

**ADOPTED**

Representatives Reeves of the 34<sup>th</sup>, Coomer of the 14<sup>th</sup>, and Abrams of the 89<sup>th</sup> offer the following amendment:

1 *Amend the House Committee on Judiciary substitute to SB 130 (LC 41 1140S) by replacing*  
2 *line 1 with the following:*

3 To provide for the best interest of children in connection with juvenile and adoption  
4 proceedings; to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated,  
5 relating to the

6 *By replacing line 5 with the following:*

7 to the waiver of the right to counsel; to amend Article 1 of Chapter 8 of Title 19 of the  
8 Official Code of Georgia Annotated, relating to general provisions for adoption, so as to  
9 substantially revise the general provisions applicable to adoptions; to change the  
10 requirements for adopting children; to provide for a nonresident to allow an adoption of his  
11 or her child; to provide for adoption of foreign-born children; to provide for a waiver to  
12 revoke a surrender of parental rights under certain circumstances; to change the age for  
13 individuals to access the Adoption Reunion Registry; to revise and provide for forms; to  
14 amend Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to  
15 termination of parental rights, so as to correct a cross-reference; to amend Part 4 of Article  
16 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to sick,  
17 personal, and maternity leave for teachers and other school personnel, so as to require local  
18 boards of education to provide employees who are adoptive parents the same duration of  
19 maternity leave, leave options, and other benefits as are provided to employees who are  
20 biological parents; to provide for related matters; to provide for effective dates; to repeal  
21 conflicting laws;

22 *By redesignating Sections 1 through 3 as Sections 1-1 through 1-3, respectively, and*  
23 *inserting between lines 7 and 8 the following:*

24 **PART I**

25 *By replacing line 43 with the following:*

26 **PART II**

27 **SECTION 2-1.**

28 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to  
29 general provisions for adoption, is amended as follows:

30

## "ARTICLE 1

31 19-8-1.

32 For purposes of this ~~chapter~~ article, the term:33 (1) 'Alaskan native' means a member of the Alaska Native Regional Corporations formed  
34 under the Alaska Native Claims Settlement Act of 1971 (ANCSA).35 ~~(1)(2)~~ (2) 'Biological father' means ~~the~~ a male who impregnated the biological mother  
36 resulting in the birth of the child.37 (3) 'Biological parent' means a biological mother or biological father.38 ~~(2)(4)~~ (4) 'Child' means ~~a person~~ an individual who is under 18 years of age and who is  
39 sought to be adopted.40 ~~(3)(5)~~ (5) 'Child-placing agency' means an agency licensed as a child-placing agency  
41 pursuant to Chapter 5 of Title 49.42 ~~(4)(6)~~ (6) 'Department' means the Department of Human Services.43 ~~(4.1)(7)~~ (7) 'Evaluator' means ~~the~~ a person or agency that conducts a home study. An  
44 evaluator shall be a ~~licensed~~ child-placing agency, the department, or a licensed  
45 professional with at least two years of adoption related professional experience, including  
46 a licensed clinical social worker, licensed master social worker, licensed marriage and  
47 family therapist, or licensed professional counselor; provided, however, that ~~where~~ when  
48 none of the foregoing evaluators are available, the court may appoint a guardian ad litem  
49 or court appointed special advocate to conduct ~~the~~ a home study.50 ~~(5)(8)~~ (8) 'Guardian' means ~~a legal guardian of the person of a child~~ an individual appointed  
51 as a:52 (A) Guardian or temporary guardian of a child as provided in Title 29;53 (B) Guardian of a child pursuant to Code Section 15-11-13; or54 (C) Permanent guardian of a child as provided in Part 13 of Article 3 of Chapter 11 of  
55 Title 15.56 ~~(5.1)(9)~~ (9) 'Home study' means an evaluation by an evaluator of ~~the~~ a petitioner's home  
57 environment for the purpose of determining the suitability of ~~the~~ such environment as a  
58 prospective adoptive home for a child. Such evaluation shall consider ~~the~~ a petitioner's  
59 physical health, emotional maturity, financial circumstances, family, and social  
60 background and shall conform to the rules and regulations established by the department  
61 for child-placing agencies for adoption home studies.62 ~~(5.2)(10)~~ (10) 'Home study report' means the written report generated as a result of the home  
63 study.64 ~~(6)(11)~~ (11) 'Legal father' means a male who has not surrendered or had terminated his rights  
65 to a child and who:

- 66 (A) Has legally adopted such child;  
 67 (B) Was married to the biological mother of such child at the time such child was born  
 68 or within the usual period of gestation, unless paternity was disproved by a final order  
 69 ~~pursuant to Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction;  
 70 (C) Married ~~the~~ a legal mother of such child after such child was born and recognized  
 71 such child as his own, unless paternity was disproved by a final order ~~pursuant to~~  
 72 ~~Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction; or  
 73 (D) Has legitimated such child by a final order pursuant to Code Section 19-7-22.

74 ~~(7)~~(12) 'Legal mother' means ~~the~~ a female who is the biological or adoptive mother of  
 75 the child and who has not surrendered or had terminated her rights to the child.

76 (13) 'Native American heritage' means any individual who is:

- 77 (A) A member of a federally recognized American Indian tribe; or  
 78 (B) An Alaskan native.

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

81 ~~(8)~~(15) 'Parent' means ~~either the~~ a legal father or ~~the~~ a legal mother of the child.

82 ~~(9)~~(16) 'Petitioner' means ~~a person~~ an individual who petitions to adopt or terminate  
 83 rights to a child pursuant to this ~~chapter~~ article.

84 ~~(10)~~(17) 'Putative father registry' means the registry established and maintained pursuant  
 85 to subsections (d) and (e) of Code Section 19-11-9.

86 19-8-2.

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

89 (b) All petitions for adoption under this ~~chapter~~ article shall be filed in the county in which  
 90 any petitioner resides, except that:

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

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

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

97 (C) Where the child was born if such petition is filed within one year of the child's  
 98 birth; or

99 (D) In which is located the office of the department having legal custody of the child;

100 (2) Any ~~person~~ individual who ~~has been~~ is a resident of any United States ~~Army~~ army  
 101 post or military reservation within this state ~~for six months next preceding the filing of~~

102 ~~the petition for adoption~~ may file the such petition in any county adjacent to the United  
 103 States ~~Army~~ army post or military reservation; and

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

- 107 (A) The court of the county where the child was born;
- 108 (B) The court of the county in which is located any child-placing agency having legal  
 109 custody of the child; or
- 110 (C) Superior Court of Fulton County.

111 19-8-3.

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

- 113 (1) Is at least ~~25~~ 21 years of age or is married and living with his or her spouse;
- 114 (2) Is at least ten years older than the child, except such ten-year requirement shall not  
 115 apply when the petitioner is a stepparent or relative and the petition is filed pursuant to  
 116 Code Section 19-8-6 or 19-8-7;

117 (3) ~~Is Has been~~ a bona fide resident of this state ~~for at least six months immediately~~  
 118 ~~preceding~~ at the filing of the petition for adoption or is a bona fide resident of the  
 119 receiving state when the adoptee was born in this state and was placed in compliance with  
 120 Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children;  
 121 and

122 (4) Is financially, physically, and mentally able to have permanent custody of the child.

123 ~~(b) Any adult person, including but not limited to a foster parent, meeting the requirements~~  
 124 ~~of subsection (a) of this Code section shall be eligible to apply to the department or a~~  
 125 ~~child-placing agency for consideration as an adoption applicant in accordance with the~~  
 126 ~~policies of the department or the agency.~~

127 ~~(c)~~(b) If a ~~person~~ an individual seeking to adopt a child is married, the petition ~~must~~ for  
 128 adoption shall be filed in the name of both spouses; provided, however, that, when the child  
 129 is or was the stepchild of the party seeking to adopt, ~~the such~~ petition shall be filed by the  
 130 stepparent alone.

131 19-8-4.

132 (a) ~~A child Except as otherwise authorized in this chapter, a child who has any living~~  
 133 ~~parent or guardian~~ may be adopted through the department, ~~or any child-placing agency,~~  
 134 or any out-of-state licensed agency only if each such living parent and each such guardian  
 135 of such child:

136 (1) Has voluntarily and in writing surrendered all of his or her rights to the child to the  
 137 department, ~~or to~~ a child-placing agency, or an out-of-state licensed agency as provided  
 138 in this Code section and ~~the department or~~ such department, child-placing agency, or  
 139 out-of-state licensed agency thereafter consents to the adoption; or

140 (2) Has had all of his or her rights to the child terminated by order of a court of  
 141 competent jurisdiction, the child has been committed by the court to the department, ~~or~~  
 142 ~~to~~ a child-placing agency, or an out-of-state licensed agency for placement for adoption,  
 143 and ~~the department or~~ such department, child-placing agency, or out-of-state licensed  
 144 agency thereafter consents to the adoption.

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

147 (c) The surrender of rights to the department, ~~or to~~ a child-placing agency, or an  
 148 out-of-state licensed agency specified in paragraphs (1) and (2) of subsection (e) of this  
 149 Code section shall be executed following the birth of the child, and the pre-birth surrender  
 150 to the department, ~~or to~~ a child-placing agency, or an out-of-state licensed agency specified  
 151 in paragraph (3) of subsection (e) of this Code section shall be executed prior to the birth  
 152 of the child. Each surrender shall be executed under oath and in the presence of a  
 153 ~~representative of the department or the agency~~ and a notary public and an adult witness.  
 154 A copy of the surrender shall be ~~delivered~~ provided to the individual signing the surrender  
 155 at the time of the execution thereof.

156 (d) ~~An individual~~ A person signing a surrender of rights pursuant to this Code section shall  
 157 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided  
 158 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,  
 159 shall also have the right to waive the ten-day revocation period by executing a separate  
 160 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at  
 161 least 48 hours after the birth of the child and attested to by an attorney certifying that it was  
 162 knowingly and voluntarily executed.

163 (e)(1) The surrender of rights by a parent or guardian specified in paragraph (1) of  
 164 subsection (a) of this Code section shall meet the requirements of subsection (a) of Code  
 165 Section 19-8-26. Such surrender shall be signed under oath and in the presence of a  
 166 notary public and an adult witness.

167 (2) ~~A~~ The biological father who is not ~~the~~ a legal father of a child may surrender all his  
 168 rights to the child for the purpose of an adoption pursuant to this Code section. Such ~~That~~  
 169 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26. Such  
 170 surrender shall be signed under oath and in the presence of a notary public and an adult  
 171 witness.

172 (3)(A) ~~A~~ The biological father who is not the a legal father of a child may execute a  
 173 surrender of his rights to the child prior to the birth of the child for the purpose of an  
 174 adoption pursuant to this Code section. A pre-birth surrender, when signed under oath  
 175 by the alleged biological father, shall serve to relinquish ~~the~~ an alleged biological  
 176 father's rights to the child and to waive ~~the~~ an alleged biological father's right to notice  
 177 of any proceeding with respect to the child's adoption, custody, or guardianship. The  
 178 court in any adoption proceeding shall have jurisdiction to enter a final order of  
 179 adoption of the child based upon the pre-birth surrender and in other proceedings to  
 180 determine the child's legal custody or guardianship shall have jurisdiction to enter an  
 181 order for those purposes.

182 (B) The rights and responsibilities of an alleged biological father ~~are~~ shall be  
 183 permanently terminated only upon an order from a court of competent jurisdiction  
 184 terminating such rights or the entry of a final order of adoption. An individual ~~A person~~  
 185 executing a pre-birth surrender pursuant to this Code section shall have the right to  
 186 withdraw the revoke such surrender within ten days from the date of execution thereof,  
 187 notwithstanding the date of birth of the child.

188 (C) If a final order of adoption is not entered after the execution of a pre-birth  
 189 surrender and paternity is established by acknowledgment, by administrative order, or  
 190 by judicial order, then ~~the~~ an alleged biological father shall be responsible for child  
 191 support or other financial obligations to the child or to ~~the child's~~ a legal mother, or to  
 192 both.

193 (D) The pre-birth surrender shall not be valid for use by a legal father ~~as defined under~~  
 194 ~~paragraph (6) of Code Section 19-8-1 or for any man who has executed a voluntary~~  
 195 ~~acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1.~~

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

200 (F) The pre-birth surrender shall meet the requirements of subsection (f) of Code  
 201 Section 19-8-26 and shall be signed under oath and in the presence of a notary public  
 202 and an adult witness.

203 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders  
 204 those rights by also signing an acknowledgment meeting the requirements of subsection (g)  
 205 of Code Section 19-8-26. Such acknowledgment shall be signed under oath and in the  
 206 presence of a notary public and an adult witness.

207 (g)(1) ~~A~~ Whenever the legal mother who surrenders her parental rights pursuant to this  
 208 Code section, ~~she~~ shall execute an affidavit meeting the requirements of subsection (h)

209 of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence  
 210 of a notary public.

211 (2) A legal mother who is the adoptive mother of the child and who surrenders her  
 212 parental rights pursuant to this Code section shall execute an affidavit meeting the  
 213 requirements of subsection (i) of Code Section 19-8-26. Such affidavit shall be signed  
 214 under oath and in the presence of a notary public.

215 (h) Whenever rights are surrendered to the department, ~~or to a child-placing agency, or an~~  
 216 out-of-state licensed agency, the department or agency representative before whom the  
 217 surrender of rights is signed shall execute an affidavit meeting the requirements of  
 218 subsection (j) of Code Section 19-8-26. Such affidavit shall be signed under oath and in  
 219 the presence of a notary public.

220 (i) A surrender of rights pursuant to this Code section may be given by any parent or  
 221 biological father who is not ~~the~~ a legal father of the child ~~irrespective~~ regardless of whether  
 222 ~~such parent or biological father has arrived at the age of majority. The individual is a~~  
 223 citizen of the United States, a resident of this state, or has reached the age of 18 years.  
 224 Such surrender given by ~~any such minor~~ such individual shall be binding upon him or her  
 225 as if the individual were in all respects sui juris and shall include a consent to the  
 226 jurisdiction of the courts of this state for any action filed under this article. Such surrender  
 227 shall state that such individual agrees to be bound by a decree of adoption.

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

231 (k) A biological father or a legal father who signs a surrender of rights may execute an  
 232 affidavit regarding his Native American heritage and military service meeting the  
 233 requirements of subsection (o) of Code Section 19-8-26. Such affidavit shall be signed  
 234 under oath and in the presence of a notary public.

235 19-8-5.

236 (a) A child ~~Except as otherwise authorized in this chapter, a child who has any living~~  
 237 ~~parent or guardian~~ may be adopted by a third party who is neither the stepparent nor  
 238 relative of that child, as such individuals are described in subsection (a) of Code Sections  
 239 19-8-6 and 19-8-7, only if each ~~such~~ living parent and ~~each such~~ guardian of such child has  
 240 voluntarily and in writing surrendered all of his or her rights to such child to that third party  
 241 for the purpose of enabling that third party to adopt such child. A third party to whom such  
 242 child is voluntarily surrendered shall be financially responsible for such child as of the date  
 243 of surrender by the parent. Except as provided in subsection ~~(m)~~ (l) of this Code section,  
 244 no child shall be placed with a third party for purposes of adoption unless prior to the date

245 of placement a home study shall have been completed, and the home study report  
 246 recommends placement of a child in such third party's home.

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

249 (c) The surrender of rights specified in paragraphs (1) and (2) of subsection (e) of this  
 250 Code section shall be executed following the birth of the child, and the pre-birth surrender  
 251 specified in paragraph (3) of subsection (e) of this Code section shall be executed prior to  
 252 the birth of the child. Each surrender shall be executed under oath and in the presence of  
 253 a notary public and an adult witness. The name and address of each person individual to  
 254 whom the child is surrendered may be omitted to protect confidentiality, provided the  
 255 surrender of rights sets forth the name and address of his or her agent for purposes of notice  
 256 of ~~withdrawal~~ revocation as provided for in subsection (d) of this Code section. A copy  
 257 of the surrender shall be ~~delivered~~ provided to the individual signing the surrender at the  
 258 time of the execution thereof.

259 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall  
 260 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided  
 261 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,  
 262 shall also have the right to waive the ten-day revocation period by executing a separate  
 263 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at  
 264 least 48 hours after the birth of the child and attested to by an attorney certifying that it was  
 265 knowingly and voluntarily executed.

266 (e)(1) The surrender of rights by a parent or guardian specified in subsection (a) of this  
 267 Code section shall meet the requirements of subsection (c) of Code Section 19-8-26.  
 268 Such surrender shall be signed under oath and in the presence of a notary public and an  
 269 adult witness.

270 (2) A ~~The~~ biological father who is not ~~the~~ a legal father of a child may surrender all his  
 271 rights to the child for purposes of an adoption pursuant to this Code section. ~~That~~ Such  
 272 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26. Such  
 273 surrender shall be signed under oath and in the presence of a notary public and an adult  
 274 witness.

275 (3)(A) A ~~The~~ biological father who is not ~~the~~ a legal father of a child may execute a  
 276 surrender of his rights to the child prior to the birth of the child for the purpose of an  
 277 adoption pursuant to this Code section. A pre-birth surrender, ~~when signed under oath~~  
 278 ~~by the alleged biological father,~~ shall serve to relinquish ~~the~~ an alleged biological  
 279 father's rights to the child and to waive ~~the~~ an alleged biological father's right to notice  
 280 of any proceeding with respect to the child's adoption, custody, or guardianship. The  
 281 court in any adoption proceeding shall have jurisdiction to enter a final order of

282 adoption of the child based upon the pre-birth surrender and in other proceedings to  
 283 determine the child's legal custody or guardianship shall have jurisdiction to enter an  
 284 order for those purposes.

285 (B) The rights and responsibilities of an alleged biological father ~~are~~ shall be  
 286 permanently terminated only upon an order from a court of competent jurisdiction  
 287 terminating such rights or the entry of a final order of adoption. ~~An individual~~ A person  
 288 executing a pre-birth surrender pursuant to this Code section shall have the right to  
 289 ~~withdraw the~~ revoke such surrender within ten days from the date of execution thereof,  
 290 notwithstanding the date of birth of the child.

291 (C) If a final order of adoption is not entered after the execution of a pre-birth  
 292 surrender and paternity is established by acknowledgment, by administrative order, or  
 293 by judicial order, then ~~the~~ an alleged biological father shall be responsible for child  
 294 support or other financial obligations to the child or to ~~the child's~~ a legal mother, or to  
 295 both.

296 (D) The pre-birth surrender shall not be valid for use by a legal father ~~as defined under~~  
 297 ~~paragraph (6) of Code Section 19-8-1 or for any man who has executed a voluntary~~  
 298 ~~acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1.~~

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

303 (F) The pre-birth surrender shall meet the requirements of subsection (f) of Code  
 304 Section 19-8-26 and shall be signed under oath and in the presence of a notary public  
 305 and an adult witness.

306 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders  
 307 those rights by also signing an acknowledgment meeting the requirements of subsection (g)  
 308 of Code Section 19-8-26. Such acknowledgment shall be signed under oath and in the  
 309 presence of a notary public and an adult witness.

310 (g)(1) ~~A~~ Whenever the legal mother who surrenders her parental rights pursuant to this  
 311 Code section, ~~she~~ shall execute an affidavit meeting the requirements of subsection (h)  
 312 of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence  
 313 of a notary public.

314 (2) A legal mother who is the adoptive mother of the child and who surrenders her  
 315 parental rights pursuant to this Code section shall execute an affidavit meeting the  
 316 requirements of subsection (i) of Code Section 19-8-26. Such affidavit shall be signed  
 317 under oath and in the presence of a notary public.

318 (h) Whenever rights are surrendered pursuant to this Code section, the representative of  
 319 each petitioner or the representative of the individual signing such surrender shall execute  
 320 an affidavit meeting the requirements of subsection (k) of Code Section 19-8-26. Such  
 321 affidavit shall be signed under oath and in the presence of a notary public.

322 (i) A surrender of rights pursuant to this Code section may be given by any parent or  
 323 biological father who is not ~~the~~ a legal father of the child sought to be adopted irrespective  
 324 regardless of whether such ~~parent or biological father has arrived at the age of majority.~~  
 325 The individual is a citizen of the United States, a resident of this state, or has reached the  
 326 age of 18 years. Such surrender given by any ~~such minor~~ such individual shall be binding  
 327 upon him or her as if the individual were in all respects sui juris and shall include a consent  
 328 to the jurisdiction of the courts of this state for any action filed under this article. Such  
 329 surrender shall state that such individual agrees to be bound by a decree of adoption.

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

335 Office of Adoptions

336 Georgia Department of Human Services

337 Atlanta, Georgia

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

340 ~~(k)(j)~~ A petition for adoption pursuant to subsection (a) of this Code section shall be filed  
 341 within 60 days from the date of the surrender of rights is executed; provided, however, that  
 342 for good cause shown the court may waive the 60 day requirement. If the petition for  
 343 adoption is not filed within the time period specified by this subsection and the court does  
 344 not waive the 60 day requirement or if the proceedings resulting from ~~the~~ such petition are  
 345 not concluded with an order granting ~~the~~ such petition, then the surrender of rights shall  
 346 operate as follows according to the election made ~~therein~~ in such surrender by the ~~legal~~  
 347 parent or guardian of the child:

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

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

354 (3) If the ~~legal~~ parent or guardian is not designated and no child-placing agency or  
 355 out-of-state licensed agency is designated in the surrender of rights, or if the designated  
 356 child-placing agency or out-of-state licensed agency declines to accept the child for  
 357 placement for adoption, in favor of the department for placement for adoption pursuant  
 358 to subsection (a) of Code Section 19-8-4. ~~The court may waive the 60 day time period~~  
 359 ~~for filing the petition for excusable neglect.~~

360 ~~(h)(k)~~ In any surrender of rights pursuant to this Code section, ~~the provisions of Chapter~~  
 361 4 of Title 39, relating to the Interstate Compact on the Placement of Children, if applicable,  
 362 shall be complied with.

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

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

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

378 (1) Such child shall be permitted to remain in the home of the third party with whom the  
 379 parent or guardian placed such child pending further order of the court;

380 (2) A copy of the order authorizing placement of such child prior to the completion of  
 381 the home study shall be delivered to the department and the evaluator selected to perform  
 382 the home study by the clerk of the court within 15 days of the date of the entry of such  
 383 order; and

384 (3) The home study, if not already in process, shall be initiated by the evaluator selected  
 385 by the petitioner or appointed by the court within ten days of such evaluator's receipt of  
 386 the court's order.

387 (o) A biological father or a legal father who signs a surrender of rights may execute an  
 388 affidavit regarding his Native American heritage and military service meeting the  
 389 requirements of subsection (o) of Code Section 19-8-26. Such affidavit shall be signed  
 390 under oath and in the presence of a notary public.

391 19-8-6.

392 ~~(a) Except as otherwise authorized in this chapter:~~

393 (a)(1) A child whose legal father and legal mother are both living but are not still married  
 394 to each other may be adopted by the spouse of either parent only when the other parent  
 395 voluntarily and in writing surrenders all of his or her rights to the child to that spouse for  
 396 the purpose of enabling that spouse to adopt the child and the other parent consents to the  
 397 adoption and, ~~where~~ when there is any guardian of that child, each such guardian has  
 398 voluntarily and in writing surrendered to such spouse all of his or her rights to the child  
 399 for purposes ~~the purpose~~ of such adoption; ~~or,~~

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

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

406 (c) The surrender of rights specified in this Code section shall be executed; following the  
 407 birth of the child; under oath and in the presence of a notary public and an adult witness.  
 408 A copy of the surrender shall be ~~delivered~~ provided to the individual signing the surrender  
 409 at the time of the execution thereof.

410 (d) ~~An individual~~ A person signing a surrender of rights pursuant to this Code section shall  
 411 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided  
 412 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,  
 413 shall also have the right to waive the ten-day revocation period by executing a separate  
 414 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at  
 415 least 48 hours after the birth of the child and attested to by an attorney certifying that it was  
 416 knowingly and voluntarily executed.

417 (e)(1) The surrender of rights by a parent or guardian specified in subsection (a) of this  
 418 Code section shall meet the requirements of subsection (e) of Code Section 19-8-26.  
 419 Such surrender shall be signed under oath and in the presence of a notary public and an  
 420 adult witness.

421 (2) ~~A~~ The biological father who is not ~~the~~ a legal father of a child may surrender all his  
 422 rights to the child for purposes of an adoption pursuant to this Code section. Such ~~That~~  
 423 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26. Such  
 424 surrender shall be signed under oath and in the presence of a notary public and an adult  
 425 witness.

426 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders  
 427 those rights by also signing an acknowledgment meeting the requirements of subsection (g)

428 of Code Section 19-8-26. Such acknowledgment shall be signed under oath and in the  
 429 presence of a notary public and an adult witness.

430 (g)(1) ~~A Whenever the legal mother who~~ surrenders her parental rights or consents to the  
 431 adoption of her child by her spouse pursuant to this Code section, ~~she~~ shall execute an  
 432 affidavit meeting the requirements of subsection (h) of Code Section 19-8-26. Such  
 433 affidavit shall be signed under oath and in the presence of a notary public.

434 (2) A legal mother who is the adoptive mother of the child and who surrenders her  
 435 parental rights pursuant to this Code section shall execute an affidavit meeting the  
 436 requirements of subsection (i) of Code Section 19-8-26. Such affidavit shall be signed  
 437 under oath and in the presence of a notary public

438 (h) Whenever rights are surrendered pursuant to this Code section, the representative of  
 439 each petitioner or the representative of the individual signing such surrender shall execute  
 440 an affidavit meeting the requirements of subsection (k) of Code Section 19-8-26. Such  
 441 affidavit shall be signed under oath and in the presence of a notary public.

442 (i) A surrender of rights or consent pursuant to this Code section may be given by any  
 443 parent or biological father who is not ~~the a~~ legal father of the child ~~sought to be adopted~~  
 444 ~~irrespective regardless~~ of whether such ~~parent or biological father has arrived at the age of~~  
 445 ~~majority. The surrender given by any such minor~~ individual is a citizen of the United  
 446 States, a resident of this state, or has reached the age of 18 years. Such surrender or  
 447 consent given by such individual shall be binding upon him or her as if the individual were  
 448 in all respects sui juris and shall include a consent to the jurisdiction of the courts of this  
 449 state for any action filed under this article. Such surrender shall state that such individual  
 450 agrees to be bound by a decree of adoption.

451 (j) The parental consent by the spouse of a stepparent seeking to adopt a child of that  
 452 spouse and required by subsection (a) of this Code section ~~be as provided in~~ meet the  
 453 requirements of subsection (l) of Code Section 19-8-26. Such consent shall be signed  
 454 under oath and in the presence of a notary public.

455 (k) A biological father or a legal father who signs a surrender of rights may execute an  
 456 affidavit regarding his Native American heritage and military service meeting the  
 457 requirements of subsection (o) of Code Section 19-8-26. Such affidavit shall be signed  
 458 under oath and in the presence of a notary public.

459 19-8-7.

460 (a) A child ~~Except as otherwise authorized in this Code section, a child who has any living~~  
 461 ~~parent or guardian~~ may be adopted by a relative who is related by blood or marriage to the  
 462 child as a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, or sibling  
 463 only if each ~~such~~ living parent and ~~each such~~ guardian of such child has voluntarily and in

464 writing surrendered to that relative and any spouse of such relative all of his or her rights  
 465 to the child for the purpose of enabling that relative and any such spouse to adopt the child.

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

468 (c) The surrender of rights specified in paragraphs (1) and (2) of subsection (e) of this  
 469 Code section shall be executed following the birth of the child, and the pre-birth surrender  
 470 specified in paragraph (3) of subsection (e) of this Code section shall be executed prior to  
 471 the birth of the child. Each surrender shall be executed under oath and in the presence of  
 472 a notary public and an adult witness. A copy of the surrender shall be ~~delivered~~ provided  
 473 to the individual signing the surrender at the time of the execution thereof.

474 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall  
 475 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided  
 476 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,  
 477 shall also have the right to waive the ten-day revocation period by executing a separate  
 478 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at  
 479 least 48 hours after the birth of the child and attested to by an attorney certifying that it was  
 480 knowingly and voluntarily executed.

481 (e)(1) The surrender of rights by a parent or guardian specified in subsection (a) of this  
 482 Code section shall meet the requirements of subsection (e) of Code Section 19-8-26.  
 483 Such surrender shall be signed under oath and in the presence of a notary public and an  
 484 adult witness.

485 (2) A ~~The~~ biological father who is not ~~the~~ a legal father of the child may surrender all his  
 486 rights to the child for purposes of an adoption pursuant to this Code section. Such ~~That~~  
 487 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26. Such  
 488 surrender shall be signed under oath and in the presence of a notary public and an adult  
 489 witness.

490 (3)(A) A ~~The~~ biological father who is not ~~the~~ a legal father of a child may execute a  
 491 surrender of his rights to the child prior to the birth of the child for the purpose of an  
 492 adoption pursuant to this Code section. A pre-birth surrender, ~~when signed under oath~~  
 493 ~~by the alleged biological father,~~ shall serve to relinquish ~~the~~ an alleged biological  
 494 father's rights to the child and to waive ~~the~~ an alleged biological father's right to notice  
 495 of any proceeding with respect to the child's adoption, custody, or guardianship. The  
 496 court in any adoption proceeding shall have jurisdiction to enter a final order of  
 497 adoption of the child based upon the pre-birth surrender and in other proceedings to  
 498 determine the child's legal custody or guardianship shall have jurisdiction to enter an  
 499 order for those purposes.

500 (B) The rights and responsibilities of an alleged biological father ~~are~~ shall be  
 501 permanently terminated only upon an order from a court of competent jurisdiction  
 502 terminating such rights or the entry of a final order of adoption. ~~An individual~~ A person  
 503 executing a pre-birth surrender pursuant to this Code section shall have the right to  
 504 ~~withdraw the~~ revoke such surrender within ten days from the date of execution thereof,  
 505 notwithstanding the date of birth of the child.

506 (C) If a final order of adoption is not entered after the execution of a pre-birth  
 507 surrender and paternity is established by acknowledgment, by administrative order, or  
 508 by judicial order, then ~~the~~ an alleged biological father shall be responsible for child  
 509 support or other financial obligations to the child or to ~~the child's~~ a legal mother, or to  
 510 both.

511 (D) The pre-birth surrender shall not be valid for use by a legal father ~~as defined under~~  
 512 ~~paragraph (6) of Code Section 19-8-1 or for any man who has executed a voluntary~~  
 513 ~~acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1.~~

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

518 (F) The pre-birth surrender shall meet the requirements of subsection (f) of Code  
 519 Section 19-8-26 and shall be signed under oath and in the presence of a notary public  
 520 and an adult witness.

521 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders  
 522 those rights by also signing an acknowledgment meeting the requirements of subsection  
 523 (g) of Code Section 19-8-26. Such acknowledgment shall be signed under oath and in the  
 524 presence of a notary public and an adult witness.

525 (g)(1) ~~A~~ Whenever the legal mother who surrenders her parental rights pursuant to this  
 526 Code section, ~~she~~ shall execute an affidavit meeting the requirements of subsection (h)  
 527 of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence  
 528 of a notary public.

529 (2) A legal mother who is the adoptive mother of the child and who surrenders her  
 530 parental rights pursuant to this Code section shall execute an affidavit meeting the  
 531 requirements of subsection (i) of Code Section 19-8-26. Such affidavit shall be signed  
 532 under oath and in the presence of a notary public.

533 (h) Whenever rights are surrendered pursuant to this Code section, ~~the~~ representative of  
 534 each petitioner or the representative of the individual signing such surrender shall execute  
 535 an affidavit meeting the requirements of subsection (k) of Code Section 19-8-26. Such  
 536 affidavit shall be signed under oath and in the presence of a notary public.

537 (i) A surrender of rights pursuant to this Code section may be given by any parent or  
 538 biological father who is not ~~the~~ a legal father of the child ~~sought to be adopted~~ irrespective  
 539 ~~regardless of whether such parent or biological father has arrived at the age of majority.~~  
 540 The individual is a citizen of the United States, a resident of this state, or has reached the  
 541 age of 18 years. Such surrender given by any such minor such individual shall be binding  
 542 upon him or her as if the individual were in all respects sui juris and shall include a consent  
 543 to the jurisdiction of the courts of this state for any action filed under this article. Such  
 544 surrender shall state that such individual agrees to be bound by a decree of adoption.

545 (j) In any surrender of rights pursuant to this Code section, Chapter 4 of Title 39, relating  
 546 to the Interstate Compact on the Placement of Children, if applicable, shall be complied  
 547 with.

548 (k) A biological father or a legal father who signs a surrender of rights may execute an  
 549 affidavit regarding his Native American heritage and military service meeting the  
 550 requirements of subsection (o) of Code Section 19-8-26. Such affidavit shall be signed  
 551 under oath and in the presence of a notary public.

552 19-8-8.

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

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

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

560 (a)(1) A child, who was born in a country other than the United States and for whom a  
 561 decree or order of adoption has been entered pursuant to due process of law by a court  
 562 of competent jurisdiction or an administrative proceeding in the country of the child's  
 563 birth or the country in which the child habitually resided immediately prior to coming to  
 564 the United States establishing the relationship of parent and child by adoption between  
 565 each petitioner named in the foreign decree or order of adoption and the child according  
 566 to the law of such foreign country, shall be eligible to have his or her adoption  
 567 domesticated under this subsection if a consular officer of the United States Department  
 568 of State has issued and affixed in the child's passport an immediate relative immigrant  
 569 visa or Hague Convention immigrant visa.

570 (2) Evidence of the issuance of an immediate relative immigrant visa or Hague  
 571 Convention immigrant visa by the United States Department of State in the child's  
 572 passport shall be prima-facie evidence that all parental rights have been terminated, that

573 the child was legally available for adoption by each petitioner named in the foreign  
574 decree or order of adoption, that the adoption of the child by each petitioner named in the  
575 foreign decree or order of adoption was in the child's best interests, and that the child's  
576 adoption by each petitioner named in the foreign decree or order of adoption was  
577 finalized in full compliance with the laws of the foreign country and the court need not  
578 make any inquiry into those proceedings but shall domesticate the foreign decree or order  
579 of adoption hereunder and issue a final decree of adoption pursuant to subsection (c) of  
580 Code Section 19-8-18.

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

587 (b)(1) A child, who was born in a country other than the United States and for whom a  
588 decree or order of guardianship has been entered pursuant to due process of law by a  
589 court of competent jurisdiction or an administrative proceeding in the country of the  
590 child's birth or the country in which the child habitually resided immediately prior to  
591 coming to the United States terminating the parental rights of both of his or her parents  
592 and establishing a guardian-ward relationship between each petitioner named in the  
593 foreign decree or order of guardianship and the child according to the law of such foreign  
594 country, shall be eligible to be adopted pursuant to this subsection if a consular officer  
595 of the United States Department of State has issued and affixed in the child's passport an  
596 immediate relative immigrant visa or Hague Convention immigrant visa.

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

606 (B) Notwithstanding subparagraph (A) of this paragraph, when the foreign decree or  
607 order of guardianship requires specific postplacement supervision, the court shall not  
608 be authorized to finalize such child's adoption as provided in this subsection until the

609 petitioner provides documentation of formal evidence that the conditions of the foreign  
 610 decree or order of guardianship have been satisfied.

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

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

618 19-8-9.

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

623 ~~(b)(a) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the use~~  
 624 ~~of certified mail, an individual~~ A person ~~signing a surrender of rights pursuant to Code~~  
 625 ~~Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall have the right to withdraw the~~ revoke such  
 626 ~~surrender by written notice delivered in person or mailed by registered mail or statutory~~  
 627 ~~overnight delivery within ten days after signing~~ such surrender; ~~and the~~ such ~~surrender~~  
 628 ~~document shall not be valid unless it so states. The~~ ten days ~~ten-day revocation period~~ shall  
 629 ~~be counted consecutively beginning with the day immediately following the date the~~  
 630 ~~surrender of rights is executed; provided, however, that, if the tenth day falls on a Saturday,~~  
 631 ~~Sunday, or legal holiday, then the last day on which the~~ such ~~surrender may be~~  
 632 ~~revoked shall be the next day that is not a Saturday, Sunday, or legal holiday. After~~  
 633 ~~ten days, a surrender may not be withdrawn. The~~ the ten-day period, a surrender of rights  
 634 ~~cannot be revoked. Notwithstanding subsection (a) of Code Section 9-10-12 which~~  
 635 ~~authorizes the use of certified mail, the notice of~~ withdrawal of revocation of a surrender  
 636 ~~of rights shall be delivered in person or mailed by registered mail or statutory overnight~~  
 637 ~~delivery to the address designated in the surrender document. If delivered in person, it~~  
 638 ~~shall be delivered to the address shown in the surrender document not later than 5:00 P.M.~~  
 639 ~~eastern standard time or eastern daylight time, whichever is applicable, on the tenth day.~~

640 ~~(c)(b) If a legal mother has voluntarily and in writing surrendered all of her parental rights~~  
 641 ~~pursuant to the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or~~  
 642 ~~19-8-7 and has not~~ withdrawn ~~revoked~~ her surrender ~~within the ten-day period after signing~~  
 643 ~~as permitted by the provisions of subsection (b) subsection (a) of this Code section, she~~  
 644 ~~shall have no right or authority to sign a voluntary acknowledgment of paternity pursuant~~

645 to ~~the provisions of~~ Code Section 19-7-46.1 or consent to the granting of a petition for  
 646 legitimation filed pursuant to Code Section 19-7-22 regarding the same child.

647 (c) Provided that the individual signing a surrender of rights pursuant to Code Section  
 648 19-8-4, 19-8-5, 19-8-6, or 19-8-7 is at least 18 years of age at the time he or she signs such  
 649 surrender, he or she shall have the right to waive the ten-day revocation period only if such  
 650 waiver is referenced in the surrender document and set forth in a separate document that  
 651 is executed after consultation with an attorney, at least 48 hours after the birth of the child  
 652 identified in the surrender, under oath, and in the presence of a notary public and an adult  
 653 witness and is attested to by such attorney that such waiver is executed knowingly and  
 654 voluntarily. The waiver of the right to revoke a surrender shall meet the requirements of  
 655 subsection (n) of Code Section 19-8-26. A copy of such waiver shall be provided to the  
 656 individual signing it at the time of the execution thereof.

657 19-8-10.

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

- 662 (1) Child has been abandoned by that parent;
- 663 (2) Parent cannot be found after a diligent search has been made;
- 664 (3) Parent is insane or otherwise incapacitated from surrendering such rights;
- 665 (4) Parent caused his child to be conceived as a result of having nonconsensual sexual  
 666 intercourse with the biological mother of his child or when the biological mother is less  
 667 than ten years of age; or
- 668 (5) Parent, without justifiable cause, has failed to exercise proper parental care or control  
 669 due to misconduct or inability, as set out in paragraph (3), (4), or (5) of subsection (a) of  
 670 Code Section 15-11-310,

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

674 (b) ~~A surrender~~ Surrender of rights of a living parent pursuant to ~~subsection (a) of~~ Code  
 675 Section 19-8-6 or 19-8-7 shall not be required as a prerequisite to the ~~filing~~ granting of a  
 676 petition for adoption of a child of ~~that such living~~ parent pursuant to Code Section 19-8-13,  
 677 if that when the court determines by clear and convincing evidence that the parent, for a  
 678 period of one year or longer immediately prior to the filing of the petition for adoption,  
 679 without justifiable cause, has significantly failed:

680 (1) To communicate or to make a bona fide attempt to communicate with that child in  
 681 a meaningful, supportive, parental manner; or

682 (2) To provide for the care and support of that child as required by law or judicial decree,  
 683 and the court is of the opinion that the adoption is for in the best interests of that child, after  
 684 considering the physical, mental, emotional, and moral condition and needs of the child  
 685 who is the subject of the proceeding, including the need for a secure and stable home.

686 (c)(1) Whenever it is alleged by any petitioner that surrender or termination of rights of  
 687 a living parent is not a prerequisite to the filing granting of a petition for adoption of a  
 688 child of ~~that~~ such parent in accordance with subsection (a) or (b) of this Code section, ~~that~~  
 689 such parent shall be personally served with a conformed copy of the adoption petition,  
 690 together with a copy of the court's order thereon specified in Code Section 19-8-14, or,  
 691 if personal service cannot be perfected, notwithstanding subsection (a) of Code Section  
 692 9-10-12 which authorizes the use of certified mail, by registered or certified mail or  
 693 statutory overnight delivery, return receipt requested, or statutory overnight delivery,  
 694 one-day service not required, at his or her last known address. If service cannot be made  
 695 by either of these methods, that such parent shall be given notice by publication once a  
 696 week for three weeks in the official organ of the county where ~~the~~ such petition has been  
 697 filed and of the county of his or her last known address. In the interest of time,  
 698 publication may be initiated simultaneously with efforts to perfect service personally, by  
 699 registered mail, or by statutory overnight delivery. The court shall continue to have the  
 700 inherent authority to determine the sufficiency of service. A parent who receives  
 701 notification pursuant to this paragraph may shall not be a party to the adoption and shall  
 702 have no obligation to file an answer, but shall have the right to appear in the pending  
 703 adoption action proceeding and show cause why such parent's rights to the child sought  
 704 to be adopted in that action who is the subject of the proceeding should not be terminated  
 705 by that adoption. Notice shall be deemed to have been received the on the earliest date:

706 (1)(A) Personal service is perfected;

707 (2)(B) Of delivery shown on the return receipt of registered ~~or certified~~ mail or proof  
 708 of delivery by statutory overnight delivery; or

709 (3)(C) Of the last publication.

710 (2) No prior order of court shall be required to publish notice pursuant to this Code  
 711 section; provided, however, that before publication may be relied upon as a means of  
 712 service, it shall be averred that, after diligent efforts, service could not be perfected  
 713 personally, by registered mail, or by statutory overnight delivery.

714 (d) Consistent with the requirement of paragraph (7) of subsection (a) of Code Section  
 715 19-8-13, when the petitioner is seeking to involuntarily terminate the rights of a parent as  
 716 a prerequisite to the granting of the petition for adoption, the petitioner shall, in lieu of

717 obtaining and attaching those otherwise required surrenders of rights, acknowledgments,  
 718 and affidavits, allege facts in the petition seeking to involuntarily terminate parental rights  
 719 that demonstrate the applicability of the grounds set forth in subsection (a) or (b), or both,  
 720 of this Code section and shall also allege compliance with subsection (c) of this Code  
 721 section.

722 19-8-11.

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

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

727 ~~(B) An order of~~ has obtained an order from a court of competent jurisdiction  
 728 terminating all of the rights of one of the parents or the guardian of a child,

729 ~~the~~ such department, ~~or~~ child-placing agency, or out-of-state licensed agency may in

730 contemplation of the placement of such child for adoption petition the superior court of

731 the county ~~where the child resides~~ of the child's domicile, of the county where the child

732 was born, of the county in which is located the principal office of the child-placing

733 agency having legal custody of the child, or of the county in which is located the office

734 of the department having legal custody of the child to terminate the parental rights of the

735 remaining parent pursuant to this Code section.

736 (2) In those cases ~~where a person~~ when a child has been placed in compliance with

737 Chapter 4 of Title 39, and the individual who is the resident of another state has obtained

738 the voluntary written surrender of all parental rights from one of the parents or the

739 guardian of a child, each such ~~person~~ individual to whom the child has been surrendered

740 may in contemplation of the adoption of such child in such other state petition the

741 superior court of the county where the child ~~resides~~ was born or of Fulton County to

742 terminate the parental rights of the remaining parent pursuant to this Code section.

743 (3)(A) Parental rights may be terminated pursuant to paragraph (1) or (2) of this

744 subsection when the court determines by clear and convincing evidence that the:

745 ~~(A)(i)~~ (i) Child has been abandoned by that parent;

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

747 ~~(C)(iii)~~ (iii) Parent is insane or otherwise incapacitated from surrendering such rights;

748 ~~(D)(iv)~~ (iv) Parent caused his child to be conceived as a result of having nonconsensual

749 sexual intercourse with the biological mother of his child or when the biological

750 mother is less than ten years of age; or

751 ~~(E)(v)~~ Parent, without justifiable cause, has failed to exercise proper parental care or  
 752 control due to misconduct or inability, as set out in paragraph (3), (4), or (5) of  
 753 subsection (a) of Code Section 15-11-310, ~~and the court.~~

754 (B) If the court determines that a circumstance described in subparagraph (A) of this  
 755 paragraph has been met, it shall set the matter down to be heard in chambers not less  
 756 than 30 and not more than 60 days following the receipt by such remaining parent of  
 757 the notice under subsection (b) of this Code section and shall enter an order terminating  
 758 such parental rights if it so finds and if it is of the opinion that adoption is in the best  
 759 interests of the child, after considering the physical, mental, emotional, and moral  
 760 condition and needs of the child who is the subject of the proceeding, including the  
 761 need for a secure and stable home.

762 (b)(1) Whenever a petition to terminate parental rights is filed pursuant to subsection (a)  
 763 of this Code section, the parent whose rights the petitioner is seeking to terminate shall  
 764 be personally served with a conformed copy of the petition; to terminate parental rights  
 765 and a copy of the court's order setting forth the date upon which the such petition shall  
 766 be considered or, if personal service cannot be perfected, notwithstanding subsection (a)  
 767 of Code Section 9-10-12 which authorizes the use of certified mail, by registered or  
 768 certified mail or statutory overnight delivery, return receipt requested, or statutory  
 769 overnight delivery, one-day service not required, at his or her last known address. If  
 770 service cannot be made by either of these methods, that such parent shall be given notice  
 771 by publication once a week for three weeks in the official organ of the county where the  
 772 such petition has been filed and of the county of his or her last known address. In the  
 773 interest of time, publication may be initiated simultaneously with efforts to perfect  
 774 service personally, by registered mail, or by statutory overnight delivery. The court shall  
 775 continue to have the inherent authority to determine the sufficiency of service. A parent  
 776 who receives notification pursuant to this subsection may appear paragraph shall not be  
 777 a party to the adoption and shall have no obligation to file an answer, but shall have the  
 778 right to appear in the pending termination of parental rights proceeding and show cause  
 779 why such parent's rights to the child sought to be placed for adoption who is the subject  
 780 of the proceeding should not be terminated. Notice shall be deemed to have been  
 781 received the on the earliest date:

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

783 ~~(2)(B)~~ Of delivery shown on the return receipt of registered ~~or certified~~ mail or proof  
 784 of delivery by statutory overnight delivery; or

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

786 (2) No prior order of court shall be required to publish notice pursuant to this Code  
 787 section; provided, however, that before publication may be relied upon as a means of

788 service, it shall be averred that, after diligent efforts, service could not be perfected  
 789 personally, by registered mail, or by statutory overnight delivery.

790 19-8-12.

791 (a) The General Assembly finds that:

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

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

795 (3) Adoptive parents have a constitutionally protected liberty and privacy interest in  
 796 retaining custody of children placed with them for adoption;

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

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

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

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

814 (1) If his identity is known to the petitioner, department, ~~or licensed child-placing~~  
 815 ~~agency, or out-of-state licensed agency~~ or to the attorney for ~~the petitioner, department,~~  
 816 ~~or licensed child-placing agency~~ such individual or entity;

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

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

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

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

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

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

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

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

834 ~~(1)(A) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the~~  
 835 ~~use of certified mail, registered mail Registered or certified mail or statutory overnight~~  
 836 ~~delivery, return receipt requested, or statutory overnight delivery, one-day service not~~  
 837 ~~required, at his last known address, which notice shall be deemed received upon the~~  
 838 ~~date of delivery shown on the return or delivery receipt;~~

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

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

844 ~~(2) If feasible, the methods specified in paragraph (1) or (2) subparagraph (A) or (B) of~~  
 845 ~~paragraph (1) of this subsection shall be used before publication; provided, however, that~~  
 846 ~~in the interest of time, publication may be initiated simultaneously with efforts to perfect~~  
 847 ~~service personally, by registered mail, or by statutory overnight delivery.~~

848 ~~(3) No prior order of court shall be required to publish notice pursuant to this Code~~  
 849 ~~section; provided, however, that before publication may be relied upon as a means of~~  
 850 ~~service, it shall be averred that, after diligent efforts, service could not be perfected~~  
 851 ~~personally, by registered mail, or by statutory overnight delivery.~~

852 (d)(1) ~~When Where~~ the rights of a parent or guardian of a child have been surrendered  
 853 or terminated in accordance with subsection (a) of Code Section 19-8-4 ~~or the child does~~  
 854 ~~not have a living parent or guardian, the department, or a child-placing agency, or~~  
 855 ~~out-of-state licensed agency may file, under the authority of this paragraph, a petition to~~  
 856 ~~terminate such a biological father's rights to the child with the superior court of the~~  
 857 ~~county where the child resides of the child's domicile, of the county where the child was~~  
 858 ~~born, of the county in which is located the principal office of the child-placing agency~~

859 having legal custody of the child, or of the county in which is located the office of the  
 860 department having legal custody of the child.

861 (2) ~~When~~ Where the rights of a parent or guardian of a child have been surrendered in  
 862 accordance with subsection (a) of Code Section 19-8-5, 19-8-6, or 19-8-7 ~~or, the child~~  
 863 does not have a living parent or guardian, a consent to adopt has been executed pursuant  
 864 to paragraph (2) of subsection (a) of Code Section 19-8-6, or the petitioner is seeking to  
 865 involuntarily terminate parental rights pursuant to Code Section 19-8-10, the petitioner  
 866 shall file, under the authority of this paragraph, with the superior court ~~either of the~~  
 867 county of the child's domicile or of the county where the child was born a motion, if a  
 868 petition for adoption of the child has previously been filed with the court, or a petition to  
 869 terminate ~~such~~ a biological father's rights to the child.

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

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

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

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

881 (D) ~~Provided support or medical care for the mother, either during her pregnancy or~~  
 882 ~~during her hospitalization for the birth of the child, and~~

883 (4) Unless the identity of a biological father is known to the petitioner, department,  
 884 child-placing agency, or out-of-state licensed agency or to the attorney for such  
 885 individual or entity such that he is entitled to notice of the proceedings as provided in this  
 886 Code section, when the petitioner provides a certificate ~~as of the date of the petition or~~  
 887 ~~the motion, as the case may be,~~ from the putative father registry stating that there is no  
 888 entry registrant identified on the putative father registry ~~either~~ acknowledging paternity  
 889 of the child or indicating possible paternity of ~~a child of the child's mother~~ the child for  
 890 a period beginning no later than two years immediately prior to the child's date of birth,  
 891 then it shall be rebuttably presumed that ~~the~~ an unnamed biological father who is not ~~the~~  
 892 a legal father is not entitled to notice of the proceedings. Absent evidence rebutting the  
 893 presumption, then no further inquiry or notice shall be required by the court and the court  
 894 shall enter an order terminating the rights of such unnamed biological father to the child.

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

899 (1) A petition to legitimate the child pursuant to Code Section 19-7-22 as a separate civil  
 900 action; and

901 (2) Notice of the filing of the petition to legitimate with the court in which the action  
 902 under this Code section, if any, is pending; and

903 (3) Notice of the filing of the petition to legitimate to the person or agency who provided  
 904 such notice to such biological father.

905 (f) A biological father who is not ~~the~~ a legal father ~~loses~~ shall lose all rights to the child  
 906 and the court shall enter an order terminating all ~~such father's~~ of his rights to the child and  
 907 ~~such father may~~ he shall not thereafter be allowed to object to the adoption and ~~is not~~ shall  
 908 not be entitled to receive further notice of the adoption if, within 30 days from his receipt  
 909 of the notice provided for in subsection (b) of this Code section, he:

910 (1) Does not file a legitimation petition and give notice as required in subsection (e) of  
 911 this Code section;

912 (2) Files a legitimation petition which is subsequently dismissed for failure to prosecute;  
 913 or

914 (3) Files a legitimation petition and the action is subsequently concluded without a court  
 915 order granting such petition and declaring ~~a finding~~ that he is ~~the~~ a legal father of the  
 916 child.

917 (g) If an alleged biological father who is not a legal father files a legitimation petition after  
 918 the mother of such child has surrendered her parental rights, the court shall be authorized  
 919 to consider the affidavit of the mother specified in subsection (g) of Code Section 19-8-4,  
 920 19-8-5, 19-8-6, or 19-8-7, as applicable. If the court finds from the evidence that such  
 921 biological father has not lived with the child, contributed to the child's support, or provided  
 922 support or medical care during the mother's pregnancy or hospitalization for the birth of  
 923 the child, the court shall conclude that the biological father abandoned his opportunity  
 924 interest to legitimate the child and deny his petition for legitimation and he shall not  
 925 thereafter be allowed to object to the adoption nor be entitled to receive further notice of  
 926 the adoption proceedings.

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

929 ~~(h)~~(i) If the child is legitimated by his or her biological father and in the subsequent  
 930 adoption proceeding the petition for adoption is ~~either withdrawn~~ revoked with prejudice  
 931 or denied by the court, then a ~~surrender of parental rights final release for adoption~~

932 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION executed by ~~the~~ a legal  
 933 mother pursuant to ~~the provisions of~~ subsection (a) of Code Section 19-8-4, 19-8-5, or  
 934 19-8-7 shall be dissolved by operation of law and her parental rights shall be restored to  
 935 her. The fact that ~~the~~ a legal mother executed a ~~surrender of parental rights final release~~  
 936 ~~for adoption~~ SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION, now  
 937 dissolved, shall not be admissible as evidence in any proceedings against ~~the~~ a legal mother  
 938 in any proceeding against her.

939 19-8-13.

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

943 (1) The petition for adoption shall set forth:

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

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

948 (C) The sex, date and place of birth, and citizenship or immigration status of the child,  
 949 ~~and the sex of~~ if the child is neither a United States citizen nor a lawful permanent  
 950 resident of the United States on the date such petition is filed, the petitioner shall  
 951 explain how such child will be able to obtain lawful permanent resident status;

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

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

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

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

959 (H) Whether the child has a legal custodian and, if so, the name of the legal custodian  
 960 and the name of the court that appointed such custodian; and

961 (I) Whether each petitioner or his or her attorney is aware of any other adoption  
 962 proceeding pending to date, in this or any other state or country, regarding the child  
 963 who is the subject of the proceeding that is not fully disclosed in such petition and  
 964 whether each petitioner or his or her attorney is aware of any individual who has or  
 965 claims to have physical custody of or visitation rights with the child who is the subject  
 966 of the proceeding whose name and address and whose custody or visitation rights are  
 967 not fully disclosed in such petition. Each petitioner and his or her attorney shall have

968 a continuing duty to inform the court of any proceeding in this or any other state or  
 969 country that could affect the adoption proceeding or the legal custody of or visitation  
 970 with the child who is the subject of the proceeding;

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

974 (A) If the adoption is pursuant to:

975 (i) Paragraph (1) of such Code section, a copy of the written voluntary surrender of  
 976 rights of each parent or guardian specified in subsection (e) of Code Section 19-8-4  
 977 and a copy of the written acknowledgment of surrender of rights specified in  
 978 subsection (f) of Code Section 19-8-4; or

979 (ii) Paragraph (2) of such Code section, a certified copy of the order entered by a  
 980 court of competent jurisdiction terminating parental rights of the parent and  
 981 committing the child to the department, child-placing agency, or out-of-state licensed  
 982 agency;

983 (B) A copy of the affidavits specified in subsections (g) and (h) of Code Section  
 984 19-8-4;

985 ~~(A)~~(C) An original affidavit from the department or a child-placing agency stating that  
 986 all of the requirements of Code Sections 19-8-4 and 19-8-12 have been complied with  
 987 and that the child is legally available for adoption or, in the case of a placement by an  
 988 out-of-state licensed agency, that the comparable provisions dealing with the  
 989 termination of parental rights of the parents and of a biological father who is not a legal  
 990 father of the child have been complied with under the laws of the state or country in  
 991 which the out-of-state licensed agency is licensed and that the child is legally available  
 992 for adoption thereunder;

993 ~~(B)~~(D) The original written consent of the department, child-placing agency, or  
 994 out-of-state licensed agency to the adoption;

995 ~~(C)~~(E) Uncertified copies of appropriate certificates or forms verifying the allegations  
 996 contained in such petition as to guardianship of the child, including, but not limited to,  
 997 the marriage of each petitioner, the death of each parent in lieu of a surrender of his or  
 998 her parental rights, and ~~A copy of the appropriate form verifying the allegation of~~  
 999 ~~compliance with the requirements of Chapter 4 of Title 39, relating to the Interstate~~  
 1000 ~~Compact on the Placement of Children; and~~

1001 ~~(D)~~(F) A completed form containing background information regarding the child ~~to be~~  
 1002 ~~adopted,~~ as required by the adoption unit of the department, or an equivalent medical  
 1003 and social history background form; and

1004 (G) The original waiver of the right to revoke a surrender of rights specified in  
 1005 subsection (c) of Code Section 19-8-9;

1006 (3) ~~When~~ ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-5, the  
 1007 following shall be provided or attached to the petition for adoption or its absence  
 1008 explained when the petition for adoption is filed:

1009 (A) The original written voluntary surrender of rights of each parent, biological father  
 1010 who is not a legal father, or guardian specified in subsection (e) of Code Section  
 1011 19-8-5;

1012 (B) The original written acknowledgment of surrender of rights specified in subsection  
 1013 (f) of Code Section 19-8-5;

1014 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-5;

1015 (D) ~~A copy of the appropriate form verifying the allegation~~ Allegations of compliance  
 1016 with Code Section 19-8-12 and the original certification evidencing the search of the  
 1017 putative father registry;

1018 ~~(E) Allegations of compliance with Chapter 4 of Title 39, relating to the Interstate~~  
 1019 ~~Compact on the Placement of Children;~~

1020 ~~(F)~~(E) The original accounting required by subsection (c) of this Code section;

1021 ~~(G)~~(F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the  
 1022 allegations contained in the such petition as to guardianship ~~or custody~~ of the child,  
 1023 including, but not limited to, the marriage of each petitioner, the ~~divorce~~ ~~or~~ death of  
 1024 each parent ~~of the child~~ in lieu of a surrender of his or her parental rights, and  
 1025 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the  
 1026 Placement of Children;

1027 ~~(H)~~(G) A completed form containing background information regarding the child ~~to~~  
 1028 ~~be adopted~~, as required by the adoption unit of the department, or an equivalent medical  
 1029 and social history background form; and

1030 ~~(I)~~(H) A copy of the home study report; and

1031 (I) The original waiver of the right to revoke a surrender of rights specified in  
 1032 subsection (c) of Code Section 19-8-9;

1033 (4) ~~When~~ ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-6, the  
 1034 following shall be provided or attached to the petition for adoption or its absence  
 1035 explained when the petition for adoption is filed:

1036 (A) The original written voluntary surrender of ~~the parent~~ rights of each parent,  
 1037 biological father who is not a legal father, or guardian specified in subsection (e) of  
 1038 Code Section 19-8-6;

1039 (B) The original written acknowledgment of surrender of rights specified in subsection  
 1040 (f) of Code Section 19-8-6;

- 1041 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;
- 1042 (D) The original consent specified in subsection (j) of Code Section 19-8-6;
- 1043 (E) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
- 1044 with Code Section 19-8-12 and the original certification evidencing the search of the
- 1045 putative father registry;
- 1046 (F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the
- 1047 allegations contained in the such petition as to guardianship of the child ~~sought to be~~
- 1048 ~~adopted, including, but not limited to,~~ the birth of the child ~~sought to be adopted,~~ the
- 1049 marriage of each petitioner, and the ~~divorce or death of each parent of the child sought~~
- 1050 ~~to be adopted; and~~ in lieu of a surrender of his or her parental rights;
- 1051 (G) A completed form containing background information regarding the child ~~to be~~
- 1052 ~~adopted,~~ as required by the adoption unit of the department; or an equivalent medical
- 1053 and social history background form; and
- 1054 (H) The original waiver of the right to revoke a surrender of rights specified in
- 1055 subsection (c) of Code Section 19-8-9;
- 1056 (5) When ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-7, the
- 1057 following shall be provided or attached to the petition for adoption or its absence
- 1058 explained when the petition for adoption is filed:
- 1059 (A) The original written voluntary surrender of rights of each parent or biological
- 1060 father who is not a legal father specified in subsection (e) of Code Section 19-8-7;
- 1061 (B) The original written acknowledgment of surrender of rights specified in subsection
- 1062 (f) of Code Section 19-8-7;
- 1063 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;
- 1064 (D) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
- 1065 with Code Section 19-8-12 and the original certification evidencing the search of the
- 1066 putative father registry;
- 1067 (E) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying allegations
- 1068 contained in the petition as to guardianship or custody of the child ~~sought to be adopted;~~
- 1069 and the birth of the child ~~sought to be adopted, including but not limited to,~~ the
- 1070 marriage of each petitioner, ~~and the divorce or the~~ death of each parent ~~of the child~~
- 1071 ~~sought to be adopted; and~~ in lieu of a surrender of his or her parental rights, and
- 1072 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the
- 1073 Placement of Children;
- 1074 (F) A completed form containing background information regarding the child ~~to be~~
- 1075 ~~adopted,~~ as required by the adoption unit of the department; or an equivalent medical
- 1076 and social history background form; and

1077 (G) The original waiver of the right to revoke a surrender of rights specified in  
 1078 subsection (c) of Code Section 19-8-9;

1079 (6)(A) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-8,  
 1080 the following shall be provided or attached or its absence explained to the petition for  
 1081 adoption when the petition for adoption is filed:

1082 ~~(i) A certified copy of the final decree of adoption from the foreign country along~~  
 1083 ~~with a verified English translation. The translator shall provide a statement regarding~~  
 1084 ~~his qualification to render the translation, his complete name, and his current address.~~  
 1085 ~~Should the current address be a temporary one, his permanent address shall also be~~  
 1086 ~~provided;~~

1087 ~~(ii) A verified copy of the visa granting the child entry to the United States;~~

1088 ~~(iii) A certified copy along with a verified translation of the child's amended birth~~  
 1089 ~~certificate or registration showing each petitioner as parent; and~~

1090 ~~(iv) A copy of the home study which was completed for United States Immigration~~  
 1091 ~~and Naturalization Service.~~

1092 (i) A copy of the child's passport page showing an immediate relative immigrant visa  
 1093 or Hague Convention immigrant visa obtained to grant the child entry into the United  
 1094 States as a result of a full and final adoption in the foreign country; and

1095 (ii) A copy along with an English translation of the child's birth certificate or  
 1096 registration.

1097 ~~(B) It is not necessary to file copies of surrenders or termination on any parent or~~  
 1098 ~~biological father who is not the legal father when the petition is filed pursuant to~~  
 1099 ~~paragraph (1) of Code Section 19-8-8.~~

1100 (B) Because the issuance of an immediate relative immigrant visa or Hague  
 1101 Convention immigrant visa by the United States Department of State in the child's  
 1102 passport is prima-facie evidence that all parental rights have been terminated and that  
 1103 the child is legally available for adoption, it shall not be necessary to file any  
 1104 documents related to the surrender or termination of the parental rights of the child's  
 1105 parents or comply with Code Section 19-8-12 regarding the rights of a biological father  
 1106 who is not a legal father when the petition for adoption is filed pursuant to  
 1107 subsection (a) of Code Section 19-8-8.

1108 (C) When the adoption is pursuant to subsection (b) of Code Section 19-8-8, the  
 1109 following shall be provided or attached to the petition for adoption when the petition  
 1110 for adoption is filed:

1111 (i) A copy along with an English translation of the final decree or order of  
 1112 guardianship from the foreign country;

- 1113 (ii) Copies of all postplacement reports, if required by the foreign country that  
 1114 entered the guardianship decree or order;
- 1115 (iii) Authorization to proceed with adoption if specifically required by the decree or  
 1116 order entered by the court or administrative agency in the foreign country;
- 1117 (iv) A copy of the child's passport page showing an immediate relative immigrant  
 1118 visa or Hague Convention immigrant visa obtained to grant the child entry into the  
 1119 United States in order to finalize his or her adoption; and
- 1120 (v) A copy along with an English translation of the child's birth certificate or  
 1121 registration;
- 1122 (7) ~~When~~ ~~Where~~ Code Section 19-8-10 is applicable, parental rights need not be  
 1123 surrendered or terminated prior to the filing of the petition for adoption; but ~~any~~ ~~the~~  
 1124 ~~petitioner shall, in lieu of obtaining and attaching those otherwise required surrenders of~~  
 1125 ~~rights, acknowledgments, and affidavits, allege facts in the petition for adoption~~  
 1126 ~~demonstrating the applicability of subsection (a) or (b), or both, of Code Section 19-8-10~~  
 1127 ~~and shall also allege compliance with subsection (c) of Code Section 19-8-10;~~ and
- 1128 (8) If the petition for adoption is filed in a county other than that of the ~~petitioners'~~  
 1129 ~~petitioner's~~ residence, the reason therefor ~~must also shall~~ be set forth in ~~the~~ such petition.
- 1130 (b) At the time of filing the petition for adoption, the petitioner shall deposit with the clerk  
 1131 the deposit required by Code Section 9-15-4; the fees shall be those established by Code  
 1132 Sections 15-6-77, ~~and 15-6-77.1, and 15-6-77.2.~~
- 1133 (c) Each petitioner for adoption in any proceeding for the adoption of a minor child  
 1134 pursuant to ~~the provisions of~~ Code Section 19-8-5 shall file with the petition for adoption,  
 1135 in a manner acceptable to the court, a report fully accounting for all disbursements of  
 1136 anything of value made or agreed to be made, directly or indirectly, by, on behalf of, or for  
 1137 the benefit of the petitioner in connection with the adoption, including, but not limited to,  
 1138 any expenses incurred in connection with:
- 1139 (1) The birth of the minor child;
- 1140 (2) Placement of the minor child with the petitioner;
- 1141 (3) Counseling services or legal services for a legal mother;
- 1142 (4) Reasonable living expenses for the biological mother during the last three months of  
 1143 her pregnancy and for six weeks postpartum;
- 1144 ~~(3)(5)~~ (5) Medical or hospital care received by the biological mother or by the minor child  
 1145 during the such mother's prenatal care and confinement;
- 1146 (6) Any additional reasonable and necessary expenses authorized by the court pursuant  
 1147 to subsection (c) of Code Section 19-8-24; and

1148 ~~(4)~~(7) Services relating to the adoption or to the placement of the minor child for  
 1149 adoption which were received by or on behalf of the petitioner, either ~~natural~~ biological  
 1150 parent of the minor child, or any other ~~person~~ individual.

1151 (d) Every attorney for a petitioner in any proceeding for the adoption of a minor child  
 1152 pursuant to ~~the provisions of~~ Code Section 19-8-5 shall file, in a manner acceptable to the  
 1153 court, before the decree of adoption is entered, an affidavit detailing all sums paid or  
 1154 promised to that attorney, directly or indirectly, from whatever source, for all services of  
 1155 any nature rendered or to be rendered in connection with the adoption, including an  
 1156 accounting for all funds disbursed through the attorney's trust account in accordance with  
 1157 subsection (c) of Code Section 19-8-24; provided, however, that, if the attorney received  
 1158 or is to receive less than \$500.00, the affidavit need only state that fact.

1159 (e) Any report made under this Code section ~~must~~ shall be signed ~~and verified~~ under oath  
 1160 and in the presence of a notary public by the individual making the report.

1161 (f)(1) As used in this subsection, the term 'family member' shall have the same meaning  
 1162 as set forth in Code Section 19-7-3.

1163 (2) Whenever a ~~petitioner is a blood relative of the child to be adopted and~~ a family  
 1164 member other than the petitioner has visitation rights to ~~the~~ such child granted pursuant  
 1165 to Code Section 19-7-3, the petitioner shall cause a copy of the petition for adoption to  
 1166 be served upon the family member with the visitation rights or upon such ~~person's~~ family  
 1167 member's counsel of record at least 30 days prior to the date upon which the petition for  
 1168 adoption will be considered as such time frames are set forth in Code Section 19-8-14.

1169 (g) Notwithstanding ~~the provisions of~~ Code Sections 19-8-5 and 19-8-7 and this Code  
 1170 section which require obtaining and attaching a written voluntary surrender of rights and  
 1171 acknowledgment thereof and affidavits of ~~the~~ a legal mother and a representative of the  
 1172 petitioner or of the individual signing such surrender, when the adoption is sought under  
 1173 subsection (a) of Code Section 19-8-5 or 19-8-7 following the termination of parental rights  
 1174 and the placement of the child by the juvenile court pursuant to Code Section 15-11-321,  
 1175 obtaining and attaching to the petition for adoption a certified copy of the order terminating  
 1176 parental rights of the parent shall take the place of obtaining and attaching those otherwise  
 1177 required surrenders of rights, acknowledgments, and affidavits.

1178 (h)(1) A petition for adoption regarding a child ~~or children~~ who ~~have~~ has a living  
 1179 biological father who is not ~~the~~ a legal father and who has not surrendered his rights to  
 1180 the child ~~or children~~ shall include a certificate from the putative father registry disclosing  
 1181 the name, address, and social security number of any registrant acknowledging paternity  
 1182 of the child ~~or children~~ pursuant to subparagraph (d)(2)(A) of Code Section 19-11-9 or  
 1183 indicating the possibility of paternity of ~~a child of the child's mother~~ such child pursuant  
 1184 to subparagraph (d)(2)(B) of Code Section 19-11-9 for a period beginning no later than

1185 two years immediately prior to the child's date of birth. Such certificate shall indicate the  
 1186 results of a search of the registry on or after the earliest of the following:

1187 ~~(1)(A)~~ The date of ~~the~~ a legal mother's surrender of parental rights;

1188 ~~(2)(B)~~ The date of entry of the court order terminating ~~the~~ a legal mother's parental  
 1189 rights; or

1190 ~~(3)(C)~~ The date of ~~the~~ a legal mother's consent to adoption pursuant to Code Section  
 1191 19-8-6; ~~or~~

1192 ~~(4) The date of the filing of the petition for adoption, in which case the certificate may~~  
 1193 ~~be filed as an amendment to the petition for adoption.~~

1194 (2) Such certificate shall include a statement that the registry is current as of the earliest  
 1195 date listed in ~~paragraphs (1) through (4)~~ subparagraphs (A) through (D) of paragraph (1)  
 1196 of this subsection, or as of a specified date that is later than the earliest such date.

1197 (3) When a legal mother of the child who is the subject of the proceeding identifies her  
 1198 husband as the biological father of the child and he has executed a surrender of his  
 1199 parental rights in favor of the petitioner, the petitioner shall obtain a certificate from the  
 1200 putative father registry and submit it with the petition for adoption to confirm that no  
 1201 male other than the legal mother's husband has expressed an interest in the child or to  
 1202 identify a registrant other than the legal mother's husband who shall be notified pursuant  
 1203 to Code Section 19-8-12.

1204 (i) Because adoption records are sealed pursuant to subsection (a) of Code Section  
 1205 19-8-23, it shall not be necessary to redact social security numbers, taxpayer identification  
 1206 numbers, financial account numbers, or dates of birth from pleadings and all documents  
 1207 filed therewith that are filed pursuant to this article as they are deemed to be a filing under  
 1208 seal under subsection (d) of Code Section 9-11-7.1.

1209 19-8-14.

1210 (a) It is the policy of this state that, in the best ~~interest~~ interests of the child, uncontested  
 1211 adoption petitions ~~should~~ shall be heard as soon as possible but not later than 120 days after  
 1212 the date of filing, unless the petitioner has failed to arrange for the court to receive the  
 1213 report required by ~~the provisions of~~ Code Section 19-8-16 or has otherwise failed to  
 1214 provide the court with all exhibits, surrenders of rights, or certificates required by this  
 1215 ~~chapter~~ article within that time period. It is the policy of this state that, in contested  
 1216 adoption petitions, the parties shall make every effort to have the petition considered by the  
 1217 court as soon as practical after the date of filing, taking into account the circumstances of  
 1218 the petition and the best ~~interest~~ interests of the child.

1219 (b) Upon the filing of the petition for adoption, accompanied by the filing fee unless such  
 1220 fee is waived, it shall be the responsibility of the clerk to accept ~~the~~ such petition as filed.  
 1221 Such petition shall not be subject to court approval before it is filed.

1222 (c) Upon the filing of the petition for adoption, the court shall fix a date upon which ~~the~~  
 1223 such petition shall be considered, which date shall be not less than 45 days from the date  
 1224 of the filing of ~~the~~ such petition and shall not be less than 30 days following the last date  
 1225 a parent or biological father is deemed to have received service of notice as required in  
 1226 those cases when Code Section 19-8-10 or 19-8-12, or both, is applicable.

1227 (d) Notwithstanding ~~the provisions of~~ subsections (a) and (c) of this Code section, it shall  
 1228 be the petitioner's responsibility to request that the court hear the petition for adoption on  
 1229 a date that allows sufficient time for fulfillment of the notice requirements of ~~Code Section~~  
 1230 ~~19-8-10 and Code Section 19-8-12, where~~ Code Sections 19-8-10 and 19-8-12, when  
 1231 applicable.

1232 (e) In the best ~~interest~~ interests of the child, the court may hear the petition for adoption  
 1233 less than 45 days from the date of its filing upon a showing by the petitioner that ~~either~~ no  
 1234 further notice is required or ~~that~~ any statutory requirement of notice to any ~~person~~  
 1235 individual will be fulfilled at an earlier date, and provided that any report required by Code  
 1236 Section 19-8-16 has been completed or will be completed at an earlier date.

1237 (f) The court in the child's best ~~interest~~ interests may grant such expedited hearings or  
 1238 continuances as may be necessary for completion of applicable notice requirements,  
 1239 investigations, a home study, and reports or for other good cause shown.

1240 (g) Copies of the petition for adoption and all documents filed in connection therewith,  
 1241 including, but not limited to, the order fixing the date upon which ~~the~~ such petition shall  
 1242 be considered, motions, other pleadings filed, all orders entered in connection with such  
 1243 petition, and all exhibits, surrenders of rights, or certificates required by this chapter article,  
 1244 shall be forwarded by the clerk to the department within 15 days after the date of ~~the~~ such  
 1245 filing of the petition for adoption for retention by the State Adoption Unit of the  
 1246 department.

1247 (h) Copies of the petition for adoption, the order fixing the date upon which ~~the~~ such  
 1248 petition shall be considered, and all exhibits, surrenders of rights, or certificates required  
 1249 by this ~~chapter~~ article shall be forwarded by the clerk to the ~~child-placing agency or other~~  
 1250 agent appointed by the court pursuant to ~~the provisions of~~ Code Section 19-8-16 within 15  
 1251 days after the filing of the petition for adoption, together with a request that a report and  
 1252 investigation be made as required by ~~law~~ Code Section 19-8-16.

1253 (i) The clerk of court shall provide the petitioner or his or her attorney with a copy of the  
 1254 petition for adoption and of each amendment, motion, and other pleading filed with a stamp  
 1255 confirming the date each pleading was filed with the court and shall also provide the

1256 petitioner or his or her attorney with a copy of each order entered by the court in the  
 1257 adoption proceeding, confirming the date the order was filed of record by the court. Copies  
 1258 of all motions, amendments, and other pleadings filed and of all orders entered in  
 1259 connection with the petition for adoption shall be forwarded by the clerk to the department  
 1260 within 15 days after such filing or entry.

1261 19-8-15.

1262 ~~(1)~~(a) As used in this Code section, the term 'family member' shall have the same meaning  
 1263 as set forth in Code Section 19-7-3.

1264 ~~(2)~~(b) If a legal mother and biological father, whether he was a legal father or not, of the  
 1265 child who is the subject of the proceeding are both deceased, regardless of whether either  
 1266 individual had surrendered his or her parental rights or had his or her rights terminated ~~ff~~  
 1267 ~~the child sought to be adopted has no legal father or legal mother living,~~ it shall be the  
 1268 privilege of any ~~person~~ individual related by blood to ~~the~~ such child to file objections to the  
 1269 petition for adoption.

1270 (c) A family member with visitation rights to a child granted pursuant to Code Section  
 1271 19-7-3 shall have the privilege to file objections to the petition ~~of~~ for adoption if neither  
 1272 parent has any further rights to the child and if the petition for adoption has been filed by  
 1273 a blood relative of the child. The court, after hearing such objections, shall determine, in  
 1274 its discretion, whether or not ~~the same~~ such objections constitute a good reason for denying  
 1275 the petition for adoption and the court shall have the authority to grant or continue such  
 1276 visitation rights of the family member of the child in the adoption order in the event the  
 1277 adoption by the blood relative is approved by the court.

1278 19-8-16.

1279 (a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be  
 1280 the duty of ~~a child-placing agency~~ the agent appointed by the court ~~or any other~~  
 1281 ~~independent agent appointed by the court~~ to verify the allegations in the petition for  
 1282 adoption, to make a complete and thorough investigation of the entire matter, including a  
 1283 ~~criminal records check of each petitioner~~ any specific issue the court requests to be  
 1284 investigated, and to report its findings and recommendations in writing to the court where  
 1285 the petition for adoption was filed. The agent may be the department, a child-placing  
 1286 agency, an evaluator, or an individual who the court determines is qualified to conduct the  
 1287 required investigation. ~~The department, child-placing agency, or other independent agent~~  
 1288 appointed by the court shall also provide the petitioner or his or her attorney ~~for petitioner~~  
 1289 with a copy of ~~the~~ its report ~~to the court.~~ If for any reason the ~~child-placing agency or other~~  
 1290 agent appointed by the court finds itself unable to make or arrange for the proper

1291 investigation and report, it shall be the duty of the ~~agency or agent~~ to notify the court  
 1292 immediately, or at least within 20 days after receipt of the request for investigation service,  
 1293 that it is unable to make the report and investigation, so that the court may take such other  
 1294 steps as in its discretion are necessary to have the ~~entire matter investigated~~ investigation  
 1295 and report prepared. The investigation required by this Code section shall be in addition  
 1296 to the requirement of a home study in the case of a petition for adoption filed pursuant to  
 1297 subsection (a) of Code Section 19-8-5.

1298 (b) If the petition for adoption has been filed pursuant to subsection (a) of Code Section  
 1299 19-8-6 or 19-8-7, the court ~~is~~ shall be authorized but shall not be required to appoint a  
 1300 ~~child-placing agency or other independent~~ an agent to make an investigation ~~in whatever~~  
 1301 ~~form the court specifies~~ pursuant to subsection (a) of this Code section; provided, however,  
 1302 that a home study shall not be required.

1303 (c)(1) If the petition for adoption has been filed pursuant to Code Section 19-8-8, ~~or if~~  
 1304 ~~the department has conducted an investigation and has consented to the adoption, an~~  
 1305 ~~investigation~~ the appointment of an agent to make an investigation and render a report  
 1306 pursuant to subsection (a) of this Code section shall not be required.

1307 (2) If the petition for adoption has been filed pursuant to Code Section 19-8-4 and the  
 1308 department or child-placing agency has consented to the adoption, the appointment of an  
 1309 agent to make an investigation and render a report pursuant to subsection (a) of this Code  
 1310 section shall not be required.

1311 (d) The court shall require the petitioner to submit to a criminal history records check. The  
 1312 petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with  
 1313 the appropriate fee. The center shall promptly transmit the fingerprints to the Federal  
 1314 Bureau of Investigation for a search of bureau records and shall obtain an appropriate  
 1315 report. The Georgia Crime Information Center shall also promptly conduct a search of its  
 1316 records and any records to which it has access. The center shall notify the court in writing  
 1317 of the presence or absence of any ~~derogatory finding, including but not limited to any~~  
 1318 ~~conviction data, regarding the~~ criminal record from the state fingerprint records check. In  
 1319 those cases when the petitioner has submitted a fingerprint based criminal history report  
 1320 that includes the results of a records search of both the Georgia Crime Information Center  
 1321 and the Federal Bureau of Investigation to the department, child-placing agency, or  
 1322 evaluator as part of the home study and such results are dated within 12 months of filing  
 1323 of the petition for adoption and are included in the home study report filed with or  
 1324 otherwise made available to the court, such results shall satisfy the requirements of this  
 1325 subsection. Because the court shall not be authorized to share the results of the fingerprint  
 1326 records check with the agent appointed by the court pursuant to subsection (a) or (e) of this  
 1327 Code section, the court shall determine the acceptability of the petitioner's criminal history,

1328 inform the petitioner or his or her attorney at least five days prior to the final hearing on the  
 1329 petition for adoption if the court will require additional evidence with respect to the  
 1330 petitioner's criminal history or if the court is inclined to deny such petition because of such  
 1331 criminal history, and afford the petitioner or his or her attorney an opportunity to present  
 1332 evidence as to why the petitioner's criminal history should not be grounds for denial of such  
 1333 petition.

1334 ~~(e) The court may appoint the department to serve as its agent to conduct the investigation~~  
 1335 ~~required by this Code section if an appropriate child-placing agency or independent agent~~  
 1336 ~~is not available. If for any reason the department finds itself unable to make or arrange for~~  
 1337 ~~the proper investigation and report, it shall be the duty of the commissioner of human~~  
 1338 ~~services to notify the court immediately, or at least within 20 days after receipt of the~~  
 1339 ~~request for investigation service, that it is unable to make the report and investigation, so~~  
 1340 ~~that the court may take such other steps as in its discretion are necessary to have the entire~~  
 1341 ~~matter investigated.~~

1342 ~~(f)~~(e) The court shall require the petitioner to reimburse the ~~child-placing agency or other~~  
 1343 ~~independent agent~~ appointed by the court, including the department, for the full cost of  
 1344 conducting the investigation and preparing ~~the~~ its report. Such cost shall not exceed  
 1345 \$250.00 unless specifically authorized by the court, provided that the court shall furnish  
 1346 the petitioner or his or her attorney with written notice of the name of the agent that the  
 1347 court intends to appoint and the amount of any increased costs, together with a request to  
 1348 agree to pay such increased costs. If the petitioner does not agree to pay the increased  
 1349 costs, then the petitioner shall have an opportunity to present to the court information  
 1350 regarding other persons that are qualified to conduct the investigation and render the report  
 1351 to the court and the cost of their services, and the court shall appoint the person that is  
 1352 qualified to conduct the investigation and render the report to the court at the lowest cost  
 1353 to the petitioner.

1354 19-8-17.

1355 (a) The report and findings of the investigating ~~agency~~ agent appointed by the court  
 1356 pursuant to Code Section 19-8-16 shall include, among other things, the following:

- 1357 (1) Verification of allegations contained in the petition for adoption;
- 1358 (2) Circumstances under which the child came to be placed for adoption;
- 1359 (3) Whether each ~~proposed~~ prospective adoptive parent is financially, physically, and  
 1360 mentally able to have the permanent custody of the child; in considering financial ability  
 1361 any adoption supplement approved by the department shall be taken into account;
- 1362 (4) The physical and mental condition of the child, insofar as this can be determined by  
 1363 the aid of competent medical authority;

- 1364 (5) Whether or not the adoption is in the best interests of the child, including his or her  
 1365 general care;
- 1366 (6) Suitability of the home to the child;
- 1367 (7) If applicable, whether the identity and location of ~~the~~ a biological father who is not  
 1368 ~~the~~ a legal father are known or ascertainable and whether the requirements of Code  
 1369 Section 19-8-12 were complied with; ~~and~~
- 1370 (8) Any other information that might be disclosed by the investigation that in the agent's  
 1371 opinion would be of ~~any~~ value or interest to the court in deciding the case; and
- 1372 (9) Any other information that might be disclosed by the investigation in response to any  
 1373 specific issue that the court requested be investigated in its order appointing such agent.
- 1374 (b) If the report of the investigating ~~agency or independent~~ agent disapproves of the  
 1375 adoption of the child, motion may be made by the investigating ~~agency or independent~~  
 1376 agent to the court to dismiss the petition for adoption and the court after hearing is such  
 1377 motion shall be authorized to ~~do so~~ dismiss such petition. If the court denies the motion  
 1378 to dismiss, the court shall appoint a guardian ad litem who may appeal the ruling to the  
 1379 ~~Georgia~~ Court of Appeals or Supreme Court, as in other cases, as provided by law.
- 1380 (c) If at any time it appears to the court that the interests of the child may conflict with  
 1381 those of any petitioner, the court may, in its discretion, appoint a guardian ad litem to  
 1382 represent the child and the cost thereof shall be a charge upon the funds of the county.

1383 19-8-18.

- 1384 (a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or  
 1385 as soon thereafter as the matter may be reached for a hearing, the court shall proceed to  
 1386 a full hearing on ~~the~~ such petition and the examination of the parties at interest in  
 1387 chambers, under oath, with the right of continuing the hearing and examinations from  
 1388 time to time as the nature of the case may require. The court at such times shall give  
 1389 consideration to the investigation report to the court provided for in Code Section 19-8-16  
 1390 and the recommendations contained ~~therein~~ in such report. The court may in its  
 1391 discretion allow the petitioner or any witness to appear via electronic means in lieu of  
 1392 requiring his or her physical presence before the court.
- 1393 (2) The court shall examine the petition for adoption and the affidavit specified in  
 1394 subsection (g) of Code Section ~~19-8-4~~, 19-8-5, 19-8-6, or 19-8-7, as appropriate, to  
 1395 determine whether Code Section 19-8-12 is applicable. If the court determines that Code  
 1396 Section 19-8-12 is applicable to the petition for adoption, it shall:
- 1397 (A) Determine that an appropriate order has previously been entered;
- 1398 (B) Enter an order consistent with Code Section 19-8-12; or
- 1399 (C) Continue the hearing until Code Section 19-8-12 is complied with.

1400 (3) If the adoption petition is filed pursuant to subsection (a) of Code Section 19-8-5, the  
 1401 court shall examine the financial disclosures required under subsections (c) and (d) of  
 1402 Code Section 19-8-13 and make such further examination of each petitioner and his or  
 1403 her attorney as the court deems appropriate in order to make a determination as to  
 1404 whether there is cause to believe that Code Section 19-8-24 has been violated with regard  
 1405 to the ~~'inducement'~~ inducement, as such term is defined in Code Section 19-8-24, of the  
 1406 placement of the child for adoption. Should the court determine that further inquiry is in  
 1407 order, the court shall direct the district attorney for the county to review the matter further  
 1408 and to take such appropriate action as the district attorney in his or her discretion deems  
 1409 appropriate.

1410 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,  
 1411 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed  
 1412 for in such petition; terminating all of the rights of each living parent, guardian, and legal  
 1413 custodian of the child, other than the spouse of the petitioner in the case of a stepparent  
 1414 adoption pursuant to Code Section 19-8-6; granting the permanent custody of the child  
 1415 to each petitioner; and declaring the child to be the adopted child of each petitioner if the  
 1416 court is satisfied that each:

1417 (A) Each living parent or guardian of the child has surrendered or had terminated all  
 1418 of his or her rights to the child in the manner provided by law prior to the filing of the  
 1419 petition for adoption or that each petitioner has complied with the notice requirements  
 1420 of subsection (c) of Code Section 19-8-10 and satisfied his or her burden of proof under  
 1421 Code Section 19-8-10, that such or that the spouse has consented to the petitioner's  
 1422 adoption of the child as required by Code Section 19-8-6;

1423 (B) Each petitioner is capable of assuming responsibility for the care, supervision,  
 1424 training, and education of the child, that the;

1425 (C) The child is suitable for adoption in a private family home, and that the; and

1426 (D) The adoption requested is for in the best interest interests of the child; it shall enter  
 1427 a decree of adoption, terminating all the rights of each parent and guardian to the child;  
 1428 granting the permanent custody of the child to each petitioner, naming the child as  
 1429 prayed for in the petition, and declaring the child to be the adopted child of each  
 1430 petitioner. In all cases wherein Code Section 19-8-10 is relied upon by any petitioner  
 1431 as a basis for the termination of parental rights, the.

1432 (2) When Code Section 19-8-10 has been relied upon by any petitioner for the  
 1433 termination of rights of a living parent, the court shall include in the decree of adoption  
 1434 appropriate findings of fact and conclusions of law relating to the applicability of Code  
 1435 Section 19-8-10 termination of rights of such living parent and the court's determination  
 1436 that the adoption is in the child's best interests.

1437 (3) When the child was born in a country other than the United States, the court shall  
 1438 examine the evidence submitted and determine that sufficient evidence has been  
 1439 proffered to show that the child will be able to obtain lawful permanent resident status,  
 1440 if not already obtained, before the court shall have authority to determine if it is in the  
 1441 best interests of the child to grant the petition for adoption.

1442 (4) If there is an existing visitation order pursuant to Code Section 19-7-3 in favor of a  
 1443 family member, the court shall have the authority to continue or discontinue such  
 1444 visitation rights in the adoption order as it deems is in the best interests of the child.

1445 (c) If the petition for adoption was filed pursuant to subsection (a) of Code Section 19-8-8  
 1446 and if the court is satisfied that the petitioner has fully complied with the requirements of  
 1447 Code Section 19-8-13 and has established that he or she finalized his or her adoption of the  
 1448 child in the foreign country, then the court shall enter a decree of adoption naming the child  
 1449 as prayed for in such petition; domesticating the foreign decree of adoption; granting the  
 1450 permanent custody of the child to each petitioner; changing the date of birth of the child  
 1451 if so requested, provided that evidence was presented justifying such change; and declaring  
 1452 the child to be the adopted child of each petitioner. Notwithstanding the requirements of  
 1453 subsection (a) of this Code section, the court may domesticate the foreign decree of  
 1454 adoption upon the pleadings without a hearing.

1455 (d) If the petition for adoption was filed pursuant to subsection (b) of Code Section 19-8-8,  
 1456 the court shall enter a decree of adoption naming the child as prayed for in such petition;  
 1457 terminating the guardianship; granting the permanent custody of the child to each  
 1458 petitioner; changing the date of birth of the child if so requested, provided that evidence  
 1459 was presented justifying such change; and declaring the child to be the adopted child of  
 1460 each petitioner if the court is satisfied that the petitioner has fully complied with the  
 1461 requirements of Code Section 19-8-13 and that:

1462 (1) Each petitioner in his or her capacity as guardian of the child has surrendered all of  
 1463 his or her rights to the child in the manner provided by law;

1464 (2) Each petitioner is capable of assuming responsibility for the care, supervision,  
 1465 training, and education of the child;

1466 (3) The child is suitable for adoption in a private family home; and

1467 (4) The adoption requested is in the best interests of the child.

1468 (e) In exercising its discretion to determine whether the adoption requested is in the best  
 1469 interests of the child, the court shall consider the following factors:

1470 (1) The ability of each petitioner and, if applicable, each respondent to provide for the  
 1471 physical safety and welfare of the child, including food, shelter, health, and clothing;

1472 (2) The love, affection, bonding, and emotional ties existing between the child and each  
 1473 petitioner and, if applicable, each respondent;

- 1474 (3) The child's need for permanence, including the child's need for stability and  
 1475 continuity of relationships with his or her siblings;
- 1476 (4) The capacity and disposition of each petitioner and, if applicable, each respondent  
 1477 to give the child his or her love, affection, and guidance and to continue the education and  
 1478 rearing of the child;
- 1479 (5) The home environment of each petitioner and, if applicable, each respondent,  
 1480 considering the promotion of the child's nurturance and safety rather than superficial or  
 1481 material factors;
- 1482 (6) The stability of the family unit and the presence or absence of support systems within  
 1483 the community to benefit the child;
- 1484 (7) The mental and physical health of all individuals involved;
- 1485 (8) The home, school, and community record and history of the child, as well as any  
 1486 health or educational special needs of the child;
- 1487 (9) The child's background and ties, including familial, cultural, and religious;
- 1488 (10) The uniqueness of every family and child;
- 1489 (11) The child's wishes and long-term goals;
- 1490 (12) Any evidence of family violence, substance abuse, criminal history, or sexual,  
 1491 mental, or physical child abuse in the petitioner's home and, if applicable, each  
 1492 respondent's home;
- 1493 (13) Any recommendation by a court appointed agent or guardian ad litem; and
- 1494 (14) Any other factors considered by the court to be relevant and proper to its  
 1495 determination.
- 1496 ~~(e)~~(f) If the court determines that any petitioner has not complied with this ~~chapter~~ article,  
 1497 it may dismiss the petition for adoption without prejudice or it may continue the case.  
 1498 Should the court find that any notice required to be given by any petitioner under this  
 1499 ~~chapter~~ article has not been given or has not been properly given or that the petition for  
 1500 adoption has not been properly filed, the court ~~is~~ shall be authorized to enter an order  
 1501 providing for corrective action and an additional hearing.
- 1502 ~~(d)~~(g) If the court is not satisfied that the adoption is in the best interests of the child, it  
 1503 shall deny the petition for adoption. ~~If the~~ such petition is denied because ~~of such reason~~  
 1504 the court determines that the adoption requested is not in the best interests of the child or  
 1505 for any other reason under law, the court shall set forth specific findings of fact explaining  
 1506 its decision in its order denying the adoption and shall commit the child to the custody of  
 1507 the department, or to a child-placing agency, if the or an out-of-state licensed agency if  
 1508 such petition was filed pursuant to Code Section 19-8-4 ~~or 19-8-5~~. If such petition was  
 1509 filed pursuant to Code Section 19-8-5, the court shall commit the child to the third party  
 1510 named by the parent in the written surrender of rights pursuant to subsection (a) of Code

1511 Section 19-8-5; and if there is no surrender of rights, the court shall place the child with the  
 1512 department for the purpose of determining whether or not a petition should be initiated  
 1513 under Chapter 11 of Title 15. If such the petition was filed pursuant to Code Section  
 1514 19-8-6, 19-8-7, or 19-8-8, the child shall remain in the custody of each petitioner if that  
 1515 each petitioner is fit to have custody or the court may place the child with the department  
 1516 for the purpose of determining whether or not a petition should be initiated under Chapter  
 1517 11 of Title 15. If the petition for adoption is denied, each surrender of rights executed in  
 1518 support of the adoption, whether by a parent, biological father who is not a legal father, or  
 1519 guardian, shall be dissolved by operation of law and the individual's rights shall be  
 1520 restored. The fact that the individual executed a surrender of his or her rights in support  
 1521 of the adoption shall not be admissible as evidence against him or her in any subsequent  
 1522 proceeding.

1523 ~~(e)~~(h) A decree of adoption issued pursuant to subsection (b) of this Code section shall not  
 1524 be subject to any judicial challenge filed more than six months after the date of entry of  
 1525 such decree. Notwithstanding Code Section 9-3-31, any action for damages against an  
 1526 adoptive or the adoptive parents for fraud in obtaining a consent or surrender of rights shall  
 1527 be brought within six months of the time the fraud is or ought to reasonably have been  
 1528 discovered.

1529 ~~(f)~~ Any decree of adoption issued prior to the effective date of this action shall not be  
 1530 subject to any judicial challenge more than six months after July 1, 1995.

1531 (i) Notwithstanding subsection (a) of Code Section 19-8-23, the decree of adoption issued  
 1532 pursuant to subsection (b) of this Code section shall authorize the clerk of the court to issue  
 1533 one or more certified copies of the decree of adoption to the petitioner or his or her attorney  
 1534 at the time of entry of the final decree without further order of the court and without cost.

1535 19-8-19.

1536 (a) A decree of adoption, whether issued by a court of this state or by a court of any other  
 1537 jurisdiction, shall have the following effect as to matters within the jurisdiction of or before  
 1538 a court in this state:

1539 (1) Except with respect to a spouse of the petitioner and relatives of the spouse, a decree  
 1540 of adoption ~~terminates~~ shall terminate all legal relationships between the adopted  
 1541 individual and his or her relatives, including his or her parent, so that the adopted  
 1542 individual thereafter ~~is~~ shall be a stranger to his or her former relatives for all purposes,  
 1543 including inheritance and the interpretation or construction of documents, statutes, and  
 1544 instruments, whether executed before or after the adoption is decreed, which do not  
 1545 expressly include the individual by name or by some designation not based on a parent  
 1546 and child or blood relationship; and

1547 (2) A decree of adoption ~~creates~~ shall create the relationship of parent and child between  
 1548 each petitioner and the adopted individual, as if the adopted individual were a child of  
 1549 biological issue of that petitioner. The adopted individual shall enjoy every right and  
 1550 privilege of a biological child of that petitioner; shall be deemed a biological child of that  
 1551 petitioner, to inherit under the laws of descent and distribution in the absence of a will,  
 1552 and to take under ~~the provisions of~~ any instrument of testamentary gift, bequest, devise,  
 1553 or legacy, whether executed before or after the adoption is decreed, unless expressly  
 1554 excluded therefrom; shall take by inheritance from relatives of that petitioner; and shall  
 1555 also take as a 'child' of that petitioner under a class gift made by the will of a third person.

1556 (b) Notwithstanding ~~the provisions of~~ subsection (a) of this Code section, if a parent of a  
 1557 child dies without the relationship of parent and child having been previously terminated  
 1558 by court order ~~or unrevoked surrender of parental rights to the child~~, the child's right of  
 1559 inheritance from or through the deceased parent shall not be affected by the adoption.

1560 19-8-20.

1561 (a) Upon the entry of the decree of adoption, the clerk of the court granting the same shall  
 1562 forward a copy of the decree, together with the original of the investigation report and  
 1563 background information filed with the court, to the department. If there is any subsequent  
 1564 order or revocation of the adoption, a copy of same in like manner shall be forwarded by  
 1565 the clerk to the department.

1566 (b) At any time after the entry of the decree of adoption, upon the request of an adopted  
 1567 ~~person~~ individual who has reached 18 years of age or upon the request of any adopting  
 1568 parent, the clerk of the court granting the decree shall issue to that requesting adopted  
 1569 ~~person~~ individual or adopting parent a certificate of adoption, under the seal of the court,  
 1570 upon payment to the clerk of the fee prescribed in paragraph (4) of subsection (g) of Code  
 1571 Section 15-6-77, which adoption certificate shall be received as evidence in any court or  
 1572 proceeding as primary evidence of the facts contained in the certificate.

1573 (c) The adoption certificate shall ~~be in~~ conform substantially to the following form:

1574 'This is to certify that \_\_\_\_\_ (names of each adopting parent) have  
 1575 obtained a decree of adoption for \_\_\_\_\_ (full name of ~~adopted~~  
 1576 ~~child~~ adoptee and date of birth of adoptee) in the Superior Court of \_\_\_\_\_ County,  
 1577 Georgia, on the \_\_\_\_\_ day of \_\_\_\_\_, as shown by the court's  
 1578 records \_\_\_\_\_ (adoption file number).

1579 Given under the hand and seal of said court, this the \_\_\_\_\_ day of \_\_\_\_\_,  
 1580 \_\_\_\_\_.

1581  
1582

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Clerk'

1583 19-8-21.

1584 (a) Adult ~~persons~~ individuals may be adopted on giving written consent to the adoption.  
1585 In such cases, adoption shall be by a petition duly verified and filed, together with ~~two~~  
1586 ~~conformed copies~~ one conformed copy, in the superior court in the county in which ~~either~~  
1587 any petitioner or the adult to be adopted resides, setting forth the name, age, and residence  
1588 of each petitioner and of the adult to be adopted, the name by which the adult is to be  
1589 known, and his or her written consent to the adoption. The court may assign the petition  
1590 for adoption for hearing at any time. The petition for adoption shall state whether one or  
1591 both parents of the adult to be adopted will be replaced by the grant of such petition, and  
1592 if only one parent is to be replaced, then the decree of adoption shall make clear which  
1593 parent is to be replaced by adoption. After examining each petitioner and the adult ~~sought~~  
1594 to be adopted, the court, if satisfied that there is no reason why the adoption should not be  
1595 granted, shall enter a decree of adoption and, if requested, shall change the name of the  
1596 adopted adult. Thereafter, the relation between each petitioner and the adopted adult shall  
1597 be, as to their legal rights and liabilities, the same as the relation of a parent and adult child.  
1598 (b) ~~Code Section 19-8-19, relating to the effect of a decree of adoption, and Code Section~~  
1599 ~~19-8-20, relating to notice of adoption,~~ Sections 19-8-19 and 19-8-20 shall also apply to  
1600 the adoption of adults.

1601 19-8-22.

1602 (a) A decree of a court or an administrative proceeding terminating the relationship of  
1603 parent and child, establishing the relationship of guardian and ward, or establishing the  
1604 relationship of parent and child by adoption, issued pursuant to due process of law by a  
1605 court or administrative body of any other jurisdiction within or outside the United States,  
1606 or the clear and irrevocable release or consent to adoption by the guardian of a child ~~where~~  
1607 when the appointment of the guardian has been certified by the appropriate and legally  
1608 authorized court or agency of the government of the foreign country, shall be recognized  
1609 in this state; and the rights and obligations of the parties as to matters within the  
1610 jurisdiction of this state shall be determined as though any such decree were issued by a  
1611 court of this state and any such consent or release shall be deemed to satisfy the  
1612 requirements of Code Sections 19-8-4, 19-8-5, 19-8-6, 19-8-7, 19-8-8, and 19-8-12.  
1613 (b) Any adoption proceeding in this state in which a final order of adoption was entered  
1614 by the court prior to April 1, 1986, and to which subsection (a) of this Code section would  
1615 have been applicable if said subsection, ~~as amended~~, had been effective at the time such

1616 proceeding was filed or concluded shall be governed by the provisions of subsection (a) of  
 1617 this Code section, as amended.

1618 ~~(c) Any adoption proceeding pending in a court of competent jurisdiction in this state in  
 1619 which no final order of adoption has been entered as of April 1, 1986, to which the  
 1620 provisions of subsection (a) of this Code section are applicable shall be governed by the  
 1621 provisions of subsection (a) of this Code section, as amended.~~

1622 19-8-23.

1623 (a)(1) The original petition for adoption, all amendments, attachments, and exhibits  
 1624 thereto, all motions, documents, affidavits, records, and testimony filed in connection  
 1625 therewith, and all decrees or orders of any kind whatsoever, except the original  
 1626 investigation report and background information referred to in Code Section 19-8-20,  
 1627 shall be recorded in a book kept for that such purpose and properly indexed; and the such  
 1628 book shall be part of the records of the court in each county which has jurisdiction over  
 1629 matters of adoption in that county. All of the such court records, including the docket  
 1630 book, ~~of the court granting the adoption, of the department, and of the child-placing  
 1631 agency~~ that relate in any manner to the adoption shall be kept sealed and locked. The  
 1632 department shall keep its records that relate in any manner to an adoption sealed and  
 1633 locked.

1634 (2) The court records and department records may be examined by the parties at interest  
 1635 in the adoption and their attorneys when, after written petition, which shall be filed under  
 1636 seal, has been presented to the court having jurisdiction and after the department and the  
 1637 appropriate child-placing agency or out-of-state licensed agency, if any, have received  
 1638 at least 30 days' prior written notice of the filing of such petition, the matter has come on  
 1639 before the court in chambers and, ~~good cause having been shown to the court~~, the court  
 1640 has entered an order permitting such examination.

1641 (3) Notwithstanding ~~the foregoing paragraph (2) of this subsection~~, if the adoptee who  
 1642 is the subject of the records sought to be examined is less than 18 years of age at the time  
 1643 the petition for examination is filed and the such petitioner is someone other than one of  
 1644 the adoptive parents of the adoptee, then the department shall provide written notice of  
 1645 such proceedings to the adoptive parents by certified mail ~~or statutory overnight delivery~~,  
 1646 return receipt requested, or statutory overnight delivery at the last address the department  
 1647 has for such adoptive parents, and the court shall continue any hearing on the such  
 1648 petition until not less than 60 days after the date the notice to the adoptive parents was  
 1649 sent. Each such adoptive parent shall have the right to appear in person or through  
 1650 counsel and show cause why such records should not be examined. Adoptive parents

1651 may provide the department with their current address for purposes of receiving notice  
1652 under this subsection by mailing that address to:

1653 ~~Office of Adoptions~~  
1654 State Adoption Unit  
1655 Department of Human Services  
1656 Atlanta, Georgia 30303

1657 (b) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any  
1658 information contained in the records of the respective department or child-placing agency  
1659 relating to the adoptive parents in connection with a subsequent adoption matter involving  
1660 the same adoptive parents or to provide notice when required by subsection (a) of this Code  
1661 section.

1662 (b.1) The department may, in its sole discretion, make use of any information contained  
1663 in the records of the department concerning an adopted child and the adopted child's  
1664 biological parents in connection with the placement of another child in the home of the  
1665 adoptive parents of the child or in connection with the investigation of a report of child  
1666 abuse or neglect made concerning the adopted child's biological parents.

1667 (c) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any  
1668 information contained in its records on a child when an adoption disrupts after finalization  
1669 and when such records are required for the permanent placement of such child, or when the  
1670 information is required by federal law.

1671 (d)(1) Upon the request of a party at interest in the adoption, a child, legal guardian, or  
1672 health care agent of an adopted ~~person~~ individual or a provider of medical services to  
1673 such a party, child, legal guardian, or health care agent when certain information would  
1674 assist in the provision of medical care, a medical emergency, or medical diagnosis or  
1675 treatment, the department or child-placing agency shall access its own records on  
1676 finalized adoptions for the purpose of adding subsequently obtained medical information  
1677 or releasing nonidentifying medical and health history information contained in its  
1678 records pertaining to an adopted ~~person~~ individual or the biological parents or relatives  
1679 of the biological parents of the adopted ~~person~~ individual. For purposes of this  
1680 paragraph, the term 'health care agent' ~~has~~ shall have the meaning provided by Code  
1681 Section 31-32-2.

1682 (2) Upon receipt by the State Adoption Unit ~~of the Division of Family and Children~~  
1683 ~~Services~~ of the department or by a child-placing agency of documented medical  
1684 information relevant to an adoptee, the ~~office~~ department or child-placing agency shall  
1685 use reasonable efforts to contact the adoptive parents of the adoptee if the adoptee is  
1686 under 18 years of age or the adoptee if he or she is 18 years of age or older and provide  
1687 such documented medical information to the adoptive parents or the adult adoptee. The

1688 ~~office~~ department or child-placing agency shall be entitled to reimbursement of  
 1689 reasonable costs for postage and photocopying incurred in the delivery of such  
 1690 documented medical information to the adoptive parents or adult adoptee.

1691 (e) Records relating in any manner to adoption shall not be open to the general public for  
 1692 inspection.

1693 (f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:

1694 (A) 'Biological parent' means the biological mother or biological father who  
 1695 surrendered ~~that person's~~ such individual's rights or had such rights terminated by court  
 1696 order giving rise to the adoption of the child.

1697 (B) 'Commissioner' means the commissioner of human services or ~~that person's~~ his or  
 1698 her designee.

1699 (C) 'Department' means the Department of Human Services or, when the Department  
 1700 of Human Services so designates, the county ~~department~~ division of family and children  
 1701 services which placed for adoption the ~~person~~ individual seeking, or on whose behalf  
 1702 is sought, information under this subsection.

1703 (D) 'Placement agency' means the child-placing agency, as defined in paragraph ~~(3)~~ (5)  
 1704 of Code Section 19-8-1, which placed for adoption the ~~person~~ individual seeking, or on  
 1705 whose behalf is sought, information under this subsection.

1706 (2) The department or a placement agency, upon the written request of an adopted ~~person~~  
 1707 individual who has reached 18 years of age or upon the written request of an adoptive  
 1708 parent on behalf of that parent's adopted child, shall release to such adopted ~~person~~  
 1709 individual or to the adoptive parent on the child's behalf nonidentifying information  
 1710 regarding such adopted ~~person's~~ individual's biological parents and information regarding  
 1711 such adopted ~~person's~~ individual's birth. Such information may include the date and  
 1712 place of birth of the adopted ~~person~~ individual and the genetic, social, and health history  
 1713 of the biological parents. No information released pursuant to this paragraph shall  
 1714 include the name or address of either biological parent or the name or address of any  
 1715 relative by birth or marriage of either biological parent.

1716 (3)(A) The department or a placement agency, upon the written request of an adopted  
 1717 ~~person~~ individual who has reached ~~21~~ 18 years of age, shall release to such adopted  
 1718 ~~person~~ individual the name of such person's individual's biological parent, together with  
 1719 a detailed summary of all information the department or placement agency has  
 1720 concerning the adoptee's birth, foster care, placement for adoption, and finalization of  
 1721 his or her adoption, if:

1722 (i) ~~A~~ The biological parent whose name is to be released has submitted unrevoked  
 1723 written permission to the department or ~~the~~ placement agency for the release of that  
 1724 parent's name to the adopted ~~person~~ individual;

1725 (ii) The identity of ~~the~~ a biological parent submitting permission for the release of  
 1726 that parent's name has been verified by the department or ~~the~~ placement agency; and  
 1727 (iii) The department or ~~the~~ placement agency has records pertaining to the finalized  
 1728 adoption and to the identity of ~~the~~ a biological parent whose name is to be released.

1729 (B) If the adopted ~~person~~ individual is deceased and leaves a child, such child, upon  
 1730 reaching ~~21~~ 18 years of age, may seek the name and other identifying information  
 1731 concerning his or her grandparents in the same manner as the deceased adopted ~~person~~  
 1732 individual and subject to the same procedures contained in this Code section.

1733 (4)(A) If a biological parent has not filed written unrevoked permission for the release  
 1734 of that parent's name to the adopted child, the department or ~~the~~ placement agency,  
 1735 within six months of receipt of the written request of the adopted ~~person~~ individual who  
 1736 has reached ~~21~~ 18 years of age, shall make diligent effort to notify each living  
 1737 biological parent identified in the original adoption proceedings or in other records of  
 1738 the department or ~~the~~ placement agency relative to the adopted ~~person~~ individual. For  
 1739 purposes of this subparagraph, the term 'notify' means a personal and confidential  
 1740 contact with each biological parent of the adopted ~~person~~ individual. The contact shall  
 1741 be by an employee or agent of the placement agency which processed the pertinent  
 1742 adoption or by other agents or employees of the department. The contact shall be  
 1743 evidenced by the ~~person~~ individual who notified each biological parent, certifying to  
 1744 the department or placement agency that each biological parent was given the following  
 1745 information:

- 1746 (i) The nature of the information requested by the adopted ~~person~~ individual;
- 1747 (ii) The date of the request of the adopted ~~person~~ individual;
- 1748 (iii) The right of each biological parent to file an affidavit with the placement agency  
 1749 or the department stating that such parent's identity should not be disclosed;
- 1750 (iv) The right of each biological parent to file a consent to disclosure with the  
 1751 placement agency or the department; and
- 1752 (v) The effect of a failure of each biological parent to file ~~either~~ a consent to  
 1753 disclosure or an affidavit stating that the information in the sealed adoption file should  
 1754 not be disclosed.

1755 (B) If a biological parent files an unrevoked consent to the disclosure of that parent's  
 1756 identity, such parent's name, together with a detailed summary of all information the  
 1757 department or placement agency has concerning the adoptee's birth, foster care,  
 1758 placement for adoption, and finalization of his or her adoption, shall be released to the  
 1759 adopted ~~person~~ individual who has requested such information as authorized by this  
 1760 paragraph.

1761 (C) If, within 60 days of being notified by the department or ~~the~~ placement agency  
 1762 pursuant to subparagraph (A) of this paragraph, a biological parent has filed with the  
 1763 department or placement agency an affidavit objecting to such release, information  
 1764 regarding the identity of that biological parent shall not be released.

1765 (D)(i) If six months after receipt of the adopted ~~person's~~ individual's written request  
 1766 the placement agency or the department has ~~either~~ been unable to notify a biological  
 1767 parent identified in the original adoption record or has been able to notify a biological  
 1768 parent identified in the original adoption record but has not obtained a consent to  
 1769 disclosure from the notified biological parent, then the identity of a biological parent  
 1770 may only be disclosed as provided in division (ii) or (iii) of this subparagraph.

1771 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age may petition  
 1772 the Superior Court of Fulton County to seek the release of the identity of each of ~~that~~  
 1773 ~~person's~~ his or her biological parents from the department or placement agency. The  
 1774 court shall grant the petition if the court finds that the department or placement  
 1775 agency has made diligent efforts to locate each biological parent pursuant to this  
 1776 subparagraph ~~either~~ without success or upon locating a biological parent has not  
 1777 obtained a consent to disclosure from the notified biological parent and that failure  
 1778 to release the identity of each biological parent would have an adverse impact upon  
 1779 the physical, mental, or emotional health of the adopted ~~person~~ individual.

1780 (iii) If it is verified that a biological parent of the adopted ~~person~~ individual is  
 1781 deceased, the department or placement agency shall be authorized to disclose the  
 1782 name and place of burial of the deceased biological parent, if known, together with  
 1783 a detailed summary of all information the department or placement agency has  
 1784 concerning the adoptee's birth, foster care, placement for adoption, and finalization  
 1785 of his or her adoption, to the adopted ~~person~~ individual seeking such information  
 1786 without the necessity of obtaining a court order.

1787 (5)(A) Upon written request of an adopted ~~person~~ individual who has reached ~~21~~ 18  
 1788 years of age or a ~~person~~ an individual who has reached ~~21~~ 18 years of age and who is  
 1789 the sibling of an adopted ~~person~~ individual, the department or a placement agency shall  
 1790 attempt to identify and notify the siblings of the requesting party, if such siblings are  
 1791 at least 18 years of age. Upon locating the requesting party's sibling, the department  
 1792 or ~~the~~ placement agency shall notify the sibling of the inquiry. Upon the written  
 1793 consent of a sibling so notified, the department or ~~the~~ placement agency shall forward  
 1794 the requesting party's name and address to the sibling and, upon further written consent  
 1795 of the sibling, shall divulge to the requesting party the present name and address of the  
 1796 sibling. If a sibling cannot be identified or located, the department or placement agency  
 1797 shall notify the requesting party of such circumstances but shall not disclose any names

1798 or other information which would tend to identify the sibling. If a sibling is deceased,  
 1799 the department or placement agency shall be authorized to disclose the name and place  
 1800 of burial of the deceased sibling, if known, to the requesting party without the necessity  
 1801 of obtaining a court order.

1802 (B)(i) If six months after receipt of the written request from an adopted ~~person~~  
 1803 individual who has reached ~~21~~ 18 years of age or ~~a person~~ an individual who has  
 1804 reached ~~21~~ 18 years of age and who is the sibling of an adopted ~~person~~ individual, the  
 1805 ~~placement agency or the department~~ has either department or placement agency has  
 1806 been unable to notify one or more of the siblings of the requesting party or has been  
 1807 able to notify a sibling of the requesting party but has not obtained a consent to  
 1808 disclosure from the notified sibling, then the identity of the siblings may only be  
 1809 disclosed as provided in division (ii) of this subparagraph.

1810 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age or ~~a person~~  
 1811 an individual who has reached ~~21~~ 18 years of age and who is the sibling of an adopted  
 1812 ~~person~~ individual may petition the Superior Court of Fulton County to seek the  
 1813 release of the last known name and address of each of the siblings of the petitioning  
 1814 sibling, ~~that~~ who are at least 18 years of age, from the department or placement  
 1815 agency. The court shall grant the petition if the court finds that the department or  
 1816 placement agency has made diligent efforts to locate such siblings pursuant to  
 1817 subparagraph (A) of this paragraph ~~either~~ without success or upon locating one or  
 1818 more of the siblings has not obtained a consent to disclosure from all the notified  
 1819 siblings and that failure to release the identity and last known address of said siblings  
 1820 would have an adverse impact upon the physical, mental, or emotional health of the  
 1821 petitioning sibling.

1822 (C) If the adopted ~~person~~ individual is deceased and leaves a child, such child, upon  
 1823 reaching ~~21~~ 18 years of age, may obtain the name and other identifying information  
 1824 concerning the siblings of his or her deceased parent in the same manner that the  
 1825 deceased adopted ~~person~~ individual would be entitled to obtain such information  
 1826 pursuant to the procedures contained in this Code section.

1827 (6)(A) Upon written request of a biological parent of an adopted ~~person~~ individual who  
 1828 has reached ~~21~~ 18 years of age, the department or ~~a~~ placement agency shall attempt to  
 1829 identify and notify the adopted ~~person~~ individual. Upon locating the adopted ~~person~~  
 1830 individual, the department or ~~the~~ placement agency shall notify the adopted ~~person~~  
 1831 individual of the inquiry. Upon the written consent of the adopted ~~person~~ individual  
 1832 so notified, the department or ~~the~~ placement agency shall forward ~~the~~ such biological  
 1833 parent's name and address to the adopted ~~person~~ individual, together with a detailed  
 1834 summary of all information the department or placement agency has concerning the

1835 adoptee's birth, foster care, placement for adoption, and finalization of his or her  
 1836 adoption, and, upon further written consent of the adopted person individual, shall  
 1837 divulge to ~~the~~ such requesting biological parent the present name and address of the  
 1838 adopted person individual. If the adopted person individual is deceased, the department  
 1839 or placement agency shall be authorized to disclose the name and place of burial of the  
 1840 deceased adopted person individual, if known, to ~~the~~ such requesting biological parent  
 1841 without the necessity of obtaining a court order.

1842 (B)(i) If six months after receipt of the written request from a biological parent of an  
 1843 adopted person individual who has reached ~~21~~ 18 years of age, the ~~placement agency~~  
 1844 ~~or the department has either~~ department or placement agency has been unable to  
 1845 notify the adopted person individual or has been able to notify the adopted person  
 1846 individual but has not obtained a consent to disclosure from the notified adopted  
 1847 person individual, then the identity of the adopted person individual may only be  
 1848 disclosed as provided in division (ii) of this subparagraph.

1849 (ii) ~~A~~ The biological parent of an adopted person individual who has reached ~~21~~ 18  
 1850 years of age may petition the Superior Court of Fulton County to seek the release of  
 1851 the last known name and address of the adopted person individual from the  
 1852 department or placement agency. The court shall grant the petition if the court finds  
 1853 that the department or placement agency has made diligent efforts to locate such  
 1854 adopted person individual pursuant to subparagraph (A) of this paragraph ~~either~~  
 1855 without success or upon locating the adopted person individual has not obtained a  
 1856 consent to disclosure from the adopted person individual and that failure to release the  
 1857 identity and last known address of said adopted person individual would have an  
 1858 adverse impact upon the physical, mental, or emotional health of the petitioning  
 1859 biological parent.

1860 (C) If ~~the~~ a biological parent is deceased, a parent or sibling of the deceased biological  
 1861 parent, or both, may obtain the name and other identifying information concerning the  
 1862 adopted person individual in the same manner that the deceased biological parent would  
 1863 be entitled to obtain such information pursuant to the procedures contained in this Code  
 1864 section.

1865 (7) If an adoptive parent or the sibling of an adopted person individual notifies the  
 1866 department or placement agency of the death of an adopted person individual, the  
 1867 department or placement agency shall add information regarding the date and  
 1868 circumstances of the death to its records so as to enable it to share such information with  
 1869 a biological parent or sibling of the adopted person individual if they make an inquiry  
 1870 pursuant to ~~the provisions of~~ this Code section.

1871 (8) If a biological parent or his or her parent or sibling ~~of a biological parent~~ notifies the  
 1872 department or placement agency of the death of a biological parent or a sibling of an  
 1873 adopted ~~person~~ individual, the department or placement agency shall add information  
 1874 regarding the date and circumstances of the death to its records so as to enable it to share  
 1875 such information with an adopted ~~person~~ individual or sibling of the adopted ~~person~~ individual if he  
 1876 ~~or she~~ makes individual if they make an inquiry pursuant to ~~the provisions of~~ this Code  
 1877 section.

1878 (9) ~~The Office of Adoptions~~ State Adoption Unit within the department shall maintain  
 1879 a registry for the recording of requests by adopted ~~persons~~ individuals for the name of  
 1880 any biological parent, for the recording of the written consent or the written objections  
 1881 of any biological parent to the release of that parent's identity to an adopted ~~person~~  
 1882 individual upon the adopted ~~person's~~ individual's request, and for nonidentifying  
 1883 information regarding any biological parent which may be released pursuant to  
 1884 paragraph (2) of this subsection. The department and any placement agency which  
 1885 receives such requests, consents, or objections shall file a copy thereof with ~~that office~~  
 1886 the State Adoption Unit.

1887 (10) The department or placement agency may charge a reasonable fee to be determined  
 1888 by the department for the cost of conducting any search pursuant to this subsection.

1889 (11) Nothing in this subsection shall be construed to require the department or placement  
 1890 agency to disclose to any party at interest, including but not limited to an adopted ~~person~~  
 1891 individual who has reached ~~21~~ 18 years of age, any information which is not kept by the  
 1892 department or ~~the~~ placement agency in its normal course of operations relating to  
 1893 adoption.

1894 (12) Any department employee or employee of any placement agency who releases  
 1895 information or makes authorized contacts in good faith and in compliance with this  
 1896 subsection shall be immune from civil ~~or criminal~~ liability or criminal responsibility for  
 1897 such release of information or authorized contacts.

1898 (13) Information authorized to be released pursuant to this subsection may be released  
 1899 under the conditions specified in this subsection, notwithstanding any other provisions  
 1900 of law to the contrary.

1901 (14) A placement agency which demonstrates to the department by clear and convincing  
 1902 evidence that the requirement that such agency search for or notify any biological parent,  
 1903 sibling, or adopted ~~person~~ individual under subparagraph (A) ~~of paragraph (4) of this~~  
 1904 ~~subsection or subparagraph (A) of paragraph (5) of this subsection or subparagraph (A)~~  
 1905 ~~of paragraph (4), (5), or (6) of this subsection~~ will impose an undue hardship upon that  
 1906 agency shall be relieved from that responsibility, and the department shall assume that  
 1907 responsibility upon such finding by the department of undue hardship. The department's

1908 determination under this subsection shall be a contested case within the meaning of  
 1909 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1910 (15) Whenever this subsection authorizes both the department and a placement agency  
 1911 to perform any function or requires the placement agency to perform any function which  
 1912 the department is also required to perform, the department or agency may designate an  
 1913 agent to perform that function and in so performing it the agent shall have the same  
 1914 authority, powers, duties, and immunities as an employee of the department or placement  
 1915 agency has with respect to performing that function.

1916 19-8-24.

1917 (a)(1) It shall be unlawful for any person, organization, corporation, hospital, facilitator,  
 1918 or association of any kind whatsoever which ~~has not been established as is not a~~  
 1919 ~~child-placing agency by the department to:~~ a prospective adoptive parent who has a  
 1920 valid, approved preplacement home study report, or an attorney who is a member of the  
 1921 State Bar of Georgia representing a prospective adoptive parent who has a valid,  
 1922 approved preplacement home study report to advertise.

1923 ~~(1) Advertise,~~ whether in a periodical, by television, by radio, or by any other public  
 1924 medium or by any private means, including, but not limited to, letters, circulars,  
 1925 handbills, Internet postings including social media, and oral statements, that the person,  
 1926 organization, corporation, hospital, facilitator, or association will adopt children or will  
 1927 arrange for or cause children to be adopted or placed for adoption; ~~or~~

1928 ~~(2) Directly or indirectly hold out inducements to parents to part with their children.~~

1929 ~~As used in this subsection, 'inducements' shall include any financial assistance, either direct~~  
 1930 ~~or indirect, from whatever source, except payment or reimbursement of the medical~~  
 1931 ~~expenses directly related to the mother's pregnancy and hospitalization for the birth of the~~  
 1932 ~~child and medical care for the child.~~

1933 (2)(A) Any person, organization, corporation, hospital, facilitator, or association of any  
 1934 kind which is not a child-placing agency that places an advertisement concerning  
 1935 adoption or prospective adoption shall include in such advertisement its license number  
 1936 issued by the department;

1937 (B) Any attorney representing a prospective adoptive parent who has a valid, approved  
 1938 preplacement home study report who places an advertisement concerning adoption or  
 1939 prospective adoption shall include in such advertisement his or her State Bar of Georgia  
 1940 license number; and

1941 (C) Any individual who places an advertisement concerning being an adoptive parent  
 1942 shall include in such advertisement that he or she has a valid, approved preplacement  
 1943 home study report.

1944 (b) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or  
 1945 association of any kind whatsoever to sell, offer to sell, or conspire with another to sell or  
 1946 offer to sell a child for money or anything of value, except as otherwise provided in this  
 1947 chapter article.

1948 (c)(1) As used in this subsection, the term 'inducements' means any financial assistance,  
 1949 either direct or indirect, from whatever source, but shall expressly not include:

1950 (A) The payment or reimbursement of the medical expenses directly related to the  
 1951 biological mother's pregnancy and hospitalization for the birth of the child and medical  
 1952 care for such child;

1953 (B) The payment or reimbursement of expenses for counseling services or legal  
 1954 services for a biological parent that are directly related to the placement by such parent  
 1955 of her or his child for adoption; or

1956 (C) The payment or reimbursement of reasonable living expenses for the biological  
 1957 mother during the last three months of her pregnancy and for six weeks postpartum.

1958 (2) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or  
 1959 association of any kind to offer or provide inducements to a biological parent to part with  
 1960 his or her child or to conspire with another to offer or provide inducements to such parent  
 1961 to part with his or her child.

1962 (3) It shall be unlawful for an individual to knowingly make false representations in  
 1963 order to obtain inducements.

1964 (4) When the adoption is pursuant to Code Section 19-8-5 or 19-8-7, the petitioner may  
 1965 file his or her pre-birth petition for adoption and file a motion pursuant to this subsection  
 1966 for an order approving the payment of any reasonable and necessary expenses as the court  
 1967 may authorize, in addition to the expenses authorized in this subsection. If the court  
 1968 allows for the payment of expenses, such expenses shall be paid from the trust account  
 1969 of an attorney who is a member of the State Bar of Georgia who represents a biological  
 1970 parent or the petitioner and, when possible, such expenses shall be paid directly to the  
 1971 provider of the services. Any payment to or for the benefit of a biological parent that is  
 1972 made by a petitioner without the assistance of an attorney shall be deemed an  
 1973 inducement.

1974 (5) The reports filed pursuant to subsections (c) and (d) of Code Section 19-8-13 shall  
 1975 include an itemized accounting of all expenses paid or reimbursed pursuant to this  
 1976 subsection.

1977 (d)(1) It shall be unlawful for an individual to knowingly accept living expenses for the  
 1978 adoption of her child or unborn child if she knows or should have known that she is not  
 1979 pregnant or is not a legal mother.

1980 (2) It shall be unlawful for an individual to knowingly accept living expenses from a  
 1981 prospective adoptive parent or an adoption agency without disclosing that he or she is  
 1982 receiving living expenses from another prospective adoptive parent or adoption agency  
 1983 in an effort to allow for the adoption of the same child or unborn child.

1984 (3) It shall be unlawful for an individual to knowingly make false representations in  
 1985 order to obtain living expenses.

1986 ~~(c)(e)~~ Any person who violates ~~subsection (a) or (b)~~ of this Code section shall be guilty  
 1987 of a felony and, upon conviction thereof, shall be punished by a fine not to exceed  
 1988 \$10,000.00, or imprisonment for not less than one nor more than ten years, or both, ~~in the~~  
 1989 ~~discretion of the court.~~

1990 ~~(d)(f)~~(1) ~~Subsection Paragraph (1) of subsection~~ (a) of this Code section shall not apply  
 1991 to communication by private means, including ~~only~~ written ~~letters~~ or oral statements, by  
 1992 an individual seeking to:

1993 (A) Adopt a child or children; or

1994 (B) Place that individual's child or children for adoption,

1995 whether the communication occurs before or after the birth of such child or children.

1996 (2) ~~Subsection Paragraph (1) of subsection~~ (a) of this Code section shall not apply to any  
 1997 communication described in paragraph (1) of this subsection which contains ~~any~~  
 1998 ~~attorney's name, address, the name of an attorney who is a member of the State Bar of~~  
 1999 Georgia, his or her address, his or her telephone number, or any combination of such  
 2000 information and which requests ~~any~~ that the attorney named in such communication to  
 2001 be contacted to facilitate the carrying out of the purpose, as described in subparagraph  
 2002 (A) or (B) of paragraph (1) of this subsection, of the individual making such personal  
 2003 communication.

2004 (g) Any child-placing agency or individual who is seeking to adopt or seeking to place a  
 2005 child for adoption who is damaged by a violation of this Code section may file a civil  
 2006 action to recover damages, treble damages, reasonable attorney's fees, and expenses of  
 2007 litigation.

2008 19-8-25.

2009 (a) A written consent or surrender of rights, executed on or before ~~June 30, 1990~~  
 2010 December 31, 2017, shall, for purposes of an adoption proceeding commenced on or after  
 2011 ~~July 1, 1990~~ January 1, 2018, be deemed to satisfy the surrender requirements of this  
 2012 ~~chapter~~ article and it shall not be necessary to have any parent or guardian execute the  
 2013 documents required by Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7; however, all other  
 2014 applicable provisions of this ~~chapter~~ must article shall be complied with.

2015 (b) It is the legislative intent of this subsection to clarify and not to change the applicability  
 2016 of certain previously existing provisions of this ~~chapter~~ article to adoption proceedings  
 2017 pending on ~~July 1, 1990~~ December 31, 2017. Any decree of adoption issued in an adoption  
 2018 proceeding in which the adoption petition was filed in a superior court of this state prior  
 2019 to ~~July 1, 1990~~ January 1, 2018, shall be valid if the adoption conformed to the  
 2020 requirements of this ~~chapter~~ article either as they existed on ~~June 30, 1990~~ December 31,  
 2021 2017, or on ~~July 1, 1990~~ January 1, 2018, and each such adoption decree is hereby ratified  
 2022 and confirmed.

2023 19-8-26.

2024 (a) The surrender of rights by a parent or guardian pursuant to paragraph (1) of  
 2025 subsection (e) of Code Section 19-8-4 shall conform substantially to the following form:

2026 'SURRENDER OF RIGHTS

2027 FINAL RELEASE FOR ADOPTION

2028 NOTICE TO PARENT OR GUARDIAN:

2029 This is an important legal document and by signing it, you are surrendering all of your  
 2030 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to  
 2031 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are  
 2032 signing this document under oath and that if you knowingly and willfully make a false  
 2033 statement in this document you will be guilty of the crime of false swearing. As  
 2034 explained below in paragraph 5, you have the right to revoke this ~~You are to receive a~~  
 2035 ~~copy of this document and as explained below have the right to withdraw your surrender~~  
 2036 ~~within ten days from the date you sign it. If you are at least 18 years of age, you may~~  
 2037 choose to waive that right so that this surrender will become effective immediately upon  
 2038 signing such a waiver. If you choose to waive the right to a ten-day revocation period,  
 2039 you must consult an attorney and make that choice in paragraph 5 below and execute a  
 2040 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least  
 2041 48 hours after the birth of the child.

2042 \_\_\_\_\_

2043 STATE OF GEORGIA

2044 COUNTY OF \_\_\_\_\_

2045 Personally appeared before me, the undersigned officer duly authorized to administer  
 2046 oaths, \_\_\_\_\_ (name of parent or guardian) who, after  
 2047 having been sworn, deposes and says as follows:

2048 1.  
 2049 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,  
 2050 born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
 2051 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] ~~(insert name of child)~~ on ~~(insert~~  
 2052 ~~birthdate of child)~~, should receive the benefits and advantages of a good home, to the  
 2053 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this  
 2054 surrender of my parental rights.

2055 2.  
 2056 I, the undersigned, \_\_\_\_\_ (relationship to child) ~~(insert relationship~~  
 2057 ~~to child)~~ of the aforesaid child, do hereby surrender my rights to the child to  
 2058 \_\_\_\_\_ (name of child-placing agency,  
 2059 out-of-state licensed agency, or Department of Human Services, as applicable) ~~(insert~~  
 2060 ~~name of child-placing agency or Department of Human Services, as applicable)~~ and  
 2061 promise not to interfere in the management of the child in any respect whatever; and,  
 2062 in consideration of the benefits guaranteed by \_\_\_\_\_  
 2063 (name of child-placing agency, out-of-state licensed agency, or Department of Human  
 2064 Services, as applicable) ~~(insert name of child-placing agency or Department of Human~~  
 2065 ~~Services, as applicable)~~ in ~~this~~ providing for the child, I do relinquish all right, title,  
 2066 and claim rights to the child herein named in this document, it being my wish, intent,  
 2067 and purpose to relinquish absolutely all parental control over the child. Furthermore,  
 2068 I hereby agree that the \_\_\_\_\_ (name of  
 2069 child-placing agency, out-of-state licensed agency, or Department of Human Services,  
 2070 as applicable) ~~(insert name of child-placing agency or Department of Human Services,~~  
 2071 ~~as applicable)~~ may seek for the child a legal adoption by such person or persons  
 2072 individual or individuals as may be chosen by the \_\_\_\_\_  
 2073 (name of child-placing agency, out-of-state licensed agency, or Department of Human  
 2074 Services, as applicable) ~~(insert name of child-placing agency or Department of Human~~  
 2075 ~~Services, as applicable)~~ or its authorized agents, without further notice to me. I do,  
 2076 furthermore, expressly waive any other notice or service in any of the legal proceedings  
 2077 for the adoption of the child.

2078 3.  
 2079 ~~Furthermore, I understand that under Georgia law the Department of Human Services~~  
 2080 ~~or the child-placing agency~~ an agent appointed by the court is required to conduct an  
 2081 investigation and render a report to the court in connection with the legal proceeding  
 2082 for the legal adoption of the child, and I hereby agree to cooperate fully with such  
 2083 ~~department or agency agent~~ in the conduct of its investigation.

2084 4.  
 2085 I understand that I will receive a copy of this document after the witness and I have  
 2086 signed it and it has been notarized.

2087 5.  
 2088 I understand that under Georgia law I have the unconditional right to a ten-day  
 2089 revocation period. I understand that if I am at least 18 years of age I also have the  
 2090 choice to waive the ten-day revocation period, thereby causing the surrender of my  
 2091 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE  
 2092 SURRENDER OF RIGHTS.

2093 Indicate your choice by signing ONE of the following statements (you may choose  
 2094 statement A or B):

2095 A. \_\_\_\_\_ (Signature) I choose to RETAIN the unconditional right  
 2096 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that  
 2097 I have received a copy of this document and that I understand I may only withdraw  
 2098 revoke this surrender by giving written notice, delivered in person or mailed by  
 2099 registered mail or statutory overnight delivery, to  
 2100 \_\_\_\_\_ (name and address  
 2101 of child-placing agency, out-of-state licensed agency, or Department of Human  
 2102 Services, as applicable) (insert name and address of child-placing agency or  
 2103 Department of Human Services, as applicable) within ten days from the date hereof;  
 2104 of signing this document. I understand that certified mail cannot be used for mail  
 2105 delivery of the notice to revoke this surrender. I understand that the ten days shall  
 2106 will be counted consecutively beginning with the day immediately following the date  
 2107 hereof; I sign this document; provided, however, that, if the tenth day falls on a  
 2108 Saturday, Sunday, or legal holiday, then the last day on which the this surrender may  
 2109 be withdrawn shall revoked will be the next day that is not a Saturday, Sunday, or  
 2110 legal holiday; and I understand that it may NOT be withdrawn thereafter. I

2111 understand that, if I deliver the notice to revoke this surrender in person, it must be  
2112 delivered to \_\_\_\_\_ (name  
2113 and address) not later than 5:00 P.M. eastern standard time or eastern daylight time,  
2114 whichever is applicable, on the tenth day. I understand that I CANNOT revoke this  
2115 surrender after that time.

2116 **OR**

2117 B. \_\_\_\_\_ (Signature) I am at least 18 years of age and I choose to  
2118 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted  
2119 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER  
2120 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE  
2121 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by  
2122 signing said waiver, I understand and intend to give up the unconditional right to  
2123 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT  
2124 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become  
2125 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2126 6.  
2127 I understand that if I am not a resident of this state that I am agreeing to be subject to  
2128 the jurisdiction of the courts of Georgia for any action filed in connection with the  
2129 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
2130 of this surrender of my parental rights.

2131 7.  
2132 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
2133 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
2134 and voluntarily.

2135 ~~Witness my hand and seal this~~  
2136 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2137 \_\_\_\_\_  
2138 (SEAL)  
2139 (Parent or guardian)

2140 \_\_\_\_\_  
2141 ~~Unofficial witness~~  
2142 Adult witness

2143 Sworn to and subscribed  
2144 before me this \_\_\_\_\_  
2145 day of \_\_\_\_\_, \_\_\_\_\_.

2146 \_\_\_\_\_  
2147 Notary public (SEAL)

2148 My commission expires: \_\_\_\_\_.

2149 (b) ~~Reserved.~~ The notice to revoke a surrender of rights pursuant to subsection (a) of Code  
2150 Section 19-8-9 shall conform substantially to the following form:

2151 NOTICE TO REVOKE SURRENDER OF RIGHTS/  
2152 FINAL RELEASE FOR ADOPTION

2153 I, the undersigned, executed a (SURRENDER OF RIGHTS/FINAL RELEASE FOR  
2154 ADOPTION) (PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR  
2155 ADOPTION) [circle one] as to the child identified in the surrender of rights document on  
2156 \_\_\_\_\_ (date). My relationship to the (child) (unborn child) [circle one] is that  
2157 I am the (mother) (father) (alleged biological father) (guardian) [circle one].

2158 (Complete this paragraph if the child has been born.) This notice to revoke my surrender  
2159 of rights applies to the (female) (male) [circle one] child born \_\_\_\_\_ (name  
2160 of child) on \_\_\_\_\_ (birthdate of child).

2161 I now wish to exercise my right to revoke my surrender of rights.

2162 I understand that for my revocation of surrender to be effective I must:

2163 A. Deliver the original of this document in person to the address designated in the  
2164 surrender of rights document no later than 5:00 P.M. eastern standard time or eastern  
2165 daylight time, whichever is applicable, on the tenth day of the revocation period specified  
2166 in the surrender of rights document;

2167 **OR**

2168 B. Mail the original of this document by registered mail or by statutory overnight  
2169 delivery to the address designated in the surrender of rights document no later than the  
2170 tenth day of the revocation period specified in the surrender of rights document.

2171 This day of \_\_\_\_\_, \_\_\_\_\_.

2172 \_\_\_\_\_  
2173 (Parent, guardian, or alleged biological father)

2174 \_\_\_\_\_  
2175 Printed name

2176 \_\_\_\_\_  
2177 Adult witness'

2178 (c) The surrender of rights by a parent or guardian pursuant to paragraph (1) of  
2179 subsection (e) of Code Section 19-8-5 shall conform substantially to the following form:

2180 SURRENDER OF RIGHTS  
2181 FINAL RELEASE FOR ADOPTION

2182 NOTICE TO PARENT OR GUARDIAN:

2183 This is an important legal document and by signing it, you are surrendering all of your  
2184 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to  
2185 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are  
2186 signing this document under oath and that if you knowingly and willfully make a false  
2187 statement in this document you will be guilty of the crime of false swearing. As  
2188 explained below in paragraph 8, you have the right to revoke this ~~You are to receive a~~  
2189 ~~copy of this document and as explained below have the right to withdraw your~~ surrender  
2190 within ten days from the date you sign it. If you are at least 18 years of age, you may  
2191 choose to waive that right so that this surrender will become effective immediately upon  
2192 signing such a waiver. If you choose to waive the right to a ten-day revocation period,  
2193 you must consult an attorney and make that choice in paragraph 8 below and execute a  
2194 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least  
2195 48 hours after the birth of the child.

2196 \_\_\_\_\_

2197 STATE OF GEORGIA  
2198 COUNTY OF \_\_\_\_\_

2199 Personally appeared before me, the undersigned officer duly authorized to administer  
 2200 oaths, \_\_\_\_\_ (name of parent or guardian) who, after having been  
 2201 sworn, deposes and says as follows:

2202 1.  
 2203 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,  
 2204 born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
 2205 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] ~~(insert name of child)~~ on ~~(insert~~  
 2206 ~~birthdate of child)~~, should receive the benefits and advantages of a good home, to the  
 2207 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this  
 2208 surrender of my parental rights.

2209 2.  
 2210 I, the undersigned, \_\_\_\_\_ (relationship to child) ~~(insert relationship~~  
 2211 ~~to child)~~ of the aforesaid child, do hereby surrender my rights to the child to  
 2212 \_\_\_\_\_ (name, surname not required, of each  
 2213 individual to whom surrender is made) ~~(insert name, surname not required, of each~~  
 2214 ~~person to whom surrender is made)~~, PROVIDED that each such person individual is  
 2215 named as petitioner in a petition for adoption of the child filed in accordance with  
 2216 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated within 60  
 2217 days from the date ~~hereof~~ that I sign this document. Furthermore, I promise not to  
 2218 interfere in the management of the child in any respect whatever; and, in consideration  
 2219 of the benefits guaranteed by \_\_\_\_\_ (name,  
 2220 surname not required, of each individual to whom surrender is made) ~~(insert name,~~  
 2221 ~~surname not required, of each person to whom surrender is made)~~ in thus providing for  
 2222 the child, I do relinquish all right, title, and claim rights to the child herein named in  
 2223 this document, it being my wish, intent, and purpose to relinquish absolutely all  
 2224 parental control over the child.

2225 3.  
 2226 It is also my wish, intent, and purpose that if each such person individual identified in  
 2227 paragraph 2 is not named as petitioner in a petition for adoption ~~as provided for above~~  
 2228 within the 60 day period, other than for ~~excusable neglect~~ justifiable good cause, or, if  
 2229 said petition for adoption is filed within 60 days but the adoption action proceeding is  
 2230 dismissed with prejudice or otherwise concluded without an order declaring the child  
 2231 to be the adopted child of each such person individual, then I do hereby surrender my  
 2232 rights to the child as follows:

2233 ~~(Mark one of the following as chosen)~~

2234 Indicate your choice by signing ONE of the following statements (you may choose  
 2235 statement A, B, or C):

2236 A. \_\_\_\_\_ (Signature) \_\_\_\_\_ I wish the child returned to me, as  
 2237 provided by subsection (j) of Code Section 19-8-5, and I expressly acknowledge that  
 2238 this provision applies only to the limited circumstance that the child is not adopted by  
 2239 the ~~person or persons~~ individual or individuals designated ~~herein in this document~~  
 2240 further that this provision does not impair the validity, absolute finality, or totality of  
 2241 this surrender under any circumstance other than the failure of the designated ~~person~~  
 2242 ~~or persons~~ individual or individuals to adopt the child and that no other provision of  
 2243 this surrender impairs the validity, absolute finality, or totality of this surrender once  
 2244 the ten-day revocation period has elapsed; ~~or~~

2245 **OR**

2246 B. \_\_\_\_\_ (Signature) \_\_\_\_\_ I surrender the child to  
 2247 \_\_\_\_\_ (name of child-placing agency or out-of-state licensed  
 2248 agency), as provided in subsection (j) of Code Section 19-8-5 (~~insert name of~~  
 2249 ~~designated licensed child-placing agency~~), a licensed child-placing agency, for  
 2250 placement for adoption. I understand that if the child-placing agency or out-of-state  
 2251 licensed agency declines to accept the child for placement for adoption, this surrender  
 2252 will be in favor of the Department of Human Services for placement for adoption and  
 2253 \_\_\_\_\_ (name of child-placing agency or out-of-state  
 2254 licensed agency) or the Department of Human Services may petition the superior  
 2255 court for custody of the child in accordance with the terms of this surrender; or

2256 **OR**

2257 C. \_\_\_\_\_ (Signature) \_\_\_\_\_ I surrender the child to the Department  
 2258 of Human Services, as provided by subsection ~~(k)~~ (j) of Code Section 19-8-5, for  
 2259 placement for adoption; and (~~insert name of designated licensed child-placing agency~~)  
 2260 ~~or~~ the Department of Human Services may petition the superior court for custody of  
 2261 the child in accordance with the terms of this surrender.

2262 4.  
 2263 ~~Furthermore~~, I hereby agree that the child is to be adopted either by each person named  
 2264 above individual named in paragraph 2 or by any other such person individual as may  
 2265 be chosen by the \_\_\_\_\_ (name of  
 2266 child-placing agency or out-of-state licensed agency) (~~insert name of designated~~  
 2267 ~~licensed child-placing agency~~) or the Department of Human Services and I do expressly  
 2268 waive any other notice or service in any of the legal proceedings for the adoption of the  
 2269 child.

2270 5.  
 2271 ~~Furthermore~~, I understand that under Georgia law an evaluator is required to conduct  
 2272 and provide to the court a home study and make recommendations to the court  
 2273 regarding the qualification of each ~~person named above to adopt a~~ individual named in  
 2274 paragraph 2 to adopt the child concerning the circumstances of placement of ~~my~~ the  
 2275 child for adoption. ~~I hereby agree to cooperate fully with such investigations.~~

2276 6.  
 2277 ~~Furthermore~~, I understand that under Georgia law, an agent appointed by the court is  
 2278 required to conduct an investigation and render a report to the court in connection with  
 2279 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate  
 2280 fully with such agent in the conduct of ~~this~~ its investigation.

2281 7.  
 2282 I understand that I will receive a copy of this document after the witness and I have  
 2283 signed it and it has been notarized.

2284 8.  
 2285 I understand that under Georgia law I have the unconditional right to a ten-day  
 2286 revocation period. I understand that if I am at least 18 years of age I also have the  
 2287 choice to waive the ten-day revocation period, thereby causing the surrender of my  
 2288 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE  
 2289 SURRENDER OF RIGHTS.

2290 Indicate your choice by signing ONE of the following statements (you may choose  
 2291 statement A or B):



2326 10.  
2327 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
2328 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
2329 and voluntarily.

2330 ~~Witness my hand and seal this~~  
2331 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

2332 \_\_\_\_\_  
2333 (SEAL)  
2334 (Parent or guardian)

2335 \_\_\_\_\_  
2336 ~~Unofficial witness~~  
2337 Adult witness

2338 Sworn to and subscribed  
2339 before me this \_\_\_\_\_  
2340 day of \_\_\_\_\_, \_\_\_\_.

2341 \_\_\_\_\_  
2342 Notary public (SEAL)

2343 My commission expires: \_\_\_\_\_.

2344 (d) The surrender of rights by a biological father who is not ~~the~~ a legal father of the child  
2345 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or  
2346 19-8-7 shall conform substantially to the following form:

2347 SURRENDER OF RIGHTS  
2348 FINAL RELEASE FOR ADOPTION

2349 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2350 This is an important legal document and by signing it you are surrendering all of your  
2351 ~~right, title, and claim rights~~ to the child identified herein, ~~so as to facilitate the child's~~  
2352 ~~placement for adoption. You are to receive a copy of this document and as explained~~  
2353 ~~below have the right to withdraw your surrender within ten days from the date you sign~~  
2354 ~~it in this document. Understand that you are signing this document under oath and that~~  
2355 if you knowingly and willfully make a false statement in this document you will be guilty  
2356 of the crime of false swearing. As explained below in paragraph 4, you have the right to  
2357 revoke this surrender within ten days from the date you sign it. If you are at least 18  
2358 years of age, you may choose to waive that right so that this surrender will become  
2359 immediately effective upon signing such a waiver. If you choose to waive the right to a

2360 ten-day revocation period, you must consult an attorney and make that choice in  
2361 paragraph 4 below and execute a separate WAIVER OF RIGHT TO REVOKE  
2362 SURRENDER OF RIGHTS at least 48 hours after the birth of the child.

2363 \_\_\_\_\_

2364 STATE OF GEORGIA

2365 COUNTY OF \_\_\_\_\_

2366 Personally appeared before me, the undersigned officer duly authorized to administer  
2367 oaths, \_\_\_\_\_ (name of alleged biological father) who, after having  
2368 been sworn, deposes and says as follows:

2369 1.

2370 I, the undersigned, alleged biological father of a (male) (female) [circle one] child, born  
2371 \_\_\_\_\_ (name of child) to \_\_\_\_\_ (name of legal  
2372 mother) on \_\_\_\_\_ (birthdate of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.)  
2373 [circle one], being mindful that the (insert name of child) to (insert name of mother) on  
2374 (insert birthdate of child), being solicitous that said child should receive the benefits  
2375 and advantages of a good home, to the end that (she) (he) [circle one] may be fitted for  
2376 the requirements of life, consent to this surrender of my rights. I, the undersigned, do  
2377 hereby surrender my rights to the child. I promise not to interfere in the management  
2378 of the child in any respect whatever; and, in consideration of the benefits provided to  
2379 the child through adoption, I do relinquish all right, title, and claim rights to the child  
2380 herein named in this document, it being my wish, intent, and purpose to relinquish  
2381 absolutely all control over the child.

2382 2.

2383 ~~Furthermore~~, I hereby agree that the child is to be adopted and I do expressly waive any  
2384 other notice or service in any of the legal proceedings for the adoption of the child.  
2385 ~~Furthermore~~, I understand that under Georgia law an agent appointed by the court is  
2386 required to conduct an investigation and render a report to the court in connection with  
2387 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate  
2388 fully with ~~the~~ such agent ~~appointed by the court~~ in the conduct of ~~this~~ its investigation.

2389 3.  
2390 I understand that I will receive a copy of this document after the witness and I have  
2391 signed it and it has been notarized.

2392 4.  
2393 I understand that under Georgia law I have the unconditional right to a ten-day  
2394 revocation period. I understand that if I am at least 18 years of age I also have the  
2395 choice to waive the ten-day revocation period, thereby causing the surrender of my  
2396 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE  
2397 SURRENDER OF RIGHTS.

2398 Indicate your choice by signing ONE of the following statements (you may choose  
2399 statement A or B):

2400 A. \_\_\_\_\_ (Signature) I choose to RETAIN the unconditional right  
2401 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that  
2402 I have received a copy of this document and that I understand I may only withdraw  
2403 revoke this surrender by giving written notice, delivered in person or mailed by  
2404 registered mail or statutory overnight delivery, to  
2405 \_\_\_\_\_ (name and address of child-placing  
2406 agency representative, out-of-state licensed agency representative, Department of  
2407 Human Services representative, individual to whom surrender is made or his or her  
2408 agent, or petitioner's representative, as applicable) (insert name and address of  
2409 child-placing agency representative, Department of Human Services representative,  
2410 person to whom surrender is made, or petitioner's representative, as appropriate)  
2411 within ten days from the date hereof; of signing this document. I understand that  
2412 certified mail cannot be used for mail delivery of the notice to revoke this surrender.  
2413 I understand that the ten days shall will be counted consecutively beginning with the  
2414 day immediately following the date hereof; I sign this document; provided, however,  
2415 that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on  
2416 which the this surrender may be withdrawn shall revoked will be the next day that is  
2417 not a Saturday, Sunday, or legal holiday; and I understand that it may NOT be  
2418 withdrawn thereafter. I understand that, if I deliver the notice to revoke this surrender  
2419 in person, it must be delivered to \_\_\_\_\_  
2420 (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight  
2421 time, whichever is applicable, on the tenth day. I understand that I CANNOT revoke  
2422 this surrender after that time.

2423 **OR**

2424 B. \_\_\_\_\_ (Signature) I am at least 18 years of age and I choose to  
2425 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted  
2426 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER  
2427 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE  
2428 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by  
2429 signing said waiver, I understand and intend to give up the unconditional right to  
2430 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT  
2431 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become  
2432 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2433 5.  
2434 I understand that if I am not a resident of this state that I am agreeing to be subject to  
2435 the jurisdiction of the courts of Georgia for any action filed in connection with the  
2436 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
2437 of this surrender of my parental rights.

2438 6.  
2439 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
2440 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
2441 and voluntarily.

2442 ~~Witness my hand and seal this~~  
2443 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2444 \_\_\_\_\_  
2445 (SEAL)  
2446 (Alleged biological father)

2447 \_\_\_\_\_  
2448 ~~Unofficial witness~~  
2449 Adult witness

2450 Sworn to and subscribed  
2451 before me this \_\_\_\_\_  
2452 day of \_\_\_\_\_, \_\_\_\_\_.

2453 \_\_\_\_\_  
2454 Notary public (SEAL)

2455 My commission expires: \_\_\_\_\_.

2456 (e) The surrender of rights by a parent or guardian pursuant to paragraph (1) of  
2457 subsection (e) of Code Section 19-8-6 or 19-8-7 shall conform substantially to the  
2458 following form:

2459 SURRENDER OF RIGHTS  
2460 FINAL RELEASE FOR ADOPTION

2461 NOTICE TO PARENT OR GUARDIAN:

2462 This is an important legal document and by signing it, you are surrendering all of your  
2463 ~~right, title, and claim~~ rights to the child identified ~~herein in this document~~, so as to  
2464 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are  
2465 signing this document under oath and that if you knowingly and willfully make a false  
2466 statement in this document you will be guilty of the crime of false swearing. As  
2467 explained below in paragraph 6, you have the right to revoke this ~~You are to receive a~~  
2468 ~~copy of this document and as explained below have the right to withdraw your surrender~~  
2469 ~~within ten days from the date you sign it. If you are at least 18 years of age, you may~~  
2470 choose to waive that right so that this surrender will become effective immediately upon  
2471 signing such a waiver. If you choose to waive the right to a ten-day revocation period,  
2472 you must consult an attorney and make that choice in paragraph 6 below and execute a  
2473 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least  
2474 48 hours after the birth of the child.

2475 \_\_\_\_\_

2476 STATE OF GEORGIA  
2477 COUNTY OF \_\_\_\_\_

2478 Personally appeared before me, the undersigned officer duly authorized to administer  
2479 oaths, \_\_\_\_\_ (name of parent or guardian) who, after having been  
2480 sworn, deposes and says as follows:

2481 1.  
2482 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,  
2483 born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
2484 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] (insert name of child) on (insert

2485 ~~birthdate of child~~, should receive the benefits and advantages of a good home, to the  
 2486 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this  
 2487 surrender of my parental rights.

2488 2.  
 2489 I, the undersigned, \_\_\_\_\_ (relationship to child) (~~insert relationship~~  
 2490 ~~to child~~) of the aforesaid child, do hereby surrender my rights to the child to  
 2491 \_\_\_\_\_ (name of each individual to whom  
 2492 ~~surrender is made~~) (~~insert name of each person to whom surrender is made~~) and  
 2493 promise not to interfere in the management of the child in any respect whatever; and,  
 2494 in consideration of the benefits guaranteed by  
 2495 \_\_\_\_\_ (name of each individual to whom  
 2496 ~~surrender is made~~) (~~insert name of each person to whom surrender is made~~) in thus  
 2497 providing for the child, I do relinquish all ~~right, title, and claim~~ rights to the child herein  
 2498 named in this document, it being my wish, intent, and purpose to relinquish absolutely  
 2499 all parental control over the child.

2500 3.  
 2501 ~~Furthermore~~, I hereby agree that \_\_\_\_\_ (name of each individual to  
 2502 ~~whom surrender is made~~) (~~insert name of each person to whom surrender is made~~) may  
 2503 initiate legal proceedings for the legal adoption of the child without further notice to  
 2504 me. I do, furthermore, expressly waive any other notice or service in any of the legal  
 2505 proceedings for the adoption of the child.

2506 4.  
 2507 ~~Furthermore~~, I understand that under Georgia law ~~the Department of Human Services~~  
 2508 an agent may be ~~required~~ appointed by the court to conduct an investigation and render  
 2509 a report to the court in connection with the legal proceeding for the legal adoption of  
 2510 the child, and I hereby agree to cooperate fully with ~~the department~~ such agent in the  
 2511 conduct of its investigation.

2512 5.  
 2513 I understand that I will receive a copy of this document after the witness and I have  
 2514 signed it and it has been notarized.

2515 6.  
 2516 I understand that under Georgia law I have the unconditional right to a ten-day  
 2517 revocation period. I understand that if I am at least 18 years of age I also have the  
 2518 choice to waive the ten-day revocation period, thereby causing the surrender of my  
 2519 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE  
 2520 SURRENDER OF RIGHTS.

2521 Indicate your choice by signing ONE of the following statements (you may choose  
 2522 statement A or B):

2523 A. \_\_\_\_\_ (Signature) I choose to RETAIN the unconditional right  
 2524 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that  
 2525 I have received a copy of this document and that I understand I may only withdraw  
 2526 revoke this surrender by giving written notice, delivered in person or mailed by  
 2527 registered mail or statutory overnight delivery, to  
 2528 \_\_\_\_\_ (name and address of each  
 2529 individual to whom surrender is made or petitioner's representative, as applicable)  
 2530 (~~insert name and address of each person to whom surrender is made~~) within ten days  
 2531 from the date hereof; of signing this document. I understand that certified mail cannot  
 2532 be used for mail delivery of the notice to revoke this surrender. I understand that the  
 2533 ten days ~~shall~~ will be counted consecutively beginning with the day immediately  
 2534 following the date hereof; I sign this document; provided, however, that, if the tenth  
 2535 day falls on a Saturday, Sunday, or legal holiday, then the last day on which ~~the~~ this  
 2536 surrender may be ~~withdrawn shall~~ revoked will be the next day that is not a Saturday,  
 2537 Sunday, or legal holiday; and I understand that it may NOT be withdrawn thereafter.  
 2538 I understand that, if I deliver the notice to revoke my surrender in person, it must be  
 2539 delivered to \_\_\_\_\_ (name and address) not  
 2540 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is  
 2541 applicable, on the tenth day. I understand that I CANNOT revoke this surrender after  
 2542 that time.

2543 **OR**

2544 B. \_\_\_\_\_ (Signature) I am at least 18 years of age and I choose to  
 2545 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted  
 2546 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER  
 2547 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE

2548 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by  
2549 signing said waiver, I understand and intend to give up the unconditional right to  
2550 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT  
2551 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become  
2552 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2553 7.  
2554 I understand that if I am not a resident of this state that I am agreeing to be subject to  
2555 the jurisdiction of the courts of Georgia for any action filed in connection with the  
2556 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
2557 of this surrender of my parental rights.

2558 8.  
2559 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
2560 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
2561 and voluntarily.

2562 ~~Witness my hand and seal this~~  
2563 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2564 \_\_\_\_\_  
2565 (SEAL)  
2566 (Parent or guardian)

2567 \_\_\_\_\_  
2568 ~~Unofficial witness~~  
2569 Adult witness

2570 Sworn to and subscribed  
2571 before me this \_\_\_\_\_  
2572 day of \_\_\_\_\_, \_\_\_\_\_.

2573 \_\_\_\_\_  
2574 Notary public (SEAL)  
2575 My commission expires: \_\_\_\_\_.

2576 (f) The pre-birth surrender of rights by a biological father who is not ~~the~~ a legal father of  
2577 the child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or  
2578 19-8-7 shall conform substantially to the following form:

PRE-BIRTH SURRENDER OF RIGHTS

FINAL RELEASE FOR ADOPTION

NOTICE TO ALLEGED BIOLOGICAL FATHER:

This is an important legal document and by signing it, you are surrendering any and all of your right, title, and claim rights to the child identified herein in this document, so as to facilitate the child's placement place the child for adoption. You have the right to wait to execute a Surrender of Rights Final Release for Adoption PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION after the child is born, but by signing this document, you are electing to surrender your rights prior to the birth of this child. Understand that you are signing this document under oath and that if you knowingly and willfully make a false statement in this document you will be guilty of the crime of false swearing. As explained below in paragraph 6, you have the right to revoke this You are to receive a copy of this document and as explained below have the right to withdraw your pre-birth surrender within ten days from the date you sign it. If you are at least 18 years of age, you may choose to waive that right so that this surrender will become effective immediately upon signing such a waiver. If you choose to waive the right to a ten-day revocation period, you must consult an attorney and make that choice in paragraph 6 below and execute a separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 48 hours after the birth of the child.

STATE OF GEORGIA

COUNTY OF \_\_\_\_\_

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

1.

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

2611 2.  
 2612 To the best of my knowledge and belief, the child has not been born as of the date I am  
 2613 signing this pre-birth surrender; however, if in fact the child has been born, this  
 2614 surrender shall have the same effect as if it were a surrender executed following the  
 2615 birth of the child.

2616 3.  
 2617 I understand that by signing this document I am not admitting that I am the biological  
 2618 father of this child, but if I am, I hereby agree that adoption is in this child's best  
 2619 interest. I consent to adoption of this child by any ~~person~~ individual chosen by the  
 2620 child's legal mother or by any public or private ~~child-placing~~ agency that places  
 2621 children without further notice to me. I expressly waive any other notice or service in  
 2622 any of the legal proceedings for the adoption of the child. I understand that I have the  
 2623 option to wait until after the child is born to execute a surrender of my rights (with a  
 2624 corresponding ten-day right of ~~withdrawal~~ revocation) and, further, that by executing  
 2625 this document I am electing instead to surrender my rights before the child's birth.

2626 4.  
 2627 I ~~further~~ understand that ~~execution of signing~~ signing this document does not fully and finally  
 2628 terminate my rights and responsibilities until an order from a court of competent  
 2629 jurisdiction terminating my rights or a final order of adoption is entered. I understand  
 2630 that if the child is not adopted after I sign this document, legal proceedings can be  
 2631 brought to establish paternity, and I may become liable for financial obligations related  
 2632 to the birth and support of this child.

2633 5.  
 2634 I understand that I will receive a copy of this document after the witness and I have  
 2635 signed it and it has been notarized.

2636 6.  
 2637 I understand that under Georgia law I have the unconditional right to a ten-day  
 2638 revocation period. I understand that if I am at least 18 years of age I also have the  
 2639 choice to waive the ten-day revocation period, thereby causing the pre-birth surrender  
 2640 of my rights to become final immediately upon signing a WAIVER OF RIGHT TO  
 2641 REVOKE SURRENDER OF RIGHTS.

2642 Indicate your choice by signing ONE of the following statements (you may choose  
 2643 statement A or B):

2644 A. \_\_\_\_\_ (Signature) I choose to RETAIN the unconditional right  
 2645 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that  
 2646 I have received a copy of this document and that I understand that I may only  
 2647 withdraw ~~revoke~~ this pre-birth surrender by giving written notice, delivered in person  
 2648 or by statutory overnight delivery or registered mail, return receipt requested, to  
 2649 \_\_\_\_\_ within ten days from the date hereof; mailed by  
 2650 registered mail or statutory overnight delivery, to  
 2651 \_\_\_\_\_ (name and address of  
 2652 child-placing agency representative, out-of-state licensed agency representative,  
 2653 Department of Human Services representative, individual to whom surrender is made  
 2654 or his or her agent, or petitioner's representative, as applicable) within ten days from  
 2655 the date of signing this document. I understand that certified mail cannot be used for  
 2656 mail delivery of the notice to revoke this pre-birth surrender. I understand that the ten  
 2657 days ~~shall~~ will be counted consecutively beginning with the day immediately  
 2658 following the date hereof; that, however, I sign this document; provided, however,  
 2659 that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on  
 2660 which ~~the~~ this surrender may be ~~withdrawn~~ shall ~~shall~~ revoke will be the next day that is  
 2661 not a Saturday, Sunday, or legal holiday; and that it may NOT be withdrawn  
 2662 thereafter. I understand that, if I deliver the notice to revoke this surrender in person,  
 2663 it must be delivered to \_\_\_\_\_ (name and  
 2664 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,  
 2665 whichever is applicable, on the tenth day. I understand that I CANNOT revoke this  
 2666 surrender after that time.

2667 **OR**

2668 B. \_\_\_\_\_ (Signature) I am at least 18 years of age and I choose to  
 2669 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted  
 2670 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER  
 2671 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE  
 2672 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by  
 2673 signing said waiver, I understand and intend to give up the unconditional right to  
 2674 revoke this pre-birth surrender. I fully understand that by signing the WAIVER OF  
 2675 RIGHT TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will

2676 become final immediately upon signing it and that thereafter this surrender cannot be  
2677 revoked.

2678 7.

2679 If prior to my signing this pre-birth surrender I have registered on Georgia's putative  
2680 father registry then, if I do not ~~withdraw~~ revoke this surrender within the time  
2681 permitted, I waive the notice I would be entitled to receive pursuant to ~~the provisions~~  
2682 ~~of~~ Code Section 19-8-12 of the Official Code of Georgia Annotated because of my  
2683 registration on the putative father registry.

2684 8.

2685 I understand that if I am not a resident of this state that I am agreeing to be subject to  
2686 the jurisdiction of the courts of Georgia for any action filed in connection with the  
2687 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
2688 of this surrender of my parental rights.

2689 9.

2690 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
2691 pressure in the execution of this document and ~~do so~~ I am signing it freely and  
2692 voluntarily.

2693 ~~Witness my hand and seal this~~

2694 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2695 \_\_\_\_\_  
2696 (SEAL)  
2697 (Alleged biological father)

2698 \_\_\_\_\_  
2699 ~~Unofficial Witness~~  
2700 Adult witness

2701 Sworn to and subscribed  
2702 before me ~~on~~ this \_\_\_\_\_  
2703 day of \_\_\_\_\_, \_\_\_\_.

2704 \_\_\_\_\_  
2705 Notary public (SEAL)

2706 ~~Notary Public Seal~~

2707 My commission expires: \_\_\_\_\_.

2708 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section  
2709 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

2710 ACKNOWLEDGMENT OF SURRENDER  
2711 OF RIGHTS

2712 STATE OF GEORGIA  
2713 COUNTY OF \_\_\_\_\_

2714 Personally appeared before me, the undersigned officer duly authorized to administer  
2715 oaths, \_\_\_\_\_ (name of parent, guardian, or  
2716 alleged biological father) who, after having been sworn, deposes and says as follows By  
2717 execution of this paragraph, the undersigned expressly acknowledges:

2718 (A) That I have read the accompanying (PRE-BIRTH SURRENDER OF  
2719 RIGHTS/FINAL RELEASE FOR ADOPTION) (SURRENDER OF RIGHTS/FINAL  
2720 RELEASE FOR ADOPTION) [circle one] relating to said minor the child born  
2721 \_\_\_\_\_ (name of child) (~~insert name of child~~), a (male) (female)  
2722 [circle one] on \_\_\_\_\_ (birthdate of child) (~~insert birthdate of child~~);

2723 (B) That I understand that this is a full, final, and complete surrender, release, and  
2724 termination of all of my rights to the child;

2725 (C) Indicate your choice by signing ONE of the following statements (you may choose  
2726 statement A or B):

2727 A. \_\_\_\_\_ (Signature) That I have chosen to retain the unconditional  
2728 right to revoke the surrender by giving written notice, delivered in person or mailed  
2729 by registered mail or statutory overnight delivery, to  
2730 \_\_\_\_\_ (name and address of child-placing  
2731 agency or its representative, out-of-state licensed agency or its representative,  
2732 Department of Human Services or its representative, individual to whom surrender  
2733 is made or his or her agent, or petitioner's representative, as applicable) (~~insert name~~  
2734 ~~and address of each person or entity to whom surrender is made~~) not later than within  
2735 ten days from the date of signing the surrender and that after such ten-day revocation  
2736 period I shall have no right to revoke the surrender;

2737 ~~(D)~~ That I understand that certified mail cannot be used for mail delivery of the  
2738 notice to revoke the surrender of my rights. I understand that, if I deliver the notice  
2739 to revoke my surrender in person, it must be delivered to  
2740 \_\_\_\_\_ (name and address) not later than  
2741 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on

2742 the tenth day. I understand that the ten days shall will be counted consecutively  
2743 beginning with the day immediately following the date I signed the surrender is  
2744 ~~executed; provided, however, that,~~ if the tenth day falls on a Saturday, Sunday, or  
2745 legal holiday, then the last day on which the surrender may be ~~withdrawn shall~~  
2746 revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

2747 **OR**

2748 B. \_\_\_\_\_ (Signature) That I am at least 18 years of age and I have  
2749 chosen to exercise my right to sign a separate WAIVER OF RIGHT TO REVOKE  
2750 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and that, by  
2751 signing said waiver, I understand and intend to give up the unconditional right to  
2752 revoke my surrender. I have consulted an attorney regarding signing the WAIVER  
2753 OF RIGHT TO REVOKE SURRENDER OF RIGHTS. I fully understand that by  
2754 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the  
2755 surrender of my rights will become final immediately upon signing it and that  
2756 thereafter my surrender cannot be revoked;

2757 ~~(E)~~(D) That I have read the accompanying surrender of rights and received a copy  
2758 thereof;

2759 ~~(F)~~(E) That any and all questions regarding the effect of ~~said~~ such surrender and its  
2760 provisions have been satisfactorily explained to me;

2761 ~~(G)~~(F) That I have been ~~afforded~~ given an opportunity to consult with ~~counsel~~ an  
2762 attorney of my choice ~~prior to execution of~~ before signing the surrender of my rights;  
2763 and

2764 ~~(H)~~(G) That the surrender of my rights has been knowingly, intentionally, freely, and  
2765 voluntarily made by me.

2766 ~~Witness my hand and seal this~~

2767 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2768 \_\_\_\_\_  
2769 (SEAL)  
2770 (Parent, guardian, or alleged biological father)

2771 \_\_\_\_\_  
2772 Unofficial witness  
2773 Adult witness

2774 Sworn to and subscribed  
 2775 before me this \_\_\_\_\_  
 2776 day of \_\_\_\_\_, \_\_\_\_\_.

2777 \_\_\_\_\_  
 2778 Notary public (SEAL)

2779 My commission expires: \_\_\_\_\_.

2780 (h) The affidavit of a legal mother required by paragraph (1) of subsection (g) of Code  
 2781 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the surrender of her rights shall meet the  
 2782 following requirements:

2783 (1) The affidavit shall set forth:

2784 (A) Her name;

2785 (B) Her relationship to the child;

2786 (C) Her age;

2787 (D) Her marital status at the time of conception and of the birth of the child;

2788 (E) The identity and last known address of ~~any~~ her spouse or former spouse and  
 2789 whether any such spouse is the biological father of the child;

2790 (F) The identity, last known address, and relationship to the legal mother of the  
 2791 biological father of ~~her~~ the child, provided that ~~the mother~~ she shall have the right not  
 2792 to disclose the name and address of the biological father of ~~her~~ the child should she so  
 2793 desire;

2794 (G) Whether or not she has consented to the appointment of a temporary guardian for  
 2795 the child and, if so, provide the name and address of the temporary guardian and the  
 2796 probate court in which the petition for temporary guardianship was filed;

2797 (H) Whether custody of the child has been awarded to another individual and, if so,  
 2798 provide the name of the child's custodian and the court in which custody was awarded;

2799 ~~(G)(I)~~ (I) Whether or not the biological father of the child has lived with the child,  
 2800 contributed to its support, provided for the mother's support or medical care during her  
 2801 pregnancy or during her hospitalization for the birth of the child, or made an attempt  
 2802 to legitimate the child; and is or was in a branch of the United States armed forces and,  
 2803 if so, provide details as to his military service;

2804 (J) Whether or not the biological mother or any member of her family is or was an  
 2805 enrolled member of a federally recognized American Indian tribe, is or was a resident  
 2806 of an American Indian reservation, or is or was an Alaskan native;

2807 (K) Whether or not the biological father of the child or any member of his family is or  
 2808 was an enrolled member of a federally recognized American Indian tribe, is or was a  
 2809 resident of an American Indian reservation, or is or was an Alaskan native; and

2810 ~~(H)~~(L) All financial assistance received by or promised her either directly,
2811 from whatever source, in connection with her pregnancy, the birth of the child, or the
2812 placement or arranging for the placement of the child for adoption (including the date,
2813 amount or value, description, payor, and payee), provided that financial assistance
2814 provided directly by ~~the mother's~~ her husband, mother, father, sister, brother, aunt,
2815 uncle, grandfather, or grandmother need not be detailed and instead ~~the mother~~ she need
2816 only state the nature of the assistance received; and

2817 (2) The affidavit shall conform substantially to the following form:

2818 LEGAL MOTHER'S AFFIDAVIT

2819 NOTICE TO LEGAL MOTHER:

2820 This is an important legal document which deals with your the child's right to have its
2821 his or her biological father's rights properly determined. You have the right not ~~If you~~
2822 ~~decline~~ to disclose the name and address of the biological father of your the child;
2823 ~~understand that you may be required to appear in court to explain your refusal and that~~
2824 ~~your name may be used in connection with the publication of notice to the biological~~
2825 ~~father.~~ Understand that you are providing this affidavit under oath and that ~~the~~ if you
2826 knowingly and willfully make a false statement in this affidavit you will be guilty of
2827 the crime of false swearing. ~~The information provided~~ you provide will be held in strict
2828 confidence and will be used only in connection with the adoption of your the child.

2829 STATE OF GEORGIA
2830 COUNTY OF \_\_\_\_\_

2831 Personally appeared before me, the undersigned officer duly authorized to administer
2832 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says
2833 as follows:

2834 That my name is \_\_\_\_\_.
2835 That I am the legal mother of a (male) (female) [circle one] child born
2836 \_\_\_\_\_ (name of child) (~~insert name of child~~) in the State of
2837 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_ (birthdate of child) at
2838 \_\_\_\_\_: \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

2839 That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_, County
2840 of \_\_\_\_\_ on \_\_\_\_\_.

2841 That my social security ~~account~~ number is \_\_\_\_\_.

2842 That my marital status at the time of the conception of my the child was (check the
2843 status and complete the appropriate information):

2844 ( ) Single, never having been married.

2845 ( ) Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle

2846 one] \_\_\_\_\_; ~~his~~ my spouse's last known

2847 address is \_\_\_\_\_; we were married in the State of

2848 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we have been separated since

2849 \_\_\_\_\_; we last had sexual relations on \_\_\_\_\_ (date);

2850 my spouse (is) (is not) [circle one] the biological father of said child.

2851 ( ) Divorced; the name of my ~~previous~~ former spouse is

2852 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of

2853 \_\_\_\_\_ on \_\_\_\_\_; we last had sexual relations on \_\_\_\_\_ (date);

2854 my former spouse's ~~his~~ last known address is \_\_\_\_\_; divorce granted in

2855 the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; my former

2856 spouse (is) (is not) [circle one] the biological father of said child.

2857 ( ) Legally married; the name of my spouse (was) (is) [circle one]

2858 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of \_\_\_\_\_

2859 on \_\_\_\_\_; and ~~his~~ my spouse's last known address is \_\_\_\_\_;

2860 my spouse (is) (is not) [circle one] the biological father of said child.

2861 ( ) Married through common-law marriage relationship prior to January 1, 1997;

2862 the name of my spouse (was) (is) [circle one] \_\_\_\_\_; ~~his~~ my

2863 spouse's last known address is \_\_\_\_\_; our relationship began in the State

2864 of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; my spouse (is) (is not) [circle

2865 one] the biological father of said child.

2866 ( ) Widowed; the name of my deceased spouse was \_\_\_\_\_;

2867 we were married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; ~~and~~

2868 ~~he~~ my spouse died on \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_.

2869 That my name and marital status at the time of the birth of ~~my~~ the child was (check

2870 the status and complete the appropriate information):

2871 Name \_\_\_\_\_.

2872 ( ) Single, never having been married.

2873 ( ) Separated, but not legally divorced; the name of my spouse (was) (is) [circle

2874 one] \_\_\_\_\_; ~~his~~ my

2875 spouse's last known address is \_\_\_\_\_; we were married

2876 in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we

2877 have been separated since \_\_\_\_\_; we last had sexual relations on

2878 \_\_\_\_\_ (date); my spouse (is) (is not) [circle one] the biological

2879 father of said child.

2880 ( ) Divorced; the name of my former spouse is \_\_\_\_\_; we were married  
2881 in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we last had  
2882 sexual relations on \_\_\_\_\_ (date); my spouse's ~~his~~ last known  
2883 address is \_\_\_\_\_; divorce granted in the State of  
2884 \_\_\_\_\_, County of \_\_\_\_\_; my former spouse (is) (is not) [circle  
2885 one] the biological father of said child.

2886 ( ) Legally ~~Married~~ married; the name of my spouse (was) (is) [circle one]  
2887 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of  
2888 \_\_\_\_\_ on \_\_\_\_\_; ~~and his~~ my spouse's last known address is  
2889 \_\_\_\_\_; my spouse (is) (is not) [circle one] the biological  
2890 father of said child.

2891 ( ) Married through common-law relationship prior to January 1, 1997; the name  
2892 of my spouse (was) (is) [circle one] \_\_\_\_\_; ~~his~~ my  
2893 spouse's last known address is \_\_\_\_\_; our relationship began in  
2894 the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_;  
2895 my spouse (is) (is not) [circle one] the biological father of said child.

2896 ( ) Widowed; the name of my deceased spouse was \_\_\_\_\_; we were  
2897 married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_;  
2898 ~~and he~~ my spouse died on \_\_\_\_\_ in the County of \_\_\_\_\_,  
2899 State of \_\_\_\_\_; he (was) (was not) [circle one] the biological father of  
2900 said child.

2901 That the name of the biological father of ~~my~~ the child is (complete appropriate  
2902 response):

2903 Known to me and is (\_\_\_\_\_);  
2904 Known to me but I expressly decline to identify him because \_\_\_\_\_  
2905 \_\_\_\_\_; or  
2906 Unknown to me because \_\_\_\_\_  
2907 \_\_\_\_\_.

2908 That the last known address of the biological father of ~~my~~ the child is (complete  
2909 appropriate response):

2910 Known to me and is \_\_\_\_\_;  
2911 Known to me but I expressly decline to provide his address because  
2912 \_\_\_\_\_; or  
2913 Unknown to me because \_\_\_\_\_  
2914 \_\_\_\_\_.

2915 That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member  
2916 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident

2917 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native  
2918 of American Indian heritage. If so:

2919 (A) The name of my American Indian tribe is \_\_\_\_\_ and the\_

2920 (B) The percentage of my American Indian blood is \_\_\_\_\_ percent.

2921 That, to the best of my knowledge, a member of my family (is or was) (is not or was  
2922 not) [circle one] an enrolled member of a federally recognized American Indian tribe,  
2923 (is or was) (is not or was not) [circle one] a resident of an American Indian  
2924 reservation, or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

2925 (A) The name of the American Indian tribe is \_\_\_\_\_.

2926 (B) The percentage of my American Indian blood is \_\_\_\_\_ percent.

2927 ~~(B)~~(C) My relatives with American Indian or Alaskan native blood are: \_\_\_\_\_

2928 \_\_\_\_\_

2929 \_\_\_\_\_.

2930 ~~(C)~~(D) I ~~(am) (am not)~~ a member of an American Indian tribe. If so, the The name  
2931 of the American Indian tribe is \_\_\_\_\_.

2932 (E) The name of each enrolled member is \_\_\_\_\_, and his or  
2933 her corresponding registration or identification number is \_\_\_\_\_.

2934 ~~(D)~~ I ~~(am) (am not)~~ registered with an American Indian tribal registry. If so, the  
2935 American Indian tribal registry is: \_\_\_\_\_ and my registration  
2936 or identification number is: \_\_\_\_\_.

2937 ~~(E)~~ A member of my family (is) (is not) a member of an American Indian tribe. If  
2938 so, the name of each such family member is: \_\_\_\_\_ and the name  
2939 of the corresponding American Indian tribe is: \_\_\_\_\_.

2940 ~~(F)~~ A member of my family (is) (is not) registered with an American Indian tribal  
2941 registry. If so, the name of each such family member is: \_\_\_\_\_  
2942 and the name of the corresponding American Indian tribal registry is:  
2943 \_\_\_\_\_ and their corresponding registration or  
2944 identification numbers are: \_\_\_\_\_.

2945 That to the best of my knowledge, the biological father (is) (is not) ~~of American~~  
2946 ~~Indian heritage~~ or a member of his family (is or was) (is not or was not) [circle one]  
2947 an enrolled member of a federally recognized American Indian tribe, (is or was) (is  
2948 not or was not) [circle one] a resident of an American Indian reservation, or (is or  
2949 was) (is not or was not) [circle one] an Alaskan native. If so:

2950 (A) The name of his American Indian tribe is \_\_\_\_\_ and the\_

2951 (B) The percentage of his American Indian blood is \_\_\_\_\_ percent.

2952 ~~(B)~~(C) His relatives with American Indian or Alaskan native blood are: \_\_\_\_\_  
2953 \_\_\_\_\_  
2954 \_\_\_\_\_.

2955 ~~(C) He (is) (is not) a member of an American Indian tribe. If so, the name of the~~  
2956 ~~tribe is: \_\_\_\_\_.~~

2957 ~~(D) He (is) (is not) registered with an American Indian tribal registry. If so, the~~  
2958 ~~American Indian tribal registry is: \_\_\_\_\_~~  
2959 ~~and his registration or identification number is: \_\_\_\_\_~~

2960 ~~The name of each enrolled member is \_\_\_\_\_,~~  
2961 ~~and his or her corresponding registration or identification number is~~  
2962 ~~\_\_\_\_\_.~~

2963 That the date of birth of the biological father (~~was is~~ \_\_\_\_\_, \_\_\_\_\_) ~~or~~ (is not  
2964 known to me) [circle one].

2965 That the biological father (is) (is not) [circle one] on active duty in a branch of the  
2966 United States armed forces. If so:

2967 (A) The branch of his service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)  
2968 [circle one].

2969 (B) His rank is \_\_\_\_\_.

2970 (C) His duty station is \_\_\_\_\_.

2971 If applicable, please provide any additional available information regarding his  
2972 military service.

2973 \_\_\_\_\_  
2974 \_\_\_\_\_  
2975 \_\_\_\_\_.

2976 That the biological father of ~~my~~ the child, whether or not identified herein (~~strike each~~  
2977 ~~inappropriate phrase~~) in this document (circle the appropriate phrase):

2978 (Was) (Was not) married to me at the time this child was conceived;

2979 (Was) (Was not) married to me at any time during my pregnancy with this child;

2980 (Was) (Was not) married to me at the time that this child was born;

2981 (Did) (Did not) marry me after the child was born and recognize the child as his  
2982 own;

2983 (Has) (Has not) been determined to be the child's father by a final paternity order  
2984 of a court;

2985 (Has) (Has not) legitimated the child by a final court order;

2986 (Has) (Has not) lived with the child;

2987 (Has) (Has not) contributed to its support;

2988 (Has) (Has not) provided for my support during my pregnancy or hospitalization for  
2989 the birth of the child; and

2990 (Has) (Has not) provided for my medical care during my pregnancy or  
2991 hospitalization for the birth of the child; ~~and~~

2992 ~~(Has) (Has not) made any attempt to legitimate the child.~~

2993 That I (have) (have not) [circle one] consented to the appointment of a temporary  
2994 guardian for the child. If so, the name of the temporary guardian is  
2995 \_\_\_\_\_ , and the probate court in which the petition for temporary  
2996 guardianship was filed is \_\_\_\_\_.

2997 That custody of the child has been awarded to  
2998 \_\_\_\_\_ (name and address of custodian) by order  
2999 of the \_\_\_\_\_ Court of \_\_\_\_\_ County, State of  
3000 \_\_\_\_\_ , entered on \_\_\_\_\_ (date).

3001 That I have received or been promised the following financial assistance, either  
3002 directly or indirectly, from whatever source, in connection with my pregnancy, the  
3003 birth of ~~my~~ the child, and ~~it's~~ the child's placement for adoption:  
3004 \_\_\_\_\_.

3005 That I recognize that if I knowingly and willfully make a false statement in this  
3006 affidavit; I will be guilty of the crime of false swearing.

3007 \_\_\_\_\_  
3008 ~~(Biological mother's signature)~~  
3009 (Legal mother)

3010 Sworn to and subscribed  
3011 before me this \_\_\_\_\_  
3012 day of \_\_\_\_\_, \_\_\_\_.

3013 \_\_\_\_\_  
3014 Notary public (SEAL)

3015 My ~~Commission Expires~~ commission expires: \_\_\_\_\_.!

3016 (i) The affidavit of an adoptive mother required by ~~subsection (a) of Code Section 19-8-9~~  
3017 paragraph (2) of subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the  
3018 surrender of her rights shall meet the following requirements:

- 3019 (1) The affidavit shall set forth:  
3020 (A) Her name;  
3021 (B) Her relationship to the child;  
3022 (C) Her age;  
3023 (D) Her marital status;

3024 (E) The name and last known address of any spouse or former spouse at the time the  
3025 child was adopted and whether any such spouse also adopted the child or ~~was~~ is the  
3026 biological father of the child;

3027 (F) The circumstances surrounding her adoption of ~~her~~ the child, including the date the  
3028 adoption was finalized, the state and county where finalized, and the name and address  
3029 of the adoption agency, if any; ~~and~~

3030 (G) Whether or not she has consented to the appointment of a temporary guardian for  
3031 the child and, if so, provide the name of the temporary guardian and the probate court  
3032 in which the petition for temporary guardianship was filed;

3033 (H) Whether custody of the child has been awarded to another individual and, if so,  
3034 provide the name of the child's custodian and the court in which custody was awarded;  
3035 and

3036 ~~(G)~~(I) All financial assistance received by or promised her either directly or indirectly,  
3037 from whatever source, in connection with the placement or arranging for the placement  
3038 of ~~her~~ the child for adoption (including the date, amount or value, description, payor,  
3039 and payee), provided that financial assistance provided directly by ~~the adoptive~~  
3040 ~~mother's~~ her husband, mother, father, sister, brother, aunt, uncle, grandfather, or  
3041 grandmother need not be detailed and instead ~~the adoptive mother~~ she need only state  
3042 the nature of the assistance received.

3043 (2) The affidavit shall be in substantially the following form:

3044 'ADOPTIVE MOTHER'S AFFIDAVIT

3045 NOTICE TO ADOPTIVE MOTHER:

3046 This is an important legal document which deals with ~~your~~ the adopted child's right to  
3047 have ~~its~~ his or her legal father's rights properly ~~terminated~~ determined. Understand that  
3048 you are providing this affidavit under oath and that ~~the~~ if you knowingly and willfully  
3049 make a false statement in this affidavit you will be guilty of the crime of false swearing.  
3050 The information ~~provided~~ you provide will be held in strict confidence and will be used  
3051 only in connection with the adoption of ~~your~~ the child.

3052 STATE OF GEORGIA  
3053 COUNTY OF \_\_\_\_\_

3054 Personally appeared before me, the undersigned officer duly authorized to administer  
3055 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as follows:  
3056 That my name is \_\_\_\_\_.

3057 That I am the adoptive mother of a (male) (female) [circle one] child born  
 3058 \_\_\_\_\_ (name of child) (~~insert name of child~~) in the State of  
 3059 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_ (birthdate of child)  
 3060 at \_\_\_\_\_: \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

3061 That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_, County  
 3062 of \_\_\_\_\_ on \_\_\_\_\_.

3063 That my social security number is \_\_\_\_\_.

3064 That my marital status is (check the status and complete the appropriate information):

3065 ( ) Single, never having been married.

3066 ( ) Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle  
 3067 one] \_\_\_\_\_; ~~his~~ my spouse's last known address is \_\_\_\_\_; we  
 3068 were married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on  
 3069 \_\_\_\_\_; we have been separated since \_\_\_\_\_; we last had  
 3070 sexual relations on \_\_\_\_\_ (date); my spouse (did) (did not) [circle  
 3071 one] also adopt said child; my spouse (is) (is not) [circle one] the biological father  
 3072 of said child.

3073 ( ) Divorced; the name of my ~~previous~~ former spouse is \_\_\_\_\_; we were  
 3074 married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we  
 3075 last had sexual relations on \_\_\_\_\_ (date); my former spouse's ~~his~~ last  
 3076 known address is \_\_\_\_\_; divorce granted in the State of \_\_\_\_\_,  
 3077 County of \_\_\_\_\_ on \_\_\_\_\_; my ~~previous~~ former spouse (did)  
 3078 (did not) [circle one] also adopt said child; my ~~previous~~ former spouse (is) (is not)  
 3079 [circle one] the biological father of said child.

3080 ( ) Legally married; the name of my spouse ~~is~~ (was) (is) [circle one]  
 3081 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of \_\_\_\_\_  
 3082 on \_\_\_\_\_; ~~his~~ my spouse's last known address is \_\_\_\_\_; my  
 3083 spouse (did) (did not) [circle one] also adopt said child; my spouse (is) (is not)  
 3084 [circle one] the biological father of said child.

3085 ( ) Married through common-law marriage relationship prior to January 1, 1997;  
 3086 the name of my spouse ~~is~~ (was) (is) [circle one] \_\_\_\_\_; ~~his~~ my spouse's  
 3087 last known address is \_\_\_\_\_; ~~the date and place~~ our relationship began  
 3088 ~~is~~ (~~date, county, state~~) in the State of \_\_\_\_\_, County of \_\_\_\_\_  
 3089 on \_\_\_\_\_; my spouse (did) (did not) [circle one] also adopt said child;  
 3090 my spouse (is) (is not) [circle one] the biological father of said child.

3091 ( ) Widowed; the name of my deceased spouse ~~is~~ was \_\_\_\_\_; we were  
 3092 married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; ~~he~~ my  
 3093 spouse died on \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_;

3094 he (did) (did not) [circle one] also adopt said child; ~~and~~ he (was) (was not) [circle  
3095 one] the biological father of said child.

3096 That I adopted my the child in the State of \_\_\_\_\_, County of \_\_\_\_\_.

3097 That the final order of adoption was entered on \_\_\_\_\_.

3098 That there (was) (was not) [circle one] an adoption agency involved in the placement  
3099 of my the child with me for adoption; and if so its name was \_\_\_\_\_,  
3100 and its address is \_\_\_\_\_.

3101 That I (have) (have not) [circle one] consented to the appointment of a temporary  
3102 guardian for the child. If so, the name of the temporary guardian is:  
3103 \_\_\_\_\_, and the probate court in which the petition for  
3104 temporary guardianship was filed is \_\_\_\_\_.

3105 That custody of the child has been awarded to \_\_\_\_\_ (name and  
3106 address of custodian) by order of the \_\_\_\_\_ Court of \_\_\_\_\_  
3107 County, State of \_\_\_\_\_, entered on \_\_\_\_\_ (date).

3108 That I have received or been promised the following financial assistance, either  
3109 directly or indirectly, from whatever source, in connection with my the child's  
3110 placement for adoption: \_\_\_\_\_.

3111 That I recognize that if I knowingly and willfully make a false statement in this  
3112 affidavit, I will be guilty of the crime of false swearing.

3113 \_\_\_\_\_  
3114 (Adoptive mother)

3115 Sworn to and subscribed  
3116 before me this \_\_\_\_\_  
3117 day of \_\_\_\_\_, \_\_\_\_.

3118 \_\_\_\_\_  
3119 Notary public (SEAL)  
3120 My commission expires: \_\_\_\_\_.

3121 (j) The affidavit of ~~an~~ a child-placing agency, out of state licensed agency, or department  
3122 representative required by subsection (h) of Code Section 19-8-4 shall conform  
3123 substantially to the following form:

'AFFIDAVIT OF CHILD-PLACING AGENCY,  
OUT OF STATE LICENSED AGENCY, OR  
DEPARTMENT REPRESENTATIVE

3127 STATE OF GEORGIA  
3128 COUNTY OF \_\_\_\_\_

3129 Personally appeared before me, the undersigned officer duly authorized to administer  
3130 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as  
3131 follows:

3132 That I am \_\_\_\_\_ (position) of \_\_\_\_\_ (name  
3133 of department, child-placing agency, or out-of-state licensed agency) ~~(department or~~  
3134 ~~agency)~~.

3135 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL  
3136 RELEASE FOR ADOPTION by \_\_\_\_\_, releasing and  
3137 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor  
3138 child born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
3139 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] ~~(insert name of child)~~ on ~~(insert~~  
3140 ~~birthdate of child)~~, I reviewed with and explained to ~~said~~ such individual all of the  
3141 provisions of the surrender of rights, and particularly the provisions which provide that  
3142 the surrender is a full surrender of all rights to the child.

3143 That based on my review and explanation to ~~said~~ such individual, it is my opinion that  
3144 ~~said~~ such individual knowingly, intentionally, freely, and voluntarily executed the  
3145 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3146 \_\_\_\_\_  
3147 (Agency representative)  
3148 (Representative)

3149 \_\_\_\_\_  
3150 (Department or agency name)

3151 Sworn to and subscribed  
3152 before me this \_\_\_\_\_  
3153 day of \_\_\_\_\_, \_\_\_\_.

3154 \_\_\_\_\_  
3155 Notary public (SEAL)  
3156 My commission expires: \_\_\_\_\_.

3157 (k) The affidavit of a petitioner's representative or of the representative of the individual  
3158 signing the surrender of rights required by subsection (h) of Code Section 19-8-5, 19-8-6,  
3159 or 19-8-7 shall conform substantially to the following form:

3160 'AFFIDAVIT OF PETITIONER'S REPRESENTATIVE

3161 STATE OF GEORGIA  
3162 COUNTY OF \_\_\_\_\_

3163 Personally appeared before me, the undersigned officer duly authorized to administer  
3164 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as  
3165 follows:

3166 That my name is \_\_\_\_\_.

3167 That my address is \_\_\_\_\_.

3168 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL  
3169 RELEASE FOR ADOPTION by \_\_\_\_\_, releasing and

3170 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor  
3171 child born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate

3172 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert~~  
3173 ~~birthdate of child~~), I reviewed with and explained to ~~said~~ such individual all of the

3174 provisions of the surrender of rights, and particularly the provisions which provide that  
3175 the surrender is a full surrender of all rights to the child.

3176 That based on my review and explanation to ~~said~~ such individual, it is my opinion that  
3177 ~~said~~ such individual knowingly, intentionally, freely, and voluntarily executed the

3178 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3179 \_\_\_\_\_  
3180 (Petitioner's representative)  
3181 (Petitioner's representative or the  
3182 representative of the individual  
3183 signing the surrender)

3184 Sworn to and subscribed  
3185 before me this \_\_\_\_\_  
3186 day of \_\_\_\_\_, \_\_\_\_.

3187 \_\_\_\_\_  
3188 Notary public (SEAL)

3189 My commission expires: \_\_\_\_\_.'

3190 (l) The parental consent to a stepparent adoption required by subsection (j) of Code  
3191 Section 19-8-6 shall conform substantially to the following form:

3192 PARENTAL CONSENT TO STEPPARENT ADOPTION

3193 STATE OF GEORGIA  
3194 COUNTY OF \_\_\_\_\_

3195 Personally appeared before me, the undersigned officer duly authorized to administer  
3196 oaths, \_\_\_\_\_ (name of parent) who, after having been  
3197 sworn, deposes and says as follows:

3198 I, the undersigned, hereby consent that my spouse \_\_\_\_\_ (name of  
3199 spouse) (~~insert name of spouse~~) adopt my (son) (daughter) [circle one],  
3200 \_\_\_\_\_ (name of child) (~~insert name of child~~), whose date of birth is  
3201 \_\_\_\_\_, and in so doing I in no way relinquish or surrender my parental rights  
3202 to the child. I further acknowledge service of a copy of the petition for adoption of the  
3203 child as filed on behalf of my spouse, and I hereby consent to the granting of the  
3204 prayers of the petition for adoption. I also waive all other and further service and notice  
3205 of any kind and nature in connection with the proceedings.

3206 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

3207 \_\_\_\_\_  
3208 (Parent)

3209 \_\_\_\_\_  
3210 ~~Unofficial witness~~

3211 Sworn to and subscribed  
3212 before me this \_\_\_\_\_  
3213 day of \_\_\_\_\_, \_\_\_\_\_.

3214 \_\_\_\_\_  
3215 Notary public (SEAL)

3216 My commission expires: \_\_\_\_\_.'

3217 (m) The sworn statement executed by the biological mother identifying an alleged  
3218 biological father of her unborn child authorized and required by subparagraph (e)(3)(E) of  
3219 Code Section 19-8-4, 19-8-5, or 19-8-7 shall conform substantially to the following form:

3220 NOTICE TO BIOLOGICAL MOTHER:

3221 This is an important legal document which will enable the individual you identify as the  
3222 biological father of your unborn child to sign a pre-birth surrender of his rights so as to  
3223 place your child for adoption. Understand that you are signing this affidavit under oath  
3224 and that the information you provide will be held in strict confidence and will be used  
3225 only in connection with the adoption of your unborn child.

3226 STATE OF GEORGIA  
3227 COUNTY OF \_\_\_\_\_

3228  
3229

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

3230 Personally appeared before me, the undersigned officer duly authorized to administer  
3231 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as  
3232 follows:

3233 That my name is \_\_\_\_\_.

3234 That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_, County of  
3235 \_\_\_\_\_ on \_\_\_\_\_.

3236 That my social security number is \_\_\_\_\_.

3237 That I am currently pregnant with a (male) (female) (sex unknown) [circle one] child  
3238 who is expected to be born on \_\_\_\_\_ (due date of child).

3239 That the name of any alleged biological father is \_\_\_\_\_,  
3240 and his last known address is \_\_\_\_\_.

3241 That I execute this affidavit so that any alleged biological father I have identified above  
3242 can be asked to sign a pre-birth surrender of his rights to assist me in placing the child  
3243 for adoption once the child is born.

3244 That I recognize that if I knowingly and willfully make a false statement in this  
3245 affidavit I will be guilty of the crime of false swearing.

3246 \_\_\_\_\_  
3247 (Biological mother)

3248 Sworn to and subscribed  
3249 before me this \_\_\_\_\_  
3250 day of \_\_\_\_\_, \_\_\_\_\_.

3251 \_\_\_\_\_  
3252 Notary public (SEAL)

3253 My commission expires: \_\_\_\_\_.'

3254 (n) The waiver of the right to revoke a surrender of rights authorized and required by  
3255 subsection (c) of Code Section 19-8-9 shall conform substantially to the following form:

3256 'WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS

3257 This is an important legal document and it shall only be signed by an individual who is  
3258 at least 18 years of age and who has consulted an attorney before signing this document.  
3259 By signing it, you are waiving the right to revoke the surrender of all of your rights to the  
3260 child identified in the surrender of rights document so as to immediately place the child  
3261 for adoption. Understand that you are providing this affidavit under oath and that if you

3262 knowingly and willfully make a false statement in this affidavit you will be guilty of the  
3263 crime of false swearing.

3264 STATE OF GEORGIA  
3265 COUNTY OF \_\_\_\_\_

3266 Personally appeared before me, the undersigned officer duly authorized to administer  
3267 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as follows:

3268 I, the undersigned, have previously executed a SURRENDER OF RIGHTS/FINAL  
3269 RELEASE FOR ADOPTION as to the child identified in the surrender of rights  
3270 document so as to assist in (his)(her) adoption.

3271 I hereby certify that:

- 3272 (A) I am at least 18 years of age;
- 3273 (B) I have received a copy of my surrender document;
- 3274 (C) I understand I had the choice to retain the unconditional right to revoke my  
3275 surrender by giving written notice to the individual, department, or agency named in  
3276 the surrender document in the manner set forth in that document within ten days from  
3277 the date I signed the surrender and that thereafter my surrender could not be revoked;
- 3278 (D) I understand I may choose to waive the right to revoke my surrender during that  
3279 ten-day period immediately following the date I signed the surrender if I want my  
3280 surrender of rights to become final and irrevocable on the date I sign this waiver;
- 3281 (E) I choose that the adoption of the child proceed without any delay;
- 3282 (F) I freely and voluntarily waive the unconditional right to revoke my surrender of  
3283 rights as it is my intent that my surrender of rights become final and irrevocable  
3284 immediately upon my signing this waiver document;
- 3285 (G) I have consulted an attorney of my choice before signing this waiver document;
- 3286 (H) This waiver is in connection with a child born on \_\_\_\_\_ (birthdate  
3287 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one];
- 3288 (I) It has been at least 48 hours since the birth of the child;
- 3289 (J) I have received a copy of this document; and
- 3290 (K) I have not been subjected to any duress or undue pressure in the execution of this  
3291 document and I am signing it freely and voluntarily.

3292 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one].

3293 \_\_\_\_\_  
3294 (Parent or alleged biological father)

3295 \_\_\_\_\_  
3296 Adult witness

3297 Sworn to and subscribed  
3298 before me this \_\_\_\_\_  
3299 day of \_\_\_\_\_, \_\_\_\_\_.

3300 \_\_\_\_\_  
3301 Notary public (SEAL)  
3302 My commission expires: \_\_\_\_\_.

3303 The individual executing this document consulted me and I hereby certify that to the best  
3304 of my knowledge this document is being executed knowingly and voluntarily.

3305 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

3306 \_\_\_\_\_  
3307 (Signature of attorney)

3308 \_\_\_\_\_  
3309 (State Bar number)

3310 \_\_\_\_\_  
3311 (State of licensure)'

3312 (o) The affidavit regarding Native American heritage and military service authorized and  
3313 required by subsection (k) of Code Sections 19-8-4, 19-8-6, and 19-8-7 and subsection (o)  
3314 of Code Section 19-8-5 shall conform substantially to the following form:

3315 'NOTICE TO BIOLOGICAL OR LEGAL FATHER:

3316 This is an important legal document. Understand that you are providing this affidavit  
3317 under oath and that if you knowingly and willfully make a false statement in this affidavit  
3318 you will be guilty of the crime of false swearing.

3319 \_\_\_\_\_

3320 AFFIDAVIT REGARDING NATIVE AMERICAN HERITAGE  
3321 AND MILITARY SERVICE

3322 STATE OF GEORGIA  
3323 COUNTY OF \_\_\_\_\_

3324 Personally appeared before me, the undersigned officer duly authorized to administer  
3325 oaths, \_\_\_\_\_ (name of affiant) who, after having been  
3326 sworn, deposes and says as follows:

3327 1. That my name is \_\_\_\_\_.

3328 2. That I am the (biological) (legal) [circle one] father of a (male) (female) (sex  
3329 unknown) [circle one] child (born) (yet to be born) [circle one] in the State of  
3330 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_.

3331 3. That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_,  
3332 County of \_\_\_\_\_ on \_\_\_\_\_.

3333 4. That my social security number is \_\_\_\_\_.

3334 5. That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member  
3335 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident  
3336 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native. If  
3337 so:

3338 (A) The name of my American Indian tribe is \_\_\_\_\_.

3339 (B) My registration or identification number is \_\_\_\_\_.

3340 (C) The percentage of my American Indian blood is \_\_\_\_\_ percent.

3341 6. That, to the best of my knowledge, a member of my family (is or was) (is not or was  
3342 not) [circle one] an enrolled member of a federally recognized American Indian tribe,  
3343 (is or was) (is not or was not) [circle one] a resident of an American Indian reservation,  
3344 or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

3345 (A) The name of the American Indian tribe is \_\_\_\_\_.

3346 (B) The percentage of my American Indian blood is \_\_\_\_\_ percent.

3347 (C) My relatives with American Indian or Alaskan native blood are  
3348 \_\_\_\_\_  
3349 \_\_\_\_\_.

3350 (D) The name of the American Indian tribe is \_\_\_\_\_.

3351 (E) The name of each enrolled member is \_\_\_\_\_, and  
3352 his or her corresponding registration or identification number is \_\_\_\_\_.

3353 7. That I (am) (am not) [circle one] on active duty in a branch of the United States  
3354 armed forces. If so:

3355 (A) The branch of my service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)  
3356 [circle one].

3357 (B) My rank is \_\_\_\_\_.

3358 (C) My duty station is \_\_\_\_\_.

3359 (D) Additional information regarding my military service is  
3360 \_\_\_\_\_  
3361 \_\_\_\_\_  
3362 \_\_\_\_\_.

3363 8. That I have received or been promised the following financial assistance, either  
3364 directly or indirectly, from whatever source, in connection with the birth of the child  
3365 and the child's placement for adoption:\_\_\_\_\_.

3366 9. That I recognize that if I knowingly and willfully make a false statement in this  
3367 affidavit I will be guilty of the crime of false swearing.

3368 \_\_\_\_\_  
3369 (Biological or legal father)

3370 Sworn to and subscribed  
3371 before me this \_\_\_\_\_  
3372 day of \_\_\_\_\_, \_\_\_\_\_.

3373 \_\_\_\_\_  
3374 Notary public (SEAL)

3375 My commission expires: \_\_\_\_\_.'

3376 19-8-27.

3377 (a) As used in this Code section, the term 'birth relative' means:

3378 (1) A parent, biological father who is not ~~the~~ a legal father, grandparent, brother, sister,  
3379 half-brother, or half-sister who is related by blood or marriage to a child who is being  
3380 adopted or who has been adopted; or

3381 (2) A grandparent, brother, sister, half-brother, or half-sister who is related by adoption  
3382 to a child who is being adopted or who has been adopted.

3383 (b)(1) An adopting parent or parents and birth relatives or an adopting parent or parents,  
3384 birth relatives, and a child who is 14 years of age or older who is being adopted or who  
3385 has been adopted may voluntarily enter into a written postadoption contact agreement to  
3386 permit continuing contact between such birth relatives and such child. A child who is 14  
3387 years of age or older shall be considered a party to a postadoption contact agreement.

3388 (2) A postadoption contact agreement may provide for privileges regarding a child who  
3389 is being adopted or who has been adopted, including, but not limited to, visitation with  
3390 such child, contact with such child, sharing of information about such child, or sharing  
3391 of information about birth relatives.

3392 (3) In order to be an enforceable postadoption contact agreement, such agreement shall  
3393 be in writing and signed by all of the parties to such agreement acknowledging their  
3394 consent to its terms and conditions.

3395 (4) Enforcement, modification, or termination of a postadoption contact agreement shall  
3396 be under the continuing jurisdiction of the court that granted the petition ~~of~~ for adoption;

3397 provided, however, that the parties to a postadoption contact agreement may expressly  
 3398 waive the right to enforce, modify, or terminate such agreement under this Code section.

3399 (5) Any party to the postadoption contact agreement may, at any time, file the original  
 3400 postadoption contact agreement with the court that has or had jurisdiction over the  
 3401 adoption if such agreement provides for the court to enforce such agreement or such  
 3402 agreement is silent as to the issue of enforcement.

3403 (c) A postadoption contact agreement shall contain the following warnings in at least 14  
 3404 point boldface type:

3405 (1) After the entry of a decree for adoption, an adoption cannot be set aside due to the  
 3406 failure of an adopting parent, a ~~birth~~ biological parent, a birth relative, or the child to  
 3407 follow the terms of this agreement or a later change to this agreement; and

3408 (2) A disagreement between the parties or litigation brought to enforce, terminate, or  
 3409 modify this agreement shall not affect the validity of the adoption and shall not serve as  
 3410 a basis for orders affecting the custody of the child.

3411 (d)(1) As used in this subsection, the term 'parties' means the individuals who signed the  
 3412 postadoption contact agreement currently in effect, including the child if he or she is 14  
 3413 years of age or older at the time of the action regarding such agreement, but such term  
 3414 shall exclude any third-party beneficiary to such agreement.

3415 (2) A postadoption contact agreement may always be modified or terminated if the  
 3416 parties have voluntarily signed a written modified postadoption contact agreement or  
 3417 termination of a postadoption contact agreement. A modified postadoption contact  
 3418 agreement may be filed with the court if such agreement provides for the court to enforce  
 3419 such agreement or such agreement is silent as to the issue of enforcement.

3420 (e) With respect to postadoption contact agreements that provide for court enforcement or  
 3421 termination or are silent as to such matters, any party, as defined in paragraph (1) of  
 3422 subsection (d) of this Code section, may file a petition to enforce or terminate such  
 3423 agreement with the court that granted the petition ~~of~~ for adoption, and the court shall  
 3424 enforce the terms of such agreement or terminate such agreement if such court finds by a  
 3425 preponderance of the evidence that the enforcement or termination is necessary to serve the  
 3426 best interests of the child.

3427 (f) With respect to postadoption contact agreements that provide for court modification or  
 3428 are silent as to modification, only the adopting parent or parents may file a petition seeking  
 3429 modification. Such petition shall be filed with the court that granted the petition ~~of~~ for  
 3430 adoption, and the court shall modify such agreement if such court finds by a preponderance  
 3431 of the evidence that the modification is necessary to serve the best interests of the child and  
 3432 there has been a material change of circumstances since the current postadoption contact  
 3433 agreement was executed.

3434 (g) A court may require the party seeking modification, termination, or enforcement of a  
 3435 postadoption contact agreement to participate in mediation or other appropriate alternative  
 3436 dispute resolution.

3437 (h) All reasonable costs and expenses of mediation, alternative dispute resolution, and  
 3438 litigation shall be borne by the party, other than the child, filing the action to enforce,  
 3439 modify, or terminate a postadoption contact agreement when no party has been found by  
 3440 the court as failing to comply with an existing postadoption contact agreement. Otherwise,  
 3441 a party, other than the child, found by the court as failing to comply without good cause  
 3442 with an existing postadoption contact agreement shall bear all the costs and expenses of  
 3443 mediation, alternative dispute resolution, and litigation of the other party.

3444 (i) A court shall not set aside a decree of adoption, rescind a surrender of rights, or modify  
 3445 an order to terminate parental rights or any other prior court order because of the failure of  
 3446 an adoptive parent, a birth relative, or the child to comply with any or all of the original  
 3447 terms of, or subsequent modifications to, a postadoption contact agreement.

3448 19-8-28.

3449 When a child is an orphan, the petitioner shall not be required to have a guardian appointed  
 3450 for such child in order for a guardian to execute a surrender of rights. Such child shall be  
 3451 adoptable without a surrender of rights."

3452 **SECTION 2-2.**

3453 Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination  
 3454 of parental rights, is amended by revising subsection (d) as follows:

3455 "(d) The court shall transmit a copy of every final order terminating the parental rights of  
 3456 a parent to the ~~Office of Adoptions~~ State Adoption Unit of the department within 15 days  
 3457 of the filing of such order."

3458 **SECTION 2-3.**

3459 Part 4 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
 3460 relating to sick, personal, and maternity leave for teachers and other school personnel, is  
 3461 amended by adding a new Code section to read as follows:

3462 "20-2-852.1.

3463 A local board of education that permits paternity or maternity time off for biological  
 3464 parents following the birth of a child shall, upon request, make such time off available for  
 3465 individuals adopting a child, in the same manner and utilizing the same type of leave. If  
 3466 the local board of education has established a policy providing time off for biological  
 3467 parents, that period of time shall be the minimum period of leave available for adoptive

3468 parents. Requests for additional leave due to the adoption of an ill child or a child with a  
3469 disability shall be considered on the same basis as comparable cases of such complications  
3470 accompanying the birth of such a child to an employee or employee's spouse. Any other  
3471 benefits provided by the local board of education, such as job guarantee or pay, shall be  
3472 available to both adoptive and biological parents on an equal basis. A local board of  
3473 education shall not penalize an employee for exercising the rights provided by this Code  
3474 section. The provisions of this Code section shall not apply to an adoption by the spouse  
3475 of a custodial parent."

3476 **PART III**  
3477 **SECTION 3-1.**

3478 Part II of this Act shall become effective on January 1, 2018. This part and Part I of this Act  
3479 shall become effective on July 1, 2017.

3480 **SECTION 3-2.**