right to receive notice of the adoption of a child he may have
744 fathered and the means to protect his own rights and interests in such child by registering
745 on the putative father registry, neither the petitioner, the petitioner's attorney, nor the
746 court shall be under any obligation to notify a man who is not a legal father who fails to
747 register on the putative father registry unless his identity is known to the petitioner,
748 department, child-placing agency, or out-of-state licensed agency or to the attorney for

749 such individual or entity. No notice to an unknown or unnamed biological father is
 750 required to be published.

751 (b) If there is a biological father who is not ~~the~~ a legal father of a child and he has not
 752 executed a surrender as specified in paragraph (2) of subsection (e) of Code Section 19-8-4,
 753 19-8-5, 19-8-6, or 19-8-7 or paragraph (3) of subsection (e) of Code Section 19-8-4,
 754 19-8-5, or 19-8-7, he shall be notified of adoption proceedings regarding the child in the
 755 following circumstances:

756 (1) If his identity is known to the petitioner, department, ~~or licensed~~ child-placing
 757 agency, or out-of-state licensed agency or to the attorney for the petitioner, department,
 758 ~~or licensed~~ child-placing agency, or out-of-state licensed agency;

759 (2) If he is a registrant on the putative father registry who has acknowledged paternity
 760 of the child in accordance with subparagraph (d)(2)(A) of Code Section 19-11-9; or

761 (3) If he is a registrant on the putative father registry who has indicated possible paternity
 762 of a child of the child's mother during a period beginning two years immediately prior to
 763 the child's date of birth in accordance with subparagraph (d)(2)(B) of Code Section
 764 19-11-9; ~~or~~

765 ~~(4) If the court finds from the evidence, including but not limited to the affidavit of the~~
 766 ~~mother specified in subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 in~~
 767 ~~the form provided in subsection (h) of Code Section 19-8-26, that such biological father~~
 768 ~~who is not the legal father has performed any of the following acts:~~

769 ~~(A) Lived with the child;~~

770 ~~(B) Contributed to the child's support;~~

771 ~~(C) Made any attempt to legitimate the child; or~~

772 ~~(D) Provided support or medical care for the mother either during her pregnancy or~~
 773 ~~during her hospitalization for the birth of the child.~~

774 (c)(1) Notification provided for in subsection (b) of this Code section shall be given to
 775 a biological father who is not a legal father by the following methods:

776 ~~(1)(A)~~ (A) Registered or certified mail ~~or statutory overnight delivery~~, return receipt
 777 requested, or statutory overnight delivery, one-day service not required, at his last
 778 known address, which notice shall be deemed received upon the date of delivery shown
 779 on the return receipt;

780 ~~(2)(B)~~ (B) Personal service, which notice shall be deemed received when personal service
 781 is perfected; or

782 ~~(3)(C)~~ (C) Publication once a week for three weeks in the official organ of the county
 783 where the petition has been filed and of the county of his last known address, which
 784 notice shall be deemed received upon the date of the last publication.

785 ~~(2)~~ If feasible, the methods specified in paragraph (1) or (2) subparagraph (A) or (B) of
 786 paragraph (1) of this subsection shall be used before publication; provided, however, that
 787 in the interest of time, publication may be initiated simultaneously with efforts to perfect
 788 service by the methods specified in subparagraph (A) or (B) of paragraph (1) of this
 789 subsection.

790 (3) No prior order of court shall be required to publish notice pursuant to this Code
 791 section; provided, however, that it shall be averred that, after diligent efforts, service
 792 could not be perfected personally or by registered or certified mail, return receipt
 793 requested, or statutory overnight delivery.

794 ~~(d)(1) Where~~ When the rights of a parent or guardian of a child have been surrendered
 795 or terminated in accordance with subsection (a) of Code Section 19-8-4, the department,
 796 ~~or a child-placing agency, or an out-of-state licensed agency~~ may file, under the authority
 797 of this paragraph, a petition to terminate such biological father's rights to the child with
 798 the superior court of the county ~~where the child resides~~ of the child's domicile; of the
 799 county where the child was born; of the county in which is located the principal office of
 800 the department or a child-placing agency having legal custody of the child sought to be
 801 adopted; of the county in which is located the office of the department having legal
 802 custody of the child sought to be adopted; or of Fulton County.

803 ~~(2) Where~~ When the rights of a parent or guardian of a child have been surrendered in
 804 accordance with subsection (a) of Code Section 19-8-5, 19-8-6, or 19-8-7 or a consent to
 805 adopt has been executed pursuant to paragraph (2) of subsection (a) of Code Section
 806 19-8-6 or the petitioner is seeking to involuntarily terminate parental rights pursuant to
 807 Code Section 19-8-10, the petitioner shall file, under the authority of this paragraph, with
 808 the superior court ~~either~~ of the county of the child's domicile, of the county where the
 809 child was born, or of Fulton County a motion, if a petition for adoption of the child has
 810 previously been filed with the court, or a petition to terminate such biological father's
 811 rights to the child.

812 ~~(3) Where~~ When a petition or motion is filed pursuant to paragraph (1) or (2) of this
 813 subsection, the court shall, within 30 days from the date of receipt of the notice required
 814 by subsection (b) of this Code section or, when no notice is required to be given, from the
 815 date of such filing, conduct a hearing in chambers to determine the facts in the matter.
 816 ~~The court shall be authorized to consider the affidavit of the mother specified in~~
 817 ~~subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as applicable, in making~~
 818 ~~its determination pursuant to this paragraph. If the court finds from the evidence that~~
 819 ~~such biological father has not performed any of the following acts:~~

820 ~~(A) Lived with the child;~~

821 ~~(B) Contributed to the child's support;~~

822 ~~(C) Made any attempt to legitimate the child; or~~
 823 ~~(D) Provided support or medical care for the mother, either during her pregnancy or~~
 824 ~~during her hospitalization for the birth of the child;~~

825 and

826 (4) Unless the identity of the biological father is known to the petitioner, department,
 827 child-placing agency, or out-of-state licensed agency or to the attorney for the petitioner,
 828 department, child-placing agency, or out-of-state licensed agency such that he is entitled
 829 to notice of the proceedings as provided in this Code section, when the petitioner
 830 provides a certificate ~~as of the date of the petition or the motion, as the case may be,~~ from
 831 the putative father registry stating that there is no ~~entry~~ registrant identified on the
 832 putative father registry ~~either~~ acknowledging paternity of the child or indicating possible
 833 paternity of a child of the child's mother for a period beginning no later than two years
 834 immediately prior to the child's date of birth, then it shall be rebuttably presumed that the
 835 unnamed biological father who is not ~~the~~ a legal father is not entitled to notice of the
 836 proceedings. Absent evidence rebutting the presumption, then no further inquiry or
 837 notice shall be required by the court and the court shall enter an order terminating the
 838 rights of such unnamed biological father to the child.

839 (e) When notice is to be given pursuant to subsection (b) of this Code section, it shall
 840 advise such biological father who is not ~~the~~ a legal father that he loses all rights to the child
 841 and will neither receive notice nor be entitled to object to the adoption of the child unless,
 842 within 30 days of receipt of such notice, he files:

- 843 (1) A petition to legitimate the child pursuant to Code Section 19-7-22 as a separate civil
 844 action or an acknowledgment of legitimation pursuant to Code Section 19-7-21.1; ~~and~~
 845 (2) Notice of the filing of the petition to legitimate or acknowledgment of legitimation
 846 with the court in which the action under this Code section, if any, is pending; and
 847 (3) Notice of the filing of the petition to legitimate or acknowledgment of legitimation
 848 to the person who provided such notice to such biological father.

849 (f) A biological father who is not ~~the~~ a legal father loses all rights to the child and the court
 850 shall enter an order terminating all such father's rights to the child and such father may not
 851 thereafter object to the adoption and is not entitled to receive further notice of the adoption
 852 if within 30 days from his receipt of the notice provided for in subsection (b) of this Code
 853 section he:

- 854 (1) Does not file a legitimation petition and give notice as required in subsection (e) of
 855 this Code section;
 856 (2) Files a legitimation petition which is subsequently dismissed for failure to prosecute;
 857 or

858 (3) Files a legitimation petition and the action is subsequently concluded without a court
859 order granting the petition and declaring a finding that he is the legal father of the child.

860 (g) If the child is legitimated by his or her biological father, the adoption shall not be
861 permitted except as provided in Code Sections 19-8-4 through 19-8-7.

862 (h) If the child is legitimated by his or her biological father and in the ~~subsequent~~ adoption
863 proceeding the petition for adoption is ~~either~~ withdrawn with prejudice or denied by the
864 court, then a surrender of parental rights final release for adoption executed by the legal
865 mother pursuant to ~~the provisions of~~ subsection (a) of Code Section 19-8-4, 19-8-5, or
866 19-8-7 shall be dissolved by operation of law and her parental rights shall be restored to
867 her. The fact that the legal mother executed a surrender of parental rights final release for
868 adoption, now dissolved, shall not be admissible as evidence against the legal mother in
869 any proceedings ~~against the legal mother~~.

870 19-8-13.

871 (a) The petition for adoption, duly verified, together with one conformed copy thereof,
872 ~~must~~ shall be filed with the clerk of the superior court having jurisdiction and shall conform
873 to the following guidelines:

874 (1) The petition shall set forth:

875 (A) The name, age, date and place of birth, marital status, and place of residence of
876 each petitioner;

877 (B) The name by which the child is to be known should the adoption ultimately be
878 completed;

879 (C) The date and place of birth, citizenship, and immigration status if not a United
880 States citizen, and the sex of the child;

881 (D) The date and circumstances of the placement of the child with each petitioner;

882 (E) Whether the child is possessed of any property and, if so, a full and complete
883 description thereof;

884 (F) Whether the child has one or both parents or his or her biological father who is not
885 ~~the~~ a legal father living; ~~and~~

886 (G) Whether the child has a guardian and, if so, the name of the guardian and the name
887 of the court that appointed such guardian; and

888 (H) Whether each petitioner or his or her attorney is aware of any other adoption
889 proceeding pending to date, in this or any other state, regarding the child whom the
890 petitioner seeks to adopt that is not fully disclosed in the petition and whether each
891 petitioner or his or her attorney is aware of any person who has or claims to have
892 physical custody of or visitation rights with the child whom the petitioner seeks to
893 adopt whose name and address and whose custody or visitation rights are not fully

894 disclosed in the petition. Each petitioner and his or her attorney shall have a continuing
 895 duty to inform the court of any proceeding in this or any other state that could affect the
 896 adoption proceeding or the legal custody of or visitation with the child whom the
 897 petitioner seeks to adopt.

898 (2) ~~Where~~ When the adoption is pursuant to subsection (a) of Code Section 19-8-4, the
 899 following shall be provided or attached or its absence explained when the petition is filed:

900 (A) An original affidavit from the department or a child-placing agency stating that all
 901 of the requirements of Code Sections 19-8-4 and 19-8-12 have been complied with and
 902 that the child is legally available for adoption or, in the case of a placement by an
 903 out-of-state licensed agency, that the comparable provisions dealing with the
 904 termination of parental rights of the parents and of the biological father who is not a
 905 legal father of the child to be adopted have been complied with under the laws of the
 906 state or country in which the out-of-state licensed agency is licensed and that the child
 907 is legally available for adoption thereunder;

908 (B) The original written consent of the department or agency to the adoption;

909 (C) A copy of the appropriate form verifying the allegation of compliance with the
 910 requirements of Chapter 4 of Title 39, relating to the Interstate Compact on the
 911 Placement of Children; and

912 (D) A completed form containing background information regarding the child to be
 913 adopted, as required by the adoption unit of the department, or an equivalent medical
 914 and social history background form.

915 (3) ~~Where~~ When the adoption is pursuant to subsection (a) of Code Section 19-8-5, the
 916 following shall be provided or attached or its absence explained when the petition is filed:

917 (A) The original written voluntary surrender of each parent or guardian specified in
 918 subsection (e) of Code Section 19-8-5;

919 (B) The original written acknowledgment of surrender specified in subsection (f) of
 920 Code Section 19-8-5;

921 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-5;

922 (D) Allegations of compliance with Code Section 19-8-12;

923 (E) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
 924 with Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of
 925 Children;

926 (F) The original accounting required by subsection (c) of this Code section;

927 (G) ~~Copies~~ Uncertified copies of appropriate certificates or forms verifying allegations
 928 contained in the petition as to guardianship or custody of the child sought to be adopted,
 929 the marriage of each petitioner, and the divorce or death of each parent of the child, and

930 ~~compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the~~
 931 ~~Placement of Children;~~
 932 (H) A completed form containing background information regarding the child to be
 933 adopted, as required by the adoption unit of the department, or an equivalent medical
 934 and social history background form; and
 935 (I) A copy of the home study report.

936 (4) ~~Where~~ When the adoption is pursuant to subsection (a) of Code Section 19-8-6, the
 937 following shall be provided or attached or its absence explained when the petition is filed:
 938 (A) The original written voluntary surrender of the parent or guardian specified in
 939 subsection (e) of Code Section 19-8-6;
 940 (B) The original written acknowledgment of surrender specified in subsection (f) of
 941 Code Section 19-8-6;
 942 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;
 943 (D) The original consent specified in subsection (j) of Code Section 19-8-6;
 944 (E) Allegations of compliance with Code Section 19-8-12;
 945 (F) ~~Copies~~ Uncertified copies of appropriate certificates or forms verifying allegations
 946 contained in the petition as to guardianship or custody of the child sought to be adopted,
 947 the birth of the child sought to be adopted, the marriage of each petitioner, and the
 948 ~~divorce~~ or death of each parent of the child sought to be adopted; and
 949 (G) A completed form containing background information regarding the child to be
 950 adopted, as required by the adoption unit of the department, or an equivalent medical
 951 and social history background form.

952 (5) ~~Where~~ When the adoption is pursuant to subsection (a) of Code Section 19-8-7, the
 953 following shall be provided or attached or its absence explained when the petition is filed:
 954 (A) The original written voluntary surrender of each parent specified in subsection (e)
 955 of Code Section 19-8-7;
 956 (B) The original written acknowledgment of surrender specified in subsection (f) of
 957 Code Section 19-8-7;
 958 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;
 959 (D) Allegations of compliance with Code Section 19-8-12;
 960 (E) ~~Copies~~ Uncertified copies of appropriate certificates or forms verifying allegations
 961 contained in the petition as to guardianship or custody of the child sought to be adopted,
 962 the birth of the child sought to be adopted, the marriage of each petitioner, and the
 963 ~~divorce~~ or death of each parent of the child sought to be adopted; and
 964 (F) A completed form containing background information regarding the child to be
 965 adopted, as required by the adoption unit of the department, or an equivalent medical
 966 and social history background form.

967 (6)(A) ~~Where~~ When the adoption is pursuant to subsection (a) of Code Section 19-8-8,
 968 the following shall be provided or attached ~~or its absence explained~~ when the petition
 969 is filed:

970 ~~(i) A certified copy of the final decree of adoption from the foreign country along~~
 971 ~~with a verified English translation. The translator shall provide a statement regarding~~
 972 ~~his qualification to render the translation, his complete name, and his current address.~~
 973 ~~Should the current address be a temporary one, his permanent address shall also be~~
 974 ~~provided;~~

975 ~~(ii) A verified copy of the visa granting the child entry to the United States;~~

976 ~~(iii) A certified copy along with a verified translation of the child's amended birth~~
 977 ~~certificate or registration showing each petitioner as parent; and~~

978 ~~(iv) A copy of the home study which was completed for United States Immigration~~
 979 ~~and Naturalization Service.~~

980 ~~(B) It is not necessary to file copies of surrenders or termination on any parent or~~
 981 ~~biological father who is not the legal father when the petition is filed pursuant to~~
 982 ~~paragraph (1) of Code Section 19-8-8.~~

983 ~~(i) A copy of the child's passport page showing an immediate relative immigrant visa~~
 984 ~~or Hague Convention immigrant visa obtained to grant the child entry into the United~~
 985 ~~States as a result of a full and final adoption; and~~

986 ~~(ii) A copy along with an English translation of the child's birth certificate or~~
 987 ~~registration.~~

988 (B) When the adoption is pursuant to subsection (b) of Code Section 19-8-8, the
 989 following shall be provided or attached when the petition is filed:

990 (i) A copy of the final decree or order of guardianship from the foreign country along
 991 with an English translation;

992 (ii) Copies of all postplacement reports, if required by the foreign country that
 993 entered the guardianship decree or order;

994 (iii) Authorization to proceed with adoption if specifically required by the decree or
 995 order entered by the court or administrative agency in the foreign country;

996 (iv) A copy of the child's passport page showing an immediate relative immigrant
 997 visa or Hague Convention immigrant visa obtained to grant the child entry into the
 998 United States in order to finalize the adoption; and

999 (v) A copy along with an English translation of the child's birth certificate or
 1000 registration.

1001 (C) Because the issuance of an immediate relative immigrant visa or Hague
 1002 Convention immigrant visa by the United States Department of State in the child's
 1003 passport is prima-facie evidence that all parental rights have been terminated and that

1004 the child was legally available for adoption, it shall not be necessary to file any
 1005 documents related to the surrender or termination of the parental rights of the child's
 1006 parents or comply with Code Section 19-8-12 regarding the rights of a biological father
 1007 who is not a legal father when the petition is filed pursuant to subsection (a) of Code
 1008 Section 19-8-8.

1009 (7) ~~Where~~ When Code Section 19-8-10 is applicable, parental rights need not be
 1010 surrendered or terminated prior to the ~~filing~~ granting of the petition; but ~~any~~ the petitioner
 1011 shall in lieu of obtaining and attaching those otherwise required surrenders,
 1012 acknowledgments, and affidavits allege facts in the petition demonstrating the
 1013 applicability of Code Section 19-8-10 and shall allege compliance with subsection (c) of
 1014 Code Section 19-8-10.

1015 (8) If the petition is filed in a county other than that of the petitioners' residence, the
 1016 reason therefor must also be set forth in the petition.

1017 (b) At the time of filing the petition, the petitioner shall deposit with the clerk the deposit
 1018 required by Code Section 9-15-4; the fees shall be those established by Code Sections
 1019 15-6-77, ~~and~~ 15-6-77.1, and 15-6-77.2.

1020 (c) Each petitioner in any proceeding for the adoption of a minor pursuant to ~~the~~
 1021 ~~provisions of~~ Code Section 19-8-5 shall file with the petition, in a manner acceptable to the
 1022 court, a report fully accounting for all disbursements of anything of value made or agreed
 1023 to be made, directly or indirectly, by, on behalf of, or for the benefit of the petitioner in
 1024 connection with the adoption, including, but not limited to, any expenses incurred in
 1025 connection with:

1026 (1) The birth of the minor;

1027 (2) Placement of the minor with the petitioner;

1028 (3) Counseling services or legal services for the birth mother;

1029 (4) Reasonable living expenses for the birth mother during the last three months of her
 1030 pregnancy and for six weeks postpartum;

1031 ~~(3)~~(5) Medical or hospital care received by the mother or by the minor during the
 1032 mother's prenatal care and confinement;

1033 (6) Any additional reasonable and necessary expenses authorized by the court pursuant
 1034 to subsection (c) of Code Section 19-8-24; and

1035 ~~(4)~~(7) Services relating to the adoption or to the placement of the minor for adoption
 1036 which were received by or on behalf of the petitioner, either natural parent of the minor,
 1037 or any other person.

1038 (d) Every attorney for a petitioner in any proceeding for the adoption of a minor pursuant
 1039 to ~~the provisions of~~ Code Section 19-8-5 shall file, in a manner acceptable to the court,
 1040 before the decree of adoption is entered, an affidavit detailing all sums paid or promised

1041 to that attorney, directly or indirectly, from whatever source, for all services of any nature
 1042 rendered or to be rendered in connection with the adoption, including an accounting for all
 1043 funds disbursed through the attorney's trust account in accordance with the requirements
 1044 of subsection (c) of Code Section 19-8-24; provided, however, that if the attorney received
 1045 or is to receive less than \$500.00, the affidavit need only state that fact.

1046 (e) Any report made under this Code section ~~must~~ shall be signed and verified by the
 1047 individual making the report.

1048 (f) Whenever a petitioner is a blood relative or stepparent of the child to be adopted and
 1049 a grandparent other than the petitioner has visitation rights to the child granted pursuant to
 1050 Code Section 19-7-3, the petitioner shall cause a copy of the petition for adoption to be
 1051 served upon the grandparent with the visitation rights or upon such ~~person's~~ grandparent's
 1052 counsel of record at least 30 days prior to the date upon which the petition for adoption will
 1053 be considered as such time frames are set forth in Code Section 19-8-14.

1054 (g) Notwithstanding ~~the provisions of~~ Code Sections 19-8-5 and 19-8-7 and this Code
 1055 section which require obtaining and attaching a written voluntary surrender and
 1056 acknowledgment thereof and affidavits of the legal mother and a representative of the
 1057 petitioner or of the individual signing the surrender, when the adoption is sought under
 1058 subsection (a) of Code Section 19-8-5 or 19-8-7 following the termination of parental rights
 1059 and the placement of the child by the juvenile court pursuant to Code Section 15-11-321,
 1060 obtaining and attaching to the petition a certified copy of the order terminating parental
 1061 rights of the parent shall take the place of obtaining and attaching those otherwise required
 1062 surrenders, acknowledgments, and affidavits.

1063 (h)(1) A petition for adoption regarding a child or children who have a living biological
 1064 father who is not ~~the~~ a legal father and who has not surrendered his rights to the child or
 1065 children shall include a certificate from the putative father registry disclosing the name,
 1066 address, and social security number of any registrant acknowledging paternity of the child
 1067 or children pursuant to subparagraph (d)(2)(A) of Code Section 19-11-9 or indicating the
 1068 possibility of paternity of a child of the child's mother pursuant to subparagraph (d)(2)(B)
 1069 of Code Section 19-11-9 for a period beginning no later than two years immediately prior
 1070 to the child's date of birth. Such certificate shall indicate a search of the registry on or
 1071 after the earliest of the following:

1072 ~~(1)(A)~~ (A) The date of the mother's surrender of parental rights;

1073 ~~(2)(B)~~ (B) The date of entry of the court order terminating the mother's parental rights;

1074 ~~(3)(C)~~ (C) The date of the mother's consent to adoption pursuant to Code Section 19-8-6;

1075 or

1076 ~~(4)(D)~~ (D) The date of the filing of the petition for adoption, in which case the certificate
 1077 may be filed as an amendment to the petition for adoption.

1078 (2) Such certificate shall include a statement that the registry is current as of the earliest
 1079 date listed in ~~paragraphs (1) through (4)~~ subparagraphs (A) through (D) of paragraph (1)
 1080 of this subsection, or as of a specified date that is later than the earliest such date.

1081 (3) When the mother of the child sought to be adopted identifies her husband as the
 1082 biological father of the child and he has executed a surrender of his parental rights in
 1083 favor of the petitioner, the petitioner shall obtain a certificate from the putative father
 1084 registry and submit it with the petition to confirm that no male other than the husband of
 1085 the mother has expressed an interest in the child or to identify a registrant other than the
 1086 husband who shall be notified pursuant to Code Section 19-8-12.

1087 (i) Because adoption records are sealed pursuant to subsection (a) of Code Section
 1088 19-8-23, it shall not be necessary to redact social security numbers, taxpayer identification
 1089 numbers, financial account numbers, or dates of birth from pleadings filed pursuant to this
 1090 chapter as they are deemed to be a filing under seal under subsection (d) of Code Section
 1091 9-11-7.1.

1092 19-8-14.

1093 (a) It is the policy of this state that, in the best ~~interest~~ interests of the child, uncontested
 1094 adoption petitions ~~should~~ shall be heard as soon as possible but not later than 120 days after
 1095 the date of filing, unless the petitioner has failed to arrange for the court to receive the
 1096 report required by ~~the provisions of~~ Code Section 19-8-16 or has otherwise failed to
 1097 provide the court with all exhibits, surrenders, or certificates required by this chapter within
 1098 that time period. It is the policy of this state that, in contested adoption petitions, the
 1099 parties shall make every effort to have the petition considered by the court as soon as
 1100 practical after the date of filing, taking into account the circumstances of the petition and
 1101 the best ~~interest~~ interests of the child.

1102 (b) Upon the filing of the petition for adoption, accompanied by the filing fee unless such
 1103 fee is waived, it shall be the responsibility of the clerk to accept the petition as filed. Such
 1104 petition shall not be subject to prior court approval before filing.

1105 (c) Upon the filing of the petition for adoption, the court shall fix a date upon which the
 1106 petition shall be considered, which date shall be not less than 45 days from the date of the
 1107 filing of the petition and shall not be less than 30 days following the date a parent or
 1108 biological father is deemed to have received service of notice as required in those cases
 1109 when Code Section 19-8-10 or 19-8-12, or both, is applicable.

1110 (d) Notwithstanding ~~the provisions of~~ subsections (a) and (c) of this Code section, it shall
 1111 be the petitioner's responsibility to request that the court hear the petition on a date that
 1112 allows sufficient time for fulfillment of the notice requirements of Code Section 19-8-10
 1113 and Code Section 19-8-12, ~~where~~ when applicable.

1114 (e) In the best ~~interest~~ interests of the child, the court may hear the petition less than 45
1115 days from the date of filing upon a showing by the petitioner that ~~either~~ no further notice
1116 is required or ~~that~~ any statutory requirement of notice to any person will be fulfilled at an
1117 earlier date, and provided that any report required by Code Section 19-8-16 has been
1118 completed or will be completed at an earlier date.

1119 (f) The court in the child's best ~~interest~~ interests may grant such expedited hearings or
1120 continuances as may be necessary for completion of applicable notice requirements,
1121 investigations, a home study, and reports or for other good cause shown.

1122 (g) Copies of the petition and all documents filed in connection therewith, including, but
1123 not limited to, the order fixing the date upon which the petition shall be considered, and all
1124 exhibits, surrenders, or certificates required by this chapter, shall be forwarded by the clerk
1125 to the department within 15 days after the date of the filing of the petition for adoption for
1126 retention in the Adoption Reunion Registry.

1127 (h) Copies of the petition, the order fixing the date upon which the petition shall be
1128 considered, and all exhibits, surrenders, or certificates required by this chapter shall be
1129 forwarded by the clerk to the ~~child-placing agency or other~~ agent appointed by the court
1130 pursuant to ~~the provisions of~~ Code Section 19-8-16 within 15 days after the filing of the
1131 petition for adoption, together with a request that a report and investigation be made as
1132 required by law.

1133 (i) Copies of all motions, amendments, and other pleadings filed and of all orders entered
1134 in connection with the petition for adoption shall be forwarded by the clerk to the
1135 department within 15 days after such filing or entry for retention in the Adoption Reunion
1136 Registry.

1137 (j) The clerk of court shall provide the petitioner or his or her attorney with a copy of the
1138 petition and of each amendment, motion, and other pleading filed with a stamp confirming
1139 the date each pleading was filed with the court and shall also provide the petitioner or his
1140 or her attorney with a copy of each order entered by the court in the adoption proceeding,
1141 confirming the date the order was filed of record by the court.

1142 19-8-15.

1143 If the parents of the child sought to be adopted ~~has no legal father or legal mother living~~
1144 are both deceased, it shall be the privilege of any person related by blood to the child to file
1145 objections to the petition for adoption. A grandparent with visitation rights to a child
1146 granted pursuant to Code Section 19-7-3 shall have the privilege to file objections to the
1147 petition of adoption if neither parent has any further rights to the child and if the petition
1148 for adoption has been filed by a blood relative of the child. The court, after hearing such
1149 objections, shall determine, in its discretion, whether or not the same constitute a good

1150 reason for denying the petition and the court shall have the authority to grant or continue
 1151 such visitation rights of the grandparent to the child in the adoption order in the event the
 1152 adoption by the blood relative is approved by the court.

1153 19-8-16.

1154 (a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be
 1155 the duty of ~~a child-placing agency~~ the agent appointed by the court ~~or any other~~
 1156 ~~independent agent appointed by the court~~ to verify the allegations in the petition for
 1157 adoption, to make a complete and thorough investigation of the entire matter, including a
 1158 ~~criminal records check of each petitioner~~ any specific issue the court requests to be
 1159 investigated, and to report its findings and recommendations in writing to the court where
 1160 the petition for adoption was filed. The agent may be a child-placing agency, an evaluator,
 1161 or an individual who the court determines is qualified to conduct the required investigation.
 1162 ~~The department, child-placing agency, or other independent agent~~ appointed by the court
 1163 shall also provide the attorney for petitioner with a copy of the report to the court. If for
 1164 any reason the ~~child-placing agency or other~~ agent appointed by the court finds itself
 1165 unable to make or arrange for the proper investigation and report, it shall be the duty of the
 1166 ~~agency or agent~~ to notify the court immediately, or at least within 20 days after receipt of
 1167 the request for investigation service, that it is unable to make the report and investigation,
 1168 so that the court may take such other steps as in its discretion are necessary to have the
 1169 entire matter investigated. The investigation required by this Code section shall be in
 1170 addition to the requirement of a home study in the case of a petition filed pursuant to
 1171 subsection (a) of Code Section 19-8-5, and the court may waive the appointment of an
 1172 agent to conduct an investigation and render a report to the court pursuant to this Code
 1173 section in the case of a petition filed pursuant to subsection (a) of Code Section 19-8-5
 1174 when the child to be adopted already resides in the petitioner's home either as a child of one
 1175 of the residents of such home or pursuant to a court order of guardianship, testamentary
 1176 guardianship, or custody.

1177 (b) If the petition has been filed pursuant to subsection (a) of Code Section 19-8-6 or
 1178 19-8-7, the court is shall be authorized but shall not be required to appoint a ~~child-placing~~
 1179 ~~agency or other independent~~ an agent to make an investigation ~~in whatever form the court~~
 1180 ~~specifies~~ pursuant to subsection (a) of this Code section; provided, however, that a home
 1181 study shall not be required.

1182 (c) If the petition has been filed pursuant to Code Section 19-8-8, or if the department has
 1183 ~~conducted an investigation and has consented to the adoption, an investigation~~ pursuant to
 1184 Code Section 19-8-4, the appointment of an agent to make an investigation and render a
 1185 report pursuant to subsection (a) or (e) of this Code section shall not be required.

1186 (d) The court shall require the petitioner to submit to a criminal history records check. The
1187 petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with
1188 the appropriate fee. The center shall promptly transmit the fingerprints to the Federal
1189 Bureau of Investigation for a search of bureau records and shall obtain an appropriate
1190 report. The Georgia Crime Information Center shall also promptly conduct a search of its
1191 records and any records to which it has access. The center shall notify the court in writing
1192 of the presence or absence of any derogatory finding, including but not limited to any
1193 conviction data, regarding the fingerprint records check. In those cases when the petitioner
1194 has submitted a fingerprint based criminal history report that includes the results of a
1195 records search of both the Georgia Crime Information Center and the Federal Bureau of
1196 Investigation to the department, child-placing agency, or evaluator as part of the home
1197 study and such results are dated within 12 months of filing of the petition and are included
1198 in the home study report filed with or otherwise made available to the court, such results
1199 shall satisfy the requirements of this subsection. Because the court is not authorized to
1200 share the results of the fingerprint records check with the agent appointed by the court
1201 pursuant to subsection (a) or (e) of this Code section, the court shall determine the
1202 acceptability of the petitioner's criminal history, inform the petitioner or his or her attorney
1203 at least five days prior to the final hearing on the petition if the court intends to deny the
1204 petition because of such criminal history, and afford the petitioner or his or her attorney an
1205 opportunity to present evidence as to why the petitioner's criminal history should not be
1206 grounds for denial of the petition.

1207 (e) The court may appoint the department to serve as its agent to conduct the investigation
1208 required by this Code section if an ~~appropriate child-placing agency or independent~~ agent
1209 is not available. If for any reason the department finds itself unable to make or arrange for
1210 the proper investigation and report, it shall be the duty of the commissioner of human
1211 services to notify the court immediately, or at least within 20 days after receipt of the
1212 request for investigation service, that it is unable to make the report and investigation, so
1213 that the court may take such other steps as in its discretion are necessary to have the entire
1214 matter investigated.

1215 (f) The court shall require the petitioner to reimburse the ~~child-placing agency or other~~
1216 ~~independent~~ agent appointed by the court, including the department, for the full cost of
1217 conducting the investigation and preparing the report. Such cost shall not exceed \$250.00
1218 unless specifically authorized by the court, provided that the court shall furnish the
1219 petitioner or his or her attorney with written notice of the name of the agent that the court
1220 intends to appoint and the amount of any increased costs, together with a request to agree
1221 to pay such increased costs. If the petitioner does not agree to pay the increased costs, then
1222 the petitioner shall have an opportunity to present to the court information regarding other

1223 individuals who are qualified to conduct the investigation and render the report to the court
 1224 and the cost of their services, and the court shall appoint the agent that is qualified to
 1225 conduct the investigation and render the report to the court at the lowest cost to the
 1226 petitioner.

1227 19-8-17.

1228 (a) The report and findings of the investigating ~~agency~~ agent appointed by the court
 1229 pursuant to subsection (a) or (e) of Code Section 19-8-16 shall include, among other things,
 1230 the following:

1231 (1) Verification of allegations contained in the petition;

1232 (2) Circumstances under which the child came to be placed for adoption;

1233 (3) Whether each proposed adoptive parent is financially, physically, and mentally able
 1234 to have the permanent custody of the child; in considering financial ability any adoption
 1235 supplement approved by the department shall be taken into account;

1236 (4) The physical and mental condition of the child, insofar as this can be determined by
 1237 the aid of competent medical authority;

1238 (5) Whether or not the adoption is in the best interests of the child, including his or her
 1239 general care;

1240 (6) Suitability of the home to the child;

1241 (7) If applicable, whether the identity and location of the biological father who is not ~~the~~
 1242 a legal father are known or ascertainable and whether the requirements of Code Section
 1243 19-8-12 were complied with; ~~and~~

1244 (8) Any other information that might be disclosed by the investigation that in the agent's
 1245 opinion would be of any value or interest to the court in deciding the case; and

1246 (9) Any other information that might be disclosed by the investigation in response to any
 1247 specific issue that the court requested be investigated in its order appointing the agent
 1248 issued pursuant to subsection (a) or (e) of Code Section 19-8-16.

1249 (b) If the report of the investigating ~~agency~~ agent or independent agent disapproves of the
 1250 adoption of the child, motion may be made by the investigating ~~agency~~ agent or
 1251 independent agent to the court to dismiss the petition and the court after hearing is
 1252 authorized to do so. If the court denies the motion to dismiss, the court shall appoint a
 1253 guardian ad litem who may appeal the ruling to the Georgia Court of Appeals or Supreme
 1254 Court, as in other cases, as provided by law.

1255 (c) If at any time it appears to the court that the interests of the child may conflict with
 1256 those of any petitioner, the court may, in its discretion, appoint a guardian ad litem to
 1257 represent the child and the cost thereof shall be a charge upon the funds of the county.

1258 19-8-18.

1259 (a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or
 1260 as soon thereafter as the matter may be reached for a hearing, the court shall proceed to
 1261 a full hearing on the petition and the examination of the parties at interest in chambers,
 1262 under oath, with the right of continuing the hearing and examinations from time to time
 1263 as the nature of the case may require. The court at such times shall give consideration to
 1264 the investigation report to the court provided for in Code Section 19-8-16 and the
 1265 recommendations contained therein. The court may in its discretion allow the petitioner
 1266 or any witness to appear via electronic means in lieu of requiring his or her physical
 1267 presence before the court.

1268 (2) The court shall examine the petition for adoption and the affidavit specified in
 1269 ~~subsection (g) of~~ Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as appropriate, to
 1270 determine whether Code Section 19-8-12 is applicable. If the court determines that Code
 1271 Section 19-8-12 is applicable to the petition, it shall:

1272 (A) Determine that an appropriate order has previously been entered;

1273 (B) Enter an order consistent with Code Section 19-8-12; or

1274 (C) Continue the hearing until Code Section 19-8-12 is complied with.

1275 (3) If the adoption petition is filed pursuant to subsection (a) of Code Section 19-8-5, the
 1276 court shall examine the financial disclosures required under subsections (c) and (d) of
 1277 Code Section 19-8-13 and make such further examination of each petitioner and his or
 1278 her attorney as the court deems appropriate in order to make a determination as to
 1279 whether there is cause to believe that Code Section 19-8-24 has been violated with regard
 1280 to the 'inducement' of the placement of the child for adoption. Should the court determine
 1281 that further inquiry is in order, the court shall direct the district attorney for the county
 1282 to review the matter further and to take such appropriate action as the district attorney in
 1283 his or her discretion deems appropriate.

1284 (b)(1) If the petition was filed pursuant to Code Section 19-8-4, 19-8-5, 19-8-6, or
 1285 19-8-7, the court shall enter a decree of adoption terminating all of the rights of each
 1286 parent and each guardian to the child other than the spouse of the petitioner in the case
 1287 of a stepparent adoption pursuant to Code Section 19-8-6, granting the permanent custody
 1288 of the child to each petitioner, naming the child as prayed for in the petition, and
 1289 declaring the child to be the adopted child of each petitioner if the court is satisfied that
 1290 each:

1291 (A) Each living parent or guardian of the child has surrendered or had terminated all
 1292 of his or her rights to the child in the manner provided by law ~~prior to the filing of the~~
 1293 ~~petition for adoption~~ or that each petitioner has complied with the notice requirements
 1294 of subsection (c) of Code Section 19-8-10 and satisfied his or her burden of proof under

1295 Code Section 19-8-10; or that the spouse has consented to the petitioner's adoption of
 1296 the child as required under Code Section 19-8-6; that such
 1297 (B) Each petitioner is capable of assuming responsibility for the care, supervision,
 1298 training, and education of the child; that the;
 1299 (C) The child is suitable for adoption in a private family home; and that the
 1300 (D) The adoption requested is for the best interest interests of the child, ; it shall enter
 1301 a decree of adoption, terminating all the rights of each parent and guardian to the child,
 1302 granting the permanent custody of the child to each petitioner, naming the child as
 1303 prayed for in the petition, and declaring the child to be the adopted child of each
 1304 petitioner. In all cases wherein Code Section 19-8-10 is relied upon by any petitioner
 1305 as a basis for the termination of parental rights, the
 1306 (2) The court shall include in the decree of adoption appropriate findings of fact and
 1307 conclusions of law relating to the termination of rights of each living parent or guardian
 1308 of the child, including the applicability of Code Section 19-8-10, when relied upon by any
 1309 petitioner, and the court's determination that the adoption is in the child's best interests.
 1310 (3) When the child sought to be adopted was born in a country other than the United
 1311 States, the court shall examine the evidence submitted in accordance with subsection (p)
 1312 of Code Section 19-8-5, subsection (l) of Code Section 19-8-4 or 19-8-7, or subsection
 1313 (m) of Code Section 19-8-6, as appropriate, and determine that sufficient evidence has
 1314 been proffered to show that the child will be able to obtain lawful permanent resident
 1315 status, if not already obtained, before the court shall have authority to determine if it is
 1316 in the best interests of the child to grant the petition for adoption.
 1317 (4) If there is an existing order pursuant to Code Section 19-7-3 in favor of a grandparent
 1318 other than the petitioner and such grandparent has not intervened in the adoption, then the
 1319 court shall have the authority to continue such visitation rights of the grandparent to the
 1320 child in the adoption order but shall also have the authority to terminate such visitation
 1321 rights, if to do so is in the best interests of the child.
 1322 (c) If the petition was filed pursuant to subsection (a) of Code Section 19-8-8 and if the
 1323 court is satisfied that the petitioner has fully complied with the requirements of Code
 1324 Section 19-8-13 and has established that he or she finalized his or her adoption of the child
 1325 in the foreign country, then the court shall enter a decree domesticating the foreign decree
 1326 of adoption, granting the permanent custody of the child to each petitioner, naming the
 1327 child as prayed for in the petition, changing the date of birth of the child if so requested,
 1328 provided that evidence was presented justifying the change, and declaring the child to be
 1329 the adopted child of each petitioner. Notwithstanding the requirements of subsection (a)
 1330 of this Code section, the court may domesticate the foreign decree of adoption upon the
 1331 pleadings without a hearing.

1332 (d) If the petition was filed pursuant to subsection (b) of Code Section 19-8-8, the court
1333 shall enter a decree of adoption terminating the guardianship, granting the permanent
1334 custody of the child to each petitioner, naming the child as prayed for in the petition,
1335 changing the date of birth of the child if so requested, provided that evidence was presented
1336 justifying the change, and declaring the child to be the adopted child of each petitioner, if
1337 the court is satisfied that the petitioner has fully complied with the requirements of Code
1338 Section 19-8-13 and that:

1339 (1) Each petitioner in his or her capacity as guardian of the child has surrendered all of
1340 his or her rights to the child in the manner provided by law;

1341 (2) Each petitioner is capable of assuming responsibility for the care, supervision,
1342 training, and education of the child;

1343 (3) The child is suitable for adoption in a private family home; and

1344 (4) The adoption requested is in the best interests of the child.

1345 (e) In exercising its discretion to determine whether the adoption requested is in the best
1346 interests of the child, the court shall consider the following factors:

1347 (1) The ability of each petitioner to provide for the physical safety and welfare of the
1348 child, including food, shelter, health, and clothing;

1349 (2) The love, affection, bonding, and emotional ties existing between the child and each
1350 petitioner;

1351 (3) The child's need for permanence, including the child's need for stability and
1352 continuity of relationships with his or her siblings;

1353 (4) The capacity and disposition of each petitioner to give the child his or her love,
1354 affection, and guidance and to continue the education and rearing of the child;

1355 (5) The home environment of each petitioner, considering the promotion of the child's
1356 nurturance and safety rather than superficial or material factors;

1357 (6) The stability of the family unit and the presence or absence of support systems within
1358 the community to benefit the child;

1359 (7) The mental and physical health of all individuals involved;

1360 (8) The home, school, and community record and history of the child, as well as any
1361 health or educational special needs of the child;

1362 (9) The child's background and ties, including familial, cultural, and religious;

1363 (10) The uniqueness of every family and child;

1364 (11) The child's wishes and long-term goals;

1365 (12) Any evidence of family violence, substance abuse, criminal history, or sexual,
1366 mental, or physical child abuse in the petitioner's home;

1367 (13) Any recommendation by a court appointed agent or guardian ad litem; and

1368 (14) Any other factors considered by the court to be relevant and proper to its
 1369 determination.

1370 (f) If the court is satisfied that the petitioner has strictly complied with the requirements
 1371 concerning the termination of rights of each living parent or guardian of the child and has
 1372 determined based upon the factors set forth in subsection (e) of this Code section that the
 1373 adoption sought is in the best interests of the child, it may deviate from any other criteria
 1374 set forth in this chapter and grant the adoption so long as it includes specific findings of
 1375 fact in the final decree supporting the court's decision.

1376 ~~(c)~~(g) If the court determines that any petitioner has not complied with this chapter, it may
 1377 dismiss the petition for adoption without prejudice or it may continue the case. Should the
 1378 court find that any notice required to be given by any petitioner under this chapter has not
 1379 been given or has not been properly given or that the petition has not been properly filed,
 1380 the court is authorized to enter an order providing for corrective action and an additional
 1381 hearing.

1382 ~~(d)~~(h) If the court is not satisfied that the adoption is in the best interests of the child, it
 1383 shall deny the petition. If the petition is denied because ~~of such reason~~ the court determines
 1384 the adoption is not in the best interests of the child or for any other reason under law, the
 1385 court shall set forth specific findings of fact explaining its decision in its order denying the
 1386 adoption and shall commit the child to the custody of the department or to a child-placing
 1387 agency, if the petition was filed pursuant to Code Section 19-8-4 ~~or~~. If the petition was
 1388 filed pursuant to Code Section 19-8-5, the court shall commit the child to the third party
 1389 named by the parent in the written surrender pursuant to subsection (a) of Code Section
 1390 19-8-5; and if there is no surrender, the child shall remain in the custody of each petitioner
 1391 if such petitioner is fit to have custody or the court may place the child with the department
 1392 for the purpose of determining whether or not a petition should be initiated under Chapter
 1393 11 of Title 15. If the petition was filed pursuant to Code Section 19-8-6, 19-8-7, or 19-8-8,
 1394 the child shall remain in the custody of each petitioner if ~~that~~ such petitioner is fit to have
 1395 custody or the court may place the child with the department for the purpose of determining
 1396 whether or not a petition should be initiated under Chapter 11 of Title 15.

1397 ~~(e)~~(i) A decree of adoption issued pursuant to subsection (b) of this Code section shall not
 1398 be subject to any judicial challenge filed more than six months after the date of entry of
 1399 such decree; provided, however, that a parent whose consent or surrender was obtained by
 1400 fraud may, within six months of the time the fraud is or ought to reasonably have been
 1401 discovered, move to have the decree of adoption set aside and the consent or surrender
 1402 declared void. Any action for damages against an adoptee or the adoptive parents for fraud
 1403 in obtaining a consent or surrender shall be brought within six months of the time the fraud
 1404 is or ought to reasonably have been discovered.

1405 ~~(f) Any decree of adoption issued prior to the effective date of this action shall not be~~
 1406 ~~subject to any judicial challenge more than six months after July 1, 1995.~~

1407 (j) Notwithstanding subsection (a) of Code Section 19-8-23, the decree of adoption issued
 1408 pursuant to subsection (b) of this Code section shall authorize the clerk of the court to issue
 1409 one or more certified copies of the decree of adoption to the petitioner or his or her attorney
 1410 at the time of entry of the final decree without further order of the court and without cost.

1411 19-8-19.

1412 (a) A decree of adoption, whether issued by a court of this state or by a court of any other
 1413 jurisdiction, shall have the following effect as to matters within the jurisdiction of or before
 1414 a court in this state:

1415 (1) Except with respect to a spouse of the petitioner and relatives of the spouse, a decree
 1416 of adoption terminates all legal relationships between the adopted individual and his or
 1417 her relatives, including his or her parent, so that the adopted individual thereafter is a
 1418 stranger to his or her former relatives for all purposes, including inheritance and the
 1419 interpretation or construction of documents, statutes, and instruments, whether executed
 1420 before or after the adoption is decreed, which do not expressly include the individual by
 1421 name or by some designation not based on a parent and child or blood relationship; and

1422 (2) A decree of adoption creates the relationship of parent and child between each
 1423 petitioner and the adopted individual, as if the adopted individual were a child of
 1424 biological issue of that petitioner. The adopted individual shall enjoy every right and
 1425 privilege of a biological child of that petitioner; shall be deemed a biological child of that
 1426 petitioner, to inherit under the laws of descent and distribution in the absence of a will,
 1427 and to take under ~~the provisions of~~ any instrument of testamentary gift, bequest, devise,
 1428 or legacy, whether executed before or after the adoption is decreed, unless expressly
 1429 excluded therefrom; shall take by inheritance from relatives of that petitioner; and shall
 1430 also take as a 'child' of that petitioner under a class gift made by the will of a third person.

1431 (b) Notwithstanding ~~the provisions of~~ subsection (a) of this Code section, if a parent of a
 1432 child dies without the relationship of parent and child having been previously terminated
 1433 by court order or unrevoked surrender of parental rights to the child, the child's right of
 1434 inheritance from or through the deceased parent shall not be affected by the adoption.

1435 19-8-20.

1436 (a) Upon the entry of the decree of adoption, the clerk of the court granting the same shall
 1437 forward a copy of the decree, together with the original of the investigation report and
 1438 background information filed with the court, to the department. If there is any subsequent

1439 order or revocation of the adoption, a copy of same in like manner shall be forwarded by
1440 the clerk to the department.

1441 (b) At any time after the entry of the decree of adoption, upon the request of an adopted
1442 ~~person~~ individual who has reached 18 years of age or upon the request of any adopting
1443 parent, the clerk of the court granting the decree shall issue to that requesting adopted
1444 ~~person~~ individual or adopting parent a certificate of adoption, under the seal of the court,
1445 upon payment to the clerk of the fee prescribed in paragraph (4) of subsection (g) of Code
1446 Section 15-6-77, which adoption certificate shall be received as evidence in any court or
1447 proceeding as primary evidence of the facts contained in the certificate.

1448 (c) The adoption certificate shall be in substantially the following form:

1449 This is to certify that _____ (names of each adopting parent) have
1450 obtained a decree of adoption for _____ (full name of ~~adopted~~
1451 ~~child~~ adoptee and date of birth of adoptee) in the Superior Court of _____ County,
1452 Georgia, on the _____ day of _____, as shown by the court's
1453 records _____ (adoption file number).

1454 Given under the hand and seal of said court, this the _____ day of _____,
1455 _____.

1456 _____
1457 Clerk

1458 19-8-21.

1459 (a) Adult ~~persons~~ individuals may be adopted on giving written consent to the adoption.
1460 In such cases, adoption shall be by a petition duly verified and filed, together with two
1461 conformed copies, in the superior court in the county in which ~~either~~ any petitioner or the
1462 adult to be adopted resides, setting forth the name, age, and residence of each petitioner and
1463 of the adult to be adopted, the name by which the adult is to be known, and his or her
1464 written consent to the adoption. The court may assign the petition for hearing at any time.
1465 The petition shall state whether one or both parents of the adult who is to be adopted will
1466 be replaced by the grant of the petition and if only one parent is to be replaced, then the
1467 decree of adoption shall make clear which parent is to be replaced by adoption. After
1468 examining each petitioner and the adult sought to be adopted, the court, if satisfied that
1469 there is no reason why the adoption should not be granted, shall enter a decree of adoption
1470 and, if requested, shall change the name of the adopted adult. Thereafter, the relation
1471 between each petitioner and the adopted adult shall be, as to their legal rights and liabilities,
1472 the relation of parent and child.

1473 (b) Code Section 19-8-19, relating to the effect of a decree of adoption, and Code Section
 1474 19-8-20, relating to notice of adoption, shall also apply to the adoption of adults.

1475 19-8-22.

1476 (a) A decree of a court or an administrative proceeding terminating the relationship of
 1477 parent and child, establishing the relationship of guardian and ward, or establishing the
 1478 relationship of parent and child by adoption, issued pursuant to due process of law by a
 1479 court or administrative body of any other jurisdiction within or outside the United States,
 1480 or the clear and irrevocable release or consent to adoption by the guardian of a child where
 1481 the appointment of the guardian has been certified by the appropriate and legally authorized
 1482 court or agency of the government of the foreign country, shall be recognized in this state;
 1483 and the rights and obligations of the parties as to matters within the jurisdiction of this state
 1484 shall be determined as though any such decree were issued by a court of this state and any
 1485 such consent or release shall be deemed to satisfy the requirements of Code Sections
 1486 19-8-4, 19-8-5, 19-8-6, 19-8-7, and 19-8-12.

1487 (b) Any adoption proceeding in this state in which a final order of adoption was entered
 1488 by the court prior to April 1, 1986, and to which subsection (a) of this Code section would
 1489 have been applicable if said subsection, as amended, had been effective at the time such
 1490 proceeding was filed or concluded shall be governed by ~~the provisions of~~ subsection (a) of
 1491 this Code section, as amended.

1492 ~~(c) Any adoption proceeding pending in a court of competent jurisdiction in this state in~~
 1493 ~~which no final order of adoption has been entered as of April 1, 1986, to which the~~
 1494 ~~provisions of subsection (a) of this Code section are applicable shall be governed by the~~
 1495 ~~provisions of subsection (a) of this Code section, as amended.~~

1496 19-8-23.

1497 (a) The original petition, all amendments and exhibits thereto, all motions, documents,
 1498 affidavits, records, and testimony filed in connection therewith, and all decrees or orders
 1499 of any kind whatsoever, except the original investigation report and background
 1500 information referred to in Code Section 19-8-20, shall be recorded in a book kept for that
 1501 purpose and properly indexed; and the book shall be part of the records of the court in each
 1502 county which has jurisdiction over matters of adoption in that county. All of the records,
 1503 including the docket book, of the court granting the adoption, of the department, and of the
 1504 child-placing agency that relate in any manner to the adoption shall be kept sealed and
 1505 locked. The records may be examined by the parties at interest in the adoption and their
 1506 attorneys when, after written petition, which shall be a sealed filing, has been presented to
 1507 the court having jurisdiction and after the department and the appropriate child-placing

1508 agency, if any, have received at least 30 days' prior written notice of the filing of such
 1509 petition, the matter has come on before the court in chambers and, ~~good cause having been~~
 1510 ~~shown to the court~~, the court has entered an order permitting such examination.
 1511 Notwithstanding the foregoing, if the adoptee who is the subject of the records sought to
 1512 be examined is less than 18 years of age at the time the petition is filed and the petitioner
 1513 is someone other than one of the adoptive parents of the adoptee, then the department shall
 1514 provide written notice of such proceedings to the adoptive parents by certified mail or
 1515 statutory overnight delivery, return receipt requested, at the last address the department has
 1516 for such adoptive parents and the court shall continue any hearing on the petition until not
 1517 less than 60 days after the date the notice was sent. Each such adoptive parent shall have
 1518 the right to appear in person or through counsel and show cause why such records should
 1519 not be examined. Adoptive parents may provide the department with their current address
 1520 for purposes of receiving notice under this subsection by mailing that address to:

1521 ~~Office of Adoptions~~

1522 State Adoption Unit

1523 Department of Human Services

1524 Atlanta, Georgia 30303

1525 (b) The department or the child-placing agency may, in its sole discretion, make use of any
 1526 information contained in the records of the respective department or agency relating to the
 1527 adoptive parents in connection with a subsequent adoption matter involving the same
 1528 adoptive parents or to provide notice when required by subsection (a) of this Code section.

1529 (c) The department or the child-placing agency may, in its sole discretion, make use of any
 1530 information contained in its records on a child when an adoption disrupts after finalization
 1531 and when such records are required for the permanent placement of such child, or when the
 1532 information is required by federal law.

1533 (d)(1) Upon the request of a party at interest in the adoption, a child, legal guardian, or
 1534 health care agent of an adopted person or a provider of medical services to such a party,
 1535 child, legal guardian, or health care agent when certain information would assist in the
 1536 provision of medical care, a medical emergency, or medical diagnosis or treatment, the
 1537 department or child-placing agency shall access its own records on finalized adoptions
 1538 for the purpose of adding subsequently obtained medical information or releasing
 1539 nonidentifying medical and health history information contained in its records pertaining
 1540 to an adopted person or the biological parents or relatives of the biological parents of the
 1541 adopted person. For purposes of this paragraph, the term 'health care agent' has the
 1542 meaning provided by Code Section 31-32-2.

1543 (2) Upon receipt by the State Adoption Unit of the Division of Family and Children
 1544 Services of the department or by a child-placing agency of documented medical

1545 information relevant to an adoptee, the office or child-placing agency shall use reasonable
 1546 efforts to contact the adoptive parents of the adoptee if the adoptee is under 18 years of
 1547 age or the adoptee if he or she is 18 years of age or older and provide such documented
 1548 medical information to the adoptive parents or the adoptee. The office or child-placing
 1549 agency shall be entitled to reimbursement of reasonable costs for postage and
 1550 photocopying incurred in the delivery of such documented medical information to the
 1551 adoptive parents or adoptee.

1552 (e) Records relating in any manner to adoption shall not be open to the general public for
 1553 inspection.

1554 (f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:

1555 (A) 'Biological parent' means the biological mother or biological father who
 1556 surrendered ~~that person's~~ such individual's rights or had such rights terminated by court
 1557 order giving rise to the adoption of the child.

1558 (B) 'Commissioner' means the commissioner of human services or that person's
 1559 designee.

1560 (C) 'Department' means the Department of Human Services or, when the Department
 1561 of Human Services so designates, the county ~~department~~ division of family and children
 1562 services which placed for adoption the person seeking, or on whose behalf is sought,
 1563 information under this subsection.

1564 (D) 'Placement agency' means the child-placing agency, as defined in paragraph ~~(3)~~ (4)
 1565 of Code Section 19-8-1, which placed for adoption the person seeking or on whose
 1566 behalf is sought information under this subsection.

1567 (2) The department or a placement agency, upon the written request of an adopted person
 1568 who has reached 18 years of age or upon the written request of an adoptive parent on
 1569 behalf of that parent's adopted child, shall release to such adopted person or to the
 1570 adoptive parent on the child's behalf nonidentifying information regarding such adopted
 1571 person's biological parents and information regarding such adopted person's birth. Such
 1572 information may include the date and place of birth of the adopted person and the genetic,
 1573 social, and health history of the biological parents. No information released pursuant to
 1574 this paragraph shall include the name or address of either biological parent or the name
 1575 or address of any relative by birth or marriage of either biological parent.

1576 (3)(A) The department or a placement agency upon written request of an adopted
 1577 person who has reached ~~21~~ 18 years of age shall release to such adopted person the
 1578 name of such person's biological parent together with a complete copy of all
 1579 information the department has concerning the adoptee's birth, foster care, placement
 1580 for adoption, and finalization of his or her adoption if:

1581 (i) The biological parent whose name is to be released has submitted unrevoked
 1582 written permission to the department or the placement agency for the release of that
 1583 parent's name to the adopted person;

1584 (ii) The identity of the biological parent submitting permission for the release of that
 1585 parent's name has been verified by the department or the placement agency; and

1586 (iii) The department or the placement agency has records pertaining to the finalized
 1587 adoption and to the identity of the biological parent whose name is to be released.

1588 (B) If the adopted person is deceased and leaves a child, such child, upon reaching ~~21~~
 1589 18 years of age, may seek the name and other identifying information concerning his
 1590 or her grandparents in the same manner as the deceased adopted person and subject to
 1591 the same procedures contained in this Code section.

1592 (4)(A) If a biological parent has not filed written unrevoked permission for the release
 1593 of that parent's name to the adopted child, the department or the placement agency,
 1594 within six months of receipt of the written request of the adopted person who has
 1595 reached ~~21~~ 18 years of age, shall make diligent effort to notify each biological parent
 1596 identified in the original adoption proceedings or in other records of the department or
 1597 the placement agency relative to the adopted person. For purposes of this
 1598 subparagraph, 'notify' means a personal and confidential contact with each biological
 1599 parent of the adopted person. The contact shall be by an employee or agent of the
 1600 placement agency which processed the pertinent adoption or by other agents or
 1601 employees of the department. The contact shall be evidenced by the person who
 1602 notified each parent certifying to the department that each parent was given the
 1603 following information:

1604 (i) The nature of the information requested by the adopted person;

1605 (ii) The date of the request of the adopted person;

1606 (iii) The right of each biological parent to file an affidavit with the placement agency
 1607 or the department stating that such parent's identity should not be disclosed;

1608 (iv) The right of each biological parent to file a consent to disclosure with the
 1609 placement agency or the department; and

1610 (v) The effect of a failure of each biological parent to file ~~either~~ a consent to
 1611 disclosure or an affidavit stating that the information in the sealed adoption file should
 1612 not be disclosed.

1613 (B) If a biological parent files an unrevoked consent to the disclosure of that parent's
 1614 identity, such parent's name together with a complete copy of all information the
 1615 department has concerning the adoptee's birth, foster care, placement for adoption, and
 1616 finalization of his or her adoption shall be released to the adopted person who has
 1617 requested such information as authorized by this paragraph.

1618 (C) If, within 60 days of being notified by the department or the placement agency
1619 pursuant to subparagraph (A) of this paragraph, a biological parent has filed with the
1620 department or placement agency an affidavit objecting to such release, information
1621 regarding the identity of that biological parent shall not be released.

1622 (D)(i) If six months after receipt of the adopted person's written request the
1623 placement agency or the department has ~~either~~ been unable to notify a biological
1624 parent identified in the original adoption record or has been able to notify a biological
1625 parent identified in the original adoption record but has not obtained a consent to
1626 disclosure from the notified biological parent, then the identity of a biological parent
1627 may only be disclosed as provided in division (ii) or (iii) of this subparagraph.

1628 (ii) The adopted person who has reached ~~21~~ 18 years of age may petition the Superior
1629 Court of Fulton County to seek the release of the identity of each of that person's
1630 biological parents from the department or placement agency. The court shall grant
1631 the petition if the court finds that the department or placement agency has made
1632 diligent efforts to locate each biological parent pursuant to this subparagraph ~~either~~
1633 without success or upon locating a biological parent has not obtained a consent to
1634 disclosure from the notified biological parent and that failure to release the identity
1635 of each biological parent would have an adverse impact upon the physical, mental, or
1636 emotional health of the adopted person.

1637 (iii) If it is verified that a biological parent of the adopted person is deceased, the
1638 department or placement agency shall be authorized to disclose the name and place
1639 of burial of the deceased biological parent, if known, together with a complete copy
1640 of all information the department has concerning the adoptee's birth, foster care,
1641 placement for adoption, and finalization of his or her adoption to the adopted person
1642 seeking such information without the necessity of obtaining a court order.

1643 (5)(A) Upon written request of an adopted person who has reached ~~21~~ 18 years of age
1644 or a person who has reached ~~21~~ 18 years of age and who is the sibling of an adopted
1645 person, the department or a placement agency shall attempt to identify and notify the
1646 siblings of the requesting party, if such siblings are at least 18 years of age. Upon
1647 locating the requesting party's sibling, the department or the placement agency shall
1648 notify the sibling of the inquiry. Upon the written consent of a sibling so notified, the
1649 department or the placement agency shall forward the requesting party's name and
1650 address to the sibling and, upon further written consent of the sibling, shall divulge to
1651 the requesting party the present name and address of the sibling. If a sibling cannot be
1652 identified or located, the department or placement agency shall notify the requesting
1653 party of such circumstances but shall not disclose any names or other information
1654 which would tend to identify the sibling. If a sibling is deceased, the department or

1655 placement agency shall be authorized to disclose the name and place of burial of the
 1656 deceased sibling, if known, to the requesting party without the necessity of obtaining
 1657 a court order.

1658 (B)(i) If six months after receipt of the written request from an adopted person who
 1659 has reached ~~21~~ 18 years of age or a person who has reached ~~21~~ 18 years of age and
 1660 who is the sibling of an adopted person, the placement agency or the department has
 1661 ~~either~~ been unable to notify one or more of the siblings of the requesting party or has
 1662 been able to notify a sibling of the requesting party but has not obtained a consent to
 1663 disclosure from the notified sibling, then the identity of the siblings may only be
 1664 disclosed as provided in division (ii) of this subparagraph.

1665 (ii) The adopted person who has reached ~~21~~ 18 years of age or a person who has
 1666 reached ~~21~~ 18 years of age and who is the sibling of an adopted person may petition
 1667 the Superior Court of Fulton County to seek the release of the last known name and
 1668 address of each of the siblings of the petitioning sibling, ~~that~~ who are at least 18 years
 1669 of age, from the department or placement agency. The court shall grant the petition
 1670 if the court finds that the department or placement agency has made diligent efforts
 1671 to locate such siblings pursuant to subparagraph (A) of this paragraph ~~either~~ without
 1672 success or upon locating one or more of the siblings has not obtained a consent to
 1673 disclosure from all the notified siblings and that failure to release the identity and last
 1674 known address of said siblings would have an adverse impact upon the physical,
 1675 mental, or emotional health of the petitioning sibling.

1676 (C) If the adopted person is deceased and leaves a child, such child, upon reaching ~~21~~
 1677 18 years of age, may obtain the name and other identifying information concerning the
 1678 siblings of his or her deceased parent in the same manner that the deceased adopted
 1679 person would be entitled to obtain such information pursuant to the procedures
 1680 contained in this Code section.

1681 (6)(A) Upon written request of a biological parent of an adopted person who has
 1682 reached ~~21~~ 18 years of age, the department or a placement agency shall attempt to
 1683 identify and notify the adopted person. Upon locating the adopted person, the
 1684 department or the placement agency shall notify the adopted person of the inquiry.
 1685 Upon the written consent of the adopted person so notified, the department or the
 1686 placement agency shall forward the biological parent's name and address to the adopted
 1687 person together with a complete copy of all information the department has concerning
 1688 the adoptee's birth, foster care, placement for adoption, and finalization of his or her
 1689 adoption and, upon further written consent of the adopted person, shall divulge to the
 1690 requesting biological parent the present name and address of the adopted person. If the
 1691 adopted person is deceased, the department or placement agency shall be authorized

1692 to disclose the name and place of burial of the deceased adopted person, if known, to
 1693 the requesting biological parent without the necessity of obtaining a court order.

1694 (B)(i) If six months after receipt of the written request from a biological parent of an
 1695 adopted person who has reached ~~21~~ 18 years of age the placement agency or the
 1696 department has ~~either~~ been unable to notify the adopted person or has been able to
 1697 notify the adopted person but has not obtained a consent to disclosure from the
 1698 notified adopted person, then the identity of the adopted person may only be disclosed
 1699 as provided in division (ii) of this subparagraph.

1700 (ii) The biological parent of an adopted person who has reached ~~21~~ 18 years of age
 1701 may petition the Superior Court of Fulton County to seek the release of the last known
 1702 name and address of the adopted person from the department or placement agency.
 1703 The court shall grant the petition if the court finds that the department or placement
 1704 agency has made diligent efforts to locate such adopted person pursuant to
 1705 subparagraph (A) of this paragraph ~~either~~ without success or upon locating the
 1706 adopted person has not obtained a consent to disclosure from the adopted person and
 1707 that failure to release the identity and last known address of said adopted person
 1708 would have an adverse impact upon the physical, mental, or emotional health of the
 1709 petitioning biological parent.

1710 (C) If the biological parent is deceased, a parent or sibling of the deceased biological
 1711 parent, or both, may obtain the name and other identifying information concerning the
 1712 adopted person in the same manner that the deceased biological parent would be
 1713 entitled to obtain such information pursuant to the procedures contained in this Code
 1714 section.

1715 (7) If an adoptive parent or the sibling of an adopted person notifies the department or
 1716 placement agency of the death of an adopted person, the department or placement agency
 1717 shall add information regarding the date and circumstances of the death to its records so
 1718 as to enable it to share such information with a biological parent or sibling of the adopted
 1719 person if they make an inquiry pursuant to ~~the provisions of~~ this Code section.

1720 (8) If a biological parent or parent or sibling of a biological parent notifies the
 1721 department or placement agency of the death of a biological parent or a sibling of an
 1722 adopted person, the department or placement agency shall add information regarding the
 1723 date and circumstances of the death to its records so as to enable it to share such
 1724 information with an adopted person or sibling of the adopted person if he or she makes
 1725 an inquiry pursuant to ~~the provisions of~~ this Code section.

1726 (9) The ~~Office of Adoptions~~ State Adoption Unit within the department shall maintain
 1727 a registry for the recording of requests by adopted persons for the name of any biological
 1728 parent, for the recording of the written consent or the written objections of any biological

1729 parent to the release of that parent's identity to an adopted person upon the adopted
 1730 person's request, and for nonidentifying information regarding any biological parent
 1731 which may be released pursuant to paragraph (2) of this subsection. The department and
 1732 any placement agency which receives such requests, consents, or objections shall file a
 1733 copy thereof with that office.

1734 (10) The department or placement agency may charge a reasonable fee to be determined
 1735 by the department for the cost of conducting any search pursuant to this subsection.

1736 (11) Nothing in this subsection shall be construed to require the department or placement
 1737 agency to disclose to any party at interest, including but not limited to an adopted person
 1738 who has reached ~~21~~ 18 years of age, any information which is not kept by the department
 1739 or the placement agency in its normal course of operations relating to adoption.

1740 (12) Any department employee or employee of any placement agency who releases
 1741 information or makes authorized contacts in good faith and in compliance with this
 1742 subsection shall be immune from civil or criminal liability for such release of information
 1743 or authorized contacts.

1744 (13) Information authorized to be released pursuant to this subsection may be released
 1745 under the conditions specified in this subsection notwithstanding any other provisions of
 1746 law to the contrary.

1747 (14) A placement agency which demonstrates to the department by clear and convincing
 1748 evidence that the requirement that such agency search for or notify any biological parent,
 1749 sibling, or adopted person under subparagraph (A) of paragraph (4) of this subsection or
 1750 subparagraph (A) of paragraph (5) of this subsection or subparagraph (A) of paragraph
 1751 (6) of this subsection will impose an undue hardship upon that agency shall be relieved
 1752 from that responsibility, and the department shall assume that responsibility upon such
 1753 finding by the department of undue hardship. The department's determination under this
 1754 subsection shall be a contested case within the meaning of Chapter 13 of Title 50, the
 1755 'Georgia Administrative Procedure Act.'

1756 (15) Whenever this subsection authorizes both the department and a placement agency
 1757 to perform any function or requires the placement agency to perform any function which
 1758 the department is also required to perform, the department or agency may designate an
 1759 agent to perform that function and in so performing it the agent shall have the same
 1760 authority, powers, duties, and immunities as an employee of the department or placement
 1761 agency has with respect to performing that function.

1762 19-8-24.

1763 (a) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1764 association of any kind whatsoever which ~~has not been established as~~ is not a child-placing

1765 agency ~~by the department~~, a prospective adoptive parent who has a valid approved
 1766 preplacement home study report, or an attorney who is a member in good standing of the
 1767 State Bar of Georgia representing a prospective adoptive parent who has a valid approved
 1768 preplacement home study report to:

1769 ~~(1) Advertise~~, advertise whether in a periodical, by television, by radio, or by any other
 1770 public medium or by any private means, including, but not limited to, letters, circulars,
 1771 handbills, Internet postings, and oral statements, that the person, organization,
 1772 corporation, hospital, facilitator, or association will adopt children or will arrange for or
 1773 cause children to be adopted or placed for adoption; ~~or~~

1774 ~~(2) Directly or indirectly hold out inducements to parents to part with their children.~~
 1775 ~~As used in this subsection, 'inducements' shall include any financial assistance, either direct~~
 1776 ~~or indirect, from whatever source, except payment or reimbursement of the medical~~
 1777 ~~expenses directly related to the mother's pregnancy and hospitalization for the birth of the~~
 1778 ~~child and medical care for the child.~~

1779 (b) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1780 association of any kind whatsoever to sell, offer to sell, or conspire with another to sell or
 1781 offer to sell a child for money or anything of value, except as otherwise provided in this
 1782 chapter.

1783 (c)(1) As used in this subsection, the term 'inducements' means any financial assistance,
 1784 either direct or indirect, from whatever source, but shall expressly not include:

1785 (A) The payment or reimbursement of the medical expenses directly related to the
 1786 mother's pregnancy and hospitalization for the birth of the child and medical care for
 1787 the child;

1788 (B) The payment or reimbursement of expenses for counseling services or legal
 1789 services for the birth parent that are directly related to the placement by the birth parent
 1790 of her or his child for adoption; or

1791 (C) The payment or reimbursement of reasonable living expenses for the birth mother
 1792 during the last three months of her pregnancy and for six weeks postpartum.

1793 (2) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1794 association of any kind to offer or provide inducements to a parent to part with his or her
 1795 child or to conspire with another to offer or provide inducements to a parent to part with
 1796 his or her child, except as otherwise provided in this chapter.

1797 (3) The petitioner may file his or her petition prior to the birth of the child and file a
 1798 motion pursuant to this subsection for an order approving the payment of any reasonable
 1799 and necessary expenses as the court may authorize, in addition to the expenses authorized
 1800 in this subsection. If the court allows for the payment of expenses, they shall be paid
 1801 from the trust account of an attorney who is a member in good standing of the State Bar

1802 of Georgia who represents the mother or the petitioner and, preferably, shall be paid
 1803 directly to the provider of the services. Any payment to or for the benefit of the mother
 1804 that is made by a petitioner without the assistance of an attorney shall be deemed an
 1805 inducement.

1806 (4) The reports filed pursuant to subsections (c) and (d) of Code Section 19-8-13 shall
 1807 include an itemized accounting of all such medical, counseling, legal, and living expenses
 1808 paid or reimbursed pursuant to this subsection.

1809 ~~(e)~~(d) Any person who violates subsection (a), ~~or (b), or (c)~~ of this Code section shall be
 1810 guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed
 1811 \$10,000.00 or imprisonment for not more than ten years, or both, ~~in the discretion of the~~
 1812 ~~court.~~

1813 ~~(d)~~(e)~~(1) Paragraph (1) of subsection~~ Subsection (a) of this Code section shall not apply
 1814 to communication by private means, including ~~only~~ written letters or oral statements, by
 1815 an individual seeking to:

1816 (A) Adopt a child or children; or

1817 (B) Place that individual's child or children for adoption,

1818 whether the communication occurs before or after the birth of such child or children.

1819 ~~(2) Paragraph (1) of subsection~~ Subsection (a) of this Code section shall not apply to any
 1820 communication described in paragraph (1) of this subsection which contains ~~any~~ the
 1821 attorney's name; of an attorney who is a member in good standing of the State Bar of
 1822 Georgia, his or her address, his or her telephone number, or any combination of such
 1823 information and which requests any that the attorney named in such communication to
 1824 be contacted to facilitate the carrying out of the purpose, as described in subparagraph
 1825 (A) or (B) of paragraph (1) of this subsection, of the individual making such personal
 1826 communication.

1827 (f) Any child-placing agency or individual who is seeking to adopt or seeking to place a
 1828 child for adoption who is damaged by a violation of this Code section may file a civil
 1829 action to recover damages, treble damages, reasonable attorney's fees, and expenses of
 1830 litigation.

1831 19-8-25.

1832 (a) A written consent or surrender, executed on or before June 30, ~~1990~~ 2016, shall, for
 1833 purposes of an adoption proceeding commenced on or after July 1, ~~1990~~ 2016, be deemed
 1834 to satisfy the surrender requirements of this chapter and it shall not be necessary to have
 1835 any parent or guardian execute the documents required by Code Section 19-8-4, 19-8-5,
 1836 19-8-6, or 19-8-7; however, all other applicable provisions of this chapter ~~must~~ shall be
 1837 complied with.

1838 (b) It is the legislative intent of this subsection to clarify and not to change the applicability
 1839 of certain previously existing provisions of this chapter to adoption proceedings pending
 1840 on July 1, ~~1990~~ 2016. Any decree of adoption issued in an adoption proceeding in which
 1841 the adoption petition was filed in a superior court of this state prior to July 1, ~~1990~~ 2016,
 1842 shall be valid if the adoption conformed to the requirements of this chapter either as they
 1843 existed on June 30, ~~1990~~ 2016, or on July 1, ~~1990~~ 2016, and each such adoption decree is
 1844 hereby ratified and confirmed.

1845 19-8-26.

1846 (a) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
 1847 subsection (e) of Code Section 19-8-4 shall conform substantially to the following form:

1848 'SURRENDER OF RIGHTS

1849 FINAL RELEASE FOR ADOPTION

1850 NOTICE TO PARENT OR GUARDIAN:

1851 This is an important legal document and by signing it you are surrendering all of your
 1852 right, title, and claim to the child identified herein, so as to facilitate the child's placement
 1853 for adoption. Understand that you are signing this document under oath and that if you
 1854 knowingly and willfully make a false statement in this document you will be guilty of the
 1855 crime of false swearing. You are to receive a copy of this document ~~and as~~. As
 1856 explained below you have the right to withdraw your surrender within ten days from the
 1857 date you sign it or you may elect to waive that right so that your surrender will become
 1858 effective upon your signature. If you elect to waive your right to withdraw your
 1859 surrender, you must make that choice in paragraph 5 below and execute a separate waiver
 1860 document.

1861 _____
 1862 Personally appeared before me, the undersigned officer duly authorized to administer
 1863 oaths, (insert name of parent or guardian) who, after having been sworn, deposes and says
 1864 as follows:

1865 1.
 1866 I, the undersigned, being solicitous that my (male) (female) child, born (insert name of
 1867 child) on (insert birthdate of child), should receive the benefits and advantages of a
 1868 good home, to the end that (she) (he) may be fitted for the requirements of life, consent
 1869 to this surrender.

2.

1870
 1871 I, the undersigned, (insert relationship to child) of the aforesaid child, do hereby
 1872 surrender the child to (insert name of child-placing agency, out-of-state licensed
 1873 agency, or Department of Human Services, as applicable) and promise not to interfere
 1874 in the management of the child in any respect whatever; and, in consideration of the
 1875 benefits guaranteed by (insert name of child-placing agency, out-of-state licensed
 1876 agency, or Department of Human Services, as applicable) in thus providing for the
 1877 child, I do relinquish all right, title, and claim to the child herein named, it being my
 1878 wish, intent, and purpose to relinquish absolutely all parental control over the child.
 1879 Furthermore, I hereby agree that the (insert name of child-placing agency, out-of-state
 1880 licensed agency, or Department of Human Services, as applicable) may seek for the
 1881 child a legal adoption by such person or persons as may be chosen by the (insert name
 1882 of child-placing agency, out-of-state licensed agency, or Department of Human
 1883 Services, as applicable) or its authorized agents, without further notice to me. I do,
 1884 furthermore, expressly waive any other notice or service in any of the legal proceedings
 1885 for the adoption of the child.

3.

1886
 1887 Furthermore, I understand that under Georgia law ~~the Department of Human Services~~
 1888 ~~or the child-placing agency~~ an agent appointed by the court is required to conduct an
 1889 investigation and render a report to the court in connection with the legal proceeding
 1890 for the legal adoption of the child and I hereby agree to cooperate fully with such
 1891 ~~department or agency~~ agent in the conduct of its investigation.

4.

1892
 1893 Furthermore, I hereby certify that I have received a copy of this document ~~and that.~~

5.

1894
 1895 I understand that under Georgia law I have the unconditional right to a ten-day
 1896 withdrawal period. I understand that I also have the choice to waive the ten-day
 1897 withdrawal period, thereby causing my surrender of rights to become final immediately
 1898 upon my signature.

1899 Sign by the statement you wish to choose (you may only choose one):

1900 _____ I elect to RETAIN my unconditional right to a ten-day
 1901 withdrawal period under Georgia law. I understand I may only withdraw this surrender

1902 by giving written notice, delivered in person or mailed by registered mail or statutory
 1903 overnight delivery, to (insert name and address of child-placing agency, out-of-state
 1904 licensed agency, or Department of Human Services, as applicable) within ten days from
 1905 the date hereof; I understand that certified mail cannot be used for mail delivery of the
 1906 notice to withdraw my surrender. I understand that the ten days shall be counted
 1907 consecutively beginning with the day immediately following the date hereof; however,
 1908 if the tenth day falls on a Saturday, Sunday, or legal holiday then the last day on which
 1909 the surrender may be withdrawn shall be the next day that is not a Saturday, Sunday,
 1910 or legal holiday; ~~and I understand that it may NOT be withdrawn thereafter. I~~
 1911 understand that if I deliver the notice to withdraw my surrender in person it must be
 1912 delivered to (insert name and address) not later than 5:00 P.M. on the tenth day. I
 1913 understand that I can NOT withdraw this surrender after that time.

1914 OR

1915 _____ I elect to WAIVE my right to a ten-day period under Georgia law.
 1916 I elect to sign a separate WAIVER OF RIGHT TO WITHDRAW SURRENDER OF
 1917 RIGHTS and that by signing said waiver I understand and intend to give up my
 1918 unconditional right to withdraw this surrender within ten days of my signing it. I fully
 1919 understand that by my signing the WAIVER OF RIGHT TO WITHDRAW
 1920 SURRENDER OF RIGHTS my surrender of rights will become final immediately upon
 1921 my signature and that thereafter my surrender cannot be withdrawn.

1922 6.
 1923 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 1924 pressure in the execution of this surrender document and do so freely and voluntarily.

1925 ~~Witness my hand and seal this~~
 1926 This _____ day of _____, _____.

1927 _____
 1928 (SEAL)
 1929 (Parent or guardian)

1930 _____
 1931 ~~Unofficial~~ Adult witness
 1932 Sworn to and subscribed
 1933 before me this _____ day

1934 of _____, 20 .

1935 _____

1936 Notary public (SEAL)

1937 My commission expires: _____'

1938 (b) Reserved.

1939 (c) The surrender of rights by a parent or guardian pursuant to paragraph (1) of subsection

1940 (e) of Code Section 19-8-5 shall conform substantially to the following form:

1941 'SURRENDER OF RIGHTS

1942 FINAL RELEASE FOR ADOPTION

1943 NOTICE TO PARENT OR GUARDIAN:

1944 This is an important legal document and by signing it you are surrendering all of your
1945 right, title, and claim to the child identified herein so as to facilitate the child's placement
1946 for adoption. Understand that you are providing this document under oath and that if you
1947 knowingly and willfully make a false statement in this document you will be guilty of the
1948 crime of false swearing. You are to receive a copy of this document ~~and as.~~ As
1949 explained below you have the right to withdraw your surrender within ten days from the
1950 date you sign it or you may elect to waive that right so that your surrender will become
1951 effective upon your signature. If you elect to waive your right to withdraw your
1952 surrender, you must make that choice in paragraph 8 below and execute a separate waiver
1953 document.

1954 _____
1955 Personally appeared before me, the undersigned officer duly authorized to administer
1956 oaths, (insert name of parent or guardian) who, after having been sworn, deposes and says
1957 as follows:

1958 1.
1959 I, the undersigned, being solicitous that my (male) (female) child, born (insert name of
1960 child), on (insert birthdate of child), should receive the benefits and advantages of a
1961 good home, to the end that (she) (he) may be fitted for the requirements of life, consent
1962 to this surrender.

1963 2.
1964 I, the undersigned, (insert relationship to child) of the aforesaid child, do hereby
1965 surrender the child to (insert name, surname not required, of each person to whom
1966 surrender is made), PROVIDED that each such person is named as petitioner in a

1967 petition for adoption of the child filed in accordance with Article 1 of Chapter 8 of Title
 1968 19 of the Official Code of Georgia Annotated within 60 days from the date hereof.
 1969 Furthermore, I promise not to interfere in the management of the child in any respect
 1970 whatever; and, in consideration of the benefits guaranteed by (insert name, surname not
 1971 required, of each person to whom surrender is made) in thus providing for the child, I
 1972 do relinquish all right, title, and claim to the child herein named, it being my wish,
 1973 intent, and purpose to relinquish absolutely all parental control over the child.

1974 3.

1975 It is also my wish, intent, and purpose that if each such person is not named as
 1976 petitioner in a petition for adoption as provided for above within the 60 day period,
 1977 other than for ~~excusable neglect~~ good cause, or, if said petition for adoption is filed
 1978 within 60 days but the adoption ~~action~~ proceeding is dismissed with prejudice or
 1979 otherwise concluded without an order declaring the child to be the adopted child of
 1980 each such person, then I do hereby surrender the child as follows:

1981 (~~Mark one of the following as chosen~~)

1982 Please indicate your choice by initialing below:

1983 _____ (Initials) I wish the child returned to me, as provided by subsection (j) of
 1984 Code Section 19-8-5, and I expressly acknowledge that this provision applies only
 1985 to the limited circumstance that the child is not adopted by the person or persons
 1986 designated herein and further that this provision does not impair the validity,
 1987 absolute finality, or totality of this surrender under any circumstance other than the
 1988 failure of the designated person or persons to adopt the child and that no other
 1989 provision of this surrender impairs the validity, absolute finality, or totality of this
 1990 surrender once the ~~revocation~~ ten-day withdrawal period has elapsed; or

1991 _____ (Initials) I surrender the child to (insert name of designated licensed
 1992 child-placing agency), a licensed child-placing agency, as provided in subsection
 1993 (j) of Code Section 19-8-5, for placement for adoption. I understand that if the
 1994 designated agency declines to accept the child for placement for adoption, this
 1995 surrender will be in favor of the Department of Human Services for placement for
 1996 adoption and (insert name of designated agency) or the Department of Human
 1997 Services may petition the superior court for custody of the child in accordance with
 1998 the terms of this surrender; or

1999 _____ (Initials) I surrender the child to the Department of Human Services, as
 2000 provided by subsection ~~(k)~~ (j) of Code Section 19-8-5, for placement for adoption;
 2001 and ~~(insert name of designated licensed child-placing agency)~~ or the Department of
 2002 Human Services may petition the superior court for custody of the child in
 2003 accordance with the terms of this surrender.

2004 4.

2005 Furthermore, I hereby agree that the child is to be adopted either by each person named
 2006 above or by any other such person as may be chosen by the ~~(insert name of designated~~
 2007 ~~licensed child-placing agency)~~ or the Department of Human Services and I do expressly
 2008 waive any other notice or service in any of the legal proceedings for the adoption of the
 2009 child.

2010 5.

2011 Furthermore, I understand that under Georgia law an evaluator is required to conduct
 2012 and provide to the court a home study and make recommendations to the court
 2013 regarding the qualification of each person named above to adopt a child concerning the
 2014 circumstances of placement of my child for adoption. I hereby agree to cooperate fully
 2015 with such investigations.

2016 6.

2017 Furthermore, I understand that under Georgia law; an agent appointed by the court is
 2018 required to conduct an investigation and render a report to the court in connection with
 2019 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate
 2020 fully with such agent in the conduct of ~~this~~ its investigation.

2021 7.

2022 Furthermore, I hereby certify that I have received a copy of this document ~~and that.~~

2023 8.

2024 I understand that under Georgia law I have the unconditional right to a ten-day
 2025 withdrawal period. I understand that I also have the choice to waive the ten-day
 2026 withdrawal period, thereby causing my surrender of rights to become final immediately
 2027 upon my signature.

2028 Sign by the statement you wish to choose (you may only choose one):

2029 _____ (Signature) I elect to RETAIN my unconditional right to a
 2030 ten-day withdrawal period under Georgia law. I understand I may only withdraw this
 2031 surrender by giving written notice, delivered in person or mailed by registered mail or
 2032 statutory overnight delivery, to (insert name and address of agent of each person to
 2033 whom surrender is made) within ten days from the date hereof;. I understand that
 2034 certified mail cannot be used for mail delivery of the notice to withdraw my surrender.
 2035 I understand that the ten days shall be counted consecutively beginning with the day
 2036 immediately following the date hereof; provided, however, that if the tenth day falls on
 2037 a Saturday, Sunday, or legal holiday, then the last day on which the surrender may be
 2038 withdrawn shall be the next day that is not a Saturday, Sunday, or legal holiday;~~and I~~
 2039 ~~understand that it may NOT be withdrawn thereafter.~~ I understand that if I deliver the
 2040 notice to withdraw my surrender in person it must be delivered to (insert name and
 2041 address) not later than 5:00 P.M. on the tenth day. I understand that I can NOT
 2042 withdraw this surrender after that time.

2043 OR

2044 _____ (Signature) I elect to WAIVE my right to a ten-day period
 2045 under Georgia law. I elect to sign a separate WAIVER OF RIGHT TO WITHDRAW
 2046 SURRENDER OF RIGHTS and that by signing said waiver I understand and intend to
 2047 give up my unconditional right to withdraw this surrender within ten days of my
 2048 signing it. I fully understand that by my signing the WAIVER OF RIGHT TO
 2049 WITHDRAW SURRENDER OF RIGHTS my surrender of rights will become final
 2050 immediately upon my signature and that thereafter my surrender cannot be withdrawn.

2051 9.
 2052 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2053 pressure in the execution of this surrender document and do so freely and voluntarily.

2054 ~~Witness my hand and seal this~~
 2055 This _____ day of _____, _____.

2056 _____
 2057 (SEAL)
 2058 (Parent or guardian)

2059 _____
 2060 ~~Unofficial~~ Adult witness
 2061 Sworn to and subscribed

2062 before me this _____
2063 day of _____, ____.

2064 _____
2065 Notary public (SEAL)

2066 My commission expires: _____.'

2067 (d) The surrender of rights by a biological father who is not ~~the~~ a legal father of the child
2068 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or
2069 19-8-7 shall conform substantially to the following form:

2070 'SURRENDER OF RIGHTS
2071 FINAL RELEASE FOR ADOPTION

2072 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2073 This is an important legal document and by signing it you are surrendering all of your
2074 right, title, and claim to the child identified herein, so as to facilitate the child's placement
2075 for adoption. Understand that you are signing this document under oath and that if you
2076 knowingly and willfully make a false statement in this document you will be guilty of the
2077 crime of false swearing. You are to receive a copy of this document ~~and as.~~ As
2078 explained below you have the right to withdraw your surrender within ten days from the
2079 date you sign it or you may elect to waive that right so that your surrender will become
2080 effective upon your signature. If you elect to waive your right to withdraw your
2081 surrender, you must make that choice in paragraph 4 below and execute a separate waiver
2082 document.

2083 _____
2084 Personally appeared before me, the undersigned officer duly authorized to administer
2085 oaths, (insert name of alleged biological father) who, after having been sworn, deposes
2086 and says as follows:

2087 1.
2088 I, the undersigned, alleged biological father of a (male) (female) child, born (insert
2089 name of child) to (insert name of mother) on (insert birthdate of child), being solicitous
2090 that said child should receive the benefits and advantages of a good home, to the end
2091 that (she) (he) may be fitted for the requirements of life, consent to this surrender.

2092 I, the undersigned, do hereby surrender the child. I promise not to interfere in the
2093 management of the child in any respect whatever; and, in consideration of the benefits
2094 provided to the child through adoption, I do relinquish all right, title, and claim to the

2095 child herein named, it being my wish, intent, and purpose to relinquish absolutely all
2096 control over the child.

2097 2.

2098 Furthermore, I hereby agree that the child is to be adopted and I do expressly waive any
2099 other notice or service in any of the legal proceedings for the adoption of the child.

2100 Furthermore, I understand that under Georgia law an agent appointed by the court is
2101 required to conduct an investigation and render a report to the court in connection with
2102 the legal proceeding for the legal adoption of the child and I hereby agree to cooperate
2103 fully with ~~the~~ such agent ~~appointed by the court~~ in the conduct of ~~this~~ its investigation.

2104 3.

2105 Furthermore, I hereby certify that I have received a copy of this document ~~and that.~~

2106 4.

2107 I understand that under Georgia law I have the unconditional right to a ten-day
2108 withdrawal period. I understand that I also have the choice to waive the ten-day
2109 withdrawal period, thereby causing my surrender of rights to become final immediately
2110 upon my signature.

2111 Sign by the statement you wish to choose (you may only choose one):

2112 _____ (Signature) I elect to RETAIN my unconditional right to a
2113 ten-day withdrawal period under Georgia law. I understand I may only withdraw this
2114 surrender by giving written notice, delivered in person or mailed by registered mail or
2115 statutory overnight delivery, to (insert name and address of child-placing agency
2116 representative, out-of-state licensed agency representative, Department of Human
2117 Services representative, person to whom surrender is made, or petitioner's
2118 representative, as appropriate) within ten days from the date hereof; I understand that
2119 certified mail cannot be used for mail delivery of the notice to withdraw my surrender.
2120 I understand that the ten days shall be counted consecutively beginning with the day
2121 immediately following the date hereof; however, if the tenth day falls on a Saturday,
2122 Sunday, or legal holiday then the last day on which the surrender may be withdrawn
2123 shall be the next day that is not a Saturday, Sunday, or legal holiday; ~~and I understand~~
2124 ~~that it may NOT be withdrawn thereafter.~~ I understand that if I deliver the notice to
2125 withdraw my surrender in person it must be delivered to (insert name and address) not

2126 later than 5:00 P.M. on the tenth day. I understand that I can NOT withdraw this
2127 surrender after that time.

2128 OR

2129 _____ (Signature) I elect to WAIVE my right to a ten-day period under
2130 Georgia law. I elect to sign a separate WAIVER OF RIGHT TO WITHDRAW
2131 SURRENDER OF RIGHTS and that by signing said waiver I understand and intend to
2132 give up my unconditional right to withdraw this surrender within ten days of my
2133 signing it. I fully understand that by my signing the WAIVER OF RIGHT TO
2134 WITHDRAW SURRENDER OF RIGHTS my surrender of rights will become final
2135 immediately upon my signature and that thereafter my surrender cannot be withdrawn.

2136 5.
2137 Furthermore, I hereby certify that I have not been subjected to any duress or undue
2138 pressure in the execution of this surrender document and do so freely and voluntarily.

2139 ~~Witness my hand and seal this~~
2140 This _____ day of _____, _____.

2141 _____
2142 (SEAL)
2143 (Alleged biological father)

2144 _____
2145 ~~Unofficial~~ Adult witness
2146 Sworn to and subscribed
2147 before me this _____
2148 day of _____, _____.

2149 _____
2150 Notary public (SEAL)

2151 My commission expires: _____.

2152 (e) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
2153 subsection (e) of Code Section 19-8-6 or 19-8-7 shall conform substantially to the
2154 following form:

2155

SURRENDER OF RIGHTS

2156

FINAL RELEASE FOR ADOPTION

2157

NOTICE TO PARENT OR GUARDIAN:

2158

This is an important legal document and by signing it you are surrendering all of your

2159

right, title, and claim to the child identified herein, so as to facilitate the child's placement

2160

for adoption. Understand that you are signing this document under oath and that if you

2161

knowingly and willfully make a false statement in this document you will be guilty of the

2162

crime of false swearing. You are to receive a copy of this document ~~and as~~. As

2163

explained below you have the right to withdraw your surrender within ten days from the

2164

date you sign it or you may elect to waive that right so that your surrender will become

2165

effective upon your signature. If you elect to waive your right to withdraw your

2166

surrender, you must make that choice in paragraph 6 below and execute a separate waiver

2167

document.

2168

2169

Personally appeared before me, the undersigned officer duly authorized to administer

2170

oaths, (insert name of parent or guardian) who, after having been sworn, deposes and says

2171

as follows:

2172

1.

2173

I, the undersigned, being solicitous that my (male) (female) child, born (insert name

2174

of child), on (insert birthdate of child), should receive the benefits and advantages of

2175

a good home, to the end that (she) (he) may be fitted for the requirements of life,

2176

consent to this surrender.

2177

2.

2178

I, the undersigned, (insert relationship to child) of the aforesaid child, do hereby

2179

surrender the child to (insert name of each person to whom surrender is made) and

2180

promise not to interfere in the management of the child in any respect whatever; and,

2181

in consideration of the benefits guaranteed by (insert name of each person to whom

2182

surrender is made) in thus providing for the child, I do relinquish all right, title, and

2183

claim to the child herein named, it being my wish, intent, and purpose to relinquish

2184

absolutely all parental control over the child.

2185

3.

2186

Furthermore, I hereby agree that (insert name of each person to whom surrender is

2187

made) may initiate legal proceedings for the legal adoption of the child without further

2188 notice to me. I do, furthermore, expressly waive any other notice or service in any of
2189 the legal proceedings for the adoption of the child.

2190 4.

2191 Furthermore, I understand that under Georgia law ~~the Department of Human Services~~
2192 an agent may be required appointed by the court to conduct an investigation and render
2193 a report to the court in connection with the legal proceeding for the legal adoption of
2194 the child and I hereby agree to cooperate fully with ~~the department~~ such agent in the
2195 conduct of its investigation.

2196 5.

2197 Furthermore, I hereby certify that I have received a copy of this document ~~and that.~~

2198 6.

2199 I understand that under Georgia law, I have the unconditional right to a ten-day
2200 withdrawal period. I understand that I also have the choice to waive the ten-day
2201 withdrawal period, thereby causing my surrender of rights to become final immediately
2202 upon my signature.

2203 Sign by the statement you wish to choose (you may only choose one):

2204 _____ (Signature) I elect to RETAIN my unconditional right to a
2205 ten-day withdrawal period under Georgia law. I understand I may only withdraw this
2206 surrender by giving written notice, delivered in person or mailed by registered mail
2207 or statutory overnight delivery, to (insert name and address of each person to whom
2208 surrender is made or petitioner's representative, as appropriate) within ten days from
2209 the date hereof; I understand that certified mail cannot be used for mail delivery of
2210 the notice to withdraw my surrender. I understand that the ten days shall be counted
2211 consecutively beginning with the day immediately following the date hereof;
2212 however, if the tenth day falls on a Saturday, Sunday, or legal holiday then the last
2213 day on which the surrender may be withdrawn shall be the next day that is not a
2214 Saturday, Sunday, or legal holiday; and I understand that it may NOT be withdrawn
2215 thereafter. I understand that if I deliver the notice to withdraw my surrender in person
2216 it must be delivered to (insert name and address) not later than 5:00 P.M. on the tenth
2217 day. I understand that I can NOT withdraw this surrender after that time.

2218 OR

2219 _____ (Signature) I elect to WAIVE my right to a ten-day period under
 2220 Georgia law. I elect to sign a separate WAIVER OF RIGHT TO WITHDRAW
 2221 SURRENDER OF RIGHTS and that by signing said waiver I understand and intend
 2222 to give up my unconditional right to withdraw this surrender within ten days of my
 2223 signing it. I fully understand that by my signing the WAIVER OF RIGHT TO
 2224 WITHDRAW SURRENDER OF RIGHTS my surrender of rights will become final
 2225 immediately upon my signature and that thereafter my surrender cannot be
 2226 withdrawn.

2227 7.
 2228 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2229 pressure in the execution of this surrender document and do so freely and voluntarily.

2230 ~~Witness my hand and seal this~~
 2231 This _____ day of _____, _____.

2232 _____
 2233 (SEAL)
 2234 (Parent or guardian)

2235 _____
 2236 ~~Unofficial~~ Adult witness
 2237 Sworn to and subscribed
 2238 before me this _____ day
 2239 of _____, _____.
 2240 _____
 2241 Notary public (SEAL)
 2242 My commission expires: _____.

2243 (f) The pre-birth surrender of rights by a biological father who is not ~~the~~ a legal father of
 2244 the child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or
 2245 19-8-7 shall conform substantially to the following form:

2246 **PRE-BIRTH SURRENDER OF RIGHTS**
 2247 **FINAL RELEASE FOR ADOPTION**

2248 **NOTICE TO ALLEGED BIOLOGICAL FATHER:**

2249 This is an important legal document and by signing it you are surrendering any and all
 2250 of your right, title, and claim to the child identified herein, so as to facilitate the child's

2251 placement for adoption. You have the right to wait to execute a Surrender of Rights Final
 2252 Release for Adoption after the child is born, but by signing this document you are
 2253 electing to surrender your rights prior to the birth of this child. Understand that you are
 2254 signing this document under oath and that if you knowingly and willfully make a false
 2255 statement in this document you will be guilty of the crime of false swearing. You are to
 2256 receive a copy of this document ~~and as.~~ As explained below you have the right to
 2257 withdraw your pre-birth surrender within ten days from the date you sign it or you may
 2258 elect to waive that right so that your surrender will become effective upon your signature.
 2259 If you elect to waive your right to withdraw your surrender, you must make that choice
 2260 in paragraph 6 below and execute a separate waiver document.

2261 _____
 2262 Personally appeared before me, the undersigned officer duly authorized to administer
 2263 oaths, (insert name of alleged biological father) who, after having been sworn, deposes
 2264 and says as follows:

2265 1.
 2266 I, the undersigned, understand that I have been named by _____, the
 2267 mother of the child expected to be born in _____(city)
 2268 _____(county) _____(state) on or about the _____day of
 2269 _____(month), _____(year), as the biological father or possible biological
 2270 father of her child. I further understand that the mother wishes to place this child for
 2271 adoption.

2272 2.
 2273 To the best of my knowledge and belief, the child has not been born as of the date I am
 2274 signing this pre-birth surrender; however, if in fact the child has been born, this
 2275 surrender shall have the same effect as if it were a surrender executed following the
 2276 birth of the child.

2277 3.
 2278 I understand that by signing this document I am not admitting that I am the biological
 2279 father of this child, but if I am, I hereby agree that adoption is in this child's best
 2280 interest. I consent to adoption of this child by any person chosen by the child's mother
 2281 or by any public or private child-placing agency without further notice to me. I
 2282 expressly waive any other notice or service in any of the legal proceedings for the
 2283 adoption of the child. I understand that I have the option to wait until after the child is
 2284 born to execute a surrender of my rights (with a corresponding ten-day right of

2285 withdrawal) and, further, that by executing this document I am electing instead to
 2286 surrender my rights before the child's birth.

2287 4.

2288 I further understand that execution of this document does not fully and finally terminate
 2289 my responsibilities until a final order of adoption is entered. I understand that if the
 2290 child is not adopted, legal proceedings can be brought to establish paternity, and I may
 2291 become liable for financial obligations related to the birth and support of this child.

2292 5.

2293 Furthermore, I hereby certify that I have received a copy of this document ~~and that.~~

2294 6.

2295 I understand that under Georgia law I have the unconditional right to a ten-day
 2296 withdrawal period. I understand that I also have the choice to waive the ten-day
 2297 withdrawal period, thereby causing my surrender of rights to become final immediately
 2298 upon my signature.

2299 Sign by the statement you wish to choose (you may only choose one):

2300 _____ I elect to RETAIN my unconditional right to a ten-day
 2301 withdrawal period under Georgia law. I understand that I may only withdraw this
 2302 pre-birth surrender by giving written notice, delivered in person or by statutory
 2303 overnight delivery or registered mail, ~~return receipt requested,~~ to
 2304 _____(insert name and address of child-placing agency
 2305 representative, out-of-state licensed agency representative, Department of Human
 2306 Services representative, person to whom surrender is made, or petitioner's
 2307 representative, as appropriate) within ten days from the date hereof; I understand that
 2308 certified mail cannot be used for mail delivery of this notice to withdraw pre-birth
 2309 surrender. I understand that the ten days shall be counted consecutively beginning
 2310 with the day immediately following the date hereof; that, however, if the tenth day
 2311 falls on a Saturday, Sunday, or legal holiday, then the last day on which the surrender
 2312 may be withdrawn shall be the next day that is not a Saturday, Sunday, or legal
 2313 holiday; ~~and that it may NOT be withdrawn thereafter.~~ I understand that if I deliver
 2314 the notice to withdraw my surrender in person it must be delivered to (insert name and
 2315 address) not later than 5:00 P.M. on the tenth day. I understand that I can NOT
 2316 withdraw this surrender after that time.

2317 OR

2318 _____ I elect to WAIVE my right to a ten-day period under Georgia law.
 2319 I elect to sign a separate WAIVER OF RIGHT TO WITHDRAW SURRENDER OF
 2320 RIGHTS and that by signing said waiver I understand and intend to give up my
 2321 unconditional right to withdraw this surrender within ten days of my signing it. I fully
 2322 understand that by my signing the WAIVER OF RIGHT TO WITHDRAW
 2323 SURRENDER OF RIGHTS my surrender of rights will become final immediately
 2324 upon my signature and that thereafter my surrender cannot be withdrawn.

2325 7.

2326 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
 2327 father registry then, if I do not withdraw this surrender within the time permitted, I
 2328 waive the notice I would be entitled to receive pursuant to ~~the provisions of~~ Code
 2329 Section 19-8-12 of the Official Code of Georgia Annotated because of my registration
 2330 on the putative father registry.

2331 8.

2332 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2333 pressure in the execution of this document and do so freely and voluntarily.

2334 ~~Witness my hand and seal this~~

2335 This _____ day of _____, _____.

2336 _____
 2337 (SEAL)
 2338 Alleged biological father

2339 _____

2340 ~~Unofficial Witness~~

2341 Adult witness

2342 Sworn to and subscribed
 2343 before me on this _____ day of
 2344 _____, _____.

2345 _____

2346 ~~Notary Public~~ public (SEAL)

2347 ~~Seal~~

2348 My commission expires: _____.

2349 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section
 2350 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

2351 ACKNOWLEDGMENT OF SURRENDER

2352 OF RIGHTS

2353 ~~By execution of this paragraph, the undersigned expressly acknowledges Personally~~
 2354 ~~appeared before me, the undersigned officer duly authorized to administer oaths, (insert~~
 2355 ~~name of parent, guardian, or alleged biological father) who, after having been sworn,~~
 2356 ~~deposes and says as follows:~~

2357 (A) That I have read the accompanying SURRENDER OF RIGHTS/FINAL
 2358 RELEASE FOR ADOPTION relating to said minor child born (insert name of child),
 2359 a (male) (female) on (insert birthdate of child);

2360 (B) That I understand that this is a full, final, and complete surrender, release, and
 2361 termination of all of my rights to the child;

2362 (C) Please indicate your choice by initialing below:

2363 _____ (Initials) That I have ~~the~~ elected to retain my unconditional right to
 2364 revoke the surrender by giving written notice, delivered in person or mailed by
 2365 registered mail or statutory overnight delivery, to (insert name and address of each
 2366 person or entity to whom surrender is made the child-placing agency representative,
 2367 out-of-state licensed agency representative, Department of Human Services
 2368 representative, person to whom surrender is made, or petitioner's representative, as
 2369 appropriate) not later than ten days from the date of the surrender and that after such
 2370 ten-day period I shall have no right to revoke the surrender. I understand that certified
 2371 mail cannot be used for mail delivery of the notice to withdraw my surrender. I
 2372 understand that if I deliver the notice to withdraw my surrender in person it must be
 2373 delivered to (insert name and address) not later than 5:00 P.M. on the tenth day. I
 2374 understand that;

2375 ~~(D)~~ That the ten days shall be counted consecutively beginning with the day
 2376 immediately following the date the surrender is executed; however, if the tenth day
 2377 falls on a Saturday, Sunday, or legal holiday then the last day on which the surrender
 2378 may be withdrawn shall be the next day that is not a Saturday, Sunday, or legal
 2379 holiday;

2380 OR

2416 (F) The identity, last known address, and relationship to the mother of the biological
 2417 father of her child, provided that the mother shall have the right not to disclose the
 2418 name and address of the biological father of her child should she so desire;

2419 (G) Whether or not she has consented to the appointment of a temporary guardian for
 2420 her child and, if so, provide the name of the temporary guardian and the probate court
 2421 in which the petition for temporary guardianship was filed;

2422 (H) Whether custody of the child has been awarded to another person and, if so,
 2423 provide the name of the child's custodian and the court in which custody was awarded;

2424 ~~(G)(I)~~ Whether or not the biological father of the child ~~has lived with the child,~~
 2425 ~~contributed to its support, provided for the mother's support or medical care during her~~
 2426 ~~pregnancy or during her hospitalization for the birth of the child, or made an attempt~~
 2427 ~~to legitimate the child; and is currently on active duty in a branch of the United States~~
 2428 ~~armed forces and, if so, provide details as to his military service;~~

2429 (J) Whether or not the mother or any member of her family is or was an enrolled
 2430 member of an American Indian tribe, is or was a resident of an American Indian
 2431 reservation, or is or was an Alaskan native;

2432 (K) Whether or not the biological father of the child or any member of his family is or
 2433 was an enrolled member of an American Indian tribe, is or was a resident of an
 2434 American Indian reservation, or is or was an Alaskan native; and

2435 ~~(H)(L)~~ All financial assistance received by or promised her either directly or indirectly,
 2436 from whatever source, in connection with her pregnancy, the birth of the child, or the
 2437 placement or arranging for the placement of the child for adoption (including the date,
 2438 amount or value, description, payor, and payee), provided that financial assistance
 2439 provided directly by the mother's husband, mother, father, sister, brother, aunt, uncle,
 2440 grandfather, or grandmother need not be detailed and instead the mother need only state
 2441 the nature of the assistance received; and

2442 (2) The affidavit shall conform substantially to the following form:

2443 MOTHER'S AFFIDAVIT

2444 NOTICE TO MOTHER:

2445 This is an important legal document which deals with your child's right to have its
 2446 father's rights properly determined. If you decline to disclose the name and address of
 2447 the biological father of your child, understand that you may be required to appear in
 2448 court to explain your refusal ~~and that your name may be used in connection with the~~
 2449 ~~publication of notice to the biological father.~~ Understand that you are providing this
 2450 affidavit under oath and that ~~the~~ if you knowingly and willfully make a false statement

2451 in this affidavit you will be guilty of the crime of false swearing. The information
 2452 provided you provide will be held in strict confidence and will be used only in
 2453 connection with the adoption of your child.

2454 STATE OF GEORGIA

2455 COUNTY OF _____

2456 Personally appeared before me, the undersigned officer duly authorized to administer
 2457 oaths, _____, who, after having been sworn, deposes and says
 2458 as follows:

2459 That my name is _____.

2460 That I am the mother of a (male) (female) child born (insert name of child) in the
 2461 State of _____, County of _____ on (insert birthdate of child).

2462 That I am _____ years of age, having been born in the State of _____, County
 2463 of _____ on _____.

2464 That my social security account number is _____.

2465 That my marital status at the time of the conception of my child was (check the status
 2466 and complete the appropriate information):

2467 () Single, never having been married.

2468 () Separated but not legally divorced; the name of my spouse is
 2469 _____; his last known address is _____;
 2470 we were married in the State of _____, County of _____ on _____; we
 2471 have been separated since _____; we last had sexual relations on
 2472 _____.

2473 () Divorced; the name of my previous spouse is _____; we
 2474 were married in the State of _____, County of _____ on _____; his last
 2475 known address is _____; divorce granted in the State of _____,
 2476 County of _____ on _____.

2477 () Legally married; the name of my spouse (was)(is) _____; we were
 2478 married in the State of _____, County of _____ on _____; and
 2479 his last known address is _____.

2480 () Married through common-law marriage relationship prior to January 1, 1997;
 2481 the name of my spouse (was) (is) _____; his last known address
 2482 is _____; our relationship began in the State of _____, County of
 2483 _____ on _____.

2484 () Widowed; the name of my deceased spouse was _____;
 2485 we were married in the State of _____, County of _____ on _____; and
 2486 he died on _____ in the County of _____, State of _____.

2487 That my name and marital status at the time of the birth of my child was (check the
 2488 status and complete the appropriate information):

2489 Name _____

2490 () Single, never having been married.

2491 () Separated, but not legally divorced; the name of my spouse (was) (is) _____
 2492 _____; his last known address
 2493 is _____; we were married in the State of _____,
 2494 County of _____ on _____; we have been separated since
 2495 _____; we last had sexual relations on _____.

2496 () Divorced; the name of my former spouse is _____; we were married
 2497 in the State of _____, County of _____ on
 2498 _____; his last known address is _____;
 2499 divorce granted in the State of _____, County of _____.

2500 () Legally Married; the name of my spouse (was) (is) _____; we
 2501 were married in the State of _____, County of _____
 2502 on _____ on _____; and his last known address is
 2503 _____.

2504 () Married through common-law relationship prior to January 1, 1997; the name
 2505 of my spouse (was)(is) _____; his last known address
 2506 is _____; our relationship began in the State of _____,
 2507 County of _____ on _____.

2508 () Widowed; the name of my deceased spouse was _____; we were
 2509 married in the State of _____, County of _____ on _____;
 2510 and he died on _____ in the County of _____, State of
 2511 _____.

2512 That the name of the biological father of my child is (complete appropriate response):

2513 Known to me and is (_____);

2514 Known to me but I expressly decline to identify him because _____

2515 _____; or

2516 Unknown to me because _____

2517 _____.

2518 That the last known address of the biological father of my child is (complete
 2519 appropriate response):

2520 Known to me and is _____;

2521 Known to me but I expressly decline to provide his address because
 2522 _____; or
 2523 Unknown to me because _____
 2524 _____.

2525 That, to the best of my knowledge, I (am) (am not) ~~of American Indian heritage an~~
 2526 ~~enrolled member of an American Indian tribe, (am) (am not) a resident of an~~
 2527 ~~American Indian reservation, or (am) (am not) an Alaskan native.~~ If so:

2528 (A) The name of my American Indian tribe is _____ ~~and the~~.

2529 (B) ~~The~~ The percentage of my American Indian blood is _____ percent.

2530 ~~That, to the best of my knowledge, a member of my family (is or was) (is not or was~~
 2531 ~~not) an enrolled member of an American Indian tribe, (is or was) (is not or was not)~~
 2532 ~~a resident of an American Indian reservation, or (is or was) (is not or was not) an~~
 2533 ~~Alaskan native.~~ If so:

2534 (A) The name of the American Indian tribe is: _____.

2535 (B) ~~The~~ The percentage of my American Indian blood is _____ percent.

2536 ~~(B)(C)~~ (C) My relatives with American Indian or Alaskan native blood are: _____

2537 _____
 2538 _____.

2539 ~~(C)(D)~~ (D) I (am) (am not) ~~a member of an American Indian tribe.~~ If so, the The name
 2540 of the American Indian tribe is _____.

2541 (E) The name of each enrolled member is: _____ and his or
 2542 her corresponding registration or identification number is: _____.

2543 ~~(D)~~ I (am) (am not) ~~registered with an American Indian tribal registry.~~ If so, the
 2544 American Indian tribal registry is: _____ and my registration
 2545 or identification number is: _____.

2546 (E) ~~A member of my family (is) (is not) a member of an American Indian tribe.~~ If
 2547 so, the name of each such family member is: _____ and the name
 2548 of the corresponding American Indian tribe is: _____.

2549 ~~(F)~~ ~~A member of my family (is) (is not) registered with an American Indian tribal~~
 2550 ~~registry. If so, the name of each such family member is: _____~~
 2551 ~~and the name of the corresponding American Indian tribal registry is:~~
 2552 ~~_____ and their corresponding registration or~~
 2553 ~~identification numbers are: _____.~~

2554 That to the best of my knowledge, the biological father or a member of his family (is
 2555 or was) (is not or was not) of an enrolled member of an American Indian heritage
 2556 tribe, (is or was) (is not or was not) a resident of an American Indian reservation, or
 2557 (is or was) (is not or was not) an Alaskan native. If so:

2558 (A) The name of his American Indian tribe is _____ and the
 2559 (B) The percentage of his American Indian blood is _____ percent.
 2560 ~~(B)~~(C) His relatives with American Indian or Alaskan native blood are: _____
 2561 _____
 2562 _____
 2563 ~~(C) He (is) (is not) a member of an American Indian tribe. If so, the name of the~~
 2564 ~~tribe is: _____.~~
 2565 ~~(D) He (is) (is not) registered with an American Indian tribal registry. If so, the~~
 2566 ~~American Indian tribal registry is: _____~~
 2567 ~~and his registration or identification number is: _____~~
 2568 ~~The name of each enrolled member is: _____.~~
 2569 That the date of birth of the biological father (~~was is~~ _____, _____) or (is not
 2570 known to me).
 2571 That the biological father (is) (is not) on active duty in a branch of the United States
 2572 armed forces. If so:
 2573 (A) The branch of his service is (Army) (Navy) (Marine) (Air Force) (Coast
 2574 Guard).
 2575 (B) His rank is _____.
 2576 (C) His duty station is _____.
 2577 If applicable, please provide any additional available information regarding his
 2578 military service.
 2579 _____
 2580 _____
 2581 _____
 2582 That the biological father of my child, whether or not identified herein (strike each
 2583 inappropriate phrase and circle the appropriate phrase):
 2584 (Was) (Was not) married to me at the time this child was conceived;
 2585 (Was) (Was not) married to me at any time during my pregnancy with this child;
 2586 (Was) (Was not) married to me at the time that this child was born;
 2587 (Did) (Did not) marry me after the child was born and recognize the child as his
 2588 own;
 2589 (Has) (Has not) been determined to be the child's father by a final paternity order
 2590 of a court;
 2591 (Has) (Has not) legitimated the child by a final court order;
 2592 (Has) (Has not) lived with the child;
 2593 (Has) (Has not) contributed to its support;

2594 (Has) (Has not) provided for my support during my pregnancy or hospitalization for
2595 the birth of the child; and

2596 (Has) (Has not) provided for my medical care during my pregnancy or
2597 hospitalization for the birth of the child; ~~and~~

2598 ~~(Has) (Has not) made any attempt to legitimate the child.~~

2599 That I (have) (have not) consented to the appointment of a temporary guardian for my
2600 child. If so, the name of the temporary guardian is:

2601 and the probate court in which the petition for temporary guardianship was filed is:
2602 _____.

2603 That custody of my child has been awarded to (insert name and address of custodian)
2604 by order of the _____ Court of _____ County, (state), entered on
2605 (date).

2606 That I have received or been promised the following financial assistance, either
2607 directly or indirectly, from whatever source, in connection with my pregnancy, the
2608 birth of my child, and its placement for adoption: _____.

2609 That I recognize that if I knowingly and willfully make a false statement in this
2610 affidavit; I will be guilty of the crime of false swearing.

2611 _____
2612 (Biological mother's signature)

2613 Sworn to and subscribed
2614 before me this _____
2615 day of _____, ____.

2616 _____
2617 Notary public (SEAL)

2618 My ~~Commission Expires~~ commission expires: _____.'

2619 (i) ~~The affidavit of an adoptive mother required by subsection (a) of Code Section 19-8-9~~
2620 paragraph (2) of subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the
2621 surrender of her rights shall meet the following requirements:

2622 (1) The affidavit shall set forth:

2623 (A) Her name;

2624 (B) Her relationship to the child;

2625 (C) Her age;

2626 (D) Her marital status;

2627 (E) The name and last known address of any spouse at the time the child was adopted
2628 and whether any such spouse also adopted the child or was the biological father of the
2629 child;

2630 (F) The circumstances surrounding her adoption of her child, including the date the
2631 adoption was finalized, the state and county where finalized, and the name and address
2632 of the adoption agency, if any; and

2633 (G) All financial assistance received by or promised her either directly or indirectly,
2634 from whatever source, in connection with the placement or arranging for the placement
2635 of her child for adoption (including the date, amount or value, description, payor, and
2636 payee), provided that financial assistance provided directly by the adoptive mother's
2637 husband, mother, father, sister, brother, aunt, uncle, grandfather, or grandmother need
2638 not be detailed and instead the adoptive mother need only state the nature of the
2639 assistance received.

2640 (2) The affidavit shall be in substantially the following form:

2641 'ADOPTIVE MOTHER'S AFFIDAVIT

2642 NOTICE TO MOTHER:

2643 This is an important legal document which deals with your child's right to have its legal
2644 father's rights properly terminated. Understand that you are providing this affidavit
2645 under oath and that ~~the~~ if you knowingly and willfully make a false statement in this
2646 affidavit you will be guilty of the crime of false swearing. The information ~~provided~~
2647 you provide will be held in strict confidence and will be used only in connection with
2648 the adoption of your child.

2649 STATE OF GEORGIA
2650 COUNTY OF _____

2651 Personally appeared before me, the undersigned officer duly authorized to administer
2652 oaths, _____, who, after having been sworn, deposes and says as follows:

2653 That my name is _____.

2654 That I am the adoptive mother of a (male) (female) child born (insert name of child)
2655 in the State of _____, County of _____ on (insert birthdate of child).

2656 That I am _____ years of age, having been born in the State of _____, County
2657 of _____ on _____.

2658 That my marital status is (check the status and complete the appropriate information):

2659 () Single, never having been married.

2660 () Separated but not legally divorced; the name of my spouse is _____;

2661 his last known address is _____; we were married in the State of

2662 _____, County of _____ on _____; we have been separated

2663 since _____; my spouse (did) (did not) also adopt said child; my spouse
 2664 (is) (is not) the biological father of said child.

2665 () Divorced; the name of my previous spouse is _____; we were
 2666 married in the State of _____, County of _____ on _____; his
 2667 last known address is _____; divorce granted in the State of _____,
 2668 County of _____ on _____; my previous spouse (did) (did not)
 2669 also adopt said child; my previous spouse (is) (is not) the biological father of said
 2670 child.

2671 () Legally married; the name of my spouse is _____; we were married
 2672 in the State of _____, County of _____ on _____; his last known
 2673 address is _____; my spouse (did) (did not) also adopt said child; my
 2674 spouse (is) (is not) the biological father of said child.

2675 () Married through common-law marriage relationship; the name of my spouse is
 2676 _____; his address is _____; the date and place our
 2677 relationship began is (date, county, state); my spouse (did) (did not) also adopt said
 2678 child; my spouse (is) (is not) the biological father of said child.

2679 () Widowed; the name of my deceased spouse is _____; we were
 2680 married in the State of _____, County of _____ on _____; he died on
 2681 _____ in the County of _____, State of _____; he (did) (did
 2682 not) also adopt said child; and he (was) (was not) the biological father of said child.
 2683 That I adopted my child in the State of _____, County of _____;
 2684 That the final order of adoption was entered on _____;
 2685 That there (was) (was not) an adoption agency involved in the placement of my child
 2686 with me for adoption; and if so its name was _____, and its
 2687 address is _____.

2688 That I (have) (have not) consented to the appointment of a temporary guardian for my
 2689 child. If so, the name of the temporary guardian is:
 2690 and the probate court in which the petition for temporary guardianship was filed is:
 2691 _____.

2692 That custody of my child has been awarded to (insert name and address of custodian)
 2693 by order of the _____ Court of _____ County, (state), entered on
 2694 (date).

2695 That I have received or been promised the following financial assistance, either
 2696 directly or indirectly, from whatever source, in connection with my child's placement
 2697 for adoption: _____.

2698 That I recognize that if I knowingly and willfully make a false statement in this
 2699 affidavit; I will be guilty of the crime of false swearing.

2700 _____
2701 (Adoptive mother)

2702 Sworn to and subscribed

2703 before me this _____

2704 day of _____, ____.

2705 _____

2706 Notary public (SEAL)

2707 My commission expires: _____.'

2708 (j) The affidavit of an agency or department representative required by subsection (h) of
2709 Code Section 19-8-4 shall conform substantially to the following form:

2710 'AFFIDAVIT OF AGENCY OR

2711 DEPARTMENT REPRESENTATIVE

2712 Personally appeared before me, the undersigned officer duly authorized to administer
2713 oaths, _____, who, after having been sworn, deposes and says as
2714 follows:

2715 That I am (insert position) of (insert name of department or agency).

2716 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
2717 RELEASE FOR ADOPTION by _____, releasing and
2718 surrendering all of (his) (her) rights in a (male) (female) minor child born (insert name
2719 of child) on (insert birthdate of child), I reviewed with and explained to said individual
2720 all of the provisions of the surrender, and particularly the provisions which provide that
2721 the surrender is a full surrender of all rights to the child.

2722 That based on my review and explanation to said individual, it is my opinion that said
2723 individual knowingly, intentionally, freely, and voluntarily executed the SURRENDER
2724 OF RIGHTS/FINAL RELEASE FOR ADOPTION.

2725 _____
2726 (Agency representative)

2727 Sworn to and subscribed

2728 before me this _____ day

2729 of _____, ____.

2730 _____

2731 Notary public (SEAL)

2732 My commission expires: _____.'

2733 (k) The affidavit of a petitioner's representative or of the representative of the individual
2734 signing the surrender required by subsection (h) of Code Section 19-8-5, 19-8-6, or 19-8-7
2735 shall conform substantially to the following form:

2736 ~~'AFFIDAVIT OF PETITIONER'S REPRESENTATIVE~~

2737 Personally appeared before me, the undersigned officer duly authorized to administer
2738 oaths, _____, who, after having been sworn, deposes and says as
2739 follows:

2740 That my name is _____.

2741 That my address is _____.

2742 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
2743 RELEASE FOR ADOPTION by _____, releasing and
2744 surrendering all of (his) (her) rights in a (male) (female) minor child born (insert name
2745 of child) on (insert birthdate of child), I reviewed with and explained to said individual
2746 all of the provisions of the surrender, and particularly the provisions which provide that
2747 the surrender is a full surrender of all rights to the child.

2748 That based on my review and explanation to said individual, it is my opinion that said
2749 individual knowingly, intentionally, freely, and voluntarily executed the SURRENDER
2750 OF RIGHTS/FINAL RELEASE FOR ADOPTION.

2751 _____
2752 (Petitioner's representative
2753 or the representative of the
2754 individual signing the surrender)

2755 Sworn to and subscribed
2756 before me this _____ day
2757 of _____, _____.

2758 _____
2759 Notary public (SEAL)

2760 My commission expires: _____.

2761 (l) The parental consent to a stepparent adoption required by subsection (j) of Code
2762 Section 19-8-6 shall conform substantially to the following form:

2763 'PARENTAL CONSENT TO STEPPARENT ADOPTION

2764 I, the undersigned, hereby consent that my spouse (insert name of spouse) adopt my (son)
2765 (daughter), (insert name of child), whose date of birth is _____, and in so
2766 doing I in no way relinquish or surrender my parental rights to the child.

2767 I further acknowledge service of a copy of the petition for adoption of the child as filed
2768 on behalf of my spouse, and I hereby consent to the granting of the prayers of the
2769 petition. I also waive all other and further service and notice of any kind and nature in
2770 connection with the proceedings.

2771 This _____ day of _____, _____.

2772 _____
2773 (Parent)

2774 _____
2775 ~~Unofficial~~ Adult witness

2776 Sworn to and subscribed
2777 before me this _____ day
2778 of _____, _____.

2779 _____
2780 Notary public (SEAL)

2781 My commission expires: _____.

2782 (m) The sworn statement executed by the biological mother identifying the alleged
2783 biological father of her unborn child authorized and required by subsection (e) of Code
2784 Section 19-8-4, 19-8-5, or 19-8-7 shall conform substantially to the following form:

2785 NOTICE TO MOTHER:

2786 This is an important legal document which will enable the individual you identify as the
2787 biological father of your child to sign a pre-birth surrender of his rights in furtherance of
2788 your plan of adoption for your child. Understand that you are providing this affidavit
2789 under oath and that the information you provide will be held in strict confidence and will
2790 be used only in connection with the adoption of your child.

2791 STATE OF GEORGIA
2792 COUNTY OF _____

2793 MOTHER'S AFFIDAVIT IDENTIFYING
2794 BIOLOGICAL FATHER OF HER UNBORN CHILD

2795 Personally appeared before me, the undersigned officer duly authorized to administer
2796 oaths, _____, who, after having been sworn, deposes and says as
2797 follows:

2798 That my name is _____.

2799 That I am _____ years of age, having been born in the State of _____, County of
2800 _____ on _____.

2801 That my social security account number is _____.

2802 That I am currently pregnant with a (male) (female) (sex unknown) child who is
2803 expected to be born on (insert due date of child).

2804 That the name of the biological father is: _____,
2805 and his last known address is: _____.

2806 That I execute this affidavit so that the alleged biological father of my child I identify
2807 can be asked to sign a pre-birth surrender of his rights in furtherance of my plan to
2808 place my child for adoption once my child is born.

2809 That I recognize that if I knowingly and willfully make a false statement in this
2810 affidavit I will be guilty of the crime of false swearing.

2811 _____
2812 (Biological mother's signature)

2813 Sworn to and subscribed
2814 before me this _____ day
2815 of _____, _____.

2816 _____
2817 Notary public (SEAL)

2818 My commission expires: _____.'

2819 (n) The waiver of the right to withdraw a surrender authorized and required by
2820 subsection (c) of Code Section 19-8-9 shall conform substantially to the following form:

2821 'WAIVER OF RIGHT TO WITHDRAW SURRENDER OF RIGHTS

2822 This is an important legal document and by signing it you are waiving your right to
2823 withdraw your surrender of all of your right, title, and claim to the child identified herein
2824 so as to facilitate the child's immediate placement for adoption. Understand that you are
2825 signing this document under oath and that if you knowingly and willfully make a false
2826 statement in this document you will be guilty of the crime of false swearing. You are to
2827 receive a copy of this document.

2828 Personally appeared before me, the undersigned officer duly authorized to administer
2829 oaths, _____, who, after having been sworn, deposes and says as follows:

2830 I, the undersigned, have previously executed a SURRENDER OF RIGHTS/FINAL
2831 RELEASE FOR ADOPTION as to the child identified therein so as to facilitate
2832 (his)(her) adoption.

2833 I hereby certify that:

- 2834 (A) I have received a copy of that surrender document;
- 2835 (B) I understand I had an option to have the unconditional right to withdraw my
- 2836 surrender by giving written notice to the individual named in the surrender document
- 2837 in the manner set forth in the surrender document within ten days from the date I
- 2838 signed the surrender and that thereafter my surrender cannot be withdrawn;
- 2839 (C) I understand I have the right to waive my right to withdraw my surrender during
- 2840 that ten-day period immediately following the date I signed the surrender should I
- 2841 desire that my surrender become final and irrevocable on the date I sign this waiver;
- 2842 (D) I desire that the adoption of my child proceed without any delay and that the
- 2843 adoptive parents not have to worry about me changing my decision to surrender my
- 2844 rights to my child;
- 2845 (E) I freely and voluntarily waive my unconditional right to withdraw my surrender
- 2846 as it is my intent that my surrender become final and irrevocable immediately upon
- 2847 my signing of this waiver document;
- 2848 (F) I have been afforded an opportunity to consult with counsel of my choice prior
- 2849 to execution of this waiver document;
- 2850 (G) I have received a copy of this document; and
- 2851 (H) I have not been subjected to any duress or undue pressure in the execution of this
- 2852 document and do so freely and voluntarily.

2853 This _____ day of _____, _____.

2854 _____
2855 (Parent or alleged biological father)

2856 _____
2857 Adult witness

2858 Sworn to and subscribed
2859 before me this _____ day
2860 of _____, _____.
2861 _____
2862 Notary public (SEAL)
2863 My commission expires: _____.'

2864 (o) The affidavit regarding Native American heritage and military service authorized and
2865 required by subsection (k) of Code Section 19-8-4, 19-8-6, and 19-8-7 and subsection (o)
2866 of Code Section 19-8-5 shall conform substantially to the following form:

2867 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2868 This is an important legal document. Understand that you are providing this affidavit
2869 under oath and that if you knowingly and willfully make a false statement in this affidavit
2870 you will be guilty of the crime of false swearing.

2871 _____

2872 AFFIDAVIT REGARDING NATIVE AMERICAN HERITAGE AND MILITARY
2873 SERVICE

2874 STATE OF GEORGIA

2875 COUNTY OF _____

2876 Personally appeared before me, the undersigned officer duly authorized to administer
2877 oaths, (insert name of alleged biological father) who, after having been sworn, deposes
2878 and says as follows:

2879 1. That my name is _____.

2880 2. That I am the biological father of a (female) (male) (unknown) child (born) (yet to
2881 be born) in the State of _____, County of _____ on
2882 _____.

2883 3. That I am _____ years of age, having been born in the State of _____,
2884 County of _____ on _____.

2885 4. That my social security account number is _____.

2886 5. That, to the best of my knowledge, I (am) (am not) an enrolled member of an
2887 American Indian tribe, (am) (am not) a resident of an American Indian reservation, or
2888 (am) (am not) an Alaskan native. If so:

2889 (A) The name of my American Indian tribe is: _____.

2890 (B) My registration or identification number is: _____.

2891 (C) The percentage of my American Indian blood is _____ percent.

2892 6. That, to the best of my knowledge, a member of my family (is or was) (is not or was
2893 not) an enrolled member of an American Indian tribe, (is or was) (is not or was not) a
2894 resident of an American Indian reservation, or (is or was) (is not or was not) an Alaskan
2895 native. If so:

2896 (A) The name of the American Indian tribe is: _____.

2897 (B) The percentage of my American Indian blood is: _____ percent.

2898 (C) My relatives with American Indian or Alaskan native blood are: _____

2899 _____

2900 _____

2901 (D) The name of the American Indian tribe is: _____.

2902 (E) The name of each enrolled member is: _____ and
2903 his or her corresponding registration or identification number is: _____.

2904 7. That I (am) (am not) on active duty in a branch of the United States armed forces.
2905 If so:

2906 (A) The branch of my service is (Army) (Navy) (Marine) (Air Force) (Coast Guard).

2907 (B) My rank is _____.

2908 (C) My duty station is _____.

2909 8. That I have received or been promised the following financial assistance, either
2910 directly or indirectly, from whatever source, in connection with the birth of my child
2911 and its placement for adoption: _____.

2912 9. That I recognize that if I knowingly and willfully make a false statement in this
2913 affidavit I will be guilty of the crime of false swearing.

2914 _____
2915 Name

2916 Sworn to and subscribed
2917 before me this _____ day
2918 of _____, _____.

2919 _____
2920 Notary public (SEAL)
2921 My commission expires: _____.'

2922 19-8-27.

2923 (a) As used in this Code section, the term 'birth relative' means:

2924 (1) A parent, biological father who is not ~~the~~ a legal father, grandparent, brother, sister,
2925 half-brother, or half-sister who is related by blood or marriage to a child who is being
2926 adopted or who has been adopted; or

2927 (2) A grandparent, brother, sister, half-brother, or half-sister who is related by adoption
2928 to a child who is being adopted or who has been adopted.

2929 (b)(1) An adopting parent or parents and birth relatives or an adopting parent or parents,
2930 birth relatives, and a child who is 14 years of age or older who is being adopted or who
2931 has been adopted may voluntarily enter into a written postadoption contact agreement to
2932 permit continuing contact between such birth relatives and such child. A child who is 14
2933 years of age or older shall be considered a party to a postadoption contact agreement.

2934 (2) A postadoption contact agreement may provide for privileges regarding a child who
2935 is being adopted or who has been adopted, including, but not limited to, visitation with

2936 such child, contact with such child, sharing of information about such child, or sharing
2937 of information about birth relatives.

2938 (3) In order to be an enforceable postadoption contact agreement, such agreement shall
2939 be in writing and signed by all of the parties to such agreement acknowledging their
2940 consent to its terms and conditions.

2941 (4) Enforcement, modification, or termination of a postadoption contact agreement shall
2942 be under the continuing jurisdiction of the court that granted the petition of adoption;
2943 provided, however, that the parties to a postadoption contact agreement may expressly
2944 waive the right to enforce, modify, or terminate such agreement under this Code section.

2945 (5) Any party to the postadoption contact agreement may, at any time, file the original
2946 postadoption contact agreement with the court that has or had jurisdiction over the
2947 adoption if such agreement provides for the court to enforce such agreement or such
2948 agreement is silent as to the issue of enforcement.

2949 (c) A postadoption contact agreement shall contain the following warnings in at least 14
2950 point boldface type:

2951 (1) After the entry of a decree for adoption, an adoption cannot be set aside due to the
2952 failure of an adopting parent, a birth parent, a birth relative, or the child to follow the
2953 terms of this agreement or a later change to this agreement; and

2954 (2) A disagreement between the parties or litigation brought to enforce, terminate, or
2955 modify this agreement shall not affect the validity of the adoption and shall not serve as
2956 a basis for orders affecting the custody of the child.

2957 (d)(1) As used in this subsection, the term 'parties' means the individuals who signed the
2958 postadoption contact agreement currently in effect, including the child if he or she is 14
2959 years of age or older at the time of the action regarding such agreement, but such term
2960 shall exclude any third-party beneficiary to such agreement.

2961 (2) A postadoption contact agreement may always be modified or terminated if the
2962 parties have voluntarily signed a written modified postadoption contact agreement or
2963 termination of a postadoption contact agreement. A modified postadoption contact
2964 agreement may be filed with the court if such agreement provides for the court to enforce
2965 such agreement or such agreement is silent as to the issue of enforcement.

2966 (e) With respect to postadoption contact agreements that provide for court enforcement or
2967 termination or are silent as to such matters, any party, as defined in paragraph (1) of
2968 subsection (d) of this Code section, may file a petition to enforce or terminate such
2969 agreement with the court that granted the petition of adoption, and the court shall enforce
2970 the terms of such agreement or terminate such agreement if such court finds by a
2971 preponderance of the evidence that the enforcement or termination is necessary to serve the
2972 best interests of the child.

2973 (f) With respect to postadoption contact agreements that provide for court modification or
 2974 are silent as to modification, only the adopting parent or parents may file a petition seeking
 2975 modification. Such petition shall be filed with the court that granted the petition of
 2976 adoption, and the court shall modify such agreement if such court finds by a preponderance
 2977 of the evidence that the modification is necessary to serve the best interests of the child and
 2978 there has been a material change of circumstances since the current postadoption contact
 2979 agreement was executed.

2980 (g) A court may require the party seeking modification, termination, or enforcement of a
 2981 postadoption contact agreement to participate in mediation or other appropriate alternative
 2982 dispute resolution.

2983 (h) All reasonable costs and expenses of mediation, alternative dispute resolution, and
 2984 litigation shall be borne by the party, other than the child, filing the action to enforce,
 2985 modify, or terminate a postadoption contact agreement when no party has been found by
 2986 the court as failing to comply with an existing postadoption contact agreement. Otherwise,
 2987 a party, other than the child, found by the court as failing to comply without good cause
 2988 with an existing postadoption contact agreement shall bear all the costs and expenses of
 2989 mediation, alternative dispute resolution, and litigation of the other party.

2990 (i) A court shall not set aside a decree of adoption, rescind a surrender, or modify an order
 2991 to terminate parental rights or any other prior court order because of the failure of an
 2992 adoptive parent, a birth relative, or the child to comply with any or all of the original terms
 2993 of, or subsequent modifications to, a postadoption contact agreement.

2994 19-8-28.

2995 A petition for the annulment of an adoption previously granted by a court of this state shall
 2996 be filed in the court in which the adoption was originally granted by the original petitioner
 2997 or the adult adoptee seeking to annul the original adoption, and such petition shall set forth
 2998 all relevant details concerning the original adoption and the reason for the requested
 2999 annulment. The court shall have authority to enter an order annulling the adoption if all
 3000 parties agree or if the court determines that to do so is in the best interests of the adoptee."

3001 **SECTION 2.**

3002 Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination
 3003 of parental rights, is amended by revising subsection (d) as follows:

3004 "(d) The court shall transmit a copy of every final order terminating the parental rights of
 3005 a parent to the ~~Office of Adoptions~~ State Adoption Unit of the department within 15 days
 3006 of the filing of such order."

3007

SECTION 3.

3008 All laws and parts of laws in conflict with this Act are repealed.