

HOUSE SUBSTITUTE TO SB 130

A BILL TO BE ENTITLED
AN ACT

1 To provide for the best interest of children in connection with juvenile and adoption
 2 proceedings; to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated,
 3 relating to the Juvenile Code, so as to make revisions to the Juvenile Code; to provide that
 4 adoption proceedings be stayed while an appeal of an order to terminate parental rights is
 5 pending; to clarify the court's duties to a case while an appeal is pending; to clarify
 6 provisions relating to the waiver of the right to counsel; to amend Article 1 of Chapter 8 of
 7 Title 19 of the Official Code of Georgia Annotated, relating to general provisions for
 8 adoption, so as to substantially revise the general provisions applicable to adoptions; to
 9 change the requirements for adopting children; to provide for a nonresident to allow an
 10 adoption of his or her child; to provide for adoption of foreign-born children; to provide for
 11 a waiver to revoke a surrender of parental rights under certain circumstances; to change the
 12 age for individuals to access the Adoption Reunion Registry; to revise and provide for forms;
 13 to amend Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to
 14 termination of parental rights, so as to correct a cross-reference; to amend Part 4 of Article
 15 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to sick,
 16 personal, and maternity leave for teachers and other school personnel, so as to require local
 17 boards of education to provide employees who are adoptive parents the same duration of
 18 maternity leave, leave options, and other benefits as are provided to employees who are
 19 biological parents; to provide for related matters; to provide for effective dates; to repeal
 20 conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

24 Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to the Juvenile
 25 Code, is amended by revising Code Section 15-11-35, relating to appeals, as follows:

26 "15-11-35.

27 In all cases of final judgments of the juvenile court, appeals shall be taken to the Court of
 28 Appeals or the Supreme Court in the same manner as appeals from the superior court.
 29 However, no such judgment or order shall be superseded or modified except in the
 30 discretion of the trial court; rather, the judgment or order of the court shall stand until
 31 reversed or modified by the reviewing court. The appeal of an order granting a petition to
 32 terminate parental rights shall stay an adoption proceeding related to the child who is the
 33 subject of such order until such order becomes final by the conclusion of appellate
 34 proceedings or the expiration of the time for seeking such review. Except for proceedings
 35 in connection with an adoption, the court shall continue to conduct hearings and issue
 36 orders in accordance with this chapter while an appeal in a case is pending."

37 **SECTION 1-2.**

38 Said chapter is further amended by revising subsection (g) of Code Section 15-11-103,
 39 relating to the right to an attorney, as follows:

40 "(g) A party other than a child shall be informed of his or her right to an attorney prior to
 41 any hearing. A party other than a child shall be given an opportunity to:

- 42 (1) Obtain and employ an attorney of such party's own choice;
- 43 (2) Obtain a court appointed attorney if the court determines that such party is an
 44 indigent person; or
- 45 (3) Waive the right to an attorney, provided that such waiver is made knowingly,
 46 voluntarily, and on the record."

47 **SECTION 1-3.**

48 Said chapter is further amended by revising subsection (b) of Code Section 15-11-511,
 49 relating to arraignment, admissions at arraignment, and right to attorney, as follows:

50 "(b) The court may accept an admission at arraignment and may proceed immediately to
 51 disposition if a child is represented by counsel at arraignment. If a child's liberty is not in
 52 jeopardy, he or she may waive the right to counsel at arraignment, provided that such
 53 waiver is made knowingly, voluntarily, and on the record. A child represented by counsel
 54 or whose liberty is not in jeopardy may make a preliminary statement indicating whether
 55 he or she plans to admit or deny the allegations of the complaint at the adjudication
 56 hearing. The court shall not accept an admission from a child whose liberty is in jeopardy
 57 and who is unrepresented by counsel."

PART II

SECTION 2-1.

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

"ARTICLE 1

63 19-8-1.

64 For purposes of this ~~chapter~~ article, the term:

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

67 ~~(1)(2)~~ (2) 'Biological father' means ~~the~~ a male who impregnated the biological mother
68 resulting in the birth of the child.

69 (3) 'Biological parent' means a biological mother or biological father.

70 ~~(2)(4)~~ (4) 'Child' means ~~a person~~ an individual who is under 18 years of age and who is
71 sought to be adopted.

72 ~~(3)(5)~~ (5) 'Child-placing agency' means an agency licensed as a child-placing agency
73 pursuant to Chapter 5 of Title 49.

74 ~~(4)(6)~~ (6) 'Department' means the Department of Human Services.

75 ~~(4.1)(7)~~ (7) 'Evaluator' means ~~the~~ a person or agency that conducts a home study. An
76 evaluator shall be a ~~licensed~~ child-placing agency, the department, or a licensed
77 professional with at least two years of adoption related professional experience, including
78 a licensed clinical social worker, licensed master social worker, licensed marriage and
79 family therapist, or licensed professional counselor; provided, however, that ~~where~~ when
80 none of the foregoing evaluators are available, the court may appoint a guardian ad litem
81 or court appointed special advocate to conduct ~~the~~ a home study.

82 ~~(5)(8)~~ (8) 'Guardian' means ~~a legal guardian of the person of a child~~ an individual appointed
83 as a:

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

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

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

88 ~~(5.1)(9)~~ (9) 'Home study' means an evaluation by an evaluator of ~~the~~ a petitioner's home
89 environment for the purpose of determining the suitability of ~~the~~ such environment as a
90 prospective adoptive home for a child. Such evaluation shall consider ~~the~~ a petitioner's
91 physical health, emotional maturity, financial circumstances, family, and social

92 background and shall conform to the rules and regulations established by the department
93 for child-placing agencies for adoption home studies.

94 ~~(5.2)~~(10) 'Home study report' means the written report generated as a result of the home
95 study.

96 ~~(6)~~(11) 'Legal father' means a male who has not surrendered or had terminated his rights
97 to a child and who:

98 (A) Has legally adopted such child;

99 (B) Was married to the biological mother of such child at the time such child was born
100 or within the usual period of gestation, unless paternity was disproved by a final order
101 ~~pursuant to Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction;

102 (C) Married ~~the~~ a legal mother of such child after such child was born and recognized
103 such child as his own, unless paternity was disproved by a final order ~~pursuant to~~
104 ~~Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction; or

105 (D) Has legitimated such child by a final order pursuant to Code Section 19-7-22.

106 ~~(7)~~(12) 'Legal mother' means ~~the~~ a female who is the biological or adoptive mother of
107 the child and who has not surrendered or had terminated her rights to the child.

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

109 (A) A member of a federally recognized American Indian tribe; or

110 (B) An Alaskan native.

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

113 ~~(8)~~(15) 'Parent' means ~~either the~~ a legal father or ~~the~~ a legal mother of the child.

114 ~~(9)~~(16) 'Petitioner' means ~~a person~~ an individual who petitions to adopt or terminate
115 rights to a child pursuant to this ~~chapter~~ article.

116 ~~(10)~~(17) 'Putative father registry' means the registry established and maintained pursuant
117 to subsections (d) and (e) of Code Section 19-11-9.

118 19-8-2.

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

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

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

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

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

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

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

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

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

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

140 (B) The court of the county in which is located any child-placing agency having legal
 141 custody of the child; or

142 (C) Superior Court of Fulton County.

143 19-8-3.

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

145 (1) Is at least ~~25~~ 21 years of age or is married and living with his or her spouse;

146 (2) Is at least ten years older than the child, except such ten-year requirement shall not
 147 apply when the petitioner is a stepparent or relative and the petition is filed pursuant to
 148 Code Section 19-8-6 or 19-8-7;

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

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

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

159 ~~(c)~~(b) If a ~~person~~ an individual seeking to adopt a child is married, the petition ~~must~~ for
 160 adoption shall be filed in the name of both spouses; provided, however, that, when the child

161 is or was the stepchild of the party seeking to adopt, ~~the~~ such petition shall be filed by the
 162 stepparent alone.

163 19-8-4.

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

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

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

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

179 (c) The surrender of rights to the department, ~~or to a child-placing agency, or an~~
 180 ~~out-of-state licensed agency~~ specified in paragraphs (1) and (2) of subsection (e) of this
 181 Code section shall be executed following the birth of the child, and the pre-birth surrender
 182 to the department, ~~or to a child-placing agency, or an out-of-state licensed agency~~ specified
 183 in paragraph (3) of subsection (e) of this Code section shall be executed prior to the birth
 184 of the child. Each surrender shall be executed under oath and in the presence of a
 185 ~~representative of the department or the agency and~~ a notary public and an adult witness.
 186 A copy of the surrender shall be ~~delivered~~ provided to the individual signing the surrender
 187 at the time of the execution thereof.

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

195 (e)(1) The surrender of rights by a parent or guardian specified in paragraph (1) of
 196 subsection (a) of this Code section shall meet the requirements of subsection (a) of Code

197 Section 19-8-26. Such surrender shall be signed under oath and in the presence of a
 198 notary public and an adult witness.

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

204 (3)(A) ~~A The~~ biological father who is not ~~the a~~ legal father of a child may execute a
 205 surrender of his rights to the child prior to the birth of the child for the purpose of an
 206 adoption pursuant to this Code section. A pre-birth surrender, ~~when signed under oath~~
 207 ~~by the alleged biological father,~~ shall serve to relinquish ~~the an~~ alleged biological
 208 father's rights to the child and to waive ~~the an~~ alleged biological father's right to notice
 209 of any proceeding with respect to the child's adoption, custody, or guardianship. The
 210 court in any adoption proceeding shall have jurisdiction to enter a final order of
 211 adoption of the child based upon the pre-birth surrender and in other proceedings to
 212 determine the child's legal custody or guardianship shall have jurisdiction to enter an
 213 order for those purposes.

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

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

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

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

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

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

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

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

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

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

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

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

267 19-8-5.

268 (a) ~~A child~~ Except as otherwise authorized in this chapter, a child who has any living
 269 ~~parent or guardian~~ may be adopted by a third party who is neither the stepparent nor
 270 relative of that child, as such individuals are described in subsection (a) of Code Sections
 271 19-8-6 and 19-8-7, only if each ~~such~~ living parent and ~~each such~~ guardian of such child has
 272 voluntarily and in writing surrendered all of his or her rights to such child to that third party
 273 for the purpose of enabling that third party to adopt such child. A third party to whom such
 274 child is voluntarily surrendered shall be financially responsible for such child as of the date
 275 of surrender by the parent. Except as provided in subsection ~~(m)~~ (l) of this Code section,
 276 no child shall be placed with a third party for purposes of adoption unless prior to the date
 277 of placement a home study shall have been completed, and the home study report
 278 recommends placement of a child in such third party's home.

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

281 (c) The surrender of rights specified in paragraphs (1) and (2) of subsection (e) of this
 282 Code section shall be executed following the birth of the child, and the pre-birth surrender
 283 specified in paragraph (3) of subsection (e) of this Code section shall be executed prior to
 284 the birth of the child. Each surrender shall be executed under oath and in the presence of
 285 a notary public and an adult witness. The name and address of each ~~person~~ individual to
 286 whom the child is surrendered may be omitted to protect confidentiality, provided the
 287 surrender of rights sets forth the name and address of his or her agent for purposes of notice
 288 of ~~withdrawal~~ revocation as provided for in subsection (d) of this Code section. A copy
 289 of the surrender shall be ~~delivered~~ provided to the individual signing the surrender at the
 290 time of the execution thereof.

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

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

302 (2) ~~A~~ The biological father who is not ~~the~~ a legal father of a child may surrender all his
 303 rights to the child for purposes of an adoption pursuant to this Code section. ~~That~~ Such

304 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26. Such
 305 surrender shall be signed under oath and in the presence of a notary public and an adult
 306 witness.

307 (3)(A) ~~A~~ The biological father who is not ~~the~~ a legal father of a child may execute a
 308 surrender of his rights to the child prior to the birth of the child for the purpose of an
 309 adoption pursuant to this Code section. A pre-birth surrender, ~~when signed under oath~~
 310 ~~by the alleged biological father,~~ shall serve to relinquish ~~the~~ an alleged biological
 311 father's rights to the child and to waive ~~the~~ an alleged biological father's right to notice
 312 of any proceeding with respect to the child's adoption, custody, or guardianship. The
 313 court in any adoption proceeding shall have jurisdiction to enter a final order of
 314 adoption of the child based upon the pre-birth surrender and in other proceedings to
 315 determine the child's legal custody or guardianship shall have jurisdiction to enter an
 316 order for those purposes.

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

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

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

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

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

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

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

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

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

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

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

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

367 Office of Adoptions

368 Georgia Department of Human Services

369 Atlanta, Georgia

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

372 (k)(j) A petition for adoption pursuant to subsection (a) of this Code section shall be filed
 373 within 60 days from the date of the surrender of rights is executed; provided, however, that
 374 for good cause shown the court may waive the 60 day requirement. If the petition for
 375 adoption is not filed within the time period specified by this subsection and the court does
 376 not waive the 60 day requirement or if the proceedings resulting from the such petition are

377 not concluded with an order granting ~~the~~ such petition, then the surrender of rights shall
 378 operate as follows according to the election made ~~therein in such surrender~~ by the legal
 379 parent or guardian of the child:

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

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

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

392 ~~(h)(k)~~ In any surrender of rights pursuant to this Code section, ~~the provisions of Chapter~~
 393 4 of Title 39, relating to the Interstate Compact on the Placement of Children, if applicable,
 394 shall be complied with.

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

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

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

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

412 (2) A copy of the order authorizing placement of such child prior to the completion of
 413 the home study shall be delivered to the department and the evaluator selected to perform

414 the home study by the clerk of the court within 15 days of the date of the entry of such
415 order; and

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

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

423 19-8-6.

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

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

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

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

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

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

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

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

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

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

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

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

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

483 (j) The parental consent by the spouse of a stepparent seeking to adopt a child of that
 484 spouse and required by subsection (a) of this Code section shall ~~be as provided in~~ meet the

485 requirements of subsection (l) of Code Section 19-8-26. Such consent shall be signed
 486 under oath and in the presence of a notary public.

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

491 19-8-7.

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

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

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

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

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

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

520 surrender shall be signed under oath and in the presence of a notary public and an adult
 521 witness.

522 (3)(A) ~~A~~ The biological father who is not the a legal father of a child may execute a
 523 surrender of his rights to the child prior to the birth of the child for the purpose of an
 524 adoption pursuant to this Code section. A pre-birth surrender, when signed under oath
 525 by the alleged biological father, shall serve to relinquish the an alleged biological
 526 father's rights to the child and to waive the an alleged biological father's right to notice
 527 of any proceeding with respect to the child's adoption, custody, or guardianship. The
 528 court in any adoption proceeding shall have jurisdiction to enter a final order of
 529 adoption of the child based upon the pre-birth surrender and in other proceedings to
 530 determine the child's legal custody or guardianship shall have jurisdiction to enter an
 531 order for those purposes.

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

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

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

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

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

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

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

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

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

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

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

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

584 19-8-8.

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

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

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

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

602 (2) Evidence of the issuance of an immediate relative immigrant visa or Hague
603 Convention immigrant visa by the United States Department of State in the child's
604 passport shall be prima-facie evidence that all parental rights have been terminated, that
605 the child was legally available for adoption by each petitioner named in the foreign
606 decree or order of adoption, that the adoption of the child by each petitioner named in the
607 foreign decree or order of adoption was in the child's best interests, and that the child's
608 adoption by each petitioner named in the foreign decree or order of adoption was
609 finalized in full compliance with the laws of the foreign country and the court need not
610 make any inquiry into those proceedings but shall domesticate the foreign decree or order
611 of adoption hereunder and issue a final decree of adoption pursuant to subsection (c) of
612 Code Section 19-8-18.

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

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

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

638 (B) Notwithstanding subparagraph (A) of this paragraph, when the foreign decree or
 639 order of guardianship requires specific postplacement supervision, the court shall not
 640 be authorized to finalize such child's adoption as provided in this subsection until the
 641 petitioner provides documentation of formal evidence that the conditions of the foreign
 642 decree or order of guardianship have been satisfied.

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

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

650 19-8-9.

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

655 ~~(b)(a) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the use~~
 656 ~~of certified mail, an individual A person signing a surrender of rights pursuant to Code~~
 657 ~~Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall have the right to withdraw the revoke such~~
 658 ~~surrender by written notice delivered in person or mailed by registered mail or statutory~~
 659 ~~overnight delivery within ten days after signing such surrender; and the such surrender~~
 660 ~~document shall not be valid unless it so states. The ten days ten-day revocation period shall~~
 661 ~~be counted consecutively beginning with the day immediately following the date the~~
 662 ~~surrender of rights is executed; provided, however, that, if the tenth day falls on a Saturday,~~
 663 ~~Sunday, or legal holiday, then the last day on which the such surrender may be withdrawn~~
 664 ~~revoked shall be the next day that is not a Saturday, Sunday, or legal holiday. After ten~~

665 ~~days, a surrender may not be withdrawn. The~~ the ten-day period, a surrender of rights
 666 cannot be revoked. Notwithstanding subsection (a) of Code Section 9-10-12 which
 667 authorizes the use of certified mail, the notice of withdrawal of revocation of a surrender
 668 of rights shall be delivered in person or mailed by registered mail or statutory overnight
 669 delivery to the address designated in the surrender document. If delivered in person, it
 670 shall be delivered to the address shown in the surrender document not later than 5:00 P.M.
 671 eastern standard time or eastern daylight time, whichever is applicable, on the tenth day.
 672 ~~(e)(b)~~ (b) If a legal mother has voluntarily and in writing surrendered all of her parental rights
 673 pursuant to ~~the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or~~
 674 ~~19-8-7 and has not withdrawn~~ revoked her surrender within the ten-day period after signing
 675 as permitted by ~~the provisions of subsection (b)~~ subsection (a) of this Code section, she
 676 shall have no right or authority to sign a voluntary acknowledgment of paternity pursuant
 677 to ~~the provisions of Code Section 19-7-46.1~~ or consent to the granting of a petition for
 678 legitimation filed pursuant to Code Section 19-7-22 regarding the same child.
 679 (c) Provided that the individual signing a surrender of rights pursuant to Code Section
 680 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
 681 surrender, he or she shall have the right to waive the ten-day revocation period only if such
 682 waiver is referenced in the surrender document and set forth in a separate document that
 683 is executed after consultation with an attorney, at least 48 hours after the birth of the child
 684 identified in the surrender, under oath, and in the presence of a notary public and an adult
 685 witness and is attested to by such attorney that such waiver is executed knowingly and
 686 voluntarily. The waiver of the right to revoke a surrender shall meet the requirements of
 687 subsection (n) of Code Section 19-8-26. A copy of such waiver shall be provided to the
 688 individual signing it at the time of the execution thereof.

689 19-8-10.

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

- 694 (1) Child has been abandoned by that parent;
- 695 (2) Parent cannot be found after a diligent search has been made;
- 696 (3) Parent is insane or otherwise incapacitated from surrendering such rights;
- 697 (4) Parent caused his child to be conceived as a result of having nonconsensual sexual
- 698 intercourse with the biological mother of his child or when the biological mother is less
- 699 than ten years of age; or

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

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

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

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

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

718 (c)(1) Whenever it is alleged by any petitioner that surrender or termination of rights of
 719 a living parent is not a prerequisite to the filing granting of a petition for adoption of a
 720 child of ~~that~~ such parent in accordance with subsection (a) or (b) of this Code section, ~~that~~
 721 such parent shall be personally served with a conformed copy of the adoption petition,
 722 together with a copy of the court's order thereon specified in Code Section 19-8-14, or,
 723 if personal service cannot be perfected, notwithstanding subsection (a) of Code Section
 724 9-10-12 which authorizes the use of certified mail, by registered ~~or certified mail or~~
 725 ~~statutory overnight delivery~~, return receipt requested, or statutory overnight delivery,
 726 one-day service not required, at his or her last known address. If service cannot be made
 727 by ~~either~~ of these methods, that such parent shall be given notice by publication once a
 728 week for three weeks in the official organ of the county where ~~the~~ such petition has been
 729 filed and of the county of his or her last known address. In the interest of time,
 730 publication may be initiated simultaneously with efforts to perfect service personally, by
 731 registered mail, or by statutory overnight delivery. The court shall continue to have the
 732 inherent authority to determine the sufficiency of service. A parent who receives
 733 notification pursuant to this paragraph ~~may~~ shall not be a party to the adoption and shall
 734 have no obligation to file an answer, but shall have the right to appear in the pending
 735 adoption action proceeding and show cause why such parent's rights to the child sought

736 ~~to be adopted in that action~~ who is the subject of the proceeding should not be terminated
 737 by that adoption. Notice shall be deemed to have been received ~~the~~ on the earliest date:

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

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

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

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

746 (d) Consistent with the requirement of paragraph (7) of subsection (a) of Code Section
 747 19-8-13, when the petitioner is seeking to involuntarily terminate the rights of a parent as
 748 a prerequisite to the granting of the petition for adoption, the petitioner shall, in lieu of
 749 obtaining and attaching those otherwise required surrenders of rights, acknowledgments,
 750 and affidavits, allege facts in the petition seeking to involuntarily terminate parental rights
 751 that demonstrate the applicability of the grounds set forth in subsection (a) or (b), or both,
 752 of this Code section and shall also allege compliance with subsection (c) of this Code
 753 section.

754 19-8-11.

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

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

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

761 ~~the~~ such department, ~~or~~ child-placing agency, ~~or out-of-state licensed agency~~ may in
 762 contemplation of the placement of such child for adoption petition the superior court of
 763 the county ~~where the child resides~~ of the child's domicile, of the county where the child
 764 was born, of the county in which is located the principal office of the child-placing
 765 agency having legal custody of the child, or of the county in which is located the office
 766 of the department having legal custody of the child to terminate the parental rights of the
 767 remaining parent pursuant to this Code section.

768 (2) In those cases ~~where a person~~ when a child has been placed in compliance with
 769 Chapter 4 of Title 39, and the individual who is the resident of another state has obtained
 770 the voluntary written surrender of all parental rights from one of the parents or the
 771 guardian of a child, each such ~~person~~ individual to whom the child has been surrendered

772 may in contemplation of the adoption of such child in such other state petition the
 773 superior court of the county where the child ~~resides~~ was born or of Fulton County to
 774 terminate the parental rights of the remaining parent pursuant to this Code section.

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

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

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

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

780 ~~(D)~~(iv) Parent caused his child to be conceived as a result of having nonconsensual
 781 sexual intercourse with the biological mother of his child or when the biological
 782 mother is less than ten years of age; or

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

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

794 (b)(1) Whenever a petition to terminate parental rights is filed pursuant to subsection (a)
 795 of this Code section, the parent whose rights the petitioner is seeking to terminate shall
 796 be personally served with a conformed copy of the petition; to terminate parental rights
 797 and a copy of the court's order setting forth the date upon which ~~the~~ such petition shall
 798 be considered or, if personal service cannot be perfected, notwithstanding subsection (a)
 799 of Code Section 9-10-12 which authorizes the use of certified mail, by registered or
 800 certified mail or statutory overnight delivery, return receipt requested, or statutory
 801 overnight delivery, one-day service not required, at his or her last known address. If
 802 service cannot be made by either of these methods, that such parent shall be given notice
 803 by publication once a week for three weeks in the official organ of the county where ~~the~~
 804 such petition has been filed and of the county of his or her last known address. In the
 805 interest of time, publication may be initiated simultaneously with efforts to perfect
 806 service personally, by registered mail, or by statutory overnight delivery. The court shall
 807 continue to have the inherent authority to determine the sufficiency of service. A parent
 808 who receives notification pursuant to this ~~subsection may appear~~ paragraph shall not be

809 a party to the adoption and shall have no obligation to file an answer, but shall have the
 810 right to appear in the pending termination of parental rights proceeding and show cause
 811 why such parent's rights to the child ~~sought to be placed for adoption~~ who is the subject
 812 of the proceeding should not be terminated. Notice shall be deemed to have been
 813 received ~~the~~ on the earliest date:

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

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

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

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

822 19-8-12.

823 (a) The General Assembly finds that:

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

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

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

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

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

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

841 (b) If there is a biological father who is not ~~the~~ a legal father of a child and he has not
 842 executed a surrender of rights as specified in paragraph (2) of subsection (e) of Code
 843 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 or paragraph (3) of subsection (e) of Code

844 Section 19-8-4, 19-8-5, or 19-8-7, he shall be notified of adoption proceedings regarding
 845 the child in the following circumstances:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

884 (d)(1) ~~When~~ Where the rights of a parent or guardian of a child have been surrendered
 885 or terminated in accordance with subsection (a) of Code Section 19-8-4 or the child does
 886 not have a living parent or guardian, the department, ~~or a child-placing agency, or~~
 887 out-of-state licensed agency may file, under the authority of this paragraph, a petition to
 888 terminate ~~such a~~ biological father's rights to the child with the superior court of the
 889 county ~~where the child resides~~ of the child's domicile, of the county where the child was
 890 born, of the county in which is located the principal office of the child-placing agency
 891 having legal custody of the child, or of the county in which is located the office of the
 892 department having legal custody of the child.

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

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

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

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

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

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

915 (4) Unless the identity of a biological father is known to the petitioner, department,
 916 child-placing agency, or out-of-state licensed agency or to the attorney for such

917 individual or entity such that he is entitled to notice of the proceedings as provided in this
 918 Code section, when the petitioner provides a certificate ~~as of the date of the petition or~~
 919 ~~the motion, as the case may be,~~ from the putative father registry stating that there is no
 920 entry registrant identified on the putative father registry ~~either~~ acknowledging paternity
 921 of the child or indicating possible paternity of ~~a child of the child's mother~~ the child for
 922 a period beginning no later than two years immediately prior to the child's date of birth,
 923 then it shall be rebuttably presumed that ~~the~~ an unnamed biological father who is not ~~the~~
 924 a legal father is not entitled to notice of the proceedings. Absent evidence rebutting the
 925 presumption, then no further inquiry or notice shall be required by the court and the court
 926 shall enter an order terminating the rights of such unnamed biological father to the child.

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

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

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

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

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

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

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

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

949 (g) If an alleged biological father who is not a legal father files a legitimation petition after
 950 the mother of such child has surrendered her parental rights, the court shall be authorized
 951 to consider the affidavit of the mother specified in subsection (g) of Code Section 19-8-4,
 952 19-8-5, 19-8-6, or 19-8-7, as applicable. If the court finds from the evidence that such
 953 biological father has not lived with the child, contributed to the child's support, or provided

954 support or medical care during the mother's pregnancy or hospitalization for the birth of
 955 the child, the court shall conclude that the biological father abandoned his opportunity
 956 interest to legitimate the child and deny his petition for legitimation and he shall not
 957 thereafter be allowed to object to the adoption nor be entitled to receive further notice of
 958 the adoption proceedings.

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

961 ~~(h)~~(i) If the child is legitimated by his or her biological father and in the subsequent
 962 adoption proceeding the petition for adoption is ~~either withdrawn~~ revoked with prejudice
 963 or denied by the court, then a ~~surrender of parental rights final release for adoption~~
 964 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION executed by ~~the~~ a legal
 965 mother pursuant to ~~the provisions of~~ subsection (a) of Code Section 19-8-4, 19-8-5, or
 966 19-8-7 shall be dissolved by operation of law and her parental rights shall be restored to
 967 her. The fact that ~~the~~ a legal mother executed a ~~surrender of parental rights final release~~
 968 ~~for adoption~~ SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION, now
 969 dissolved, shall not be admissible as evidence in any proceedings against ~~the~~ a legal mother
 970 in any proceeding against her.

971 19-8-13.

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

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

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

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

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

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

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

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

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

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

993 (I) Whether each petitioner or his or her attorney is aware of any other adoption
 994 proceeding pending to date, in this or any other state or country, regarding the child
 995 who is the subject of the proceeding that is not fully disclosed in such petition and
 996 whether each petitioner or his or her attorney is aware of any individual who has or
 997 claims to have physical custody of or visitation rights with the child who is the subject
 998 of the proceeding whose name and address and whose custody or visitation rights are
 999 not fully disclosed in such petition. Each petitioner and his or her attorney shall have
 1000 a continuing duty to inform the court of any proceeding in this or any other state or
 1001 country that could affect the adoption proceeding or the legal custody of or visitation
 1002 with the child who is the subject of the proceeding;

1003 (2) ~~Where~~ When the adoption is pursuant to subsection (a) of Code Section 19-8-4, the
 1004 following shall be provided or attached to the petition for adoption or its absence
 1005 explained when the petition for adoption is filed:

1006 (A) If the adoption is pursuant to:

1007 (i) Paragraph (1) of such Code section, a copy of the written voluntary surrender of
 1008 rights of each parent or guardian specified in subsection (e) of Code Section 19-8-4
 1009 and a copy of the written acknowledgment of surrender of rights specified in
 1010 subsection (f) of Code Section 19-8-4; or

1011 (ii) Paragraph (2) of such Code section, a certified copy of the order entered by a
 1012 court of competent jurisdiction terminating parental rights of the parent and
 1013 committing the child to the department, child-placing agency, or out-of-state licensed
 1014 agency;

1015 (B) A copy of the affidavits specified in subsections (g) and (h) of Code Section
 1016 19-8-4;

1017 ~~(A)~~(C) An original affidavit from the department or a child-placing agency stating that
 1018 all of the requirements of Code Sections 19-8-4 and 19-8-12 have been complied with
 1019 and that the child is legally available for adoption or, in the case of a placement by an
 1020 out-of-state licensed agency, that the comparable provisions dealing with the
 1021 termination of parental rights of the parents and of a biological father who is not a legal
 1022 father of the child have been complied with under the laws of the state or country in
 1023 which the out-of-state licensed agency is licensed and that the child is legally available
 1024 for adoption thereunder;

1025 ~~(B)~~(D) The original written consent of the department, child-placing agency, or
 1026 out-of-state licensed agency to the adoption;

1027 ~~(C)~~(E) Uncertified copies of appropriate certificates or forms verifying the allegations
 1028 contained in such petition as to guardianship of the child, including, but not limited to,
 1029 the marriage of each petitioner, the death of each parent in lieu of a surrender of his or
 1030 her parental rights, and ~~A copy of the appropriate form verifying the allegation of~~
 1031 ~~compliance with the requirements of Chapter 4 of Title 39, relating to the Interstate~~
 1032 ~~Compact on the Placement of Children; and~~

1033 ~~(D)~~(F) A completed form containing background information regarding the child ~~to be~~
 1034 ~~adopted~~, as required by the adoption unit of the department, or an equivalent medical
 1035 and social history background form; and

1036 (G) The original waiver of the right to revoke a surrender of rights specified in
 1037 subsection (c) of Code Section 19-8-9;

1038 (3) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-5, the
 1039 following shall be provided or attached to the petition for adoption or its absence
 1040 explained when the petition for adoption is filed:

1041 (A) The original written voluntary surrender of rights of each parent, biological father
 1042 who is not a legal father, or guardian specified in subsection (e) of Code Section
 1043 19-8-5;

1044 (B) The original written acknowledgment of surrender of rights specified in subsection
 1045 (f) of Code Section 19-8-5;

1046 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-5;

1047 (D) ~~A copy of the appropriate form verifying the allegation~~ Allegations of compliance
 1048 with Code Section 19-8-12 and the original certification evidencing the search of the
 1049 putative father registry;

1050 ~~(E) Allegations of compliance with Chapter 4 of Title 39, relating to the Interstate~~
 1051 ~~Compact on the Placement of Children;~~

1052 ~~(F)~~(E) The original accounting required by subsection (c) of this Code section;

1053 ~~(G)~~(F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the
 1054 allegations contained in the such petition as to guardianship ~~or custody~~ of the child,
 1055 including, but not limited to, the marriage of each petitioner, the ~~divorce~~ or death of
 1056 each parent ~~of the child~~ in lieu of a surrender of his or her parental rights, and
 1057 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the
 1058 Placement of Children;

1059 ~~(H)~~(G) A completed form containing background information regarding the child ~~to~~
 1060 ~~be adopted~~, as required by the adoption unit of the department, or an equivalent medical
 1061 and social history background form; and

- 1062 ~~(H)~~(H) A copy of the home study report; and
- 1063 (I) The original waiver of the right to revoke a surrender of rights specified in
- 1064 subsection (c) of Code Section 19-8-9;
- 1065 (4) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-6, the
- 1066 following shall be provided or attached to the petition for adoption or its absence
- 1067 explained when the petition for adoption is filed:
- 1068 (A) The original written voluntary surrender of ~~the parent rights of each parent,~~
- 1069 biological father who is not a legal father, or guardian specified in subsection (e) of
- 1070 Code Section 19-8-6;
- 1071 (B) The original written acknowledgment of surrender of rights specified in subsection
- 1072 (f) of Code Section 19-8-6;
- 1073 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;
- 1074 (D) The original consent specified in subsection (j) of Code Section 19-8-6;
- 1075 (E) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
- 1076 with Code Section 19-8-12 and the original certification evidencing the search of the
- 1077 putative father registry;
- 1078 (F) ~~Uncertified copies~~ Copies of appropriate certificates or forms verifying the
- 1079 allegations contained in the such petition as to guardianship of the child ~~sought to be~~
- 1080 ~~adopted, including, but not limited to,~~ the birth of the child ~~sought to be adopted,~~ the
- 1081 marriage of each petitioner, and the ~~divorce or death of each parent of the child sought~~
- 1082 ~~to be adopted; and in lieu of a surrender of his or her parental rights;~~
- 1083 (G) A completed form containing background information regarding the child ~~to be~~
- 1084 ~~adopted,~~ as required by the adoption unit of the department; or an equivalent medical
- 1085 and social history background form; and
- 1086 (H) The original waiver of the right to revoke a surrender of rights specified in
- 1087 subsection (c) of Code Section 19-8-9;
- 1088 (5) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-7, the
- 1089 following shall be provided or attached to the petition for adoption or its absence
- 1090 explained when the petition for adoption is filed:
- 1091 (A) The original written voluntary surrender of rights of each parent or biological
- 1092 father who is not a legal father specified in subsection (e) of Code Section 19-8-7;
- 1093 (B) The original written acknowledgment of surrender of rights specified in subsection
- 1094 (f) of Code Section 19-8-7;
- 1095 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;
- 1096 (D) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
- 1097 with Code Section 19-8-12 and the original certification evidencing the search of the
- 1098 putative father registry;

1099 (E) ~~Uncertified copies~~ Copies of appropriate certificates or forms verifying allegations
 1100 contained in the petition as to guardianship or custody of the child ~~sought to be adopted,~~
 1101 and the birth of the child sought to be adopted, including but not limited to, the
 1102 marriage of each petitioner, ~~and the divorce or the death of each parent of the child~~
 1103 ~~sought to be adopted; and in lieu of a surrender of his or her parental rights, and~~
 1104 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the
 1105 Placement of Children;

1106 (F) A completed form containing background information regarding the child ~~to be~~
 1107 ~~adopted,~~ as required by the adoption unit of the department; or an equivalent medical
 1108 and social history background form; and

1109 (G) The original waiver of the right to revoke a surrender of rights specified in
 1110 subsection (c) of Code Section 19-8-9;

1111 (6)(A) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-8,
 1112 the following shall be provided or attached ~~or its absence explained~~ to the petition for
 1113 adoption when the petition for adoption is filed:

1114 (i) ~~A certified copy of the final decree of adoption from the foreign country along~~
 1115 ~~with a verified English translation. The translator shall provide a statement regarding~~
 1116 ~~his qualification to render the translation, his complete name, and his current address.~~
 1117 ~~Should the current address be a temporary one, his permanent address shall also be~~
 1118 ~~provided;~~

1119 (ii) ~~A verified copy of the visa granting the child entry to the United States;~~

1120 (iii) ~~A certified copy along with a verified translation of the child's amended birth~~
 1121 ~~certificate or registration showing each petitioner as parent; and~~

1122 (iv) ~~A copy of the home study which was completed for United States Immigration~~
 1123 ~~and Naturalization Service.~~

1124 (i) A copy of the child's passport page showing an immediate relative immigrant visa
 1125 or Hague Convention immigrant visa obtained to grant the child entry into the United
 1126 States as a result of a full and final adoption in the foreign country; and

1127 (ii) A copy along with an English translation of the child's birth certificate or
 1128 registration.

1129 (B) ~~It is not necessary to file copies of surrenders or termination on any parent or~~
 1130 ~~biological father who is not the legal father when the petition is filed pursuant to~~
 1131 ~~paragraph (1) of Code Section 19-8-8.~~

1132 (B) Because the issuance of an immediate relative immigrant visa or Hague
 1133 Convention immigrant visa by the United States Department of State in the child's
 1134 passport is prima-facie evidence that all parental rights have been terminated and that
 1135 the child is legally available for adoption, it shall not be necessary to file any

1136 documents related to the surrender or termination of the parental rights of the child's
 1137 parents or comply with Code Section 19-8-12 regarding the rights of a biological father
 1138 who is not a legal father when the petition for adoption is filed pursuant to
 1139 subsection (a) of Code Section 19-8-8.

1140 (C) When the adoption is pursuant to subsection (b) of Code Section 19-8-8, the
 1141 following shall be provided or attached to the petition for adoption when the petition
 1142 for adoption is filed:

1143 (i) A copy along with an English translation of the final decree or order of
 1144 guardianship from the foreign country;

1145 (ii) Copies of all postplacement reports, if required by the foreign country that
 1146 entered the guardianship decree or order;

1147 (iii) Authorization to proceed with adoption if specifically required by the decree or
 1148 order entered by the court or administrative agency in the foreign country;

1149 (iv) A copy of the child's passport page showing an immediate relative immigrant
 1150 visa or Hague Convention immigrant visa obtained to grant the child entry into the
 1151 United States in order to finalize his or her adoption; and

1152 (v) A copy along with an English translation of the child's birth certificate or
 1153 registration;

1154 (7) When ~~Where~~ Code Section 19-8-10 is applicable, parental rights need not be
 1155 surrendered or terminated prior to the filing of the petition for adoption; but any the
 1156 petitioner shall, in lieu of obtaining and attaching those otherwise required surrenders of
 1157 rights, acknowledgments, and affidavits, allege facts in the petition for adoption
 1158 demonstrating the applicability of subsection (a) or (b), or both, of Code Section 19-8-10
 1159 and shall also allege compliance with subsection (c) of Code Section 19-8-10; and

1160 (8) If the petition for adoption is filed in a county other than that of the petitioners'
 1161 petitioner's residence, the reason therefor ~~must also~~ shall be set forth in the such petition.

1162 (b) At the time of filing the petition for adoption, the petitioner shall deposit with the clerk
 1163 the deposit required by Code Section 9-15-4; the fees shall be those established by Code
 1164 Sections 15-6-77, ~~and 15-6-77.1, and 15-6-77.2.~~

1165 (c) Each petitioner for adoption in any proceeding for the adoption of a minor child
 1166 pursuant to the provisions of Code Section 19-8-5 shall file with the petition for adoption,
 1167 in a manner acceptable to the court, a report fully accounting for all disbursements of
 1168 anything of value made or agreed to be made, directly or indirectly, by, on behalf of, or for
 1169 the benefit of the petitioner in connection with the adoption, including, but not limited to,
 1170 any expenses incurred in connection with:

1171 (1) The birth of the minor child;

1172 (2) Placement of the minor child with the petitioner;

1173 (3) Counseling services or legal services for a legal mother;
 1174 (4) Reasonable living expenses for the biological mother during the last three months of
 1175 her pregnancy and for six weeks postpartum;
 1176 ~~(3)~~(5) Medical or hospital care received by the biological mother or by the minor child
 1177 during the such mother's prenatal care and confinement;
 1178 (6) Any additional reasonable and necessary expenses authorized by the court pursuant
 1179 to subsection (c) of Code Section 19-8-24; and
 1180 ~~(4)~~(7) Services relating to the adoption or to the placement of the minor child for
 1181 adoption which were received by or on behalf of the petitioner, either natural biological
 1182 parent of the minor child, or any other person individual.

1183 (d) Every attorney for a petitioner in any proceeding for the adoption of a minor child
 1184 pursuant to ~~the provisions of~~ Code Section 19-8-5 shall file, in a manner acceptable to the
 1185 court, before the decree of adoption is entered, an affidavit detailing all sums paid or
 1186 promised to that attorney, directly or indirectly, from whatever source, for all services of
 1187 any nature rendered or to be rendered in connection with the adoption, including an
 1188 accounting for all funds disbursed through the attorney's trust account in accordance with
 1189 subsection (c) of Code Section 19-8-24; provided, however, that, if the attorney received
 1190 or is to receive less than \$500.00, the affidavit need only state that fact.

1191 (e) Any report made under this Code section ~~must~~ shall be signed ~~and verified~~ under oath
 1192 and in the presence of a notary public by the individual making the report.

1193 (f)(1) As used in this subsection, the term 'family member' shall have the same meaning
 1194 as set forth in Code Section 19-7-3.

1195 (2) Whenever a ~~petitioner is a blood relative of the child to be adopted and a family~~
 1196 ~~member other than the petitioner has visitation rights to the such child granted pursuant~~
 1197 ~~to Code Section 19-7-3, the petitioner shall cause a copy of the petition for adoption to~~
 1198 ~~be served upon the family member with the visitation rights or upon such person's family~~
 1199 ~~member's counsel of record at least 30 days prior to the date upon which the petition for~~
 1200 ~~adoption will be considered as such time frames are set forth in Code Section 19-8-14.~~

1201 (g) Notwithstanding ~~the provisions of~~ Code Sections 19-8-5 and 19-8-7 and this Code
 1202 section which require obtaining and attaching a written voluntary surrender of rights and
 1203 acknowledgment thereof and affidavits of ~~the a~~ legal mother and a representative of the
 1204 petitioner or of the individual signing such surrender, when the adoption is sought under
 1205 subsection (a) of Code Section 19-8-5 or 19-8-7 following the termination of parental rights
 1206 and the placement of the child by the juvenile court pursuant to Code Section 15-11-321,
 1207 obtaining and attaching to the petition for adoption a certified copy of the order terminating
 1208 parental rights of the parent shall take the place of obtaining and attaching those otherwise
 1209 required surrenders of rights, acknowledgments, and affidavits.

1210 (h)(1) A petition for adoption regarding a child ~~or children~~ who ~~have~~ has a living
 1211 biological father who is not ~~the~~ a legal father and who has not surrendered his rights to
 1212 the child ~~or children~~ shall include a certificate from the putative father registry disclosing
 1213 the name, address, and social security number of any registrant acknowledging paternity
 1214 of the child ~~or children~~ pursuant to subparagraph (d)(2)(A) of Code Section 19-11-9 or
 1215 indicating the possibility of paternity of ~~a child of the child's mother~~ such child pursuant
 1216 to subparagraph (d)(2)(B) of Code Section 19-11-9 for a period beginning no later than
 1217 two years immediately prior to the child's date of birth. Such certificate shall indicate the
 1218 results of a search of the registry on or after the earliest of the following:

1219 ~~(1)(A)~~ (A) The date of ~~the~~ a legal mother's surrender of parental rights;
 1220 ~~(2)(B)~~ (B) The date of entry of the court order terminating ~~the~~ a legal mother's parental
 1221 rights; or
 1222 ~~(3)(C)~~ (C) The date of ~~the~~ a legal mother's consent to adoption pursuant to Code Section
 1223 19-8-6; ~~or~~
 1224 ~~(4)~~ The date of the filing of the petition for adoption, in which case the certificate may
 1225 be filed as an amendment to the petition for adoption.

1226 (2) Such certificate shall include a statement that the registry is current as of the earliest
 1227 date listed in ~~paragraphs (1) through (4)~~ subparagraphs (A) through (D) of paragraph (1)
 1228 of this subsection, or as of a specified date that is later than the earliest such date.

1229 (3) When a legal mother of the child who is the subject of the proceeding identifies her
 1230 husband as the biological father of the child and he has executed a surrender of his
 1231 parental rights in favor of the petitioner, the petitioner shall obtain a certificate from the
 1232 putative father registry and submit it with the petition for adoption to confirm that no
 1233 male other than the legal mother's husband has expressed an interest in the child or to
 1234 identify a registrant other than the legal mother's husband who shall be notified pursuant
 1235 to Code Section 19-8-12.

1236 (i) Because adoption records are sealed pursuant to subsection (a) of Code Section
 1237 19-8-23, it shall not be necessary to redact social security numbers, taxpayer identification
 1238 numbers, financial account numbers, or dates of birth from pleadings and all documents
 1239 filed therewith that are filed pursuant to this article as they are deemed to be a filing under
 1240 seal under subsection (d) of Code Section 9-11-7.1.

1241 19-8-14.

1242 (a) It is the policy of this state that, in the best ~~interest~~ interests of the child, uncontested
 1243 adoption petitions ~~should~~ shall be heard as soon as possible but not later than 120 days after
 1244 the date of filing, unless the petitioner has failed to arrange for the court to receive the
 1245 report required by ~~the provisions of~~ Code Section 19-8-16 or has otherwise failed to

1246 provide the court with all exhibits, surrenders of rights, or certificates required by this
 1247 ~~chapter article~~ within that time period. It is the policy of this state that, in contested
 1248 adoption petitions, the parties shall make every effort to have the petition considered by the
 1249 court as soon as practical after the date of filing, taking into account the circumstances of
 1250 the petition and the best ~~interest~~ interests of the child.

1251 (b) Upon the filing of the petition for adoption, accompanied by the filing fee unless such
 1252 fee is waived, it shall be the responsibility of the clerk to accept ~~the~~ such petition as filed.
 1253 Such petition shall not be subject to court approval before it is filed.

1254 (c) Upon the filing of the petition for adoption, the court shall fix a date upon which ~~the~~
 1255 such petition shall be considered, which date shall be not less than 45 days from the date
 1256 of the filing of ~~the~~ such petition and shall not be less than 30 days following the last date
 1257 a parent or biological father is deemed to have received service of notice as required in
 1258 those cases when Code Section 19-8-10 or 19-8-12, or both, is applicable.

1259 (d) Notwithstanding ~~the provisions of~~ subsections (a) and (c) of this Code section, it shall
 1260 be the petitioner's responsibility to request that the court hear the petition for adoption on
 1261 a date that allows sufficient time for fulfillment of the notice requirements of ~~Code Section~~
 1262 ~~19-8-10 and Code Section 19-8-12, where~~ Code Sections 19-8-10 and 19-8-12, when
 1263 applicable.

1264 (e) In the best ~~interest~~ interests of the child, the court may hear the petition for adoption
 1265 less than 45 days from the date of its filing upon a showing by the petitioner that ~~either~~ no
 1266 further notice is required or ~~that~~ any statutory requirement of notice to any person
 1267 individual will be fulfilled at an earlier date, and provided that any report required by Code
 1268 Section 19-8-16 has been completed or will be completed at an earlier date.

1269 (f) The court in the child's best ~~interest~~ interests may grant such expedited hearings or
 1270 continuances as may be necessary for completion of applicable notice requirements,
 1271 investigations, a home study, and reports or for other good cause shown.

1272 (g) Copies of the petition for adoption and all documents filed in connection therewith,
 1273 including, but not limited to, the order fixing the date upon which ~~the~~ such petition shall
 1274 be considered, motions, other pleadings filed, all orders entered in connection with such
 1275 petition, and all exhibits, surrenders of rights, or certificates required by this ~~chapter~~ article,
 1276 shall be forwarded by the clerk to the department within 15 days after the date of ~~the~~ such
 1277 filing of the petition for adoption for retention by the State Adoption Unit of the
 1278 department.

1279 (h) Copies of the petition for adoption, the order fixing the date upon which ~~the~~ such
 1280 petition shall be considered, and all exhibits, surrenders of rights, or certificates required
 1281 by this ~~chapter~~ article shall be forwarded by the clerk to the ~~child-placing agency or other~~
 1282 agent appointed by the court pursuant to ~~the provisions of~~ Code Section 19-8-16 within 15

1283 days after the filing of the petition for adoption, together with a request that a report and
 1284 investigation be made as required by ~~law~~ Code Section 19-8-16.

1285 (i) The clerk of court shall provide the petitioner or his or her attorney with a copy of the
 1286 petition for adoption and of each amendment, motion, and other pleading filed with a stamp
 1287 confirming the date each pleading was filed with the court and shall also provide the
 1288 petitioner or his or her attorney with a copy of each order entered by the court in the
 1289 adoption proceeding, confirming the date the order was filed of record by the court. Copies
 1290 of all motions, amendments, and other pleadings filed and of all orders entered in
 1291 connection with the petition for adoption shall be forwarded by the clerk to the department
 1292 within 15 days after such filing or entry.

1293 19-8-15.

1294 ~~(1)~~(a) As used in this Code section, the term 'family member' shall have the same meaning
 1295 as set forth in Code Section 19-7-3.

1296 ~~(2)~~(b) If a legal mother and biological father, whether he was a legal father or not, of the
 1297 child who is the subject of the proceeding are both deceased, regardless of whether either
 1298 individual had surrendered his or her parental rights or had his or her rights terminated ~~if~~
 1299 ~~the child sought to be adopted has no legal father or legal mother living, it shall be the~~
 1300 ~~privilege of any person~~ individual related by blood to ~~the~~ such child to file objections to the
 1301 petition for adoption.

1302 (c) A family member with visitation rights to a child granted pursuant to Code Section
 1303 19-7-3 shall have the privilege to file objections to the petition ~~of~~ for adoption if neither
 1304 parent has any further rights to the child and if the petition for adoption has been filed by
 1305 a blood relative of the child. The court, after hearing such objections, shall determine, in
 1306 its discretion, whether or not ~~the same~~ such objections constitute a good reason for denying
 1307 the petition for adoption and the court shall have the authority to grant or continue such
 1308 visitation rights of the family member of the child in the adoption order in the event the
 1309 adoption by the blood relative is approved by the court.

1310 19-8-16.

1311 (a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be
 1312 the duty of ~~a child-placing agency~~ the agent appointed by the court ~~or any other~~
 1313 ~~independent agent appointed by the court~~ to verify the allegations in the petition for
 1314 adoption, to make a complete and thorough investigation of the entire matter, including a
 1315 ~~criminal records check of each petitioner~~ any specific issue the court requests to be
 1316 investigated, and to report its findings and recommendations in writing to the court where
 1317 the petition for adoption was filed. The agent may be the department, a child-placing

1318 agency, an evaluator, or an individual who the court determines is qualified to conduct the
 1319 required investigation. ~~The department, child-placing agency, or other independent agent~~
 1320 ~~appointed by the court shall also provide the petitioner or his or her attorney for petitioner~~
 1321 ~~with a copy of the its report to the court.~~ If for any reason the ~~child-placing agency or other~~
 1322 ~~agent~~ appointed by the court finds itself unable to make or arrange for the proper
 1323 investigation and report, it shall be the duty of the ~~agency or agent~~ to notify the court
 1324 immediately, or at least within 20 days after receipt of the request for investigation service,
 1325 that it is unable to make the report and investigation, so that the court may take such other
 1326 steps as in its discretion are necessary to have the ~~entire matter investigated~~ investigation
 1327 and report prepared. The investigation required by this Code section shall be in addition
 1328 to the requirement of a home study in the case of a petition for adoption filed pursuant to
 1329 subsection (a) of Code Section 19-8-5.

1330 (b) If the petition for adoption has been filed pursuant to subsection (a) of Code Section
 1331 19-8-6 or 19-8-7, the court ~~is~~ shall be authorized but shall not be required to appoint a
 1332 ~~child-placing agency or other independent~~ an agent to make an investigation in ~~whatever~~
 1333 ~~form the court specifies~~ pursuant to subsection (a) of this Code section; provided, however,
 1334 that a home study shall not be required.

1335 (c)(1) If the petition for adoption has been filed pursuant to Code Section 19-8-8, ~~or if~~
 1336 ~~the department has conducted an investigation and has consented to the adoption, an~~
 1337 ~~investigation~~ the appointment of an agent to make an investigation and render a report
 1338 pursuant to subsection (a) of this Code section shall not be required.

1339 (2) If the petition for adoption has been filed pursuant to Code Section 19-8-4 and the
 1340 department or child-placing agency has consented to the adoption, the appointment of an
 1341 agent to make an investigation and render a report pursuant to subsection (a) of this Code
 1342 section shall not be required.

1343 (d) The court shall require the petitioner to submit to a criminal history records check. The
 1344 petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with
 1345 the appropriate fee. The center shall promptly transmit the fingerprints to the Federal
 1346 Bureau of Investigation for a search of bureau records and shall obtain an appropriate
 1347 report. The Georgia Crime Information Center shall also promptly conduct a search of its
 1348 records and any records to which it has access. The center shall notify the court in writing
 1349 of the presence or absence of any ~~derogatory finding, including but not limited to any~~
 1350 ~~conviction data, regarding the~~ criminal record from the state fingerprint records check. In
 1351 those cases when the petitioner has submitted a fingerprint based criminal history report
 1352 that includes the results of a records search of both the Georgia Crime Information Center
 1353 and the Federal Bureau of Investigation to the department, child-placing agency, or
 1354 evaluator as part of the home study and such results are dated within 12 months of filing

1355 of the petition for adoption and are included in the home study report filed with or
 1356 otherwise made available to the court, such results shall satisfy the requirements of this
 1357 subsection. Because the court shall not be authorized to share the results of the fingerprint
 1358 records check with the agent appointed by the court pursuant to subsection (a) or (e) of this
 1359 Code section, the court shall determine the acceptability of the petitioner's criminal history,
 1360 inform the petitioner or his or her attorney at least five days prior to the final hearing on the
 1361 petition for adoption if the court will require additional evidence with respect to the
 1362 petitioner's criminal history or if the court is inclined to deny such petition because of such
 1363 criminal history, and afford the petitioner or his or her attorney an opportunity to present
 1364 evidence as to why the petitioner's criminal history should not be grounds for denial of such
 1365 petition.

1366 ~~(e) The court may appoint the department to serve as its agent to conduct the investigation~~
 1367 ~~required by this Code section if an appropriate child-placing agency or independent agent~~
 1368 ~~is not available. If for any reason the department finds itself unable to make or arrange for~~
 1369 ~~the proper investigation and report, it shall be the duty of the commissioner of human~~
 1370 ~~services to notify the court immediately, or at least within 20 days after receipt of the~~
 1371 ~~request for investigation service, that it is unable to make the report and investigation, so~~
 1372 ~~that the court may take such other steps as in its discretion are necessary to have the entire~~
 1373 ~~matter investigated.~~

1374 ~~(f)~~(e) The court shall require the petitioner to reimburse the child-placing agency or other
 1375 independent agent appointed by the court, including the department, for the full cost of
 1376 conducting the investigation and preparing the its report. Such cost shall not exceed
 1377 \$250.00 unless specifically authorized by the court, provided that the court shall furnish
 1378 the petitioner or his or her attorney with written notice of the name of the agent that the
 1379 court intends to appoint and the amount of any increased costs, together with a request to
 1380 agree to pay such increased costs. If the petitioner does not agree to pay the increased
 1381 costs, then the petitioner shall have an opportunity to present to the court information
 1382 regarding other persons that are qualified to conduct the investigation and render the report
 1383 to the court and the cost of their services, and the court shall appoint the person that is
 1384 qualified to conduct the investigation and render the report to the court at the lowest cost
 1385 to the petitioner.

1386 19-8-17.

1387 (a) The report and findings of the investigating agency agent appointed by the court
 1388 pursuant to Code Section 19-8-16 shall include, among other things, the following:

- 1389 (1) Verification of allegations contained in the petition for adoption;
 1390 (2) Circumstances under which the child came to be placed for adoption;

- 1391 (3) Whether each ~~proposed~~ prospective adoptive parent is financially, physically, and
 1392 mentally able to have the permanent custody of the child; in considering financial ability
 1393 any adoption supplement approved by the department shall be taken into account;
- 1394 (4) The physical and mental condition of the child, insofar as this can be determined by
 1395 the aid of competent medical authority;
- 1396 (5) Whether or not the adoption is in the best interests of the child, including his or her
 1397 general care;
- 1398 (6) Suitability of the home to the child;
- 1399 (7) If applicable, whether the identity and location of ~~the~~ a biological father who is not
 1400 ~~the~~ a legal father are known or ascertainable and whether the requirements of Code
 1401 Section 19-8-12 were complied with; ~~and~~
- 1402 (8) Any other information that might be disclosed by the investigation that in the agent's
 1403 opinion would be of ~~any~~ value or interest to the court in deciding the case; and
- 1404 (9) Any other information that might be disclosed by the investigation in response to any
 1405 specific issue that the court requested be investigated in its order appointing such agent.
- 1406 (b) If the report of the investigating ~~agency or independent~~ agent disapproves of the
 1407 adoption of the child, motion may be made by the investigating ~~agency or independent~~
 1408 agent to the court to dismiss the petition for adoption and the court after hearing is such
 1409 motion shall be authorized to ~~do so~~ dismiss such petition. If the court denies the motion
 1410 to dismiss, the court shall appoint a guardian ad litem who may appeal the ruling to the
 1411 Georgia Court of Appeals or Supreme Court, as in other cases, as provided by law.
- 1412 (c) If at any time it appears to the court that the interests of the child may conflict with
 1413 those of any petitioner, the court may, in its discretion, appoint a guardian ad litem to
 1414 represent the child and the cost thereof shall be a charge upon the funds of the county.

1415 19-8-18.

- 1416 (a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or
 1417 as soon thereafter as the matter may be reached for a hearing, the court shall proceed to
 1418 a full hearing on ~~the~~ such petition and the examination of the parties at interest in
 1419 chambers, under oath, with the right of continuing the hearing and examinations from
 1420 time to time as the nature of the case may require. The court at such times shall give
 1421 consideration to the investigation report to the court provided for in Code Section 19-8-16
 1422 and the recommendations contained ~~therein~~ in such report. The court may in its
 1423 discretion allow the petitioner or any witness to appear via electronic means in lieu of
 1424 requiring his or her physical presence before the court.
- 1425 (2) The court shall examine the petition for adoption and the affidavit specified in
 1426 subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as appropriate, to

1427 determine whether Code Section 19-8-12 is applicable. If the court determines that Code
 1428 Section 19-8-12 is applicable to the petition for adoption, it shall:

1429 (A) Determine that an appropriate order has previously been entered;

1430 (B) Enter an order consistent with Code Section 19-8-12; or

1431 (C) Continue the hearing until Code Section 19-8-12 is complied with.

1432 (3) If the adoption petition is filed pursuant to subsection (a) of Code Section 19-8-5, the
 1433 court shall examine the financial disclosures required under subsections (c) and (d) of
 1434 Code Section 19-8-13 and make such further examination of each petitioner and his or
 1435 her attorney as the court deems appropriate in order to make a determination as to
 1436 whether there is cause to believe that Code Section 19-8-24 has been violated with regard
 1437 to the ~~'inducement'~~ inducement, as such term is defined in Code Section 19-8-24, of the
 1438 placement of the child for adoption. Should the court determine that further inquiry is in
 1439 order, the court shall direct the district attorney for the county to review the matter further
 1440 and to take such appropriate action as the district attorney in his or her discretion deems
 1441 appropriate.

1442 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,
 1443 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed
 1444 for in such petition; terminating all of the rights of each living parent, guardian, and legal
 1445 custodian of the child, other than the spouse of the petitioner in the case of a stepparent
 1446 adoption pursuant to Code Section 19-8-6; granting the permanent custody of the child
 1447 to each petitioner; and declaring the child to be the adopted child of each petitioner if the
 1448 court is satisfied that each:

1449 (A) Each living parent or guardian of the child has surrendered or had terminated all
 1450 of his or her rights to the child in the manner provided by law ~~prior to the filing of the~~
 1451 ~~petition for adoption~~ or that each petitioner has complied with the notice requirements
 1452 of subsection (c) of Code Section 19-8-10 and satisfied his or her burden of proof under
 1453 Code Section 19-8-10, ~~that such~~ or that the spouse has consented to the petitioner's
 1454 adoption of the child as required by Code Section 19-8-6;

1455 (B) Each petitioner is capable of assuming responsibility for the care, supervision,
 1456 training, and education of the child, ~~that the;~~

1457 (C) The child is suitable for adoption in a private family home, ~~and that the;~~ and

1458 (D) The adoption requested is for in the best interest interests of the child, ~~it shall enter~~
 1459 ~~a decree of adoption, terminating all the rights of each parent and guardian to the child,~~
 1460 ~~granting the permanent custody of the child to each petitioner, naming the child as~~
 1461 ~~prayed for in the petition, and declaring the child to be the adopted child of each~~
 1462 ~~petitioner. In all cases wherein Code Section 19-8-10 is relied upon by any petitioner~~
 1463 ~~as a basis for the termination of parental rights, the.~~

1464 (2) When Code Section 19-8-10 has been relied upon by any petitioner for the
 1465 termination of rights of a living parent, the court shall include in the decree of adoption
 1466 appropriate findings of fact and conclusions of law relating to the applicability of Code
 1467 Section 19-8-10 termination of rights of such living parent and the court's determination
 1468 that the adoption is in the child's best interests.

1469 (3) When the child was born in a country other than the United States, the court shall
 1470 examine the evidence submitted and determine that sufficient evidence has been
 1471 proffered to show that the child will be able to obtain lawful permanent resident status,
 1472 if not already obtained, before the court shall have authority to determine if it is in the
 1473 best interests of the child to grant the petition for adoption.

1474 (4) If there is an existing visitation order pursuant to Code Section 19-7-3 in favor of a
 1475 family member, the court shall have the authority to continue or discontinue such
 1476 visitation rights in the adoption order as it deems is in the best interests of the child.

1477 (c) If the petition for adoption was filed pursuant to subsection (a) of Code Section 19-8-8
 1478 and if the court is satisfied that the petitioner has fully complied with the requirements of
 1479 Code Section 19-8-13 and has established that he or she finalized his or her adoption of the
 1480 child in the foreign country, then the court shall enter a decree of adoption naming the child
 1481 as prayed for in such petition; domesticating the foreign decree of adoption; granting the
 1482 permanent custody of the child to each petitioner; changing the date of birth of the child
 1483 if so requested, provided that evidence was presented justifying such change; and declaring
 1484 the child to be the adopted child of each petitioner. Notwithstanding the requirements of
 1485 subsection (a) of this Code section, the court may domesticate the foreign decree of
 1486 adoption upon the pleadings without a hearing.

1487 (d) If the petition for adoption was filed pursuant to subsection (b) of Code Section 19-8-8,
 1488 the court shall enter a decree of adoption naming the child as prayed for in such petition;
 1489 terminating the guardianship; granting the permanent custody of the child to each
 1490 petitioner; changing the date of birth of the child if so requested, provided that evidence
 1491 was presented justifying such change; and declaring the child to be the adopted child of
 1492 each petitioner if the court is satisfied that the petitioner has fully complied with the
 1493 requirements of Code Section 19-8-13 and that:

1494 (1) Each petitioner in his or her capacity as guardian of the child has surrendered all of
 1495 his or her rights to the child in the manner provided by law;

1496 (2) Each petitioner is capable of assuming responsibility for the care, supervision,
 1497 training, and education of the child;

1498 (3) The child is suitable for adoption in a private family home; and

1499 (4) The adoption requested is in the best interests of the child.

1500 (e) In exercising its discretion to determine whether the adoption requested is in the best
 1501 interests of the child, the court shall consider the following factors:

1502 (1) The ability of each petitioner and, if applicable, each respondent to provide for the
 1503 physical safety and welfare of the child, including food, shelter, health, and clothing;

1504 (2) The love, affection, bonding, and emotional ties existing between the child and each
 1505 petitioner and, if applicable, each respondent;

1506 (3) The child's need for permanence, including the child's need for stability and
 1507 continuity of relationships with his or her siblings;

1508 (4) The capacity and disposition of each petitioner and, if applicable, each respondent
 1509 to give the child his or her love, affection, and guidance and to continue the education and
 1510 rearing of the child;

1511 (5) The home environment of each petitioner and, if applicable, each respondent,
 1512 considering the promotion of the child's nurturance and safety rather than superficial or
 1513 material factors;

1514 (6) The stability of the family unit and the presence or absence of support systems within
 1515 the community to benefit the child;

1516 (7) The mental and physical health of all individuals involved;

1517 (8) The home, school, and community record and history of the child, as well as any
 1518 health or educational special needs of the child;

1519 (9) The child's background and ties, including familial, cultural, and religious;

1520 (10) The uniqueness of every family and child;

1521 (11) The child's wishes and long-term goals;

1522 (12) Any evidence of family violence, substance abuse, criminal history, or sexual,
 1523 mental, or physical child abuse in the petitioner's home and, if applicable, each
 1524 respondent's home;

1525 (13) Any recommendation by a court appointed agent or guardian ad litem; and

1526 (14) Any other factors considered by the court to be relevant and proper to its
 1527 determination.

1528 ~~(e)~~(f) If the court determines that any petitioner has not complied with this ~~chapter~~ article,

1529 it may dismiss the petition for adoption without prejudice or it may continue the case.

1530 Should the court find that any notice required to be given by any petitioner under this

1531 ~~chapter~~ article has not been given or has not been properly given or that the petition for

1532 adoption has not been properly filed, the court ~~is~~ shall be authorized to enter an order

1533 providing for corrective action and an additional hearing.

1534 ~~(d)~~(g) If the court is not satisfied that the adoption is in the best interests of the child, it

1535 shall deny the petition for adoption. ~~If the~~ such petition is denied because ~~of such reason~~

1536 the court determines that the adoption requested is not in the best interests of the child or

1537 for any other reason under law, the court shall set forth specific findings of fact explaining
 1538 its decision in its order denying the adoption and shall commit the child to the custody of
 1539 the department, ~~or to~~ a child-placing agency, ~~if the~~ or an out-of-state licensed agency if
 1540 such petition was filed pursuant to Code Section 19-8-4 ~~or 19-8-5~~. If such petition was
 1541 filed pursuant to Code Section 19-8-5, the court shall commit the child to the third party
 1542 named by the parent in the written surrender of rights pursuant to subsection (a) of Code
 1543 Section 19-8-5; and if there is no surrender of rights, the court shall place the child with the
 1544 department for the purpose of determining whether or not a petition should be initiated
 1545 under Chapter 11 of Title 15. If such ~~the~~ petition was filed pursuant to Code Section
 1546 19-8-6, 19-8-7, or 19-8-8, the child shall remain in the custody of each petitioner if ~~that~~
 1547 each petitioner is fit to have custody or the court may place the child with the department
 1548 for the purpose of determining whether or not a petition should be initiated under Chapter
 1549 11 of Title 15. If the petition for adoption is denied, each surrender of rights executed in
 1550 support of the adoption, whether by a parent, biological father who is not a legal father, or
 1551 guardian, shall be dissolved by operation of law and the individual's rights shall be
 1552 restored. The fact that the individual executed a surrender of his or her rights in support
 1553 of the adoption shall not be admissible as evidence against him or her in any subsequent
 1554 proceeding.

1555 ~~(e)~~(h) A decree of adoption issued pursuant to subsection (b) of this Code section shall not
 1556 be subject to any judicial challenge filed more than six months after the date of entry of
 1557 such decree. Notwithstanding Code Section 9-3-31, any action for damages against an
 1558 adoptee or the adoptive parents for fraud in obtaining a consent or surrender of rights shall
 1559 be brought within six months of the time the fraud is or ought to reasonably have been
 1560 discovered.

1561 ~~(f) Any decree of adoption issued prior to the effective date of this action shall not be~~
 1562 ~~subject to any judicial challenge more than six months after July 1, 1995.~~

1563 (i) Notwithstanding subsection (a) of Code Section 19-8-23, the decree of adoption issued
 1564 pursuant to subsection (b) of this Code section shall authorize the clerk of the court to issue
 1565 one or more certified copies of the decree of adoption to the petitioner or his or her attorney
 1566 at the time of entry of the final decree without further order of the court and without cost.

1567 19-8-19.

1568 (a) A decree of adoption, whether issued by a court of this state or by a court of any other
 1569 jurisdiction, shall have the following effect as to matters within the jurisdiction of or before
 1570 a court in this state:

1571 (1) Except with respect to a spouse of the petitioner and relatives of the spouse, a decree
 1572 of adoption ~~terminates~~ shall terminate all legal relationships between the adopted

1573 individual and his or her relatives, including his or her parent, so that the adopted
 1574 individual thereafter ~~is~~ shall be a stranger to his or her former relatives for all purposes,
 1575 including inheritance and the interpretation or construction of documents, statutes, and
 1576 instruments, whether executed before or after the adoption is decreed, which do not
 1577 expressly include the individual by name or by some designation not based on a parent
 1578 and child or blood relationship; and

1579 (2) A decree of adoption ~~creates~~ shall create the relationship of parent and child between
 1580 each petitioner and the adopted individual, as if the adopted individual were a child of
 1581 biological issue of that petitioner. The adopted individual shall enjoy every right and
 1582 privilege of a biological child of that petitioner; shall be deemed a biological child of that
 1583 petitioner, to inherit under the laws of descent and distribution in the absence of a will,
 1584 and to take under ~~the provisions of~~ any instrument of testamentary gift, bequest, devise,
 1585 or legacy, whether executed before or after the adoption is decreed, unless expressly
 1586 excluded therefrom; shall take by inheritance from relatives of that petitioner; and shall
 1587 also take as a 'child' of that petitioner under a class gift made by the will of a third person.

1588 (b) Notwithstanding ~~the provisions of~~ subsection (a) of this Code section, if a parent of a
 1589 child dies without the relationship of parent and child having been previously terminated
 1590 by court order ~~or unrevoked surrender of parental rights to the child~~, the child's right of
 1591 inheritance from or through the deceased parent shall not be affected by the adoption.

1592 19-8-20.

1593 (a) Upon the entry of the decree of adoption, the clerk of the court granting the same shall
 1594 forward a copy of the decree, together with the original of the investigation report and
 1595 background information filed with the court, to the department. If there is any subsequent
 1596 order or revocation of the adoption, a copy of same in like manner shall be forwarded by
 1597 the clerk to the department.

1598 (b) At any time after the entry of the decree of adoption, upon the request of an adopted
 1599 ~~person~~ individual who has reached 18 years of age or upon the request of any adopting
 1600 parent, the clerk of the court granting the decree shall issue to that requesting adopted
 1601 ~~person~~ individual or adopting parent a certificate of adoption, under the seal of the court,
 1602 upon payment to the clerk of the fee prescribed in paragraph (4) of subsection (g) of Code
 1603 Section 15-6-77, which adoption certificate shall be received as evidence in any court or
 1604 proceeding as primary evidence of the facts contained in the certificate.

1605 (c) The adoption certificate shall ~~be in~~ conform substantially to the following form:

1606 'This is to certify that _____ (names of each adopting parent) have
 1607 obtained a decree of adoption for _____ (full name of adopted
 1608 ~~child~~ adoptee and date of birth of adoptee) in the Superior Court of _____ County,

1609 Georgia, on the _____ day of _____, as shown by the court's
 1610 records _____ (adoption file number).

1611 Given under the hand and seal of said court, this the _____ day of _____,
 1612 _____.

1613 _____
 1614 Clerk'

1615 19-8-21.

1616 (a) Adult ~~persons~~ individuals may be adopted on giving written consent to the adoption.
 1617 In such cases, adoption shall be by a petition duly verified and filed, together with ~~two~~
 1618 ~~conformed copies~~ one conformed copy, in the superior court in the county in which ~~either~~
 1619 any petitioner or the adult to be adopted resides, setting forth the name, age, and residence
 1620 of each petitioner and of the adult to be adopted, the name by which the adult is to be
 1621 known, and his or her written consent to the adoption. The court may assign the petition
 1622 for adoption for hearing at any time. The petition for adoption shall state whether one or
 1623 both parents of the adult to be adopted will be replaced by the grant of such petition, and
 1624 if only one parent is to be replaced, then the decree of adoption shall make clear which
 1625 parent is to be replaced by adoption. After examining each petitioner and the adult ~~sought~~
 1626 to be adopted, the court, if satisfied that there is no reason why the adoption should not be
 1627 granted, shall enter a decree of adoption and, if requested, shall change the name of the
 1628 adopted adult. Thereafter, the relation between each petitioner and the adopted adult shall
 1629 be, as to their legal rights and liabilities, the same as the relation of a parent and adult child.
 1630 (b) ~~Code Section 19-8-19, relating to the effect of a decree of adoption, and Code Section~~
 1631 ~~19-8-20, relating to notice of adoption,~~ Sections 19-8-19 and 19-8-20 shall also apply to
 1632 the adoption of adults.

1633 19-8-22.

1634 (a) A decree of a court or an administrative proceeding terminating the relationship of
 1635 parent and child, establishing the relationship of guardian and ward, or establishing the
 1636 relationship of parent and child by adoption, issued pursuant to due process of law by a
 1637 court or administrative body of any other jurisdiction within or outside the United States,
 1638 or the clear and irrevocable release or consent to adoption by the guardian of a child ~~where~~
 1639 when the appointment of the guardian has been certified by the appropriate and legally
 1640 authorized court or agency of the government of the foreign country, shall be recognized
 1641 in this state; and the rights and obligations of the parties as to matters within the
 1642 jurisdiction of this state shall be determined as though any such decree were issued by a

1643 court of this state and any such consent or release shall be deemed to satisfy the
 1644 requirements of Code Sections 19-8-4, 19-8-5, 19-8-6, 19-8-7, 19-8-8, and 19-8-12.

1645 (b) Any adoption proceeding in this state in which a final order of adoption was entered
 1646 by the court prior to April 1, 1986, and to which subsection (a) of this Code section would
 1647 have been applicable if said subsection, ~~as amended~~, had been effective at the time such
 1648 proceeding was filed or concluded shall be governed by ~~the provisions of~~ subsection (a) of
 1649 this Code section, ~~as amended~~.

1650 ~~(c) Any adoption proceeding pending in a court of competent jurisdiction in this state in~~
 1651 ~~which no final order of adoption has been entered as of April 1, 1986, to which the~~
 1652 ~~provisions of subsection (a) of this Code section are applicable shall be governed by the~~
 1653 ~~provisions of subsection (a) of this Code section, as amended.~~

1654 19-8-23.

1655 (a)(1) The original petition for adoption, all amendments, attachments, and exhibits
 1656 thereto, all motions, documents, affidavits, records, and testimony filed in connection
 1657 therewith, and all decrees or orders of any kind whatsoever, except the original
 1658 investigation report and background information referred to in Code Section 19-8-20,
 1659 shall be recorded in a book kept for that such purpose and properly indexed; and the such
 1660 book shall be part of the records of the court in each county which has jurisdiction over
 1661 matters of adoption in that county. All of the such court records, including the docket
 1662 book, ~~of the court granting the adoption, of the department, and of the child-placing~~
 1663 ~~agency~~ that relate in any manner to the adoption shall be kept sealed and locked. The
 1664 department shall keep its records that relate in any manner to an adoption sealed and
 1665 locked.

1666 (2) The court records and department records may be examined by the parties at interest
 1667 in the adoption and their attorneys when, after written petition, which shall be filed under
 1668 seal, has been presented to the court having jurisdiction and after the department and the
 1669 appropriate child-placing agency or out-of-state licensed agency, if any, have received
 1670 at least 30 days' prior written notice of the filing of such petition, the matter has come on
 1671 before the court in chambers and, ~~good cause having been shown to the court~~, the court
 1672 has entered an order permitting such examination.

1673 (3) Notwithstanding ~~the foregoing~~ paragraph (2) of this subsection, if the adoptee who
 1674 is the subject of the records sought to be examined is less than 18 years of age at the time
 1675 the petition for examination is filed and the such petitioner is someone other than one of
 1676 the adoptive parents of the adoptee, then the department shall provide written notice of
 1677 such proceedings to the adoptive parents by certified mail ~~or statutory overnight delivery~~,
 1678 return receipt requested, or statutory overnight delivery at the last address the department

1679 has for such adoptive parents, and the court shall continue any hearing on ~~the~~ such
 1680 petition until not less than 60 days after the date the notice to the adoptive parents was
 1681 sent. Each such adoptive parent shall have the right to appear in person or through
 1682 counsel and show cause why such records should not be examined. Adoptive parents
 1683 may provide the department with their current address for purposes of receiving notice
 1684 under this subsection by mailing that address to:

1685 ~~Office of Adoptions~~

1686 State Adoption Unit

1687 Department of Human Services

1688 Atlanta, Georgia 30303

1689 (b) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any
 1690 information contained in the records of the respective department or child-placing agency
 1691 relating to the adoptive parents in connection with a subsequent adoption matter involving
 1692 the same adoptive parents or to provide notice when required by subsection (a) of this Code
 1693 section.

1694 (b.1) The department may, in its sole discretion, make use of any information contained
 1695 in the records of the department concerning an adopted child and the adopted child's
 1696 biological parents in connection with the placement of another child in the home of the
 1697 adoptive parents of the child or in connection with the investigation of a report of child
 1698 abuse or neglect made concerning the adopted child's biological parents.

1699 (c) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any
 1700 information contained in its records on a child when an adoption disrupts after finalization
 1701 and when such records are required for the permanent placement of such child, or when the
 1702 information is required by federal law.

1703 (d)(1) Upon the request of a party at interest in the adoption, a child, legal guardian, or
 1704 health care agent of an adopted ~~person~~ individual or a provider of medical services to
 1705 such a party, child, legal guardian, or health care agent when certain information would
 1706 assist in the provision of medical care, a medical emergency, or medical diagnosis or
 1707 treatment, the department or child-placing agency shall access its own records on
 1708 finalized adoptions for the purpose of adding subsequently obtained medical information
 1709 or releasing nonidentifying medical and health history information contained in its
 1710 records pertaining to an adopted ~~person~~ individual or the biological parents or relatives
 1711 of the biological parents of the adopted ~~person~~ individual. For purposes of this
 1712 paragraph, the term 'health care agent' ~~has~~ shall have the meaning provided by Code
 1713 Section 31-32-2.

1714 (2) Upon receipt by the State Adoption Unit ~~of the Division of Family and Children~~
 1715 ~~Services~~ of the department or by a child-placing agency of documented medical

1716 information relevant to an adoptee, the ~~office~~ department or child-placing agency shall
 1717 use reasonable efforts to contact the adoptive parents of the adoptee if the adoptee is
 1718 under 18 years of age or the adoptee if he or she is 18 years of age or older and provide
 1719 such documented medical information to the adoptive parents or the adult adoptee. The
 1720 ~~office~~ department or child-placing agency shall be entitled to reimbursement of
 1721 reasonable costs for postage and photocopying incurred in the delivery of such
 1722 documented medical information to the adoptive parents or adult adoptee.

1723 (e) Records relating in any manner to adoption shall not be open to the general public for
 1724 inspection.

1725 (f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:

1726 (A) 'Biological parent' means the biological mother or biological father who
 1727 surrendered ~~that person's~~ such individual's rights or had such rights terminated by court
 1728 order giving rise to the adoption of the child.

1729 (B) 'Commissioner' means the commissioner of human services or ~~that person's~~ his or
 1730 her designee.

1731 (C) 'Department' means the Department of Human Services or, when the Department
 1732 of Human Services so designates, the county ~~department~~ division of family and children
 1733 services which placed for adoption the ~~person~~ individual seeking, or on whose behalf
 1734 is sought, information under this subsection.

1735 (D) 'Placement agency' means the child-placing agency, as defined in paragraph ~~(3)~~ (5)
 1736 of Code Section 19-8-1, which placed for adoption the ~~person~~ individual seeking, or on
 1737 whose behalf is sought, information under this subsection.

1738 (2) The department or a placement agency, upon the written request of an adopted ~~person~~
 1739 individual who has reached 18 years of age or upon the written request of an adoptive
 1740 parent on behalf of that parent's adopted child, shall release to such adopted ~~person~~
 1741 individual or to the adoptive parent on the child's behalf nonidentifying information
 1742 regarding such adopted ~~person's~~ individual's biological parents and information regarding
 1743 such adopted ~~person's~~ individual's birth. Such information may include the date and
 1744 place of birth of the adopted ~~person~~ individual and the genetic, social, and health history
 1745 of the biological parents. No information released pursuant to this paragraph shall
 1746 include the name or address of either biological parent or the name or address of any
 1747 relative by birth or marriage of either biological parent.

1748 (3)(A) The department or a placement agency, upon the written request of an adopted
 1749 ~~person~~ individual who has reached ~~21~~ 18 years of age, shall release to such adopted
 1750 ~~person~~ individual the name of such ~~person's~~ individual's biological parent, together with
 1751 a detailed summary of all information the department or placement agency has

1752 concerning the adoptee's birth, foster care, placement for adoption, and finalization of
 1753 his or her adoption, if:

1754 (i) ~~A~~ ~~The~~ biological parent whose name is to be released has submitted unrevoked
 1755 written permission to the department or ~~the~~ placement agency for the release of that
 1756 parent's name to the adopted person individual;

1757 (ii) The identity of ~~the~~ a biological parent submitting permission for the release of
 1758 that parent's name has been verified by the department or ~~the~~ placement agency; and

1759 (iii) The department or ~~the~~ placement agency has records pertaining to the finalized
 1760 adoption and to the identity of ~~the~~ a biological parent whose name is to be released.

1761 (B) If the adopted person individual is deceased and leaves a child, such child, upon
 1762 reaching ~~21~~ 18 years of age, may seek the name and other identifying information
 1763 concerning his or her grandparents in the same manner as the deceased adopted person
 1764 individual and subject to the same procedures contained in this Code section.

1765 (4)(A) If a biological parent has not filed written unrevoked permission for the release
 1766 of that parent's name to the adopted child, the department or ~~the~~ placement agency,
 1767 within six months of receipt of the written request of the adopted person individual who
 1768 has reached ~~21~~ 18 years of age, shall make diligent effort to notify each living
 1769 biological parent identified in the original adoption proceedings or in other records of
 1770 the department or ~~the~~ placement agency relative to the adopted person individual. For
 1771 purposes of this subparagraph, the term 'notify' means a personal and confidential
 1772 contact with each biological parent of the adopted person individual. The contact shall
 1773 be by an employee or agent of the placement agency which processed the pertinent
 1774 adoption or by other agents or employees of the department. The contact shall be
 1775 evidenced by the person individual who notified each biological parent, certifying to
 1776 the department or placement agency that each biological parent was given the following
 1777 information:

1778 (i) The nature of the information requested by the adopted person individual;

1779 (ii) The date of the request of the adopted person individual;

1780 (iii) The right of each biological parent to file an affidavit with the placement agency
 1781 or the department stating that such parent's identity should not be disclosed;

1782 (iv) The right of each biological parent to file a consent to disclosure with the
 1783 placement agency or the department; and

1784 (v) The effect of a failure of each biological parent to file ~~either~~ a consent to
 1785 disclosure or an affidavit stating that the information in the sealed adoption file should
 1786 not be disclosed.

1787 (B) If a biological parent files an unrevoked consent to the disclosure of that parent's
 1788 identity, such parent's name, together with a detailed summary of all information the

1789 department or placement agency has concerning the adoptee's birth, foster care,
 1790 placement for adoption, and finalization of his or her adoption, shall be released to the
 1791 adopted ~~person~~ individual who has requested such information as authorized by this
 1792 paragraph.

1793 (C) If, within 60 days of being notified by the department or ~~the~~ placement agency
 1794 pursuant to subparagraph (A) of this paragraph, a biological parent has filed with the
 1795 department or placement agency an affidavit objecting to such release, information
 1796 regarding the identity of that biological parent shall not be released.

1797 (D)(i) If six months after receipt of the adopted ~~person's~~ individual's written request
 1798 the placement agency or the department has ~~either~~ been unable to notify a biological
 1799 parent identified in the original adoption record or has been able to notify a biological
 1800 parent identified in the original adoption record but has not obtained a consent to
 1801 disclosure from the notified biological parent, then the identity of a biological parent
 1802 may only be disclosed as provided in division (ii) or (iii) of this subparagraph.

1803 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age may petition
 1804 the Superior Court of Fulton County to seek the release of the identity of each of ~~that~~
 1805 ~~person's~~ his or her biological parents from the department or placement agency. The
 1806 court shall grant the petition if the court finds that the department or placement
 1807 agency has made diligent efforts to locate each biological parent pursuant to this
 1808 subparagraph ~~either~~ without success or upon locating a biological parent has not
 1809 obtained a consent to disclosure from the notified biological parent and that failure
 1810 to release the identity of each biological parent would have an adverse impact upon
 1811 the physical, mental, or emotional health of the adopted ~~person~~ individual.

1812 (iii) If it is verified that a biological parent of the adopted ~~person~~ individual is
 1813 deceased, the department or placement agency shall be authorized to disclose the
 1814 name and place of burial of the deceased biological parent, if known, together with
 1815 a detailed summary of all information the department or placement agency has
 1816 concerning the adoptee's birth, foster care, placement for adoption, and finalization
 1817 of his or her adoption, to the adopted ~~person~~ individual seeking such information
 1818 without the necessity of obtaining a court order.

1819 (5)(A) Upon written request of an adopted ~~person~~ individual who has reached ~~21~~ 18
 1820 years of age or a ~~person~~ an individual who has reached ~~21~~ 18 years of age and who is
 1821 the sibling of an adopted ~~person~~ individual, the department or a placement agency shall
 1822 attempt to identify and notify the siblings of the requesting party, if such siblings are
 1823 at least 18 years of age. Upon locating the requesting party's sibling, the department
 1824 or ~~the~~ placement agency shall notify the sibling of the inquiry. Upon the written
 1825 consent of a sibling so notified, the department or ~~the~~ placement agency shall forward

1826 the requesting party's name and address to the sibling and, upon further written consent
 1827 of the sibling, shall divulge to the requesting party the present name and address of the
 1828 sibling. If a sibling cannot be identified or located, the department or placement agency
 1829 shall notify the requesting party of such circumstances but shall not disclose any names
 1830 or other information which would tend to identify the sibling. If a sibling is deceased,
 1831 the department or placement agency shall be authorized to disclose the name and place
 1832 of burial of the deceased sibling, if known, to the requesting party without the necessity
 1833 of obtaining a court order.

1834 (B)(i) If six months after receipt of the written request from an adopted ~~person~~
 1835 individual who has reached ~~21~~ 18 years of age or ~~a person~~ an individual who has
 1836 reached ~~21~~ 18 years of age and who is the sibling of an adopted ~~person~~ individual, the
 1837 ~~placement agency or the department has either~~ department or placement agency has
 1838 been unable to notify one or more of the siblings of the requesting party or has been
 1839 able to notify a sibling of the requesting party but has not obtained a consent to
 1840 disclosure from the notified sibling, then the identity of the siblings may only be
 1841 disclosed as provided in division (ii) of this subparagraph.

1842 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age or ~~a person~~
 1843 an individual who has reached ~~21~~ 18 years of age and who is the sibling of an adopted
 1844 ~~person~~ individual may petition the Superior Court of Fulton County to seek the
 1845 release of the last known name and address of each of the siblings of the petitioning
 1846 sibling, ~~that~~ who are at least 18 years of age, from the department or placement
 1847 agency. The court shall grant the petition if the court finds that the department or
 1848 placement agency has made diligent efforts to locate such siblings pursuant to
 1849 subparagraph (A) of this paragraph ~~either~~ without success or upon locating one or
 1850 more of the siblings has not obtained a consent to disclosure from all the notified
 1851 siblings and that failure to release the identity and last known address of said siblings
 1852 would have an adverse impact upon the physical, mental, or emotional health of the
 1853 petitioning sibling.

1854 (C) If the adopted ~~person~~ individual is deceased and leaves a child, such child, upon
 1855 reaching ~~21~~ 18 years of age, may obtain the name and other identifying information
 1856 concerning the siblings of his or her deceased parent in the same manner that the
 1857 deceased adopted ~~person~~ individual would be entitled to obtain such information
 1858 pursuant to the procedures contained in this Code section.

1859 (6)(A) Upon written request of a biological parent of an adopted ~~person~~ individual who
 1860 has reached ~~21~~ 18 years of age, the department or a placement agency shall attempt to
 1861 identify and notify the adopted ~~person~~ individual. Upon locating the adopted ~~person~~
 1862 individual, the department or ~~the~~ placement agency shall notify the adopted ~~person~~

1863 individual of the inquiry. Upon the written consent of the adopted person individual
 1864 so notified, the department or ~~the~~ placement agency shall forward ~~the~~ such biological
 1865 parent's name and address to the adopted person individual, together with a detailed
 1866 summary of all information the department or placement agency has concerning the
 1867 adoptee's birth, foster care, placement for adoption, and finalization of his or her
 1868 adoption, and, upon further written consent of the adopted person individual, shall
 1869 divulge to ~~the~~ such requesting biological parent the present name and address of the
 1870 adopted person individual. If the adopted person individual is deceased, the department
 1871 or placement agency shall be authorized to disclose the name and place of burial of the
 1872 deceased adopted person individual, if known, to ~~the~~ such requesting biological parent
 1873 without the necessity of obtaining a court order.

1874 (B)(i) If six months after receipt of the written request from a biological parent of an
 1875 adopted person individual who has reached ~~21~~ 18 years of age, the ~~placement agency~~
 1876 ~~or the department has either~~ department or placement agency has been unable to
 1877 notify the adopted person individual or has been able to notify the adopted person
 1878 individual but has not obtained a consent to disclosure from the notified adopted
 1879 person individual, then the identity of the adopted person individual may only be
 1880 disclosed as provided in division (ii) of this subparagraph.

1881 (ii) ~~A~~ The biological parent of an adopted person individual who has reached ~~21~~ 18
 1882 years of age may petition the Superior Court of Fulton County to seek the release of
 1883 the last known name and address of the adopted person individual from the
 1884 department or placement agency. The court shall grant the petition if the court finds
 1885 that the department or placement agency has made diligent efforts to locate such
 1886 adopted person individual pursuant to subparagraph (A) of this paragraph ~~either~~
 1887 without success or upon locating the adopted person individual has not obtained a
 1888 consent to disclosure from the adopted person individual and that failure to release the
 1889 identity and last known address of said adopted person individual would have an
 1890 adverse impact upon the physical, mental, or emotional health of the petitioning
 1891 biological parent.

1892 (C) If ~~the~~ a biological parent is deceased, a parent or sibling of the deceased biological
 1893 parent, or both, may obtain the name and other identifying information concerning the
 1894 adopted person individual in the same manner that the deceased biological parent would
 1895 be entitled to obtain such information pursuant to the procedures contained in this Code
 1896 section.

1897 (7) If an adoptive parent or the sibling of an adopted person individual notifies the
 1898 department or placement agency of the death of an adopted person individual, the
 1899 department or placement agency shall add information regarding the date and

1900 circumstances of the death to its records so as to enable it to share such information with
 1901 a biological parent or sibling of the adopted ~~person~~ individual if they make an inquiry
 1902 pursuant to ~~the provisions of~~ this Code section.

1903 (8) If a biological parent or his or her parent or sibling of a ~~biological parent~~ notifies the
 1904 department or placement agency of the death of a biological parent or a sibling of an
 1905 adopted ~~person~~ individual, the department or placement agency shall add information
 1906 regarding the date and circumstances of the death to its records so as to enable it to share
 1907 such information with an adopted ~~person~~ individual or sibling of the adopted ~~person~~ if he
 1908 ~~or she makes~~ individual if they make an inquiry pursuant to ~~the provisions of~~ this Code
 1909 section.

1910 (9) ~~The Office of Adoptions~~ State Adoption Unit within the department shall maintain
 1911 a registry for the recording of requests by adopted ~~persons~~ individuals for the name of
 1912 any biological parent, for the recording of the written consent or the written objections
 1913 of any biological parent to the release of that parent's identity to an adopted ~~person~~
 1914 individual upon the adopted ~~person's~~ individual's request, and for nonidentifying
 1915 information regarding any biological parent which may be released pursuant to
 1916 paragraph (2) of this subsection. The department and any placement agency which
 1917 receives such requests, consents, or objections shall file a copy thereof with ~~that office~~
 1918 the State Adoption Unit.

1919 (10) The department or placement agency may charge a reasonable fee to be determined
 1920 by the department for the cost of conducting any search pursuant to this subsection.

1921 (11) Nothing in this subsection shall be construed to require the department or placement
 1922 agency to disclose to any party at interest, including but not limited to an adopted ~~person~~
 1923 individual who has reached ~~21~~ 18 years of age, any information which is not kept by the
 1924 department or ~~the~~ placement agency in its normal course of operations relating to
 1925 adoption.

1926 (12) Any department employee or employee of any placement agency who releases
 1927 information or makes authorized contacts in good faith and in compliance with this
 1928 subsection shall be immune from civil ~~or criminal~~ liability or criminal responsibility for
 1929 such release of information or authorized contacts.

1930 (13) Information authorized to be released pursuant to this subsection may be released
 1931 under the conditions specified in this subsection, notwithstanding any other provisions
 1932 of law to the contrary.

1933 (14) A placement agency which demonstrates to the department by clear and convincing
 1934 evidence that the requirement that such agency search for or notify any biological parent,
 1935 sibling, or adopted ~~person~~ individual under subparagraph (A) ~~of paragraph (4) of this~~
 1936 ~~subsection or subparagraph (A) of paragraph (5) of this subsection or subparagraph (A)~~

1937 of paragraph (4), (5), or (6) of this subsection will impose an undue hardship upon that
 1938 agency shall be relieved from that responsibility, and the department shall assume that
 1939 responsibility upon such finding by the department of undue hardship. The department's
 1940 determination under this subsection shall be a contested case within the meaning of
 1941 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1942 (15) Whenever this subsection authorizes both the department and a placement agency
 1943 to perform any function or requires the placement agency to perform any function which
 1944 the department is also required to perform, the department or agency may designate an
 1945 agent to perform that function and in so performing it the agent shall have the same
 1946 authority, powers, duties, and immunities as an employee of the department or placement
 1947 agency has with respect to performing that function.

1948 19-8-24.

1949 (a)(1) It shall be unlawful for any person, organization, corporation, hospital, facilitator,
 1950 or association of any kind whatsoever which ~~has not been established as~~ is not a
 1951 child-placing agency ~~by the department to;~~ a prospective adoptive parent who has a
 1952 valid, approved preplacement home study report, or an attorney who is a member of the
 1953 State Bar of Georgia representing a prospective adoptive parent who has a valid,
 1954 approved preplacement home study report to advertise.

1955 ~~(1) Advertise,~~ whether in a periodical, by television, by radio, or by any other public
 1956 medium or by any private means, including, but not limited to, letters, circulars,
 1957 handbills, Internet postings including social media, and oral statements, that the person,
 1958 organization, corporation, hospital, facilitator, or association will adopt children or will
 1959 arrange for or cause children to be adopted or placed for adoption; ~~or~~

1960 ~~(2) Directly or indirectly hold out inducements to parents to part with their children.~~

1961 ~~As used in this subsection, 'inducements' shall include any financial assistance, either direct~~
 1962 ~~or indirect, from whatever source, except payment or reimbursement of the medical~~
 1963 ~~expenses directly related to the mother's pregnancy and hospitalization for the birth of the~~
 1964 ~~child and medical care for the child.~~

1965 (2)(A) Any person, organization, corporation, hospital, facilitator, or association of any
 1966 kind which is not a child-placing agency that places an advertisement concerning
 1967 adoption or prospective adoption shall include in such advertisement its license number
 1968 issued by the department;

1969 (B) Any attorney representing a prospective adoptive parent who has a valid, approved
 1970 preplacement home study report who places an advertisement concerning adoption or
 1971 prospective adoption shall include in such advertisement his or her State Bar of Georgia
 1972 license number; and

1973 (C) Any individual who places an advertisement concerning being an adoptive parent
 1974 shall include in such advertisement that he or she has a valid, approved preplacement
 1975 home study report.

1976 (b) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1977 association of any kind whatsoever to sell, offer to sell, or conspire with another to sell or
 1978 offer to sell a child for money or anything of value, except as otherwise provided in this
 1979 chapter article.

1980 (c)(1) As used in this subsection, the term 'inducements' means any financial assistance,
 1981 either direct or indirect, from whatever source, but shall expressly not include:

1982 (A) The payment or reimbursement of the medical expenses directly related to the
 1983 biological mother's pregnancy and hospitalization for the birth of the child and medical
 1984 care for such child;

1985 (B) The payment or reimbursement of expenses for counseling services or legal
 1986 services for a biological parent that are directly related to the placement by such parent
 1987 of her or his child for adoption; or

1988 (C) The payment or reimbursement of reasonable living expenses for the biological
 1989 mother during the last three months of her pregnancy and for six weeks postpartum.

1990 (2) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1991 association of any kind to offer or provide inducements to a biological parent to part with
 1992 his or her child or to conspire with another to offer or provide inducements to such parent
 1993 to part with his or her child.

1994 (3) It shall be unlawful for an individual to knowingly make false representations in
 1995 order to obtain inducements.

1996 (4) When the adoption is pursuant to Code Section 19-8-5 or 19-8-7, the petitioner may
 1997 file his or her pre-birth petition for adoption and file a motion pursuant to this subsection
 1998 for an order approving the payment of any reasonable and necessary expenses as the court
 1999 may authorize, in addition to the expenses authorized in this subsection. If the court
 2000 allows for the payment of expenses, such expenses shall be paid from the trust account
 2001 of an attorney who is a member of the State Bar of Georgia who represents a biological
 2002 parent or the petitioner and, when possible, such expenses shall be paid directly to the
 2003 provider of the services. Any payment to or for the benefit of a biological parent that is
 2004 made by a petitioner without the assistance of an attorney shall be deemed an
 2005 inducement.

2006 (5) The reports filed pursuant to subsections (c) and (d) of Code Section 19-8-13 shall
 2007 include an itemized accounting of all expenses paid or reimbursed pursuant to this
 2008 subsection.

2009 (d)(1) It shall be unlawful for an individual to knowingly accept living expenses for the
 2010 adoption of her child or unborn child if she knows or should have known that she is not
 2011 pregnant or is not a legal mother.

2012 (2) It shall be unlawful for an individual to knowingly accept living expenses from a
 2013 prospective adoptive parent or an adoption agency without disclosing that he or she is
 2014 receiving living expenses from another prospective adoptive parent or adoption agency
 2015 in an effort to allow for the adoption of the same child or unborn child.

2016 (3) It shall be unlawful for an individual to knowingly make false representations in
 2017 order to obtain living expenses.

2018 ~~(c)~~(e) Any person who violates ~~subsection (a) or (b)~~ of this Code section shall be guilty
 2019 of a felony and, upon conviction thereof, shall be punished by a fine not to exceed
 2020 \$10,000.00, or imprisonment for not less than one nor more than ten years, or both, ~~in the~~
 2021 ~~discretion of the court.~~

2022 ~~(d)~~(f)(1) Subsection Paragraph (1) of subsection (a) of this Code section shall not apply
 2023 to communication by private means, including ~~only~~ written letters or oral statements, by
 2024 an individual seeking to:

2025 (A) Adopt a child or children; or

2026 (B) Place that individual's child or children for adoption,

2027 whether the communication occurs before or after the birth of such child or children.

2028 (2) Subsection Paragraph (1) of subsection (a) of this Code section shall not apply to any
 2029 communication described in paragraph (1) of this subsection which contains ~~any~~
 2030 attorney's name, address, the name of an attorney who is a member of the State Bar of
 2031 Georgia, his or her address, his or her telephone number, or any combination of such
 2032 information and which requests ~~any~~ that the attorney named in such communication to
 2033 be contacted to facilitate the carrying out of the purpose, as described in subparagraph
 2034 (A) or (B) of paragraph (1) of this subsection, of the individual making such personal
 2035 communication.

2036 (g) Any child-placing agency or individual who is seeking to adopt or seeking to place a
 2037 child for adoption who is damaged by a violation of this Code section may file a civil
 2038 action to recover damages, treble damages, reasonable attorney's fees, and expenses of
 2039 litigation.

2040 19-8-25.

2041 (a) A written consent or surrender of rights, executed on or before ~~June 30, 1990~~
 2042 December 31, 2017, shall, for purposes of an adoption proceeding commenced on or after
 2043 ~~July 1, 1990~~ January 1, 2018, be deemed to satisfy the surrender requirements of this
 2044 ~~chapter~~ article and it shall not be necessary to have any parent or guardian execute the

2045 documents required by Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7; however, all other
 2046 applicable provisions of this ~~chapter~~ article shall be complied with.

2047 (b) It is the legislative intent of this subsection to clarify and not to change the applicability
 2048 of certain previously existing provisions of this ~~chapter~~ article to adoption proceedings
 2049 pending on ~~July 1, 1990~~ December 31, 2017. Any decree of adoption issued in an adoption
 2050 proceeding in which the adoption petition was filed in a superior court of this state prior
 2051 to ~~July 1, 1990~~ January 1, 2018, shall be valid if the adoption conformed to the
 2052 requirements of this ~~chapter~~ article either as they existed on ~~June 30, 1990~~ December 31,
 2053 2017, or on ~~July 1, 1990~~ January 1, 2018, and each such adoption decree is hereby ratified
 2054 and confirmed.

2055 19-8-26.

2056 (a) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
 2057 subsection (e) of Code Section 19-8-4 shall conform substantially to the following form:

2058 SURRENDER OF RIGHTS

2059 FINAL RELEASE FOR ADOPTION

2060 NOTICE TO PARENT OR GUARDIAN:

2061 This is an important legal document and by signing it, you are surrendering all of your
 2062 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to
 2063 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are
 2064 signing this document under oath and that if you knowingly and willfully make a false
 2065 statement in this document you will be guilty of the crime of false swearing. As
 2066 explained below in paragraph 5, you have the right to revoke this ~~You are to receive a~~
 2067 ~~copy of this document and as explained below have the right to withdraw your surrender~~
 2068 ~~within ten days from the date you sign it.~~ If you are at least 18 years of age, you may
 2069 choose to waive that right so that this surrender will become effective immediately upon
 2070 signing such a waiver. If you choose to waive the right to a ten-day revocation period,
 2071 you must consult an attorney and make that choice in paragraph 5 below and execute a
 2072 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least
 2073 48 hours after the birth of the child.

2074 _____

2075 STATE OF GEORGIA

2076 COUNTY OF _____

2077 Personally appeared before me, the undersigned officer duly authorized to administer
 2078 oaths, _____ (name of parent or guardian) who, after
 2079 having been sworn, deposes and says as follows:

2080 1.
 2081 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,
 2082 born _____ (name of child) on _____ (birthdate
 2083 of child) at _____ : _____ (A.M.) (P.M.) [circle one] ~~(insert name of child)~~ on ~~(insert~~
 2084 ~~birthdate of child)~~, should receive the benefits and advantages of a good home, to the
 2085 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this
 2086 surrender of my parental rights.

2087 2.
 2088 I, the undersigned, _____ (relationship to child) ~~(insert relationship~~
 2089 ~~to child)~~ of the aforesaid child, do hereby surrender my rights to the child to
 2090 _____ (name of child-placing agency,
 2091 out-of-state licensed agency, or Department of Human Services, as applicable) ~~(insert~~
 2092 ~~name of child-placing agency or Department of Human Services, as applicable)~~ and
 2093 promise not to interfere in the management of the child in any respect whatever; and,
 2094 in consideration of the benefits guaranteed by _____
 2095 (name of child-placing agency, out-of-state licensed agency, or Department of Human
 2096 Services, as applicable) ~~(insert name of child-placing agency or Department of Human~~
 2097 ~~Services, as applicable)~~ in ~~this~~ providing for the child, I do relinquish all right, title,
 2098 and claim rights to the child herein named in this document, it being my wish, intent,
 2099 and purpose to relinquish absolutely all parental control over the child. Furthermore,
 2100 I hereby agree that the _____ (name of
 2101 child-placing agency, out-of-state licensed agency, or Department of Human Services,
 2102 as applicable) ~~(insert name of child-placing agency or Department of Human Services,~~
 2103 ~~as applicable)~~ may seek for the child a legal adoption by such ~~person or persons~~
 2104 individual or individuals as may be chosen by the _____
 2105 (name of child-placing agency, out-of-state licensed agency, or Department of Human
 2106 Services, as applicable) ~~(insert name of child-placing agency or Department of Human~~
 2107 ~~Services, as applicable)~~ or its authorized agents, without further notice to me. I do,
 2108 furthermore, expressly waive any other notice or service in any of the legal proceedings
 2109 for the adoption of the child.

2110 3.

2111 ~~Furthermore, I understand that under Georgia law the Department of Human Services~~
 2112 ~~or the child-placing agency~~ an agent appointed by the court is required to conduct an
 2113 investigation and render a report to the court in connection with the legal proceeding
 2114 for the legal adoption of the child, and I hereby agree to cooperate fully with such
 2115 ~~department or agency agent~~ agent in the conduct of its investigation.

2116 4.

2117 I understand that I will receive a copy of this document after the witness and I have
 2118 signed it and it has been notarized.

2119 5.

2120 I understand that under Georgia law I have the unconditional right to a ten-day
 2121 revocation period. I understand that if I am at least 18 years of age I also have the
 2122 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2123 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2124 SURRENDER OF RIGHTS.

2125 Indicate your choice by signing ONE of the following statements (you may choose
 2126 statement A or B):

2127 A. _____ (Signature) I choose to RETAIN the unconditional right
 2128 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2129 I have received a copy of this document and that I understand I may only withdraw
 2130 revoke this surrender by giving written notice, delivered in person or mailed by
 2131 registered mail or statutory overnight delivery, to
 2132 _____ (name and address
 2133 of child-placing agency, out-of-state licensed agency, or Department of Human
 2134 Services, as applicable) (insert name and address of child-placing agency or
 2135 Department of Human Services, as applicable) within ten days from the date hereof;
 2136 of signing this document. I understand that certified mail cannot be used for mail
 2137 delivery of the notice to revoke this surrender. I understand that the ten days shall
 2138 will be counted consecutively beginning with the day immediately following the date
 2139 hereof; I sign this document; provided, however, that, if the tenth day falls on a
 2140 Saturday, Sunday, or legal holiday, then the last day on which the this surrender may
 2141 be withdrawn shall revoked will be the next day that is not a Saturday, Sunday, or
 2142 legal holiday; and I understand that it may NOT be withdrawn thereafter. I

2143 understand that, if I deliver the notice to revoke this surrender in person, it must be
 2144 delivered to _____ (name
 2145 and address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
 2146 whichever is applicable, on the tenth day. I understand that I CANNOT revoke this
 2147 surrender after that time.

2148 **OR**

2149 B. _____ (Signature) I am at least 18 years of age and I choose to
 2150 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted
 2151 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER
 2152 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE
 2153 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by
 2154 signing said waiver, I understand and intend to give up the unconditional right to
 2155 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT
 2156 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become
 2157 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2158 6.
 2159 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2160 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2161 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2162 of this surrender of my parental rights.

2163 7.
 2164 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2165 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2166 and voluntarily.

2167 ~~Witness my hand and seal this~~
 2168 This _____ day of _____, _____.

2169 _____
 2170 (SEAL)
 2171 (Parent or guardian)

2172 _____
 2173 ~~Unofficial witness~~
 2174 Adult witness

2175 Sworn to and subscribed
 2176 before me this _____
 2177 day of _____, _____.

2178 _____
 2179 Notary public (SEAL)

2180 My commission expires: _____.

2181 (b) ~~Reserved.~~ The notice to revoke a surrender of rights pursuant to subsection (a) of Code
 2182 Section 19-8-9 shall conform substantially to the following form:

2183 NOTICE TO REVOKE SURRENDER OF RIGHTS/
 2184 FINAL RELEASE FOR ADOPTION

2185 I, the undersigned, executed a (SURRENDER OF RIGHTS/FINAL RELEASE FOR
 2186 ADOPTION) (PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR
 2187 ADOPTION) [circle one] as to the child identified in the surrender of rights document on
 2188 _____ (date). My relationship to the (child) (unborn child) [circle one] is that
 2189 I am the (mother) (father) (alleged biological father) (guardian) [circle one].

2190 (Complete this paragraph if the child has been born.) This notice to revoke my surrender
 2191 of rights applies to the (female) (male) [circle one] child born _____ (name
 2192 of child) on _____ (birthdate of child).

2193 I now wish to exercise my right to revoke my surrender of rights.

2194 I understand that for my revocation of surrender to be effective I must:

2195 A. Deliver the original of this document in person to the address designated in the
 2196 surrender of rights document no later than 5:00 P.M. eastern standard time or eastern
 2197 daylight time, whichever is applicable, on the tenth day of the revocation period specified
 2198 in the surrender of rights document;

2199 **OR**

2200 B. Mail the original of this document by registered mail or by statutory overnight
2201 delivery to the address designated in the surrender of rights document no later than the
2202 tenth day of the revocation period specified in the surrender of rights document.

2203 This day of _____, _____.

2204 _____
2205 (Parent, guardian, or alleged biological father)

2206 _____
2207 Printed name

2208 _____
2209 Adult witness'

2210 (c) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
2211 subsection (e) of Code Section 19-8-5 shall conform substantially to the following form:

2212 SURRENDER OF RIGHTS
2213 FINAL RELEASE FOR ADOPTION

2214 NOTICE TO PARENT OR GUARDIAN:

2215 This is an important legal document and by signing it, you are surrendering all of your
2216 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to
2217 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are
2218 signing this document under oath and that if you knowingly and willfully make a false
2219 statement in this document you will be guilty of the crime of false swearing. As
2220 explained below in paragraph 8, you have the right to revoke this ~~You are to receive a~~
2221 ~~copy of this document and as explained below have the right to withdraw your~~ surrender
2222 within ten days from the date you sign it. If you are at least 18 years of age, you may
2223 choose to waive that right so that this surrender will become effective immediately upon
2224 signing such a waiver. If you choose to waive the right to a ten-day revocation period,
2225 you must consult an attorney and make that choice in paragraph 8 below and execute a
2226 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least
2227 48 hours after the birth of the child.

2228 _____

2229 STATE OF GEORGIA
2230 COUNTY OF _____

2231 Personally appeared before me, the undersigned officer duly authorized to administer
 2232 oaths, _____ (name of parent or guardian) who, after having been
 2233 sworn, deposes and says as follows:

2234 1.
 2235 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,
 2236 born _____ (name of child) on _____ (birthdate
 2237 of child) at _____ : _____ (A.M.) (P.M.) [circle one] ~~(insert name of child)~~ on ~~(insert~~
 2238 ~~birthdate of child)~~, should receive the benefits and advantages of a good home, to the
 2239 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this
 2240 surrender of my parental rights.

2241 2.
 2242 I, the undersigned, _____ (relationship to child) ~~(insert relationship~~
 2243 ~~to child)~~ of the aforesaid child, do hereby surrender my rights to the child to
 2244 _____ (name, surname not required, of each
 2245 individual to whom surrender is made) ~~(insert name, surname not required, of each~~
 2246 ~~person to whom surrender is made)~~, PROVIDED that each such person individual is
 2247 named as petitioner in a petition for adoption of the child filed in accordance with
 2248 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated within 60
 2249 days from the date ~~hereof~~ that I sign this document. Furthermore, I promise not to
 2250 interfere in the management of the child in any respect whatever; and, in consideration
 2251 of the benefits guaranteed by _____ (name,
 2252 surname not required, of each individual to whom surrender is made) ~~(insert name,~~
 2253 ~~surname not required, of each person to whom surrender is made)~~ in thus providing for
 2254 the child, I do relinquish all right, title, and claim rights to the child herein named in
 2255 this document, it being my wish, intent, and purpose to relinquish absolutely all
 2256 parental control over the child.

2257 3.
 2258 It is also my wish, intent, and purpose that if each such person individual identified in
 2259 paragraph 2 is not named as petitioner in a petition for adoption ~~as provided for above~~
 2260 within the 60 day period, other than for ~~excusable neglect~~ justifiable good cause, or, if
 2261 said petition for adoption is filed within 60 days but the adoption action proceeding is
 2262 dismissed with prejudice or otherwise concluded without an order declaring the child
 2263 to be the adopted child of each such person individual, then I do hereby surrender my
 2264 rights to the child as follows:

2265 ~~(Mark one of the following as chosen)~~

2266 Indicate your choice by signing ONE of the following statements (you may choose
 2267 statement A, B, or C):

2268 A. _____ (Signature) _____ I wish the child returned to me, as
 2269 provided by subsection (j) of Code Section 19-8-5, and I expressly acknowledge that
 2270 this provision applies only to the limited circumstance that the child is not adopted by
 2271 the person or persons individual or individuals designated herein in this document and
 2272 further that this provision does not impair the validity, absolute finality, or totality of
 2273 this surrender under any circumstance other than the failure of the designated ~~person~~
 2274 ~~or persons~~ individual or individuals to adopt the child and that no other provision of
 2275 this surrender impairs the validity, absolute finality, or totality of this surrender once
 2276 the ten-day revocation period has elapsed; ~~or~~

2277 **OR**

2278 B. _____ (Signature) _____ I surrender the child to
 2279 _____ (name of child-placing agency or out-of-state licensed
 2280 agency), as provided in subsection (j) of Code Section 19-8-5 (insert name of
 2281 designated licensed child-placing agency), a licensed child-placing agency, for
 2282 placement for adoption. I understand that if the child-placing agency or out-of-state
 2283 licensed agency declines to accept the child for placement for adoption, this surrender
 2284 will be in favor of the Department of Human Services for placement for adoption and
 2285 _____ (name of child-placing agency or out-of-state
 2286 licensed agency) or the Department of Human Services may petition the superior
 2287 court for custody of the child in accordance with the terms of this surrender; or

2288 **OR**

2289 C. _____ (Signature) _____ I surrender the child to the Department
 2290 of Human Services, as provided by subsection ~~(k)~~ (j) of Code Section 19-8-5, for
 2291 placement for adoption; and (insert name of designated licensed child-placing agency)
 2292 ~~or~~ the Department of Human Services may petition the superior court for custody of
 2293 the child in accordance with the terms of this surrender.

4.

2294
 2295 ~~Furthermore~~, I hereby agree that the child is to be adopted either by each person named
 2296 above individual named in paragraph 2 or by any other such person individual as may
 2297 be chosen by the _____ (name of
 2298 child-placing agency or out-of-state licensed agency) (~~insert name of designated~~
 2299 licensed child-placing agency) or the Department of Human Services and I do expressly
 2300 waive any other notice or service in any of the legal proceedings for the adoption of the
 2301 child.

5.

2302
 2303 ~~Furthermore~~, I understand that under Georgia law an evaluator is required to conduct
 2304 and provide to the court a home study and make recommendations to the court
 2305 regarding the qualification of each ~~person named above to adopt~~ a individual named in
 2306 paragraph 2 to adopt the child concerning the circumstances of placement of ~~my~~ the
 2307 child for adoption. ~~I hereby agree to cooperate fully with such investigations.~~

6.

2308
 2309 ~~Furthermore~~, I understand that under Georgia law, an agent appointed by the court is
 2310 required to conduct an investigation and render a report to the court in connection with
 2311 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate
 2312 fully with such agent in the conduct of ~~this~~ its investigation.

7.

2313
 2314 I understand that I will receive a copy of this document after the witness and I have
 2315 signed it and it has been notarized.

8.

2316
 2317 I understand that under Georgia law I have the unconditional right to a ten-day
 2318 revocation period. I understand that if I am at least 18 years of age I also have the
 2319 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2320 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2321 SURRENDER OF RIGHTS.

2322 Indicate your choice by signing ONE of the following statements (you may choose
 2323 statement A or B):

2324 A. _____ (Signature) I choose to RETAIN the unconditional right
 2325 to a ten-day revocation period under Georgia law. ~~Furthermore, I hereby certify that~~
 2326 ~~I have received a copy of this document and that I understand I may only withdraw~~
 2327 ~~revoke~~ this surrender by giving written notice, delivered in person or mailed by
 2328 registered mail or statutory overnight delivery, to
 2329 _____ (name and address of each individual to whom
 2330 surrender is made or his or her agent) (~~insert name and address of agent of each~~
 2331 ~~person to whom surrender is made~~) within ten days from the date hereof; ~~of signing~~
 2332 ~~this document. I understand that certified mail cannot be used for mail delivery of the~~
 2333 ~~notice to revoke this surrender. I understand~~ that the ten days ~~shall~~ will be counted
 2334 consecutively beginning with the day immediately following the date hereof I sign
 2335 this document; provided, however, that, if the tenth day falls on a Saturday, Sunday,
 2336 or legal holiday, then the last day on which ~~the this~~ surrender may be ~~withdrawn shall~~
 2337 ~~revoked will~~ be the next day that is not a Saturday, Sunday, or legal holiday; ~~and I~~
 2338 ~~understand that it may NOT be withdrawn thereafter. I understand that, if I deliver~~
 2339 ~~the notice to revoke this surrender in person, it must be delivered to~~
 2340 _____ (name and address) not later than
 2341 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
 2342 the tenth day. I understand that I CANNOT revoke this surrender after that time.

2343 **OR**

2344 B. _____ (Signature) I am at least 18 years of age and I choose to
 2345 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted
 2346 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER
 2347 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE
 2348 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by
 2349 signing said waiver, I understand and intend to give up the unconditional right to
 2350 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT
 2351 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become
 2352 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2353 9.

2354 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2355 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2356 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2357 of this surrender of my parental rights.

2358 10.

2359 Furthermore, I hereby certify that I have not been subjected to any duress or undue
2360 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
2361 and voluntarily.

2362 ~~Witness my hand and seal this~~

2363 This _____ day of _____, ____.

2364 _____
2365 (SEAL)
2366 (Parent or guardian)

2367 _____
2368 ~~Unofficial witness~~
2369 Adult witness

2370 Sworn to and subscribed
2371 before me this _____
2372 day of _____, ____.

2373 _____
2374 Notary public (SEAL)

2375 My commission expires: _____.

2376 (d) The surrender of rights by a biological father who is not ~~the~~ a legal father of the child
2377 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or
2378 19-8-7 shall conform substantially to the following form:

2379 SURRENDER OF RIGHTS
2380 FINAL RELEASE FOR ADOPTION

2381 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2382 This is an important legal document and by signing it you are surrendering all of your
2383 ~~right, title, and claim rights~~ to the child identified herein, ~~so as to facilitate the child's~~
2384 ~~placement for adoption. You are to receive a copy of this document and as explained~~
2385 ~~below have the right to withdraw your surrender within ten days from the date you sign~~
2386 it in this document. Understand that you are signing this document under oath and that
2387 if you knowingly and willfully make a false statement in this document you will be guilty
2388 of the crime of false swearing. As explained below in paragraph 4, you have the right to
2389 revoke this surrender within ten days from the date you sign it. If you are at least 18
2390 years of age, you may choose to waive that right so that this surrender will become
2391 immediately effective upon signing such a waiver. If you choose to waive the right to a

2392 ten-day revocation period, you must consult an attorney and make that choice in
2393 paragraph 4 below and execute a separate WAIVER OF RIGHT TO REVOKE
2394 SURRENDER OF RIGHTS at least 48 hours after the birth of the child.

2395 _____

2396 STATE OF GEORGIA

2397 COUNTY OF _____

2398 Personally appeared before me, the undersigned officer duly authorized to administer
2399 oaths, _____ (name of alleged biological father) who, after having
2400 been sworn, deposes and says as follows:

2401 1.

2402 I, the undersigned, alleged biological father of a (male) (female) [circle one] child, born
2403 _____ (name of child) to _____ (name of legal
2404 mother) on _____ (birthdate of child) at _____ : _____ (A.M.) (P.M.)
2405 [circle one], being mindful that the ~~(insert name of child)~~ to ~~(insert name of mother)~~ on
2406 ~~(insert birthdate of child)~~, being solicitous that said child should receive the benefits
2407 and advantages of a good home, to the end that (she) (he) [circle one] may be fitted for
2408 the requirements of life, consent to this surrender of my rights. I, the undersigned, do
2409 hereby surrender my rights to the child. I promise not to interfere in the management
2410 of the child in any respect whatever; and, in consideration of the benefits provided to
2411 the child through adoption, I do relinquish all right, title, and claim rights to the child
2412 ~~herein~~ named in this document, it being my wish, intent, and purpose to relinquish
2413 absolutely all control over the child.

2414 2.

2415 ~~Furthermore~~, I hereby agree that the child is to be adopted and I do expressly waive any
2416 other notice or service in any of the legal proceedings for the adoption of the child.
2417 ~~Furthermore~~, I understand that under Georgia law an agent appointed by the court is
2418 required to conduct an investigation and render a report to the court in connection with
2419 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate
2420 fully with ~~the~~ such agent ~~appointed by the court~~ in the conduct of ~~this~~ its investigation.

2421 3.

2422 I understand that I will receive a copy of this document after the witness and I have
 2423 signed it and it has been notarized.

2424 4.

2425 I understand that under Georgia law I have the unconditional right to a ten-day
 2426 revocation period. I understand that if I am at least 18 years of age I also have the
 2427 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2428 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2429 SURRENDER OF RIGHTS.

2430 Indicate your choice by signing ONE of the following statements (you may choose
 2431 statement A or B):

2432 A. _____ (Signature) I choose to RETAIN the unconditional right
 2433 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2434 I have received a copy of this document and that I understand I may only withdraw
 2435 revoke this surrender by giving written notice, delivered in person or mailed by
 2436 registered mail or statutory overnight delivery, to
 2437 _____ (name and address of child-placing
 2438 agency representative, out-of-state licensed agency representative, Department of
 2439 Human Services representative, individual to whom surrender is made or his or her
 2440 agent, or petitioner's representative, as applicable) (insert name and address of
 2441 child-placing agency representative, Department of Human Services representative,
 2442 person to whom surrender is made, or petitioner's representative, as appropriate)
 2443 within ten days from the date hereof; of signing this document. I understand that
 2444 certified mail cannot be used for mail delivery of the notice to revoke this surrender.
 2445 I understand that the ten days shall will be counted consecutively beginning with the
 2446 day immediately following the date hereof; I sign this document; provided, however,
 2447 that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on
 2448 which the this surrender may be withdrawn shall revoked will be the next day that is
 2449 not a Saturday, Sunday, or legal holiday; and I understand that it may NOT be
 2450 withdrawn thereafter. I understand that, if I deliver the notice to revoke this surrender
 2451 in person, it must be delivered to _____
 2452 (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight
 2453 time, whichever is applicable, on the tenth day. I understand that I CANNOT revoke
 2454 this surrender after that time.

2455 **OR**

2456 B. _____ (Signature) I am at least 18 years of age and I choose to
 2457 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted
 2458 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER
 2459 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE
 2460 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by
 2461 signing said waiver, I understand and intend to give up the unconditional right to
 2462 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT
 2463 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become
 2464 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2465 5.
 2466 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2467 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2468 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2469 of this surrender of my parental rights.

2470 6.
 2471 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2472 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2473 and voluntarily.

2474 ~~Witness my hand and seal this~~
 2475 ~~This _____ day of _____, ____.~~

2476 _____
 2477 ~~(SEAL)~~
 2478 (Alleged biological father)

2479 _____
 2480 ~~Unofficial witness~~
 2481 Adult witness

2482 Sworn to and subscribed
 2483 before me this _____
 2484 day of _____, ____.

2485 _____
2486 Notary public (SEAL)

2487 My commission expires: _____.

2488 (e) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
2489 subsection (e) of Code Section 19-8-6 or 19-8-7 shall conform substantially to the
2490 following form:

2491 SURRENDER OF RIGHTS
2492 FINAL RELEASE FOR ADOPTION

2493 NOTICE TO PARENT OR GUARDIAN:

2494 This is an important legal document and by signing it, you are surrendering all of your
2495 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to
2496 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are
2497 signing this document under oath and that if you knowingly and willfully make a false
2498 statement in this document you will be guilty of the crime of false swearing. As
2499 explained below in paragraph 6, you have the right to revoke this ~~You are to receive a~~
2500 ~~copy of this document and as explained below have the right to withdraw your surrender~~
2501 within ten days from the date you sign it. If you are at least 18 years of age, you may
2502 choose to waive that right so that this surrender will become effective immediately upon
2503 signing such a waiver. If you choose to waive the right to a ten-day revocation period,
2504 you must consult an attorney and make that choice in paragraph 6 below and execute a
2505 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least
2506 48 hours after the birth of the child.

2507 _____

2508 STATE OF GEORGIA
2509 COUNTY OF _____

2510 Personally appeared before me, the undersigned officer duly authorized to administer
2511 oaths, _____ (name of parent or guardian) who, after having been
2512 sworn, deposes and says as follows:

2513 1.
2514 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,
2515 born _____ (name of child) on _____ (birthdate
2516 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (insert name of child) on (insert

2517 ~~birthdate of child~~, should receive the benefits and advantages of a good home, to the
 2518 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this
 2519 surrender of my parental rights.

2520 2.
 2521 I, the undersigned, _____ (relationship to child) (~~insert relationship~~
 2522 ~~to child~~) of the aforesaid child, do hereby surrender my rights to the child to
 2523 _____ (name of each individual to whom
 2524 ~~surrender is made~~) (~~insert name of each person to whom surrender is made~~) and
 2525 promise not to interfere in the management of the child in any respect whatever; and,
 2526 in consideration of the benefits guaranteed by
 2527 _____ (name of each individual to whom
 2528 ~~surrender is made~~) (~~insert name of each person to whom surrender is made~~) in thus
 2529 providing for the child, I do relinquish all ~~right, title, and claim~~ rights to the child herein
 2530 named in this document, it being my wish, intent, and purpose to relinquish absolutely
 2531 all parental control over the child.

2532 3.
 2533 ~~Furthermore~~, I hereby agree that _____ (name of each individual to
 2534 ~~whom surrender is made~~) (~~insert name of each person to whom surrender is made~~) may
 2535 initiate legal proceedings for the legal adoption of the child without further notice to
 2536 me. I do, furthermore, expressly waive any other notice or service in any of the legal
 2537 proceedings for the adoption of the child.

2538 4.
 2539 ~~Furthermore~~, I understand that under Georgia law ~~the Department of Human Services~~
 2540 an agent may be ~~required~~ appointed by the court to conduct an investigation and render
 2541 a report to the court in connection with the legal proceeding for the legal adoption of
 2542 the child, and I hereby agree to cooperate fully with ~~the department~~ such agent in the
 2543 conduct of its investigation.

2544 5.
 2545 I understand that I will receive a copy of this document after the witness and I have
 2546 signed it and it has been notarized.

6.

2547
 2548 I understand that under Georgia law I have the unconditional right to a ten-day
 2549 revocation period. I understand that if I am at least 18 years of age I also have the
 2550 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2551 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2552 SURRENDER OF RIGHTS.

2553 Indicate your choice by signing ONE of the following statements (you may choose
 2554 statement A or B):

2555 A. _____ (Signature) I choose to RETAIN the unconditional right
 2556 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2557 I have received a copy of this document and that I understand I may only withdraw
 2558 revoke this surrender by giving written notice, delivered in person or mailed by
 2559 registered mail or statutory overnight delivery, to
 2560 _____ (name and address of each
 2561 individual to whom surrender is made or petitioner's representative, as applicable)
 2562 (~~insert name and address of each person to whom surrender is made~~) within ten days
 2563 from the date hereof; of signing this document. I understand that certified mail cannot
 2564 be used for mail delivery of the notice to revoke this surrender. I understand that the
 2565 ten days ~~shall~~ will be counted consecutively beginning with the day immediately
 2566 following the date hereof; I sign this document; provided, however, that, if the tenth
 2567 day falls on a Saturday, Sunday, or legal holiday, then the last day on which ~~the~~ this
 2568 surrender may be ~~withdrawn shall~~ revoked will be the next day that is not a Saturday,
 2569 Sunday, or legal holiday; and I understand that it may NOT be withdrawn thereafter.
 2570 I understand that, if I deliver the notice to revoke my surrender in person, it must be
 2571 delivered to _____ (name and address) not
 2572 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
 2573 applicable, on the tenth day. I understand that I CANNOT revoke this surrender after
 2574 that time.

2575 **OR**

2576 B. _____ (Signature) I am at least 18 years of age and I choose to
 2577 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted
 2578 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER
 2579 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE

2580 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by
 2581 signing said waiver, I understand and intend to give up the unconditional right to
 2582 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT
 2583 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become
 2584 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2585 7.
 2586 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2587 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2588 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2589 of this surrender of my parental rights.

2590 8.
 2591 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2592 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2593 and voluntarily.

2594 ~~Witness my hand and seal this~~
 2595 This _____ day of _____, _____.

2596 _____
 2597 (SEAL)
 2598 (Parent or guardian)

2599 _____
 2600 ~~Unofficial witness~~
 2601 Adult witness

2602 Sworn to and subscribed
 2603 before me this _____
 2604 day of _____, _____.

2605 _____
 2606 Notary public (SEAL)
 2607 My commission expires: _____.

2608 (f) The pre-birth surrender of rights by a biological father who is not ~~the~~ a legal father of
 2609 the child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or
 2610 19-8-7 shall conform substantially to the following form:

2611 PRE-BIRTH SURRENDER OF RIGHTS
2612 FINAL RELEASE FOR ADOPTION

2613 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2614 This is an important legal document and by signing it, you are surrendering any and all
2615 of your ~~right, title, and claim~~ rights to the child identified ~~herein in this document~~, so as
2616 to ~~facilitate the child's placement~~ place the child for adoption. You have the right to wait
2617 to execute a ~~Surrender of Rights Final Release for Adoption~~ PRE-BIRTH SURRENDER
2618 OF RIGHTS/FINAL RELEASE FOR ADOPTION after the child is born, but by signing
2619 this document, you are electing to surrender your rights prior to the birth of this child.
2620 Understand that you are signing this document under oath and that if you knowingly and
2621 willfully make a false statement in this document you will be guilty of the crime of false
2622 swearing. As explained below in paragraph 6, you have the right to revoke this ~~You are~~
2623 ~~to receive a copy of this document and as explained below have the right to withdraw~~
2624 ~~your pre-birth surrender within ten days from the date you sign it. If you are at least 18~~
2625 ~~years of age, you may choose to waive that right so that this surrender will become~~
2626 ~~effective immediately upon signing such a waiver. If you choose to waive the right to a~~
2627 ~~ten-day revocation period, you must consult an attorney and make that choice in~~
2628 ~~paragraph 6 below and execute a separate~~ WAIVER OF RIGHT TO REVOKE
2629 SURRENDER OF RIGHTS at least 48 hours after the birth of the child.

2630 _____

2631 STATE OF GEORGIA
2632 COUNTY OF _____

2633 Personally appeared before me, the undersigned officer duly authorized to administer
2634 oaths, _____ (name of alleged biological father) who, after having
2635 been sworn, deposes and says as follows:

2636 1.
2637 I, the undersigned, understand that I have been named by _____,
2638 the biological mother of the child expected to be born in
2639 _____(city) _____(county) _____(state)
2640 on or about the _____ day of _____(month), _____(year), as the
2641 biological father or possible biological father of her child. I further understand that the
2642 biological mother wishes to place this child for adoption.

2.

2643
2644 To the best of my knowledge and belief, the child has not been born as of the date I am
2645 signing this pre-birth surrender; however, if in fact the child has been born, this
2646 surrender shall have the same effect as if it were a surrender executed following the
2647 birth of the child.

3.

2648
2649 I understand that by signing this document I am not admitting that I am the biological
2650 father of this child, but if I am, I hereby agree that adoption is in this child's best
2651 interest. I consent to adoption of this child by any ~~person~~ individual chosen by the
2652 child's legal mother or by any public or private ~~child-placing~~ agency that places
2653 children without further notice to me. I expressly waive any other notice or service in
2654 any of the legal proceedings for the adoption of the child. I understand that I have the
2655 option to wait until after the child is born to execute a surrender of my rights (with a
2656 corresponding ten-day right of ~~withdrawal~~ revocation) and, further, that by executing
2657 this document I am electing instead to surrender my rights before the child's birth.

4.

2658
2659 I ~~further~~ understand that ~~execution of signing~~ signing this document does not fully and finally
2660 terminate my rights and responsibilities until an order from a court of competent
2661 jurisdiction terminating my rights or a final order of adoption is entered. I understand
2662 that if the child is not adopted after I sign this document, legal proceedings can be
2663 brought to establish paternity, and I may become liable for financial obligations related
2664 to the birth and support of this child.

5.

2665
2666 I understand that I will receive a copy of this document after the witness and I have
2667 signed it and it has been notarized.

6.

2668
2669 I understand that under Georgia law I have the unconditional right to a ten-day
2670 revocation period. I understand that if I am at least 18 years of age I also have the
2671 choice to waive the ten-day revocation period, thereby causing the pre-birth surrender
2672 of my rights to become final immediately upon signing a WAIVER OF RIGHT TO
2673 REVOKE SURRENDER OF RIGHTS.

2674 Indicate your choice by signing ONE of the following statements (you may choose
 2675 statement A or B):

2676 A. _____ (Signature) I choose to RETAIN the unconditional right
 2677 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2678 I have received a copy of this document and that I understand that I may only
 2679 withdraw ~~revoke~~ this pre-birth surrender by giving written notice, delivered in person
 2680 or by statutory overnight delivery or registered mail, return receipt requested, to
 2681 _____ within ten days from the date hereof; mailed by
 2682 registered mail or statutory overnight delivery, to
 2683 _____ (name and address of
 2684 child-placing agency representative, out-of-state licensed agency representative,
 2685 Department of Human Services representative, individual to whom surrender is made
 2686 or his or her agent, or petitioner's representative, as applicable) within ten days from
 2687 the date of signing this document. I understand that certified mail cannot be used for
 2688 mail delivery of the notice to revoke this pre-birth surrender. I understand that the ten
 2689 days ~~shall~~ will be counted consecutively beginning with the day immediately
 2690 following the date hereof; that, however, I sign this document; provided, however,
 2691 that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on
 2692 which ~~the~~ this surrender may be ~~withdrawn~~ shall revoke will be the next day that is
 2693 not a Saturday, Sunday, or legal holiday; and that it may NOT be withdrawn
 2694 thereafter. I understand that, if I deliver the notice to revoke this surrender in person,
 2695 it must be delivered to _____ (name and
 2696 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
 2697 whichever is applicable, on the tenth day. I understand that I CANNOT revoke this
 2698 surrender after that time.

2699 **OR**

2700 B. _____ (Signature) I am at least 18 years of age and I choose to
 2701 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted
 2702 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER
 2703 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE
 2704 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by
 2705 signing said waiver, I understand and intend to give up the unconditional right to
 2706 revoke this pre-birth surrender. I fully understand that by signing the WAIVER OF
 2707 RIGHT TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will

2708 become final immediately upon signing it and that thereafter this surrender cannot be
2709 revoked.

2710 7.

2711 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
2712 father registry then, if I do not ~~withdraw~~ revoke this surrender within the time
2713 permitted, I waive the notice I would be entitled to receive pursuant to ~~the provisions~~
2714 ~~of~~ Code Section 19-8-12 of the Official Code of Georgia Annotated because of my
2715 registration on the putative father registry.

2716 8.

2717 I understand that if I am not a resident of this state that I am agreeing to be subject to
2718 the jurisdiction of the courts of Georgia for any action filed in connection with the
2719 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
2720 of this surrender of my parental rights.

2721 9.

2722 Furthermore, I hereby certify that I have not been subjected to any duress or undue
2723 pressure in the execution of this document and ~~do so~~ I am signing it freely and
2724 voluntarily.

2725 ~~Witness my hand and seal this~~

2726 This _____ day of _____, _____.

2727 _____
2728 (SEAL)
2729 (Alleged biological father)

2730 _____
2731 ~~Unofficial Witness~~
2732 Adult witness

2733 Sworn to and subscribed
2734 before me ~~on~~ this _____
2735 day of _____, ____.

2736 _____
2737 Notary public (SEAL)

2738 ~~Notary Public Seal~~

2739 My commission expires: _____.

2740 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section
 2741 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

2742 ACKNOWLEDGMENT OF SURRENDER
 2743 OF RIGHTS

2744 STATE OF GEORGIA

2745 COUNTY OF _____

2746 Personally appeared before me, the undersigned officer duly authorized to administer
 2747 oaths, _____ (name of parent, guardian, or
 2748 alleged biological father) who, after having been sworn, deposes and says as follows By
 2749 execution of this paragraph, the undersigned expressly acknowledges:

2750 (A) That I have read the accompanying (PRE-BIRTH SURRENDER OF
 2751 RIGHTS/FINAL RELEASE FOR ADOPTION) (SURRENDER OF RIGHTS/FINAL
 2752 RELEASE FOR ADOPTION) [circle one] relating to said minor the child born
 2753 _____ (name of child) (~~insert name of child~~), a (male) (female)
 2754 [circle one] on _____ (birthdate of child) (~~insert birthdate of child~~);

2755 (B) That I understand that this is a full, final, and complete surrender, release, and
 2756 termination of all of my rights to the child;

2757 (C) Indicate your choice by signing ONE of the following statements (you may choose
 2758 statement A or B):

2759 A. _____ (Signature) That I have chosen to retain the unconditional
 2760 right to revoke the surrender by giving written notice, delivered in person or mailed
 2761 by registered mail or statutory overnight delivery, to
 2762 _____ (name and address of child-placing
 2763 agency or its representative, out-of-state licensed agency or its representative,
 2764 Department of Human Services or its representative, individual to whom surrender
 2765 is made or his or her agent, or petitioner's representative, as applicable) (~~insert name~~
 2766 ~~and address of each person or entity to whom surrender is made~~) not later than within
 2767 ten days from the date of signing the surrender and that after such ten-day revocation
 2768 period I shall have no right to revoke the surrender;

2769 ~~(D) That I understand that certified mail cannot be used for mail delivery of the~~
 2770 notice to revoke the surrender of my rights. I understand that, if I deliver the notice
 2771 to revoke my surrender in person, it must be delivered to
 2772 _____ (name and address) not later than
 2773 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on

2774 the tenth day. I understand that the ten days shall will be counted consecutively
 2775 beginning with the day immediately following the date I signed the surrender is
 2776 ~~executed; provided, however, that,~~ if the tenth day falls on a Saturday, Sunday, or
 2777 legal holiday, then the last day on which the surrender may be ~~withdrawn shall~~
 2778 revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

2779 **OR**

2780 B. _____ (Signature) That I am at least 18 years of age and I have
 2781 chosen to exercise my right to sign a separate WAIVER OF RIGHT TO REVOKE
 2782 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and that, by
 2783 signing said waiver, I understand and intend to give up the unconditional right to
 2784 revoke my surrender. I have consulted an attorney regarding signing the WAIVER
 2785 OF RIGHT TO REVOKE SURRENDER OF RIGHTS. I fully understand that by
 2786 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the
 2787 surrender of my rights will become final immediately upon signing it and that
 2788 thereafter my surrender cannot be revoked;

2789 ~~(E)~~(D) That I have read the accompanying surrender of rights and received a copy
 2790 thereof;

2791 ~~(F)~~(E) That any and all questions regarding the effect of ~~said~~ such surrender and its
 2792 provisions have been satisfactorily explained to me;

2793 ~~(G)~~(F) That I have been ~~afforded~~ given an opportunity to consult with ~~counsel~~ an
 2794 attorney of my choice ~~prior to execution of~~ before signing the surrender of my rights;
 2795 and

2796 ~~(H)~~(G) That the surrender of my rights has been knowingly, intentionally, freely, and
 2797 voluntarily made by me.

2798 ~~Witness my hand and seal this~~

2799 This _____ day of _____, _____.

2800 _____
 2801 (SEAL)
 2802 (Parent, guardian, or alleged biological father)

2803 _____
 2804 Unofficial witness
 2805 Adult witness

2806 Sworn to and subscribed
 2807 before me this
 2808 day of _____.

2809 _____
 2810 Notary public (SEAL)

2811 My commission expires: _____.

2812 (h) The affidavit of a legal mother required by paragraph (1) of subsection (g) of Code
 2813 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the surrender of her rights shall meet the
 2814 following requirements:

2815 (1) The affidavit shall set forth:

2816 (A) Her name;

2817 (B) Her relationship to the child;

2818 (C) Her age;

2819 (D) Her marital status at the time of conception and of the birth of the child;

2820 (E) The identity and last known address of ~~any~~ her spouse or former spouse and
 2821 whether any such spouse is the biological father of the child;

2822 (F) The identity, last known address, and relationship to the legal mother of the
 2823 biological father of ~~her~~ the child, provided that ~~the mother~~ she shall have the right not
 2824 to disclose the name and address of the biological father of ~~her~~ the child should she so
 2825 desire;

2826 (G) Whether or not she has consented to the appointment of a temporary guardian for
 2827 the child and, if so, provide the name and address of the temporary guardian and the
 2828 probate court in which the petition for temporary guardianship was filed;

2829 (H) Whether custody of the child has been awarded to another individual and, if so,
 2830 provide the name of the child's custodian and the court in which custody was awarded;

2831 ~~(G)(I)~~ (I) Whether or not the biological father of the child has lived with the child,
 2832 contributed to its support, provided for the mother's support or medical care during her
 2833 pregnancy or during her hospitalization for the birth of the child, or made an attempt
 2834 to legitimate the child; and is or was in a branch of the United States armed forces and,
 2835 if so, provide details as to his military service;

2836 (J) Whether or not the biological mother or any member of her family is or was an
 2837 enrolled member of a federally recognized American Indian tribe, is or was a resident
 2838 of an American Indian reservation, or is or was an Alaskan native;

2839 (K) Whether or not the biological father of the child or any member of his family is or
 2840 was an enrolled member of a federally recognized American Indian tribe, is or was a
 2841 resident of an American Indian reservation, or is or was an Alaskan native; and

2842 ~~(H)~~(L) All financial assistance received by or promised her either directly or indirectly,
 2843 from whatever source, in connection with her pregnancy, the birth of the child, or the
 2844 placement or arranging for the placement of the child for adoption (including the date,
 2845 amount or value, description, payor, and payee), provided that financial assistance
 2846 provided directly by ~~the mother's~~ her husband, mother, father, sister, brother, aunt,
 2847 uncle, grandfather, or grandmother need not be detailed and instead ~~the mother~~ she need
 2848 only state the nature of the assistance received; and

2849 (2) The affidavit shall conform substantially to the following form:

2850 LEGAL MOTHER'S AFFIDAVIT

2851 NOTICE TO LEGAL MOTHER:

2852 This is an important legal document which deals with your the child's right to have its
 2853 his or her biological father's rights properly determined. You have the right not ~~If you~~
 2854 ~~decline~~ to disclose the name and address of the biological father of your the child;
 2855 ~~understand that you may be required to appear in court to explain your refusal and that~~
 2856 ~~your name may be used in connection with the publication of notice to the biological~~
 2857 ~~father.~~ Understand that you are providing this affidavit under oath and that ~~the~~ if you
 2858 knowingly and willfully make a false statement in this affidavit you will be guilty of
 2859 the crime of false swearing. ~~The information provided~~ you provide will be held in strict
 2860 confidence and will be used only in connection with the adoption of your the child.

2861 STATE OF GEORGIA

2862 COUNTY OF _____

2863 Personally appeared before me, the undersigned officer duly authorized to administer
 2864 oaths, _____, who, after having been sworn, deposes and says
 2865 as follows:

2866 That my name is _____.

2867 That I am the legal mother of a (male) (female) [circle one] child born
 2868 _____ (name of child) (~~insert name of child~~) in the State of
 2869 _____, County of _____ on _____ (birthdate of child) at
 2870 _____: _____ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

2871 That I am _____ years of age, having been born in the State of _____, County
 2872 of _____ on _____.

2873 That my social security ~~account~~ number is _____.

2874 That my marital status at the time of the conception of my the child was (check the
 2875 status and complete the appropriate information):

2876 () Single, never having been married.

2877 () Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle

2878 one] _____; ~~his~~ my spouse's last known

2879 address is _____; we were married in the State of

2880 _____, County of _____ on _____; we have been separated since

2881 _____; we last had sexual relations on _____ (date);

2882 my spouse (is) (is not) [circle one] the biological father of said child.

2883 () Divorced; the name of my ~~previous~~ former spouse is

2884 _____; we were married in the State of _____, County of

2885 _____ on _____; we last had sexual relations on _____ (date);

2886 my former spouse's ~~his~~ last known address is _____; divorce granted in

2887 the State of _____, County of _____ on _____; my former

2888 spouse (is) (is not) [circle one] the biological father of said child.

2889 () Legally married; the name of my spouse (was) (is) [circle one]

2890 _____; we were married in the State of _____, County of _____

2891 on _____; and ~~his~~ my spouse's last known address is _____;

2892 my spouse (is) (is not) [circle one] the biological father of said child.

2893 () Married through common-law marriage relationship prior to January 1, 1997;

2894 the name of my spouse (was) (is) [circle one] _____; ~~his~~ my

2895 spouse's last known address is _____; our relationship began in the State

2896 of _____, County of _____ on _____; my spouse (is) (is not) [circle

2897 one] the biological father of said child.

2898 () Widowed; the name of my deceased spouse was _____;

2899 we were married in the State of _____, County of _____ on _____; ~~and~~

2900 ~~he~~ my spouse died on _____ in the County of _____, State of _____.

2901 That my name and marital status at the time of the birth of ~~my~~ the child was (check

2902 the status and complete the appropriate information):

2903 Name _____.

2904 () Single, never having been married.

2905 () Separated, but not legally divorced; the name of my spouse (was) (is) [circle

2906 one] _____; ~~his~~ my

2907 spouse's last known address is _____; we were married

2908 in the State of _____, County of _____ on _____; we

2909 have been separated since _____; we last had sexual relations on

2910 _____ (date); my spouse (is) (is not) [circle one] the biological

2911 father of said child.

2912 () Divorced; the name of my former spouse is _____; we were married
 2913 in the State of _____, County of _____ on _____; we last had
 2914 sexual relations on _____ (date); my spouse's ~~his~~ last known
 2915 address is _____; divorce granted in the State of
 2916 _____, County of _____; my former spouse (is) (is not) [circle
 2917 one] the biological father of said child.

2918 () Legally ~~Married~~ married; the name of my spouse (was) (is) [circle one]
 2919 _____; we were married in the State of _____, County of
 2920 _____ on _____; ~~and his~~ my spouse's last known address is
 2921 _____; my spouse (is) (is not) [circle one] the biological
 2922 father of said child.

2923 () Married through common-law relationship prior to January 1, 1997; the name
 2924 of my spouse (was) (is) [circle one] _____; ~~his~~ my
 2925 spouse's last known address is _____; our relationship began in
 2926 the State of _____, County of _____ on _____;
 2927 my spouse (is) (is not) [circle one] the biological father of said child.

2928 () Widowed; the name of my deceased spouse was _____; we were
 2929 married in the State of _____, County of _____ on _____;
 2930 ~~and he~~ my spouse died on _____ in the County of _____,
 2931 State of _____; he (was) (was not) [circle one] the biological father of
 2932 said child.

2933 That the name of the biological father of ~~my~~ the child is (complete appropriate
 2934 response):

- 2935 Known to me and is (_____);
- 2936 Known to me but I expressly decline to identify him because _____
- 2937 _____; or
- 2938 Unknown to me because _____
- 2939 _____.

2940 That the last known address of the biological father of ~~my~~ the child is (complete
 2941 appropriate response):

- 2942 Known to me and is _____;
- 2943 Known to me but I expressly decline to provide his address because
- 2944 _____; or
- 2945 Unknown to me because _____
- 2946 _____.

2947 That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member
 2948 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident

2949 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native
2950 of American Indian heritage. If so:

2951 (A) The name of my American Indian tribe is _____ and the.

2952 (B) The percentage of my American Indian blood is _____ percent.

2953 That, to the best of my knowledge, a member of my family (is or was) (is not or was
2954 not) [circle one] an enrolled member of a federally recognized American Indian tribe,
2955 (is or was) (is not or was not) [circle one] a resident of an American Indian
2956 reservation, or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

2957 (A) The name of the American Indian tribe is _____.

2958 (B) The percentage of my American Indian blood is _____ percent.

2959 ~~(B)~~(C) My relatives with American Indian or Alaskan native blood are: _____

2960 _____

2961 _____.

2962 ~~(C)~~(D) I ~~(am) (am not)~~ a member of an American Indian tribe. If so, the The name
2963 of the American Indian tribe is _____.

2964 (E) The name of each enrolled member is _____, and his or
2965 her corresponding registration or identification number is _____.

2966 ~~(D)~~ I ~~(am) (am not)~~ registered with an American Indian tribal registry. If so, the
2967 American Indian tribal registry is: _____ and my registration
2968 or identification number is: _____.

2969 ~~(E)~~ A member of my family (is) (is not) a member of an American Indian tribe. If
2970 so, the name of each such family member is: _____ and the name
2971 of the corresponding American Indian tribe is: _____.

2972 ~~(F)~~ A member of my family (is) (is not) registered with an American Indian tribal
2973 registry. If so, the name of each such family member is: _____
2974 and the name of the corresponding American Indian tribal registry is:
2975 _____ and their corresponding registration or
2976 identification numbers are: _____.

2977 That to the best of my knowledge, the biological father (is) (is not) ~~of American~~
2978 ~~Indian heritage~~ or a member of his family (is or was) (is not or was not) [circle one]
2979 an enrolled member of a federally recognized American Indian tribe, (is or was) (is
2980 not or was not) [circle one] a resident of an American Indian reservation, or (is or
2981 was) (is not or was not) [circle one] an Alaskan native. If so:

2982 (A) The name of his American Indian tribe is _____ and the.

2983 (B) The percentage of his American Indian blood is _____ percent.

2984 ~~(B)~~(C) His relatives with American Indian or Alaskan native blood are: _____
 2985 _____
 2986 _____.

2987 ~~(C) He (is) (is not) a member of an American Indian tribe. If so, the name of the~~
 2988 ~~tribe is: _____.~~

2989 ~~(D) He (is) (is not) registered with an American Indian tribal registry. If so, the~~
 2990 ~~American Indian tribal registry is: _____~~
 2991 ~~and his registration or identification number is: _____~~

2992 ~~The name of each enrolled member is _____,~~
 2993 ~~and his or her corresponding registration or identification number is~~
 2994 ~~_____.~~

2995 That the date of birth of the biological father (~~was is~~ _____, _____) ~~or~~ (is not
 2996 known to me) [circle one].

2997 That the biological father (is) (is not) [circle one] on active duty in a branch of the
 2998 United States armed forces. If so:

2999 (A) The branch of his service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)
 3000 [circle one].

3001 (B) His rank is _____.

3002 (C) His duty station is _____.

3003 If applicable, please provide any additional available information regarding his
 3004 military service.

3005 _____
 3006 _____
 3007 _____.

3008 That the biological father of ~~my~~ the child, whether or not identified ~~herein~~ (~~strike each~~
 3009 ~~inappropriate phrase~~) in this document (circle the appropriate phrase):

3010 (Was) (Was not) married to me at the time this child was conceived;

3011 (Was) (Was not) married to me at any time during my pregnancy with this child;

3012 (Was) (Was not) married to me at the time that this child was born;

3013 (Did) (Did not) marry me after the child was born and recognize the child as his
 3014 own;

3015 (Has) (Has not) been determined to be the child's father by a final paternity order
 3016 of a court;

3017 (Has) (Has not) legitimated the child by a final court order;

3018 (Has) (Has not) lived with the child;

3019 (Has) (Has not) contributed to its support;

3020 (Has) (Has not) provided for my support during my pregnancy or hospitalization for
3021 the birth of the child; and

3022 (Has) (Has not) provided for my medical care during my pregnancy or
3023 hospitalization for the birth of the child; ~~and~~

3024 ~~(Has) (Has not) made any attempt to legitimate the child.~~

3025 That I (have) (have not) [circle one] consented to the appointment of a temporary
3026 guardian for the child. If so, the name of the temporary guardian is
3027 _____ , and the probate court in which the petition for temporary
3028 guardianship was filed is _____.

3029 That custody of the child has been awarded to
3030 _____ (name and address of custodian) by order
3031 of the _____ Court of _____ County, State of
3032 _____ , entered on _____ (date).

3033 That I have received or been promised the following financial assistance, either
3034 directly or indirectly, from whatever source, in connection with my pregnancy, the
3035 birth of ~~my~~ the child, and ~~it's~~ the child's placement for adoption:
3036 _____.

3037 That I recognize that if I knowingly and willfully make a false statement in this
3038 affidavit; I will be guilty of the crime of false swearing.

3039 _____
3040 ~~(Biological mother's signature)~~
3041 (Legal mother)

3042 Sworn to and subscribed
3043 before me this _____
3044 day of _____, ____.

3045 _____
3046 Notary public (SEAL)

3047 My ~~Commission Expires~~ commission expires: _____.!

3048 (i) The affidavit of an adoptive mother required by ~~subsection (a) of Code Section 19-8-9~~
3049 paragraph (2) of subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the
3050 surrender of her rights shall meet the following requirements:

- 3051 (1) The affidavit shall set forth:
3052 (A) Her name;
3053 (B) Her relationship to the child;
3054 (C) Her age;
3055 (D) Her marital status;

3056 (E) The name and last known address of any spouse or former spouse at the time the
 3057 child was adopted and whether any such spouse also adopted the child or ~~was~~ is the
 3058 biological father of the child;

3059 (F) The circumstances surrounding her adoption of ~~her~~ the child, including the date the
 3060 adoption was finalized, the state and county where finalized, and the name and address
 3061 of the adoption agency, if any; ~~and~~

3062 (G) Whether or not she has consented to the appointment of a temporary guardian for
 3063 the child and, if so, provide the name of the temporary guardian and the probate court
 3064 in which the petition for temporary guardianship was filed;

3065 (H) Whether custody of the child has been awarded to another individual and, if so,
 3066 provide the name of the child's custodian and the court in which custody was awarded;
 3067 and

3068 ~~(G)~~(I) All financial assistance received by or promised her either directly or indirectly,
 3069 from whatever source, in connection with the placement or arranging for the placement
 3070 of ~~her~~ the child for adoption (including the date, amount or value, description, payor,
 3071 and payee), provided that financial assistance provided directly by ~~the adoptive~~
 3072 ~~mother's~~ her husband, mother, father, sister, brother, aunt, uncle, grandfather, or
 3073 grandmother need not be detailed and instead ~~the adoptive mother~~ she need only state
 3074 the nature of the assistance received.

3075 (2) The affidavit shall be in substantially the following form:

3076 'ADOPTIVE MOTHER'S AFFIDAVIT

3077 NOTICE TO ADOPTIVE MOTHER:

3078 This is an important legal document which deals with ~~your~~ the adopted child's right to
 3079 have ~~its~~ his or her legal father's rights properly ~~terminated~~ determined. Understand that
 3080 you are providing this affidavit under oath and that ~~the~~ if you knowingly and willfully
 3081 make a false statement in this affidavit you will be guilty of the crime of false swearing.
 3082 The information provided you provide will be held in strict confidence and will be used
 3083 only in connection with the adoption of ~~your~~ the child.

3084 STATE OF GEORGIA

3085 COUNTY OF _____

3086 Personally appeared before me, the undersigned officer duly authorized to administer
 3087 oaths, _____, who, after having been sworn, deposes and says as follows:

3088 That my name is _____.

3089 That I am the adoptive mother of a (male) (female) [circle one] child born
 3090 _____ (name of child) (~~insert name of child~~) in the State of
 3091 _____, County of _____ on _____ (birthdate of child)
 3092 at _____: _____ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

3093 That I am _____ years of age, having been born in the State of _____, County
 3094 of _____ on _____.

3095 That my social security number is _____.

3096 That my marital status is (check the status and complete the appropriate information):

3097 () Single, never having been married.

3098 () Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle
 3099 one] _____; ~~his~~ my spouse's last known address is _____; we
 3100 were married in the State of _____, County of _____ on
 3101 _____; we have been separated since _____; we last had
 3102 sexual relations on _____ (date); my spouse (did) (did not) [circle
 3103 one] also adopt said child; my spouse (is) (is not) [circle one] the biological father
 3104 of said child.

3105 () Divorced; the name of my ~~previous~~ former spouse is _____; we were
 3106 married in the State of _____, County of _____ on _____; we
 3107 last had sexual relations on _____ (date); my former spouse's ~~his~~ last
 3108 known address is _____; divorce granted in the State of _____,
 3109 County of _____ on _____; my ~~previous~~ former spouse (did)
 3110 (did not) [circle one] also adopt said child; my ~~previous~~ former spouse (is) (is not)
 3111 [circle one] the biological father of said child.

3112 () Legally married; the name of my spouse ~~is~~ (was) (is) [circle one]
 3113 _____; we were married in the State of _____, County of _____
 3114 on _____; ~~his~~ my spouse's last known address is _____; my
 3115 spouse (did) (did not) [circle one] also adopt said child; my spouse (is) (is not)
 3116 [circle one] the biological father of said child.

3117 () Married through common-law marriage relationship prior to January 1, 1997;
 3118 the name of my spouse ~~is~~ (was) (is) [circle one] _____; ~~his~~ my spouse's
 3119 last known address is _____; ~~the date and place~~ our relationship began
 3120 ~~is~~ (~~date, county, state~~) in the State of _____, County of _____
 3121 on _____; my spouse (did) (did not) [circle one] also adopt said child;
 3122 my spouse (is) (is not) [circle one] the biological father of said child.

3123 () Widowed; the name of my deceased spouse ~~is~~ was _____; we were
 3124 married in the State of _____, County of _____ on _____; ~~he~~ my
 3125 spouse died on _____ in the County of _____, State of _____;

3126 he (did) (did not) [circle one] also adopt said child; ~~and~~ he (was) (was not) [circle
3127 one] the biological father of said child.

3128 That I adopted my the child in the State of _____, County of _____.

3129 That the final order of adoption was entered on _____.

3130 That there (was) (was not) [circle one] an adoption agency involved in the placement
3131 of my the child with me for adoption; and if so its name was _____,
3132 and its address is _____.

3133 That I (have) (have not) [circle one] consented to the appointment of a temporary
3134 guardian for the child. If so, the name of the temporary guardian is:
3135 _____, and the probate court in which the petition for
3136 temporary guardianship was filed is _____.

3137 That custody of the child has been awarded to _____ (name and
3138 address of custodian) by order of the _____ Court of _____
3139 County, State of _____, entered on _____ (date).

3140 That I have received or been promised the following financial assistance, either
3141 directly or indirectly, from whatever source, in connection with my the child's
3142 placement for adoption: _____.

3143 That I recognize that if I knowingly and willfully make a false statement in this
3144 affidavit, I will be guilty of the crime of false swearing.

3145 _____
3146 (Adoptive mother)

3147 Sworn to and subscribed
3148 before me this _____
3149 day of _____, ____.

3150 _____
3151 Notary public (SEAL)
3152 My commission expires: _____.

3153 (j) The affidavit of ~~an~~ a child-placing agency, out of state licensed agency, or department
3154 representative required by subsection (h) of Code Section 19-8-4 shall conform
3155 substantially to the following form:

3156 'AFFIDAVIT OF CHILD-PLACING AGENCY,
3157 OUT OF STATE LICENSED AGENCY, OR
3158 DEPARTMENT REPRESENTATIVE

3159 STATE OF GEORGIA
3160 COUNTY OF _____

3161 Personally appeared before me, the undersigned officer duly authorized to administer
3162 oaths, _____, who, after having been sworn, deposes and says as
3163 follows:

3164 That I am _____ (position) of _____ (name
3165 of department, child-placing agency, or out-of-state licensed agency) (~~department or~~
3166 agency).

3167 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
3168 RELEASE FOR ADOPTION by _____, releasing and
3169 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor
3170 child born _____ (name of child) on _____ (birthdate
3171 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert
3172 birthdate of child~~), I reviewed with and explained to ~~said~~ such individual all of the
3173 provisions of the surrender of rights, and particularly the provisions which provide that
3174 the surrender is a full surrender of all rights to the child.

3175 That based on my review and explanation to ~~said~~ such individual, it is my opinion that
3176 ~~said~~ such individual knowingly, intentionally, freely, and voluntarily executed the
3177 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3178 _____
3179 (Agency representative)
3180 (Representative)

3181 _____
3182 (Department or agency name)

3183 Sworn to and subscribed
3184 before me this _____
3185 day of _____, ____.

3186 _____
3187 Notary public (SEAL)
3188 My commission expires: _____.

3189 (k) The affidavit of a petitioner's representative or of the representative of the individual
3190 signing the surrender of rights required by subsection (h) of Code Section 19-8-5, 19-8-6,
3191 or 19-8-7 shall conform substantially to the following form:

3192 'AFFIDAVIT OF PETITIONER'S REPRESENTATIVE

3193 STATE OF GEORGIA
3194 COUNTY OF _____

3195 Personally appeared before me, the undersigned officer duly authorized to administer
3196 oaths, _____, who, after having been sworn, deposes and says as
3197 follows:

3198 That my name is _____.

3199 That my address is _____.

3200 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
3201 RELEASE FOR ADOPTION by _____, releasing and
3202 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor
3203 child born _____ (name of child) on _____ (birthdate
3204 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert
3205 birthdate of child~~), I reviewed with and explained to ~~said~~ such individual all of the
3206 provisions of the surrender of rights, and particularly the provisions which provide that
3207 the surrender is a full surrender of all rights to the child.

3208 That based on my review and explanation to ~~said~~ such individual, it is my opinion that
3209 ~~said~~ such individual knowingly, intentionally, freely, and voluntarily executed the
3210 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3211 _____
3212 (Petitioner's representative)
3213 (Petitioner's representative or the
3214 representative of the individual
3215 signing the surrender)

3216 Sworn to and subscribed
3217 before me this _____
3218 day of _____, ____.

3219 _____
3220 Notary public (SEAL)

3221 My commission expires: _____.

3222 (l) The parental consent to a stepparent adoption required by subsection (j) of Code
3223 Section 19-8-6 shall conform substantially to the following form:

3224 PARENTAL CONSENT TO STEPPARENT ADOPTION

3225 STATE OF GEORGIA
3226 COUNTY OF _____

3227 Personally appeared before me, the undersigned officer duly authorized to administer
3228 oaths, _____ (name of parent) who, after having been
3229 sworn, deposes and says as follows:

3230 I, the undersigned, hereby consent that my spouse _____ (name of
 3231 spouse) (~~insert name of spouse~~) adopt my (son) (daughter) [circle one],
 3232 _____ (name of child) (~~insert name of child~~), whose date of birth is
 3233 _____, and in so doing I in no way relinquish or surrender my parental rights
 3234 to the child. I further acknowledge service of a copy of the petition for adoption of the
 3235 child as filed on behalf of my spouse, and I hereby consent to the granting of the
 3236 prayers of the petition for adoption. I also waive all other and further service and notice
 3237 of any kind and nature in connection with the proceedings.

3238 This _____ day of _____, _____.

3239 _____
 3240 (Parent)

3241 _____
 3242 ~~Unofficial witness~~

3243 Sworn to and subscribed
 3244 before me this _____
 3245 day of _____, _____.

3246 _____
 3247 Notary public (SEAL)

3248 My commission expires: _____.'

3249 (m) The sworn statement executed by the biological mother identifying an alleged
 3250 biological father of her unborn child authorized and required by subparagraph (e)(3)(E) of
 3251 Code Section 19-8-4, 19-8-5, or 19-8-7 shall conform substantially to the following form:

3252 NOTICE TO BIOLOGICAL MOTHER:

3253 This is an important legal document which will enable the individual you identify as the
 3254 biological father of your unborn child to sign a pre-birth surrender of his rights so as to
 3255 place your child for adoption. Understand that you are signing this affidavit under oath
 3256 and that the information you provide will be held in strict confidence and will be used
 3257 only in connection with the adoption of your unborn child.

3258 STATE OF GEORGIA
 3259 COUNTY OF _____

3260 BIOLOGICAL MOTHER'S AFFIDAVIT IDENTIFYING
3261 BIOLOGICAL FATHER OF HER UNBORN CHILD

3262 Personally appeared before me, the undersigned officer duly authorized to administer
3263 oaths, _____, who, after having been sworn, deposes and says as
3264 follows:

3265 That my name is _____.

3266 That I am _____ years of age, having been born in the State of _____, County of
3267 _____ on _____.

3268 That my social security number is _____.

3269 That I am currently pregnant with a (male) (female) (sex unknown) [circle one] child
3270 who is expected to be born on _____ (due date of child).

3271 That the name of any alleged biological father is _____,
3272 and his last known address is _____.

3273 That I execute this affidavit so that any alleged biological father I have identified above
3274 can be asked to sign a pre-birth surrender of his rights to assist me in placing the child
3275 for adoption once the child is born.

3276 That I recognize that if I knowingly and willfully make a false statement in this
3277 affidavit I will be guilty of the crime of false swearing.

3278 _____
3279 (Biological mother)

3280 Sworn to and subscribed
3281 before me this _____
3282 day of _____, _____.

3283 _____
3284 Notary public (SEAL)

3285 My commission expires: _____.'

3286 (n) The waiver of the right to revoke a surrender of rights authorized and required by
3287 subsection (c) of Code Section 19-8-9 shall conform substantially to the following form:

3288 'WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS

3289 This is an important legal document and it shall only be signed by an individual who is
3290 at least 18 years of age and who has consulted an attorney before signing this document.
3291 By signing it, you are waiving the right to revoke the surrender of all of your rights to the
3292 child identified in the surrender of rights document so as to immediately place the child
3293 for adoption. Understand that you are providing this affidavit under oath and that if you

3294 knowingly and willfully make a false statement in this affidavit you will be guilty of the
3295 crime of false swearing.

3296 STATE OF GEORGIA

3297 COUNTY OF _____

3298 Personally appeared before me, the undersigned officer duly authorized to administer
3299 oaths, _____, who, after having been sworn, deposes and says as follows:

3300 I, the undersigned, have previously executed a SURRENDER OF RIGHTS/FINAL
3301 RELEASE FOR ADOPTION as to the child identified in the surrender of rights
3302 document so as to assist in (his)(her) adoption.

3303 I hereby certify that:

3304 (A) I am at least 18 years of age;

3305 (B) I have received a copy of my surrender document;

3306 (C) I understand I had the choice to retain the unconditional right to revoke my
3307 surrender by giving written notice to the individual, department, or agency named in
3308 the surrender document in the manner set forth in that document within ten days from
3309 the date I signed the surrender and that thereafter my surrender could not be revoked;

3310 (D) I understand I may choose to waive the right to revoke my surrender during that
3311 ten-day period immediately following the date I signed the surrender if I want my
3312 surrender of rights to become final and irrevocable on the date I sign this waiver;

3313 (E) I choose that the adoption of the child proceed without any delay;

3314 (F) I freely and voluntarily waive the unconditional right to revoke my surrender of
3315 rights as it is my intent that my surrender of rights become final and irrevocable
3316 immediately upon my signing this waiver document;

3317 (G) I have consulted an attorney of my choice before signing this waiver document;

3318 (H) This waiver is in connection with a child born on _____ (birthdate
3319 of child) at _____ : _____ (A.M.) (P.M.) [circle one];

3320 (I) It has been at least 48 hours since the birth of the child;

3321 (J) I have received a copy of this document; and

3322 (K) I have not been subjected to any duress or undue pressure in the execution of this
3323 document and I am signing it freely and voluntarily.

3324 This _____ day of _____, _____ at _____ : _____ (A.M.) (P.M.) [circle one].

3325 _____
3326 (Parent or alleged biological father)

3327 _____
3328 Adult witness

3329 Sworn to and subscribed
3330 before me this _____
3331 day of _____, _____.

3332 _____
3333 Notary public (SEAL)
3334 My commission expires: _____.

3335 The individual executing this document consulted me and I hereby certify that to the best
3336 of my knowledge this document is being executed knowingly and voluntarily.

3337 This _____ day of _____, _____.

3338 _____
3339 (Signature of attorney)

3340 _____
3341 (State Bar number)

3342 _____
3343 (State of licensure)'

3344 (o) The affidavit regarding Native American heritage and military service authorized and
3345 required by subsection (k) of Code Sections 19-8-4, 19-8-6, and 19-8-7 and subsection (o)
3346 of Code Section 19-8-5 shall conform substantially to the following form:

3347 'NOTICE TO BIOLOGICAL OR LEGAL FATHER:

3348 This is an important legal document. Understand that you are providing this affidavit
3349 under oath and that if you knowingly and willfully make a false statement in this affidavit
3350 you will be guilty of the crime of false swearing.

3351 _____

3352 AFFIDAVIT REGARDING NATIVE AMERICAN HERITAGE
3353 AND MILITARY SERVICE

3354 STATE OF GEORGIA
3355 COUNTY OF _____

3356 Personally appeared before me, the undersigned officer duly authorized to administer
3357 oaths, _____ (name of affiant) who, after having been
3358 sworn, deposes and says as follows:

3359 1. That my name is _____.

3360 2. That I am the (biological) (legal) [circle one] father of a (male) (female) (sex
 3361 unknown) [circle one] child (born) (yet to be born) [circle one] in the State of
 3362 _____, County of _____ on _____.

3363 3. That I am _____ years of age, having been born in the State of _____,
 3364 County of _____ on _____.

3365 4. That my social security number is _____.

3366 5. That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member
 3367 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident
 3368 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native. If
 3369 so:

3370 (A) The name of my American Indian tribe is _____.

3371 (B) My registration or identification number is _____.

3372 (C) The percentage of my American Indian blood is _____ percent.

3373 6. That, to the best of my knowledge, a member of my family (is or was) (is not or was
 3374 not) [circle one] an enrolled member of a federally recognized American Indian tribe,
 3375 (is or was) (is not or was not) [circle one] a resident of an American Indian reservation,
 3376 or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

3377 (A) The name of the American Indian tribe is _____.

3378 (B) The percentage of my American Indian blood is _____ percent.

3379 (C) My relatives with American Indian or Alaskan native blood are _____
 3380 _____
 3381 _____.

3382 (D) The name of the American Indian tribe is _____.

3383 (E) The name of each enrolled member is _____, and
 3384 his or her corresponding registration or identification number is _____.

3385 7. That I (am) (am not) [circle one] on active duty in a branch of the United States
 3386 armed forces. If so:

3387 (A) The branch of my service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)
 3388 [circle one].

3389 (B) My rank is _____.

3390 (C) My duty station is _____.

3391 (D) Additional information regarding my military service is _____
 3392 _____
 3393 _____
 3394 _____.

3395 8. That I have received or been promised the following financial assistance, either
 3396 directly or indirectly, from whatever source, in connection with the birth of the child
 3397 and the child's placement for adoption:_____.

3398 9. That I recognize that if I knowingly and willfully make a false statement in this
 3399 affidavit I will be guilty of the crime of false swearing.

3400 _____
 3401 (Biological or legal father)

3402 Sworn to and subscribed

3403 before me this_____

3404 day of_____,_____.

3405 _____

3406 Notary public (SEAL)

3407 My commission expires:_____.'

3408 19-8-27.

3409 (a) As used in this Code section, the term 'birth relative' means:

3410 (1) A parent, biological father who is not ~~the~~ a legal father, grandparent, brother, sister,
 3411 half-brother, or half-sister who is related by blood or marriage to a child who is being
 3412 adopted or who has been adopted; or

3413 (2) A grandparent, brother, sister, half-brother, or half-sister who is related by adoption
 3414 to a child who is being adopted or who has been adopted.

3415 (b)(1) An adopting parent or parents and birth relatives or an adopting parent or parents,
 3416 birth relatives, and a child who is 14 years of age or older who is being adopted or who
 3417 has been adopted may voluntarily enter into a written postadoption contact agreement to
 3418 permit continuing contact between such birth relatives and such child. A child who is 14
 3419 years of age or older shall be considered a party to a postadoption contact agreement.

3420 (2) A postadoption contact agreement may provide for privileges regarding a child who
 3421 is being adopted or who has been adopted, including, but not limited to, visitation with
 3422 such child, contact with such child, sharing of information about such child, or sharing
 3423 of information about birth relatives.

3424 (3) In order to be an enforceable postadoption contact agreement, such agreement shall
 3425 be in writing and signed by all of the parties to such agreement acknowledging their
 3426 consent to its terms and conditions.

3427 (4) Enforcement, modification, or termination of a postadoption contact agreement shall
 3428 be under the continuing jurisdiction of the court that granted the petition ~~of~~ for adoption;

3429 provided, however, that the parties to a postadoption contact agreement may expressly
3430 waive the right to enforce, modify, or terminate such agreement under this Code section.

3431 (5) Any party to the postadoption contact agreement may, at any time, file the original
3432 postadoption contact agreement with the court that has or had jurisdiction over the
3433 adoption if such agreement provides for the court to enforce such agreement or such
3434 agreement is silent as to the issue of enforcement.

3435 (c) A postadoption contact agreement shall contain the following warnings in at least 14
3436 point boldface type:

3437 (1) After the entry of a decree for adoption, an adoption cannot be set aside due to the
3438 failure of an adopting parent, a ~~birth~~ biological parent, a birth relative, or the child to
3439 follow the terms of this agreement or a later change to this agreement; and

3440 (2) A disagreement between the parties or litigation brought to enforce, terminate, or
3441 modify this agreement shall not affect the validity of the adoption and shall not serve as
3442 a basis for orders affecting the custody of the child.

3443 (d)(1) As used in this subsection, the term 'parties' means the individuals who signed the
3444 postadoption contact agreement currently in effect, including the child if he or she is 14
3445 years of age or older at the time of the action regarding such agreement, but such term
3446 shall exclude any third-party beneficiary to such agreement.

3447 (2) A postadoption contact agreement may always be modified or terminated if the
3448 parties have voluntarily signed a written modified postadoption contact agreement or
3449 termination of a postadoption contact agreement. A modified postadoption contact
3450 agreement may be filed with the court if such agreement provides for the court to enforce
3451 such agreement or such agreement is silent as to the issue of enforcement.

3452 (e) With respect to postadoption contact agreements that provide for court enforcement or
3453 termination or are silent as to such matters, any party, as defined in paragraph (1) of
3454 subsection (d) of this Code section, may file a petition to enforce or terminate such
3455 agreement with the court that granted the petition ~~of~~ for adoption, and the court shall
3456 enforce the terms of such agreement or terminate such agreement if such court finds by a
3457 preponderance of the evidence that the enforcement or termination is necessary to serve the
3458 best interests of the child.

3459 (f) With respect to postadoption contact agreements that provide for court modification or
3460 are silent as to modification, only the adopting parent or parents may file a petition seeking
3461 modification. Such petition shall be filed with the court that granted the petition ~~of~~ for
3462 adoption, and the court shall modify such agreement if such court finds by a preponderance
3463 of the evidence that the modification is necessary to serve the best interests of the child and
3464 there has been a material change of circumstances since the current postadoption contact
3465 agreement was executed.

3466 (g) A court may require the party seeking modification, termination, or enforcement of a
 3467 postadoption contact agreement to participate in mediation or other appropriate alternative
 3468 dispute resolution.

3469 (h) All reasonable costs and expenses of mediation, alternative dispute resolution, and
 3470 litigation shall be borne by the party, other than the child, filing the action to enforce,
 3471 modify, or terminate a postadoption contact agreement when no party has been found by
 3472 the court as failing to comply with an existing postadoption contact agreement. Otherwise,
 3473 a party, other than the child, found by the court as failing to comply without good cause
 3474 with an existing postadoption contact agreement shall bear all the costs and expenses of
 3475 mediation, alternative dispute resolution, and litigation of the other party.

3476 (i) A court shall not set aside a decree of adoption, rescind a surrender of rights, or modify
 3477 an order to terminate parental rights or any other prior court order because of the failure of
 3478 an adoptive parent, a birth relative, or the child to comply with any or all of the original
 3479 terms of, or subsequent modifications to, a postadoption contact agreement.

3480 19-8-28.

3481 When a child is an orphan, the petitioner shall not be required to have a guardian appointed
 3482 for such child in order for a guardian to execute a surrender of rights. Such child shall be
 3483 adoptable without a surrender of rights."

3484 **SECTION 2-2.**

3485 Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination
 3486 of parental rights, is amended by revising subsection (d) as follows:

3487 "(d) The court shall transmit a copy of every final order terminating the parental rights of
 3488 a parent to the ~~Office of Adoptions~~ State Adoption Unit of the department within 15 days
 3489 of the filing of such order."

3490 **SECTION 2-3.**

3491 Part 4 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 3492 relating to sick, personal, and maternity leave for teachers and other school personnel, is
 3493 amended by adding a new Code section to read as follows:

3494 "20-2-852.1.

3495 A local board of education that permits paternity or maternity time off for biological
 3496 parents following the birth of a child shall, upon request, make such time off available for
 3497 individuals adopting a child, in the same manner and utilizing the same type of leave. If
 3498 the local board of education has established a policy providing time off for biological
 3499 parents, that period of time shall be the minimum period of leave available for adoptive

3500 parents. Requests for additional leave due to the adoption of an ill child or a child with a
3501 disability shall be considered on the same basis as comparable cases of such complications
3502 accompanying the birth of such a child to an employee or employee's spouse. Any other
3503 benefits provided by the local board of education, such as job guarantee or pay, shall be
3504 available to both adoptive and biological parents on an equal basis. A local board of
3505 education shall not penalize an employee for exercising the rights provided by this Code
3506 section. The provisions of this Code section shall not apply to an adoption by the spouse
3507 of a custodial parent."

3508

PART III

3509

SECTION 3-1.

3510 Part II of this Act shall become effective on January 1, 2018. This part and Part I of this Act
3511 shall become effective on July 1, 2017.

3512

SECTION 3-2.

3513 All laws and parts of laws in conflict with this Act are repealed.