

The Senate Committee on Judiciary offered the following substitute to HB 159:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,
2 so as to substantially revise the general provisions applicable to adoptions; to change the
3 requirements for adopting children; to provide for a nonresident to allow an adoption of his
4 or her child; to provide for adoption of foreign-born children; to provide for a waiver to
5 revoke a surrender of parental rights under certain circumstances; to change the age for
6 individuals to access the Adoption Reunion Registry; to revise and provide for forms; to
7 amend Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to
8 termination of parental rights, so as to correct a cross-reference; to provide for the creation,
9 authorization, procedure, revocation, rescission, and termination of a power of attorney from
10 a parent to an agent for the temporary delegation of certain power and authority for the care
11 and custody of his or her child; to repeal the "Power of Attorney for the Care of a Minor
12 Child Act"; to provide for definitions; to provide for procedure; to grandfather certain
13 provisions relating to a power of attorney given to a grandparent; to provide a short title; to
14 provide for legislative findings; to amend Part 4 of Article 17 of Chapter 2 of Title 20 of the
15 Official Code of Georgia Annotated, relating to sick, personal, and maternity leave for
16 teachers and other school personnel, so as to require local boards of education to provide
17 employees who are adoptive parents the same duration of maternity leave, leave options, and
18 other benefits as are provided to employees who are biological parents; to provide for related
19 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

23 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
24 amended by revising Article 1 of Chapter 8, relating to general provisions for adoption as
25 follows:

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"ARTICLE 1

19-8-1.

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

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

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

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

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

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

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

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

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

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

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

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

~~(5.1)(9)~~ (9) 'Home study' means an evaluation by an evaluator of the a petitioner's home environment for the purpose of determining the suitability of the such environment as a prospective adoptive home for a child. Such evaluation shall consider the a petitioner's physical health, emotional maturity, financial circumstances, family, and social background and shall conform to the rules and regulations established by the department for child-placing agencies for adoption home studies.

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

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

- 62 (A) Has legally adopted such child;
- 63 (B) Was married to the biological mother of such child at the time such child was born
64 or within the usual period of gestation, unless paternity was disproved by a final order
65 ~~pursuant to Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction;
- 66 (C) Married ~~the~~ a legal mother of such child after such child was born and recognized
67 such child as his own, unless paternity was disproved by a final order ~~pursuant to~~
68 ~~Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction; or
- 69 (D) Has legitimated such child by a final order pursuant to Code Section 19-7-22.
- 70 ~~(7)~~(12) 'Legal mother' means ~~the~~ a female who is the biological or adoptive mother of
71 the child and who has not surrendered or had terminated her rights to the child.
- 72 (13) 'Native American heritage' means any individual who is:
- 73 (A) A member of a federally recognized American Indian tribe; or
74 (B) An Alaskan native.
- 75 (14) 'Out-of-state licensed agency' means an agency or entity that is licensed in another
76 state or country to place children for adoption.
- 77 ~~(8)~~(15) 'Parent' means ~~either the~~ a legal father or ~~the~~ a legal mother of the child.
- 78 ~~(9)~~(16) 'Petitioner' means ~~a person~~ an individual who petitions to adopt or terminate
79 rights to a child pursuant to this ~~chapter~~ article.
- 80 ~~(10)~~(17) 'Putative father registry' means the registry established and maintained pursuant
81 to subsections (d) and (e) of Code Section 19-11-9.
- 82 19-8-2.
- 83 (a) The superior courts of the several counties shall have exclusive jurisdiction in all
84 matters of adoption, ~~except such jurisdiction as may be granted to the juvenile courts.~~
- 85 (b) All petitions for adoption under this ~~chapter~~ article shall be filed in the county in which
86 any petitioner resides, except that:
- 87 (1) Upon good cause being shown, the court may, in its discretion, allow such petition
88 to be filed in the court of the county ~~of~~:
- 89 (A) Of the child's domicile ~~or of the county in;~~
90 (B) In which is located any child-placing agency having legal custody of the child;
91 ~~sought to be adopted may, in its discretion, allow the petition to be filed in that court;~~
92 ~~and~~
- 93 (C) Where the child was born if such petition is filed within one year of the child's
94 birth; or
- 95 (D) In which is located the office of the department having legal custody of the child;
- 96 (2) Any ~~person~~ individual who ~~has been~~ is a resident of any United States ~~Army~~ army
97 post or military reservation within this state ~~for six months next preceding the filing of~~

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

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

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

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

106 (C) Superior Court of Fulton County.

107 19-8-3.

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

109 (1) Is at least 25 years of age or is married and living with his or her spouse, or is at least
 110 21 years of age and is a relative of the child;

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

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

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

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

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

128 19-8-4.

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

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

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

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

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

153 (d) ~~An individual~~ A person signing a surrender of rights pursuant to this Code section shall
 154 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided
 155 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 21 years of age,
 156 shall also have the right to waive the ten-day revocation period by executing a separate
 157 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at
 158 least 72 hours after the birth of the child and attested to by an attorney, who is not
 159 representing the petitioner, certifying that it was knowingly and voluntarily executed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

232 19-8-5.

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

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

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

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

256 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall
257 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided
258 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 21 years of age,
259 shall also have the right to waive the ten-day revocation period by executing a separate
260 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at
261 least 72 hours after the birth of the child and attested to by an attorney, who is not
262 representing the petitioner, certifying that it was knowingly and voluntarily executed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

332 Office of Adoptions

333 Georgia Department of Human Services

334 Atlanta, Georgia

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

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

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

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

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

357 ~~(h)(k)~~ In any surrender of rights pursuant to this Code section, ~~the provisions of Chapter~~
 358 4 of Title 39, relating to the Interstate Compact on the Placement of Children, if applicable,
 359 shall be complied with.

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

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

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

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

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

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

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

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19-8-6.

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

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

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

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

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

(d) ~~An individual~~ A person signing a surrender of rights pursuant to this Code section shall have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 21 years of age, shall also have the right to waive the ten-day revocation period by executing a separate waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at least 72 hours after the birth of the child and attested to by an attorney. who is not representing the petitioner, certifying that it was knowingly and voluntarily executed.

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

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

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

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

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

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

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

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

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

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

456 19-8-7.

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

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

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

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

471 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall
 472 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided
 473 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 21 years of age,
 474 shall also have the right to waive the ten-day revocation period by executing a separate
 475 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at
 476 least 72 hours after the birth of the child and attested to by an attorney, who is not
 477 representing the petitioner, certifying that it was knowingly and voluntarily executed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

549 19-8-8.

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

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

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

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

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

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

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

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

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

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

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

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

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

615 19-8-9.

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

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

637 ~~(c)(b) If a legal mother has voluntarily and in writing surrendered all of her parental rights~~
 638 ~~pursuant to the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or~~
 639 ~~19-8-7 and has not withdrawn revoked her surrender within the ten-day period after signing~~
 640 ~~as permitted by the provisions of subsection (b) subsection (a) of this Code section, she~~
 641 ~~shall have no right or authority to sign a voluntary acknowledgment of paternity pursuant~~

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

644 (c) Provided that the individual signing a surrender of rights pursuant to Code Section
 645 19-8-4, 19-8-5, 19-8-6, or 19-8-7 is at least 21 years of age at the time he or she signs such
 646 surrender, he or she shall have the right to waive the ten-day revocation period only if such
 647 waiver is referenced in the surrender document and set forth in a separate document that
 648 is executed after consultation with an attorney, who is not representing the petitioner, at
 649 least 72 hours after the birth of the child identified in the surrender, under oath, and in the
 650 presence of a notary public and an adult witness and is attested to by such separate attorney
 651 that such waiver is executed knowingly and voluntarily. The waiver of the right to revoke
 652 a surrender shall meet the requirements of subsection (n) of Code Section 19-8-26. A copy
 653 of such waiver shall be provided to the individual signing it at the time of the execution
 654 thereof.

655 19-8-10.

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

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

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

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

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

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

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

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

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

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

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

712 (d) Consistent with the requirement of paragraph (7) of subsection (a) of Code Section
713 19-8-13, when the petitioner is seeking to involuntarily terminate the rights of a parent as
714 a prerequisite to the granting of the petition for adoption, the petitioner shall, in lieu of

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

720 19-8-11.

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

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

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

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

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

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

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

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

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

733 remaining parent pursuant to this Code section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

748 mother is less than ten years of age; or

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

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

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

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

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

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

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

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

788 19-8-12.

789 (a) The General Assembly finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 876 ~~(A) Lived with the child;~~
- 877 ~~(B) Contributed to the child's support;~~
- 878 ~~(C) Made any attempt to legitimate the child; or~~
- 879 ~~(D) Provided support or medical care for the mother, either during her pregnancy or~~
 880 ~~during her hospitalization for the birth of the child, and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

937 19-8-13.

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

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

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

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

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

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

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

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

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

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

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

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

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

972 (A) If the adoption is pursuant to:

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

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

981 (B) A copy of the affidavits specified in subsections (g) and (h) of Code Section
 982 19-8-4;

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

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

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

999 ~~(D)~~(F) A completed form containing background information regarding the child to be
 1000 adopted, as required by the adoption unit of the department, or an equivalent medical
 1001 and social history background form; and

1002 (G) The original waiver of the right to revoke a surrender of rights specified in
 1003 subsection (c) of Code Section 19-8-9;

1004 (3) ~~When~~ ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-5, the
 1005 following shall be provided or attached to the petition for adoption or its absence
 1006 explained when the petition for adoption is filed:

1007 (A) The original written voluntary surrender of rights of each parent, biological father
 1008 who is not a legal father, or guardian specified in subsection (e) of Code Section
 1009 19-8-5;

1010 (B) The original written acknowledgment of surrender of rights specified in subsection
 1011 (f) of Code Section 19-8-5;

1012 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-5;

1013 (D) ~~A copy of the appropriate form verifying the allegation~~ Allegations of compliance
 1014 with Code Section 19-8-12 and the original certification evidencing the search of the
 1015 putative father registry;

1016 ~~(E) Allegations of compliance with Chapter 4 of Title 39, relating to the Interstate~~
 1017 ~~Compact on the Placement of Children;~~

1018 ~~(F)~~(E) The original accounting required by subsection (c) of this Code section;

1019 ~~(G)~~(F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the
 1020 allegations contained in the such petition as to guardianship ~~or custody~~ of the child,
 1021 including, but not limited to, the marriage of each petitioner, the ~~divorce~~ ~~or~~ death of
 1022 each parent ~~of the child~~ in lieu of a surrender of his or her parental rights, and
 1023 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the
 1024 Placement of Children;

1025 ~~(H)~~(G) A completed form containing background information regarding the child ~~to~~
 1026 ~~be adopted~~, as required by the adoption unit of the department, or an equivalent medical
 1027 and social history background form; and

1028 ~~(I)~~(H) A copy of the home study report; and

1029 (I) The original waiver of the right to revoke a surrender of rights specified in
 1030 subsection (c) of Code Section 19-8-9;

1031 (4) ~~When~~ ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-6, the
 1032 following shall be provided or attached to the petition for adoption or its absence
 1033 explained when the petition for adoption is filed:

1034 (A) The original written voluntary surrender of ~~the parent~~ rights of each parent,
 1035 biological father who is not a legal father, or guardian specified in subsection (e) of
 1036 Code Section 19-8-6;

1037 (B) The original written acknowledgment of surrender of rights specified in subsection
 1038 (f) of Code Section 19-8-6;

- 1039 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;
- 1040 (D) The original consent specified in subsection (j) of Code Section 19-8-6;
- 1041 (E) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
1042 with Code Section 19-8-12 and the original certification evidencing the search of the
1043 putative father registry;
- 1044 (F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the
1045 allegations contained in the such petition as to guardianship of the child ~~sought to be~~
1046 ~~adopted, including, but not limited to,~~ the birth of the child ~~sought to be adopted,~~ the
1047 marriage of each petitioner, and the ~~divorce or death of each parent of the child sought~~
1048 ~~to be adopted; and~~ in lieu of a surrender of his or her parental rights;
- 1049 (G) A completed form containing background information regarding the child ~~to be~~
1050 ~~adopted,~~ as required by the adoption unit of the department; or an equivalent medical
1051 and social history background form; and
- 1052 (H) The original waiver of the right to revoke a surrender of rights specified in
1053 subsection (c) of Code Section 19-8-9;
- 1054 (5) When ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-7, the
1055 following shall be provided or attached to the petition for adoption or its absence
1056 explained when the petition for adoption is filed:
- 1057 (A) The original written voluntary surrender of rights of each parent or biological
1058 father who is not a legal father specified in subsection (e) of Code Section 19-8-7;
- 1059 (B) The original written acknowledgment of surrender of rights specified in subsection
1060 (f) of Code Section 19-8-7;
- 1061 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;
- 1062 (D) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
1063 with Code Section 19-8-12 and the original certification evidencing the search of the
1064 putative father registry;
- 1065 (E) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying allegations
1066 contained in the petition as to guardianship or custody of the child ~~sought to be adopted;~~
1067 and the birth of the child ~~sought to be adopted, including but not limited to,~~ the
1068 marriage of each petitioner, ~~and the divorce or the~~ death of each parent ~~of the child~~
1069 ~~sought to be adopted; and~~ in lieu of a surrender of his or her parental rights, and
1070 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the
1071 Placement of Children;
- 1072 (F) A completed form containing background information regarding the child ~~to be~~
1073 ~~adopted,~~ as required by the adoption unit of the department; or an equivalent medical
1074 and social history background form; and

1075 (G) The original waiver of the right to revoke a surrender of rights specified in
 1076 subsection (c) of Code Section 19-8-9;

1077 (6)(A) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-8,
 1078 the following shall be provided or attached or its absence explained to the petition for
 1079 adoption when the petition for adoption is filed:

1080 ~~(i) A certified copy of the final decree of adoption from the foreign country along~~
 1081 ~~with a verified English translation. The translator shall provide a statement regarding~~
 1082 ~~his qualification to render the translation, his complete name, and his current address.~~
 1083 ~~Should the current address be a temporary one, his permanent address shall also be~~
 1084 ~~provided;~~

1085 ~~(ii) A verified copy of the visa granting the child entry to the United States;~~

1086 ~~(iii) A certified copy along with a verified translation of the child's amended birth~~
 1087 ~~certificate or registration showing each petitioner as parent; and~~

1088 ~~(iv) A copy of the home study which was completed for United States Immigration~~
 1089 ~~and Naturalization Service.~~

1090 (i) A copy of the child's passport page showing an immediate relative immigrant visa
 1091 or Hague Convention immigrant visa obtained to grant the child entry into the United
 1092 States as a result of a full and final adoption in the foreign country; and

1093 (ii) A copy along with an English translation of the child's birth certificate or
 1094 registration.

1095 ~~(B) It is not necessary to file copies of surrenders or termination on any parent or~~
 1096 ~~biological father who is not the legal father when the petition is filed pursuant to~~
 1097 ~~paragraph (1) of Code Section 19-8-8.~~

1098 (B) Because the issuance of an immediate relative immigrant visa or Hague
 1099 Convention immigrant visa by the United States Department of State in the child's
 1100 passport is prima-facie evidence that all parental rights have been terminated and that
 1101 the child is legally available for adoption, it shall not be necessary to file any
 1102 documents related to the surrender or termination of the parental rights of the child's
 1103 parents or comply with Code Section 19-8-12 regarding the rights of a biological father
 1104 who is not a legal father when the petition for adoption is filed pursuant to
 1105 subsection (a) of Code Section 19-8-8.

1106 (C) When the adoption is pursuant to subsection (b) of Code Section 19-8-8, the
 1107 following shall be provided or attached to the petition for adoption when the petition
 1108 for adoption is filed:

1109 (i) A copy along with an English translation of the final decree or order of
 1110 guardianship from the foreign country;

1111 (ii) Copies of all postplacement reports, if required by the foreign country that
 1112 entered the guardianship decree or order;

1113 (iii) Authorization to proceed with adoption if specifically required by the decree or
 1114 order entered by the court or administrative agency in the foreign country;

1115 (iv) A copy of the child's passport page showing an immediate relative immigrant
 1116 visa or Hague Convention immigrant visa obtained to grant the child entry into the
 1117 United States in order to finalize his or her adoption; and

1118 (v) A copy along with an English translation of the child's birth certificate or
 1119 registration;

1120 (7) ~~When~~ ~~Where~~ Code Section 19-8-10 is applicable, parental rights need not be
 1121 surrendered or terminated prior to the filing of the petition for adoption; but ~~any~~ the
 1122 petitioner shall, in lieu of obtaining and attaching those otherwise required surrenders of
 1123 rights, acknowledgments, and affidavits, allege facts in the petition for adoption
 1124 demonstrating the applicability of subsection (a) or (b), or both, of Code Section 19-8-10
 1125 and shall also allege compliance with subsection (c) of Code Section 19-8-10; and

1126 (8) If the petition for adoption is filed in a county other than that of the ~~petitioners'~~
 1127 petitioner's residence, the reason therefor ~~must also~~ shall be set forth in ~~the~~ such petition.

1128 (b) At the time of filing the petition for adoption, the petitioner shall deposit with the clerk
 1129 the deposit required by Code Section 9-15-4; the fees shall be those established by Code
 1130 Sections 15-6-77, ~~and 15-6-77.1, and 15-6-77.2.~~

1131 (c) Each petitioner for adoption in any proceeding for the adoption of a minor child
 1132 ~~pursuant to the provisions of Code Section 19-8-5~~ shall file with the petition for adoption,
 1133 in a manner acceptable to the court, a report fully accounting for all disbursements of
 1134 anything of value made or agreed to be made, directly or indirectly, by, on behalf of, or for
 1135 the benefit of the petitioner in connection with the adoption, including, but not limited to,
 1136 any expenses incurred in connection with:

1137 (1) The birth of the minor child;

1138 (2) Placement of the minor child with the petitioner;

1139 (3) Counseling services or legal services for a legal mother;

1140 (4) Reasonable living expenses for the biological mother;

1141 ~~(3)~~(5) Medical or hospital care received by the biological mother or by the minor child
 1142 during the such mother's prenatal care and confinement; and

1143 ~~(4)~~(6) Services relating to the adoption or to the placement of the minor child for
 1144 adoption which were received by or on behalf of the petitioner, either natural biological
 1145 parent of the minor child, or any other person individual.

1146 (d) Every attorney for a petitioner in any proceeding for the adoption of a minor child
 1147 ~~pursuant to the provisions of Code Section 19-8-5~~ shall file, in a manner acceptable to the

1148 court, before the decree of adoption is entered, an affidavit detailing all sums paid or
 1149 promised to that attorney, directly or indirectly, from whatever source, for all services of
 1150 any nature rendered or to be rendered in connection with the adoption; provided, however,
 1151 that, if the attorney received or is to receive less than \$500.00, the affidavit need only state
 1152 that fact.

1153 (e) Any report made under this Code section ~~must~~ shall be signed ~~and verified~~ under oath
 1154 and in the presence of a notary public by the individual making the report.

1155 (f)(1) As used in this subsection, the term 'family member' shall have the same meaning
 1156 as set forth in Code Section 19-7-3.

1157 (2) Whenever a ~~petitioner is a blood relative of the child to be adopted and~~ a family
 1158 member other than the petitioner has visitation rights to ~~the~~ such child granted pursuant
 1159 to Code Section 19-7-3, the petitioner shall cause a copy of the petition for adoption to
 1160 be served upon the family member with the visitation rights or upon such ~~person's~~ family
 1161 member's counsel of record at least 30 days prior to the date upon which the petition for
 1162 adoption will be considered as such time frames are set forth in Code Section 19-8-14.

1163 (g) Notwithstanding ~~the provisions of~~ Code Sections 19-8-5 and 19-8-7 and this Code
 1164 section which require obtaining and attaching a written voluntary surrender of rights and
 1165 acknowledgment thereof and affidavits of ~~the~~ a legal mother and a representative of the
 1166 petitioner or of the individual signing such surrender, when the adoption is sought under
 1167 subsection (a) of Code Section 19-8-5 or 19-8-7 following the termination of parental rights
 1168 and the placement of the child by the juvenile court pursuant to Code Section 15-11-321,
 1169 obtaining and attaching to the petition for adoption a certified copy of the order terminating
 1170 parental rights of the parent shall take the place of obtaining and attaching those otherwise
 1171 required surrenders of rights, acknowledgments, and affidavits.

1172 (h)(1) A petition for adoption regarding a child ~~or children~~ who ~~have~~ has a living
 1173 biological father who is not ~~the~~ a legal father and who has not surrendered his rights to
 1174 the child ~~or children~~ shall include a certificate from the putative father registry disclosing
 1175 the name, address, and social security number of any registrant acknowledging paternity
 1176 of the child ~~or children~~ pursuant to subparagraph (d)(2)(A) of Code Section 19-11-9 or
 1177 indicating the possibility of paternity of ~~a child of the child's mother~~ such child pursuant
 1178 to subparagraph (d)(2)(B) of Code Section 19-11-9 for a period beginning no later than
 1179 two years immediately prior to the child's date of birth. Such certificate shall indicate the
 1180 results of a search of the registry on or after the earliest of the following:

1181 ~~(1)(A)~~ (A) The date of ~~the~~ a legal mother's surrender of parental rights;

1182 ~~(2)(B)~~ (B) The date of entry of the court order terminating ~~the~~ a legal mother's parental
 1183 rights; or

1184 ~~(3)(C)~~ The date of ~~the~~ a legal mother's consent to adoption pursuant to Code Section
1185 19-8-6; ~~or~~

1186 ~~(4) The date of the filing of the petition for adoption, in which case the certificate may~~
1187 ~~be filed as an amendment to the petition for adoption.~~

1188 (2) Such certificate shall include a statement that the registry is current as of the earliest
1189 date listed in paragraphs (1) through (4) subparagraphs (A) through (D) of paragraph (1)
1190 of this subsection, or as of a specified date that is later than the earliest such date.

1191 (3) When a legal mother of the child who is the subject of the proceeding identifies her
1192 husband as the biological father of the child and he has executed a surrender of his
1193 parental rights in favor of the petitioner, the petitioner shall obtain a certificate from the
1194 putative father registry and submit it with the petition for adoption to confirm that no
1195 male other than the legal mother's husband has expressed an interest in the child or to
1196 identify a registrant other than the legal mother's husband who shall be notified pursuant
1197 to Code Section 19-8-12.

1198 (i) Because adoption records are sealed pursuant to subsection (a) of Code Section
1199 19-8-23, it shall not be necessary to redact social security numbers, taxpayer identification
1200 numbers, financial account numbers, or dates of birth from pleadings and all documents
1201 filed therewith that are filed pursuant to this article as they are deemed to be a filing under
1202 seal under subsection (d) of Code Section 9-11-7.1.

1203 19-8-14.

1204 (a) It is the policy of this state that, in the best interest interests of the child, uncontested
1205 adoption petitions ~~should~~ shall be heard as soon as possible but not later than 120 days after
1206 the date of filing, unless the petitioner has failed to arrange for the court to receive the
1207 report required by ~~the provisions of~~ Code Section 19-8-16 or has otherwise failed to
1208 provide the court with all exhibits, surrenders of rights, or certificates required by this
1209 ~~chapter~~ article within that time period. It is the policy of this state that, in contested
1210 adoption petitions, the parties shall make every effort to have the petition considered by the
1211 court as soon as practical after the date of filing, taking into account the circumstances of
1212 the petition and the best interest interests of the child.

1213 (b) Upon the filing of the petition for adoption, accompanied by the filing fee unless such
1214 fee is waived, it shall be the responsibility of the clerk to accept ~~the~~ such petition as filed.
1215 Such petition shall not be subject to court approval before it is filed.

1216 (c) Upon the filing of the petition for adoption, the court shall fix a date upon which ~~the~~
1217 such petition shall be considered, which date shall be not less than 45 days from the date
1218 of the filing of ~~the~~ such petition and shall not be less than 30 days following the last date

1219 a parent or biological father is deemed to have received service of notice as required in
1220 those cases when Code Section 19-8-10 or 19-8-12, or both, is applicable.

1221 (d) Notwithstanding ~~the provisions of~~ subsections (a) and (c) of this Code section, it shall
1222 be the petitioner's responsibility to request that the court hear the petition for adoption on
1223 a date that allows sufficient time for fulfillment of the notice requirements of ~~Code Section~~
1224 ~~19-8-10 and Code Section 19-8-12, where~~ Code Sections 19-8-10 and 19-8-12, when
1225 applicable.

1226 (e) In the best ~~interest~~ interests of the child, the court may hear the petition for adoption
1227 less than 45 days from the date of its filing upon a showing by the petitioner that ~~either~~ no
1228 further notice is required or ~~that~~ any statutory requirement of notice to any ~~person~~
1229 individual will be fulfilled at an earlier date, and provided that any report required by Code
1230 Section 19-8-16 has been completed or will be completed at an earlier date.

1231 (f) The court in the child's best ~~interest~~ interests may grant such expedited hearings or
1232 continuances as may be necessary for completion of applicable notice requirements,
1233 investigations, a home study, and reports or for other good cause shown.

1234 (g) Copies of the petition for adoption and all documents filed in connection therewith,
1235 including, but not limited to, the order fixing the date upon which ~~the~~ such petition shall
1236 be considered, motions, other pleadings filed, all orders entered in connection with such
1237 petition, and all exhibits, surrenders of rights, or certificates required by this chapter article,
1238 shall be forwarded by the clerk to the department within 15 days after the date of ~~the~~ such
1239 filing of the petition for adoption for retention by the State Adoption Unit of the
1240 department.

1241 (h) Copies of the petition for adoption, the order fixing the date upon which ~~the~~ such
1242 petition shall be considered, and all exhibits, surrenders of rights, or certificates required
1243 by this ~~chapter~~ article shall be forwarded by the clerk to the ~~child-placing agency or other~~
1244 agent appointed by the court pursuant to ~~the provisions of~~ Code Section 19-8-16 within 15
1245 days after the filing of the petition for adoption, together with a request that a report and
1246 investigation be made as required by ~~law~~ Code Section 19-8-16.

1247 (i) The clerk of court shall provide the petitioner or his or her attorney with a copy of the
1248 petition for adoption and of each amendment, motion, and other pleading filed with a stamp
1249 confirming the date each pleading was filed with the court and shall also provide the
1250 petitioner or his or her attorney with a copy of each order entered by the court in the
1251 adoption proceeding, confirming the date the order was filed of record by the court. Copies
1252 of all motions, amendments, and other pleadings filed and of all orders entered in
1253 connection with the petition for adoption shall be forwarded by the clerk to the department
1254 within 15 days after such filing or entry.

1255 19-8-15.

1256 (a) As used in this Code section, the term 'family member' shall have the same meaning
1257 as set forth in Code Section 19-7-3.

1258 (b) ~~If the child sought to be adopted has no legal father or legal mother living~~ If a legal
1259 mother and biological father, whether he was a legal father or not, of the child who is the
1260 subject of the proceeding are both deceased, regardless of whether either individual had
1261 surrendered his or her parental rights or had his or her rights terminated, it shall be the
1262 privilege of any ~~person~~ individual related by blood to ~~the~~ such child to file objections to the
1263 petition for adoption.

1264 (c) A family member with visitation rights to a child granted pursuant to Code Section
1265 19-7-3 shall have the privilege to file objections to the petition ~~of~~ for adoption if neither
1266 parent has any further rights to the child and if the petition for adoption has been filed by
1267 a blood relative of the child. The court, after hearing such objections, shall determine, in
1268 its discretion, whether or not ~~the same~~ such objections constitute a good reason for denying
1269 the petition for adoption and the court shall have the authority to grant or continue such
1270 visitation rights of the family member of the child in the adoption order in the event the
1271 adoption by the blood relative is approved by the court.

1272 19-8-16.

1273 (a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be
1274 the duty of ~~a child-placing agency~~ the agent appointed by the court ~~or any other~~
1275 ~~independent agent appointed by the court~~ to verify the allegations in the petition for
1276 adoption, to make a complete and thorough investigation of the entire matter, including a
1277 ~~criminal records check of each petitioner~~ any specific issue the court requests to be
1278 investigated, and to report its findings and recommendations in writing to the court where
1279 the petition for adoption was filed. The agent may be the department, a child-placing
1280 agency, an evaluator, or an individual who the court determines is qualified to conduct the
1281 required investigation. ~~The department, child-placing agency, or other independent agent~~
1282 ~~appointed by the court shall also provide the petitioner or his or her attorney for petitioner~~
1283 ~~with a copy of the its report to the court.~~ If for any reason the ~~child-placing agency or other~~
1284 ~~agent~~ appointed by the court finds itself unable to make or arrange for the proper
1285 investigation and report, it shall be the duty of the ~~agency or agent~~ to notify the court
1286 immediately, or at least within 20 days after receipt of the request for investigation service,
1287 that it is unable to make the report and investigation, so that the court may take such other
1288 steps as in its discretion are necessary to have the ~~entire matter investigated~~ investigation
1289 and report prepared. The investigation required by this Code section shall be in addition

1290 to the requirement of a home study in the case of a petition for adoption filed pursuant to
1291 subsection (a) of Code Section 19-8-5.

1292 (b) If the petition for adoption has been filed pursuant to subsection (a) of Code Section
1293 19-8-6 or 19-8-7, the court ~~is~~ shall be authorized but shall not be required to appoint a
1294 ~~child-placing agency or other independent~~ an agent to make an investigation ~~in whatever~~
1295 ~~form the court specifies~~ pursuant to subsection (a) of this Code section; provided, however,
1296 that a home study shall not be required.

1297 (c)(1) If the petition for adoption has been filed pursuant to Code Section 19-8-8, ~~or if~~
1298 ~~the department has conducted an investigation and has consented to the adoption, an~~
1299 ~~investigation~~ the appointment of an agent to make an investigation and render a report
1300 pursuant to subsection (a) of this Code section shall not be required.

1301 (2) If the petition for adoption has been filed pursuant to Code Section 19-8-4 and the
1302 department or child-placing agency has consented to the adoption, the appointment of an
1303 agent to make an investigation and render a report pursuant to subsection (a) of this Code
1304 section shall not be required.

1305 (d) The court shall require the petitioner to submit to a criminal history records check. The
1306 petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with
1307 the appropriate fee. The center shall promptly transmit the fingerprints to the Federal
1308 Bureau of Investigation for a search of bureau records and shall obtain an appropriate
1309 report. The Georgia Crime Information Center shall also promptly conduct a search of its
1310 records and any records to which it has access. The center shall notify the court in writing
1311 of the presence or absence of any ~~derogatory finding, including but not limited to any~~
1312 ~~conviction data, regarding the~~ criminal record from the state fingerprint records check. In
1313 those cases when the petitioner has submitted a fingerprint based criminal history report
1314 that includes the results of a records search of both the Georgia Crime Information Center
1315 and the Federal Bureau of Investigation to the department, child-placing agency, or
1316 evaluator as part of the home study and such results are dated within 12 months of filing
1317 of the petition for adoption and are included in the home study report filed with or
1318 otherwise made available to the court, such results shall satisfy the requirements of this
1319 subsection. Because the court shall not be authorized to share the results of the fingerprint
1320 records check with the agent appointed by the court pursuant to subsection (a) or (e) of this
1321 Code section, the court shall determine the acceptability of the petitioner's criminal history,
1322 inform the petitioner or his or her attorney at least five days prior to the final hearing on the
1323 petition for adoption if the court will require additional evidence with respect to the
1324 petitioner's criminal history or if the court is inclined to deny such petition because of such
1325 criminal history, and afford the petitioner or his or her attorney an opportunity to present

1326 evidence as to why the petitioner's criminal history should not be grounds for denial of such
 1327 petition.

1328 ~~(e) The court may appoint the department to serve as its agent to conduct the investigation~~
 1329 ~~required by this Code section if an appropriate child-placing agency or independent agent~~
 1330 ~~is not available. If for any reason the department finds itself unable to make or arrange for~~
 1331 ~~the proper investigation and report, it shall be the duty of the commissioner of human~~
 1332 ~~services to notify the court immediately, or at least within 20 days after receipt of the~~
 1333 ~~request for investigation service, that it is unable to make the report and investigation, so~~
 1334 ~~that the court may take such other steps as in its discretion are necessary to have the entire~~
 1335 ~~matter investigated.~~

1336 ~~(f)~~(e) The court shall require the petitioner to reimburse the ~~child-placing agency or other~~
 1337 ~~independent agent~~ appointed by the court, including the department, for the full cost of
 1338 conducting the investigation and preparing ~~the~~ its report. Such cost shall not exceed
 1339 \$250.00 unless specifically authorized by the court, provided that the court shall furnish
 1340 the petitioner or his or her attorney with written notice of the name of the agent that the
 1341 court intends to appoint and the amount of any increased costs, together with a request to
 1342 agree to pay such increased costs. If the petitioner does not agree to pay the increased
 1343 costs, then the petitioner shall have an opportunity to present to the court information
 1344 regarding other persons that are qualified to conduct the investigation and render the report
 1345 to the court and the cost of their services, and the court shall appoint the person that is
 1346 qualified to conduct the investigation and render the report to the court at the lowest cost
 1347 to the petitioner.

1348 19-8-17.

1349 (a) The report and findings of the investigating ~~agency~~ agent appointed by the court
 1350 pursuant to Code Section 19-8-16 shall include, among other things, the following:

- 1351 (1) Verification of allegations contained in the petition for adoption;
- 1352 (2) Circumstances under which the child came to be placed for adoption;
- 1353 (3) Whether each ~~proposed~~ prospective adoptive parent is financially, physically, and
 1354 mentally able to have the permanent custody of the child; in considering financial ability
 1355 any adoption supplement approved by the department shall be taken into account;
- 1356 (4) The physical and mental condition of the child, insofar as this can be determined by
 1357 the aid of competent medical authority;
- 1358 (5) Whether or not the adoption is in the best interests of the child, including his or her
 1359 general care;
- 1360 (6) Suitability of the home to the child;

1361 (7) If applicable, whether the identity and location of ~~the a~~ biological father who is not
 1362 ~~the a~~ legal father are known or ascertainable and whether the requirements of Code
 1363 Section 19-8-12 were complied with; ~~and~~

1364 (8) Any other information that might be disclosed by the investigation that in the agent's
 1365 opinion would be of ~~any~~ value or interest to the court in deciding the case; and

1366 (9) Any other information that might be disclosed by the investigation in response to any
 1367 specific issue that the court requested be investigated in its order appointing such agent.

1368 (b) If the report of the investigating ~~agency or independent~~ agent disapproves of the
 1369 adoption of the child, motion may be made by the investigating ~~agency or independent~~
 1370 agent to the court to dismiss the petition for adoption and the court after hearing is such
 1371 motion shall be authorized to do so dismiss such petition. If the court denies the motion
 1372 to dismiss, the court shall appoint a guardian ad litem who may appeal the ruling to the
 1373 ~~Georgia~~ Court of Appeals or Supreme Court, as in other cases, as provided by law.

1374 (c) If at any time it appears to the court that the interests of the child may conflict with
 1375 those of any petitioner, the court may, in its discretion, appoint a guardian ad litem to
 1376 represent the child and the cost thereof shall be a charge upon the funds of the county.

1377 19-8-18.

1378 (a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or
 1379 as soon thereafter as the matter may be reached for a hearing, the court shall proceed to
 1380 a full hearing on ~~the~~ such petition and the examination of the parties at interest in
 1381 chambers, under oath, with the right of continuing the hearing and examinations from
 1382 time to time as the nature of the case may require. The court at such times shall give
 1383 consideration to the investigation report to the court provided for in Code Section 19-8-16
 1384 and the recommendations contained ~~therein~~ in such report. The court may in its
 1385 discretion allow the petitioner or any witness to appear via electronic means in lieu of
 1386 requiring his or her physical presence before the court.

1387 (2) The court shall examine the petition for adoption and the affidavit specified in
 1388 subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as appropriate, to
 1389 determine whether Code Section 19-8-12 is applicable. If the court determines that Code
 1390 Section 19-8-12 is applicable to the petition for adoption, it shall:

1391 (A) Determine that an appropriate order has previously been entered;

1392 (B) Enter an order consistent with Code Section 19-8-12; or

1393 (C) Continue the hearing until Code Section 19-8-12 is complied with.

1394 (3) If the adoption petition is filed pursuant to subsection (a) of Code Section 19-8-5, the
 1395 court shall examine the financial disclosures required under subsections (c) and (d) of
 1396 Code Section 19-8-13 and make such further examination of each petitioner and his or

1397 her attorney as the court deems appropriate in order to make a determination as to
 1398 whether there is cause to believe that Code Section 19-8-24 has been violated with regard
 1399 to the ~~'inducement'~~ inducement, as such term is defined in Code Section 19-8-24, of the
 1400 placement of the child for adoption. Should the court determine that further inquiry is in
 1401 order, the court shall direct the district attorney for the county to review the matter further
 1402 and to take such appropriate action as the district attorney in his or her discretion deems
 1403 appropriate.

1404 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,
 1405 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed
 1406 for in such petition; terminating all of the rights of each living parent, guardian, and legal
 1407 custodian of the child, other than the spouse of the petitioner in the case of a stepparent
 1408 adoption pursuant to Code Section 19-8-6; granting the permanent custody of the child
 1409 to each petitioner; and declaring the child to be the adopted child of each petitioner if the
 1410 court is satisfied that each:

1411 (A) Each living parent or guardian of the child has surrendered or had terminated all
 1412 of his or her rights to the child in the manner provided by law ~~prior to the filing of the~~
 1413 ~~petition for adoption~~ or that each petitioner has complied with the notice requirements
 1414 of subsection (c) of Code Section 19-8-10 and satisfied his or her burden of proof under
 1415 Code Section 19-8-10, that such or that the spouse has consented to the petitioner's
 1416 adoption of the child as required by Code Section 19-8-6;

1417 (B) Each petitioner is capable of assuming responsibility for the care, supervision,
 1418 training, and education of the child, ~~that the;~~

1419 (C) The child is suitable for adoption in a private family home, ~~and that the;~~ and

1420 (D) The adoption requested is for in the best interest interests of the child, ~~it shall enter~~
 1421 ~~a decree of adoption, terminating all the rights of each parent and guardian to the child,~~
 1422 ~~granting the permanent custody of the child to each petitioner, naming the child as~~
 1423 ~~prayed for in the petition, and declaring the child to be the adopted child of each~~
 1424 ~~petitioner. In all cases wherein Code Section 19-8-10 is relied upon by any petitioner~~
 1425 ~~as a basis for the termination of parental rights, the.~~

1426 (2) When Code Section 19-8-10 has been relied upon by any petitioner for the
 1427 termination of rights of a living parent, the court shall include in the decree of adoption
 1428 appropriate findings of fact and conclusions of law relating to the ~~applicability of Code~~
 1429 ~~Section 19-8-10~~ termination of rights of such living parent and the court's determination
 1430 that the adoption is in the child's best interests.

1431 (3) When the child was born in a country other than the United States, the court shall
 1432 examine the evidence submitted and determine that sufficient evidence has been
 1433 proffered to show that the child will be able to obtain lawful permanent resident status,

1434 if not already obtained, before the court shall have authority to determine if it is in the
1435 best interests of the child to grant the petition for adoption.

1436 (4) If there is an existing visitation order pursuant to Code Section 19-7-3 in favor of a
1437 family member, the court shall have the authority to continue or discontinue such
1438 visitation rights in the adoption order as it deems is in the best interests of the child.

1439 (c) If the petition for adoption was filed pursuant to subsection (a) of Code Section 19-8-8
1440 and if the court is satisfied that the petitioner has fully complied with the requirements of
1441 Code Section 19-8-13 and has established that he or she finalized his or her adoption of the
1442 child in the foreign country, then the court shall enter a decree of adoption naming the child
1443 as prayed for in such petition; domesticating the foreign decree of adoption; granting the
1444 permanent custody of the child to each petitioner; changing the date of birth of the child
1445 if so requested, provided that evidence was presented justifying such change; and declaring
1446 the child to be the adopted child of each petitioner. Notwithstanding the requirements of
1447 subsection (a) of this Code section, the court may domesticate the foreign decree of
1448 adoption upon the pleadings without a hearing.

1449 (d) If the petition for adoption was filed pursuant to subsection (b) of Code Section 19-8-8,
1450 the court shall enter a decree of adoption naming the child as prayed for in such petition;
1451 terminating the guardianship; granting the permanent custody of the child to each
1452 petitioner; changing the date of birth of the child if so requested, provided that evidence
1453 was presented justifying such change; and declaring the child to be the adopted child of
1454 each petitioner if the court is satisfied that the petitioner has fully complied with the
1455 requirements of Code Section 19-8-13 and that:

1456 (1) Each petitioner in his or her capacity as guardian of the child has surrendered all of
1457 his or her rights to the child in the manner provided by law;

1458 (2) Each petitioner is capable of assuming responsibility for the care, supervision,
1459 training, and education of the child;

1460 (3) The child is suitable for adoption in a private family home; and

1461 (4) The adoption requested is in the best interests of the child.

1462 (e) In exercising its discretion to determine whether the adoption requested is in the best
1463 interests of the child, the court shall consider the following factors:

1464 (1) The ability of each petitioner and, if applicable, each respondent to provide for the
1465 physical safety and welfare of the child, including food, shelter, health, and clothing;

1466 (2) The love, affection, bonding, and emotional ties existing between the child and each
1467 petitioner and, if applicable, each respondent;

1468 (3) The child's need for permanence, including the child's need for stability and
1469 continuity of relationships with his or her siblings;

1470 (4) The capacity and disposition of each petitioner and, if applicable, each respondent
 1471 to give the child his or her love, affection, and guidance and to continue the education and
 1472 rearing of the child;

1473 (5) The home environment of each petitioner and, if applicable, each respondent,
 1474 considering the promotion of the child's nurturance and safety rather than superficial or
 1475 material factors;

1476 (6) The stability of the family unit and the presence or absence of support systems within
 1477 the community to benefit the child;

1478 (7) The mental and physical health of all individuals involved;

1479 (8) The home, school, and community record and history of the child, as well as any
 1480 health or educational special needs of the child;

1481 (9) The child's background and ties, including familial, cultural, and religious;

1482 (10) The uniqueness of every family and child;

1483 (11) The child's wishes and long-term goals;

1484 (12) Any evidence of family violence, substance abuse, criminal history, or sexual,
 1485 mental, or physical child abuse in the petitioner's home and, if applicable, each
 1486 respondent's home;

1487 (13) Any recommendation by a court appointed agent or guardian ad litem; and

1488 (14) Any other factors considered by the court to be relevant and proper to its
 1489 determination.

1490 ~~(e)~~(f) If the court determines that any petitioner has not complied with this ~~chapter~~ article,
 1491 it may dismiss the petition for adoption without prejudice or it may continue the case.
 1492 Should the court find that any notice required to be given by any petitioner under this
 1493 ~~chapter~~ article has not been given or has not been properly given or that the petition for
 1494 adoption has not been properly filed, the court is shall be authorized to enter an order
 1495 providing for corrective action and an additional hearing.

1496 ~~(d)~~(g) If the court is not satisfied that the adoption is in the best interests of the child, it
 1497 shall deny the petition for adoption. ~~If the~~ such petition is denied because ~~of such reason~~
 1498 the court determines that the adoption requested is not in the best interests of the child or
 1499 for any other reason under law, the court shall set forth specific findings of fact explaining
 1500 its decision in its order denying the adoption and shall commit the child to the custody of
 1501 the department, ~~or to~~ a child-placing agency, ~~if the~~ or an out-of-state licensed agency if
 1502 such petition was filed pursuant to Code Section 19-8-4 ~~or 19-8-5~~. If such petition was
 1503 filed pursuant to Code Section 19-8-5, the court shall commit the child to the third party
 1504 named by the parent in the written surrender of rights pursuant to subsection (a) of Code
 1505 Section 19-8-5; and if there is no surrender of rights, the court shall place the child with the
 1506 department for the purpose of determining whether or not a petition should be initiated

1507 under Chapter 11 of Title 15. If such the petition was filed pursuant to Code Section
 1508 19-8-6, 19-8-7, or 19-8-8, the child shall remain in the custody of each petitioner if ~~that~~
 1509 each petitioner is fit to have custody or the court may place the child with the department
 1510 for the purpose of determining whether or not a petition should be initiated under Chapter
 1511 11 of Title 15. If the petition for adoption is denied, each surrender of rights executed in
 1512 support of the adoption, whether by a parent, biological father who is not a legal father, or
 1513 guardian, shall be dissolved by operation of law and the individual's rights shall be
 1514 restored. The fact that the individual executed a surrender of his or her rights in support
 1515 of the adoption shall not be admissible as evidence against him or her in any subsequent
 1516 proceeding.

1517 ~~(e)~~(h) A decree of adoption issued pursuant to subsection (b) of this Code section shall not
 1518 be subject to any judicial challenge filed more than six months after the date of entry of
 1519 such decree. Notwithstanding Code Section 9-3-31, any action for damages against an
 1520 adoptee or the adoptive parents for fraud in obtaining a consent or surrender of rights shall
 1521 be brought within six months of the time the fraud is or ought to reasonably have been
 1522 discovered.

1523 ~~(f) Any decree of adoption issued prior to the effective date of this action shall not be~~
 1524 ~~subject to any judicial challenge more than six months after July 1, 1995.~~

1525 (i) Notwithstanding subsection (a) of Code Section 19-8-23, the decree of adoption issued
 1526 pursuant to subsection (b) of this Code section shall authorize the clerk of the court to issue
 1527 one or more certified copies of the decree of adoption to the petitioner or his or her attorney
 1528 at the time of entry of the final decree without further order of the court and without cost.

1529 19-8-19.

1530 (a) A decree of adoption, whether issued by a court of this state or by a court of any other
 1531 jurisdiction, shall have the following effect as to matters within the jurisdiction of or before
 1532 a court in this state:

1533 (1) Except with respect to a spouse of the petitioner and relatives of the spouse, a decree
 1534 of adoption ~~terminates~~ shall terminate all legal relationships between the adopted
 1535 individual and his or her relatives, including his or her parent, so that the adopted
 1536 individual thereafter ~~is~~ shall be a stranger to his or her former relatives for all purposes,
 1537 including inheritance and the interpretation or construction of documents, statutes, and
 1538 instruments, whether executed before or after the adoption is decreed, which do not
 1539 expressly include the individual by name or by some designation not based on a parent
 1540 and child or blood relationship; and

1541 (2) A decree of adoption ~~creates~~ shall create the relationship of parent and child between
 1542 each petitioner and the adopted individual, as if the adopted individual were a child of

1543 biological issue of that petitioner. The adopted individual shall enjoy every right and
 1544 privilege of a biological child of that petitioner; shall be deemed a biological child of that
 1545 petitioner, to inherit under the laws of descent and distribution in the absence of a will,
 1546 and to take under ~~the provisions of~~ any instrument of testamentary gift, bequest, devise,
 1547 or legacy, whether executed before or after the adoption is decreed, unless expressly
 1548 excluded therefrom; shall take by inheritance from relatives of that petitioner; and shall
 1549 also take as a 'child' of that petitioner under a class gift made by the will of a third person.

1550 (b) Notwithstanding ~~the provisions of~~ subsection (a) of this Code section, if a parent of a
 1551 child dies without the relationship of parent and child having been previously terminated
 1552 by court order ~~or unrevoked surrender of parental rights to the child~~, the child's right of
 1553 inheritance from or through the deceased parent shall not be affected by the adoption.

1554 19-8-20.

1555 (a) Upon the entry of the decree of adoption, the clerk of the court granting the same shall
 1556 forward a copy of the decree, together with the original of the investigation report and
 1557 background information filed with the court, to the department. If there is any subsequent
 1558 order or revocation of the adoption, a copy of same in like manner shall be forwarded by
 1559 the clerk to the department.

1560 (b) At any time after the entry of the decree of adoption, upon the request of an adopted
 1561 ~~person~~ individual who has reached 18 years of age or upon the request of any adopting
 1562 parent, the clerk of the court granting the decree shall issue to that requesting adopted
 1563 ~~person~~ individual or adopting parent a certificate of adoption, under the seal of the court,
 1564 upon payment to the clerk of the fee prescribed in paragraph (4) of subsection (g) of Code
 1565 Section 15-6-77, which adoption certificate shall be received as evidence in any court or
 1566 proceeding as primary evidence of the facts contained in the certificate.

1567 (c) The adoption certificate shall ~~be in~~ conform substantially to the following form:

1568 This is to certify that _____ (names of each adopting parent) have
 1569 obtained a decree of adoption for _____ (full name of ~~adopted~~
 1570 ~~child~~ adoptee and date of birth of adoptee) in the Superior Court of _____ County,
 1571 Georgia, on the _____ day of _____, as shown by the court's
 1572 records _____ (adoption file number).

1573 Given under the hand and seal of said court, this the _____ day of _____,
 1574 _____.

1575
 1576

 Clerk'

1577 19-8-21.

1578 (a) Adult ~~persons~~ individuals may be adopted on giving written consent to the adoption.
 1579 In such cases, adoption shall be by a petition duly verified and filed, together with ~~two~~
 1580 ~~conformed copies~~ one conformed copy, in the superior court in the county in which ~~either~~
 1581 any petitioner or the adult to be adopted resides, setting forth the name, age, and residence
 1582 of each petitioner and of the adult to be adopted, the name by which the adult is to be
 1583 known, and his or her written consent to the adoption. The court may assign the petition
 1584 for adoption for hearing at any time. The petition for adoption shall state whether one or
 1585 both parents of the adult to be adopted will be replaced by the grant of such petition, and
 1586 if only one parent is to be replaced, then the decree of adoption shall make clear which
 1587 parent is to be replaced by adoption. After examining each petitioner and the adult ~~sought~~
 1588 to be adopted, the court, if satisfied that there is no reason why the adoption should not be
 1589 granted, shall enter a decree of adoption and, if requested, shall change the name of the
 1590 adopted adult. Thereafter, the relation between each petitioner and the adopted adult shall
 1591 be, as to their legal rights and liabilities, the same as the relation of a parent and adult child.
 1592 (b) ~~Code Section 19-8-19, relating to the effect of a decree of adoption, and Code Section~~
 1593 ~~19-8-20, relating to notice of adoption, Sections 19-8-19 and 19-8-20~~ shall also apply to
 1594 the adoption of adults.

1595 19-8-22.

1596 (a) A decree of a court or an administrative proceeding terminating the relationship of
 1597 parent and child, establishing the relationship of guardian and ward, or establishing the
 1598 relationship of parent and child by adoption, issued pursuant to due process of law by a
 1599 court or administrative body of any other jurisdiction within or outside the United States,
 1600 or the clear and irrevocable release or consent to adoption by the guardian of a child ~~where~~
 1601 when the appointment of the guardian has been certified by the appropriate and legally
 1602 authorized court or agency of the government of the foreign country, shall be recognized
 1603 in this state; and the rights and obligations of the parties as to matters within the
 1604 jurisdiction of this state shall be determined as though any such decree were issued by a
 1605 court of this state and any such consent or release shall be deemed to satisfy the
 1606 requirements of Code Sections 19-8-4, 19-8-5, 19-8-6, 19-8-7, 19-8-8, and 19-8-12.
 1607 (b) Any adoption proceeding in this state in which a final order of adoption was entered
 1608 by the court prior to April 1, 1986, and to which subsection (a) of this Code section would
 1609 have been applicable if said subsection, ~~as amended~~, had been effective at the time such
 1610 proceeding was filed or concluded shall be governed by ~~the provisions of~~ subsection (a) of
 1611 this Code section, ~~as amended~~.

1612 ~~(c) Any adoption proceeding pending in a court of competent jurisdiction in this state in~~
 1613 ~~which no final order of adoption has been entered as of April 1, 1986, to which the~~
 1614 ~~provisions of subsection (a) of this Code section are applicable shall be governed by the~~
 1615 ~~provisions of subsection (a) of this Code section, as amended.~~

1616 19-8-23.

1617 (a)(1) The original petition for adoption, all amendments, attachments, and exhibits
 1618 thereto, all motions, documents, affidavits, records, and testimony filed in connection
 1619 therewith, and all decrees or orders of any kind whatsoever, except the original
 1620 investigation report and background information referred to in Code Section 19-8-20,
 1621 shall be recorded in a book kept for ~~that~~ such purpose and properly indexed; and ~~the~~ such
 1622 book shall be part of the records of the court in each county which has jurisdiction over
 1623 matters of adoption in that county. All of ~~the~~ such court records, including the docket
 1624 book, ~~of the court granting the adoption, of the department, and of the child-placing~~
 1625 ~~agency~~ that relate in any manner to the adoption shall be kept sealed and locked. The
 1626 department shall keep its records that relate in any manner to an adoption sealed and
 1627 locked.

1628 (2) The court records and department records may be examined by the parties at interest
 1629 in the adoption and their attorneys when, after written petition, which shall be filed under
 1630 seal, has been presented to the court having jurisdiction and after the department and the
 1631 appropriate child-placing agency or out-of-state licensed agency, if any, have received
 1632 at least 30 days' prior written notice of the filing of such petition, the matter has come on
 1633 before the court in chambers and, ~~good cause having been shown to the court~~, the court
 1634 has entered an order permitting such examination.

1635 (3) Notwithstanding ~~the foregoing paragraph (2) of this subsection~~, if the adoptee who
 1636 is the subject of the records sought to be examined is less than 18 years of age at the time
 1637 the petition for examination is filed and ~~the~~ such petitioner is someone other than one of
 1638 the adoptive parents of the adoptee, then the department shall provide written notice of
 1639 such proceedings to the adoptive parents by certified mail ~~or statutory overnight delivery~~,
 1640 return receipt requested, or statutory overnight delivery at the last address the department
 1641 has for such adoptive parents, and the court shall continue any hearing on ~~the~~ such
 1642 petition until not less than 60 days after the date the notice to the adoptive parents was
 1643 sent. Each such adoptive parent shall have the right to appear in person or through
 1644 counsel and show cause why such records should not be examined. Adoptive parents
 1645 may provide the department with their current address for purposes of receiving notice
 1646 under this subsection by mailing that address to:

Office of Adoptions

State Adoption Unit

Department of Human Services

Atlanta, Georgia 30303

1647
1648
1649
1650
1651 (b) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any
1652 information contained in the records of the respective department or child-placing agency
1653 relating to the adoptive parents in connection with a subsequent adoption matter involving
1654 the same adoptive parents or to provide notice when required by subsection (a) of this Code
1655 section.

1656 (b.1) The department may, in its sole discretion, make use of any information contained
1657 in the records of the department concerning an adopted child and the adopted child's
1658 biological parents in connection with the placement of another child in the home of the
1659 adoptive parents of the child or in connection with the investigation of a report of child
1660 abuse or neglect made concerning the adopted child's biological parents.

1661 (c) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any
1662 information contained in its records on a child when an adoption disrupts after finalization
1663 and when such records are required for the permanent placement of such child, or when the
1664 information is required by federal law.

1665 (d)(1) Upon the request of a party at interest in the adoption, a child, legal guardian, or
1666 health care agent of an adopted ~~person~~ individual or a provider of medical services to
1667 such a party, child, legal guardian, or health care agent when certain information would
1668 assist in the provision of medical care, a medical emergency, or medical diagnosis or
1669 treatment, the department or child-placing agency shall access its own records on
1670 finalized adoptions for the purpose of adding subsequently obtained medical information
1671 or releasing nonidentifying medical and health history information contained in its
1672 records pertaining to an adopted ~~person~~ individual or the biological parents or relatives
1673 of the biological parents of the adopted ~~person~~ individual. For purposes of this
1674 paragraph, the term 'health care agent' ~~has~~ shall have the meaning provided by Code
1675 Section 31-32-2.

1676 (2) Upon receipt by the State Adoption Unit ~~of the Division of Family and Children~~
1677 ~~Services~~ of the department or by a child-placing agency of documented medical
1678 information relevant to an adoptee, the ~~office~~ department or child-placing agency shall
1679 use reasonable efforts to contact the adoptive parents of the adoptee if the adoptee is
1680 under 18 years of age or the adoptee if he or she is 18 years of age or older and provide
1681 such documented medical information to the adoptive parents or the adult adoptee. The
1682 ~~office~~ department or child-placing agency shall be entitled to reimbursement of

1683 reasonable costs for postage and photocopying incurred in the delivery of such
1684 documented medical information to the adoptive parents or adult adoptee.

1685 (e) Records relating in any manner to adoption shall not be open to the general public for
1686 inspection.

1687 (f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:

1688 (A) 'Biological parent' means the biological mother or biological father who
1689 surrendered ~~that person's~~ such individual's rights or had such rights terminated by court
1690 order giving rise to the adoption of the child.

1691 (B) 'Commissioner' means the commissioner of human services or ~~that person's~~ his or
1692 her designee.

1693 (C) 'Department' means the Department of Human Services or, when the Department
1694 of Human Services so designates, the county ~~department~~ division of family and children
1695 services which placed for adoption the ~~person~~ individual seeking, or on whose behalf
1696 is sought, information under this subsection.

1697 (D) 'Placement agency' means the child-placing agency, as defined in paragraph ~~(3)~~ (5)
1698 of Code Section 19-8-1, which placed for adoption the ~~person~~ individual seeking, or on
1699 whose behalf is sought, information under this subsection.

1700 (2) The department or a placement agency, upon the written request of an adopted ~~person~~
1701 individual who has reached 18 years of age or upon the written request of an adoptive
1702 parent on behalf of that parent's adopted child, shall release to such adopted ~~person~~
1703 individual or to the adoptive parent on the child's behalf nonidentifying information
1704 regarding such adopted ~~person's~~ individual's biological parents and information regarding
1705 such adopted ~~person's~~ individual's birth. Such information may include the date and
1706 place of birth of the adopted ~~person~~ individual and the genetic, social, and health history
1707 of the biological parents. No information released pursuant to this paragraph shall
1708 include the name or address of either biological parent or the name or address of any
1709 relative by birth or marriage of either biological parent.

1710 (3)(A) The department or a placement agency, upon the written request of an adopted
1711 ~~person~~ individual who has reached ~~21~~ 18 years of age, shall release to such adopted
1712 ~~person~~ individual the name of such person's individual's biological parent, together with
1713 a detailed summary of all information the department or placement agency has
1714 concerning the adoptee's birth, foster care, placement for adoption, and finalization of
1715 his or her adoption, if:

1716 (i) A ~~The~~ biological parent whose name is to be released has submitted unrevoked
1717 written permission to the department or ~~the~~ placement agency for the release of that
1718 parent's name to the adopted ~~person~~ individual;

1719 (ii) The identity of ~~the~~ a biological parent submitting permission for the release of
 1720 that parent's name has been verified by the department or ~~the~~ placement agency; and
 1721 (iii) The department or ~~the~~ placement agency has records pertaining to the finalized
 1722 adoption and to the identity of ~~the~~ a biological parent whose name is to be released.

1723 (B) If the adopted person individual is deceased and leaves a child, such child, upon
 1724 reaching ~~21~~ 18 years of age, may seek the name and other identifying information
 1725 concerning his or her grandparents in the same manner as the deceased adopted person
 1726 individual and subject to the same procedures contained in this Code section.

1727 (4)(A) If a biological parent has not filed written unrevoked permission for the release
 1728 of that parent's name to the adopted child, the department or ~~the~~ placement agency,
 1729 within six months of receipt of the written request of the adopted person individual who
 1730 has reached ~~21~~ 18 years of age, shall make diligent effort to notify each living
 1731 biological parent identified in the original adoption proceedings or in other records of
 1732 the department or ~~the~~ placement agency relative to the adopted person individual. For
 1733 purposes of this subparagraph, the term 'notify' means a personal and confidential
 1734 contact with each biological parent of the adopted person individual. The contact shall
 1735 be by an employee or agent of the placement agency which processed the pertinent
 1736 adoption or by other agents or employees of the department. The contact shall be
 1737 evidenced by the person individual who notified each biological parent, certifying to
 1738 the department or placement agency that each biological parent was given the following
 1739 information:

- 1740 (i) The nature of the information requested by the adopted person individual;
- 1741 (ii) The date of the request of the adopted person individual;
- 1742 (iii) The right of each biological parent to file an affidavit with the placement agency
 1743 or the department stating that such parent's identity should not be disclosed;
- 1744 (iv) The right of each biological parent to file a consent to disclosure with the
 1745 placement agency or the department; and
- 1746 (v) The effect of a failure of each biological parent to file ~~either~~ a consent to
 1747 disclosure or an affidavit stating that the information in the sealed adoption file should
 1748 not be disclosed.

1749 (B) If a biological parent files an unrevoked consent to the disclosure of that parent's
 1750 identity, such parent's name, together with a detailed summary of all information the
 1751 department or placement agency has concerning the adoptee's birth, foster care,
 1752 placement for adoption, and finalization of his or her adoption, shall be released to the
 1753 adopted person individual who has requested such information as authorized by this
 1754 paragraph.

1755 (C) If, within 60 days of being notified by the department or ~~the~~ placement agency
 1756 pursuant to subparagraph (A) of this paragraph, a biological parent has filed with the
 1757 department or placement agency an affidavit objecting to such release, information
 1758 regarding the identity of that biological parent shall not be released.

1759 (D)(i) If six months after receipt of the adopted ~~person's~~ individual's written request
 1760 the placement agency or the department has ~~either~~ been unable to notify a biological
 1761 parent identified in the original adoption record or has been able to notify a biological
 1762 parent identified in the original adoption record but has not obtained a consent to
 1763 disclosure from the notified biological parent, then the identity of a biological parent
 1764 may only be disclosed as provided in division (ii) or (iii) of this subparagraph.

1765 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age may petition
 1766 the Superior Court of Fulton County to seek the release of the identity of each of ~~that~~
 1767 ~~person's~~ his or her biological parents from the department or placement agency. The
 1768 court shall grant the petition if the court finds that the department or placement
 1769 agency has made diligent efforts to locate each biological parent pursuant to this
 1770 subparagraph ~~either~~ without success or upon locating a biological parent has not
 1771 obtained a consent to disclosure from the notified biological parent and that failure
 1772 to release the identity of each biological parent would have an adverse impact upon
 1773 the physical, mental, or emotional health of the adopted ~~person~~ individual.

1774 (iii) If it is verified that a biological parent of the adopted ~~person~~ individual is
 1775 deceased, the department or placement agency shall be authorized to disclose the
 1776 name and place of burial of the deceased biological parent, if known, together with
 1777 a detailed summary of all information the department or placement agency has
 1778 concerning the adoptee's birth, foster care, placement for adoption, and finalization
 1779 of his or her adoption, to the adopted ~~person~~ individual seeking such information
 1780 without the necessity of obtaining a court order.

1781 (5)(A) Upon written request of an adopted ~~person~~ individual who has reached ~~21~~ 18
 1782 years of age or a ~~person~~ an individual who has reached ~~21~~ 18 years of age and who is
 1783 the sibling of an adopted ~~person~~ individual, the department or a placement agency shall
 1784 attempt to identify and notify the siblings of the requesting party, if such siblings are
 1785 at least 18 years of age. Upon locating the requesting party's sibling, the department
 1786 or ~~the~~ placement agency shall notify the sibling of the inquiry. Upon the written
 1787 consent of a sibling so notified, the department or ~~the~~ placement agency shall forward
 1788 the requesting party's name and address to the sibling and, upon further written consent
 1789 of the sibling, shall divulge to the requesting party the present name and address of the
 1790 sibling. If a sibling cannot be identified or located, the department or placement agency
 1791 shall notify the requesting party of such circumstances but shall not disclose any names

1792 or other information which would tend to identify the sibling. If a sibling is deceased,
 1793 the department or placement agency shall be authorized to disclose the name and place
 1794 of burial of the deceased sibling, if known, to the requesting party without the necessity
 1795 of obtaining a court order.

1796 (B)(i) If six months after receipt of the written request from an adopted ~~person~~
 1797 individual who has reached ~~21~~ 18 years of age or ~~a person~~ an individual who has
 1798 reached ~~21~~ 18 years of age and who is the sibling of an adopted ~~person~~ individual, the
 1799 ~~placement agency or the department~~ has either department or placement agency has
 1800 been unable to notify one or more of the siblings of the requesting party or has been
 1801 able to notify a sibling of the requesting party but has not obtained a consent to
 1802 disclosure from the notified sibling, then the identity of the siblings may only be
 1803 disclosed as provided in division (ii) of this subparagraph.

1804 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age or ~~a person~~
 1805 an individual who has reached ~~21~~ 18 years of age and who is the sibling of an adopted
 1806 ~~person~~ individual may petition the Superior Court of Fulton County to seek the
 1807 release of the last known name and address of each of the siblings of the petitioning
 1808 sibling, ~~that~~ who are at least 18 years of age, from the department or placement
 1809 agency. The court shall grant the petition if the court finds that the department or
 1810 placement agency has made diligent efforts to locate such siblings pursuant to
 1811 subparagraph (A) of this paragraph ~~either~~ without success or upon locating one or
 1812 more of the siblings has not obtained a consent to disclosure from all the notified
 1813 siblings and that failure to release the identity and last known address of said siblings
 1814 would have an adverse impact upon the physical, mental, or emotional health of the
 1815 petitioning sibling.

1816 (C) If the adopted ~~person~~ individual is deceased and leaves a child, such child, upon
 1817 reaching ~~21~~ 18 years of age, may obtain the name and other identifying information
 1818 concerning the siblings of his or her deceased parent in the same manner that the
 1819 deceased adopted ~~person~~ individual would be entitled to obtain such information
 1820 pursuant to the procedures contained in this Code section.

1821 (6)(A) Upon written request of a biological parent of an adopted ~~person~~ individual who
 1822 has reached ~~21~~ 18 years of age, the department or ~~a~~ placement agency shall attempt to
 1823 identify and notify the adopted ~~person~~ individual. Upon locating the adopted ~~person~~
 1824 individual, the department or ~~the~~ placement agency shall notify the adopted ~~person~~
 1825 individual of the inquiry. Upon the written consent of the adopted ~~person~~ individual
 1826 so notified, the department or ~~the~~ placement agency shall forward ~~the~~ such biological
 1827 parent's name and address to the adopted ~~person~~ individual, together with a detailed
 1828 summary of all information the department or placement agency has concerning the

1829 adoptee's birth, foster care, placement for adoption, and finalization of his or her
 1830 adoption, and, upon further written consent of the adopted person individual, shall
 1831 divulge to ~~the~~ such requesting biological parent the present name and address of the
 1832 adopted person individual. If the adopted person individual is deceased, the department
 1833 or placement agency shall be authorized to disclose the name and place of burial of the
 1834 deceased adopted person individual, if known, to ~~the~~ such requesting biological parent
 1835 without the necessity of obtaining a court order.

1836 (B)(i) If six months after receipt of the written request from a biological parent of an
 1837 adopted person individual who has reached ~~21~~ 18 years of age, the ~~placement agency~~
 1838 ~~or the department has either~~ department or placement agency has been unable to
 1839 notify the adopted person individual or has been able to notify the adopted person
 1840 individual but has not obtained a consent to disclosure from the notified adopted
 1841 person individual, then the identity of the adopted person individual may only be
 1842 disclosed as provided in division (ii) of this subparagraph.

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

1854 (C) If ~~the~~ a biological parent is deceased, a parent or sibling of the deceased biological
 1855 parent, or both, may obtain the name and other identifying information concerning the
 1856 adopted person individual in the same manner that the deceased biological parent would
 1857 be entitled to obtain such information pursuant to the procedures contained in this Code
 1858 section.

1859 (7) If an adoptive parent or the sibling of an adopted person individual notifies the
 1860 department or placement agency of the death of an adopted person individual, the
 1861 department or placement agency shall add information regarding the date and
 1862 circumstances of the death to its records so as to enable it to share such information with
 1863 a biological parent or sibling of the adopted person individual if they make an inquiry
 1864 pursuant to ~~the provisions of~~ this Code section.

1865 (8) If a biological parent or his or her parent or sibling of a biological parent notifies the
 1866 department or placement agency of the death of a biological parent or a sibling of an
 1867 adopted ~~person~~ individual, the department or placement agency shall add information
 1868 regarding the date and circumstances of the death to its records so as to enable it to share
 1869 such information with an adopted ~~person~~ individual or sibling of the adopted ~~person if he~~
 1870 ~~or she makes~~ individual if they make an inquiry pursuant to ~~the provisions of~~ this Code
 1871 section.

1872 (9) The ~~Office of Adoptions~~ State Adoption Unit within the department shall maintain
 1873 a registry for the recording of requests by adopted ~~persons~~ individuals for the name of
 1874 any biological parent, for the recording of the written consent or the written objections
 1875 of any biological parent to the release of that parent's identity to an adopted ~~person~~
 1876 individual upon the adopted ~~person's~~ individual's request, and for nonidentifying
 1877 information regarding any biological parent which may be released pursuant to
 1878 paragraph (2) of this subsection. The department and any placement agency which
 1879 receives such requests, consents, or objections shall file a copy thereof with ~~that office~~
 1880 the State Adoption Unit.

1881 (10) The department or placement agency may charge a reasonable fee to be determined
 1882 by the department for the cost of conducting any search pursuant to this subsection.

1883 (11) Nothing in this subsection shall be construed to require the department or placement
 1884 agency to disclose to any party at interest, including but not limited to an adopted ~~person~~
 1885 individual who has reached ~~21~~ 18 years of age, any information which is not kept by the
 1886 department or ~~the~~ placement agency in its normal course of operations relating to
 1887 adoption.

1888 (12) Any department employee or employee of any placement agency who releases
 1889 information or makes authorized contacts in good faith and in compliance with this
 1890 subsection shall be immune from civil ~~or criminal~~ liability or criminal responsibility for
 1891 such release of information or authorized contacts.

1892 (13) Information authorized to be released pursuant to this subsection may be released
 1893 under the conditions specified in this subsection, notwithstanding any other provisions
 1894 of law to the contrary.

1895 (14) A placement agency which demonstrates to the department by clear and convincing
 1896 evidence that the requirement that such agency search for or notify any biological parent,
 1897 sibling, or adopted ~~person~~ individual under subparagraph (A) ~~of paragraph (4) of this~~
 1898 ~~subsection or subparagraph (A) of paragraph (5) of this subsection or subparagraph (A)~~
 1899 ~~of paragraph (4), (5), or (6) of this subsection~~ will impose an undue hardship upon that
 1900 agency shall be relieved from that responsibility, and the department shall assume that
 1901 responsibility upon such finding by the department of undue hardship. The department's

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

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

19-8-24.

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

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

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

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

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

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

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

1938 (b) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1939 association of any kind whatsoever to sell, offer to sell, or conspire with another to sell or
 1940 offer to sell a child for money or anything of value, except as otherwise provided in this
 1941 chapter article.

1942 (c)(1) As used in this subsection, the term 'inducements' means any financial assistance,
 1943 either direct or indirect, from whatever source, but shall expressly not include:

1944 (A) The payment or reimbursement of the medical expenses directly related to the
 1945 biological mother's pregnancy and hospitalization for the birth of the child and medical
 1946 care for such child if paid by a licensed child-placing agency or an attorney;

1947 (B) The payment or reimbursement of expenses for counseling services or legal
 1948 services for a biological parent that are directly related to the placement by such parent
 1949 of her or his child for adoption if paid by a licensed child-placing agency or an attorney;

1950 or

1951 (C) The payment or reimbursement of reasonable living expenses for the biological
 1952 mother if paid by a licensed child-placing agency.

1953 (2) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1954 association of any kind whatsoever to directly or indirectly hold out inducements to any
 1955 biological parent to part with his or her child.

1956 (3) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1957 association of any kind whatsoever to conspire with another to offer or provide
 1958 inducements to a biological parent to part with his or her child.

1959 (4) It shall be unlawful for an individual to knowingly make false representations in
 1960 order to obtain inducements.

1961 (5) The report and affidavit filed pursuant to subsections (c) and (d) of Code Section
 1962 19-8-13 shall include an itemized accounting of all expenses paid or reimbursed pursuant
 1963 to this subsection.

1964 (d)(1) It shall be unlawful for an individual to knowingly accept living expenses for the
 1965 adoption of her child or unborn child if she knows or should have known that she is not
 1966 pregnant or is not a legal mother.

1967 (2) It shall be unlawful for an individual to knowingly accept living expenses from an
 1968 adoption agency without disclosing that he or she is receiving living expenses from
 1969 another adoption agency in an effort to allow for the adoption of the same child or unborn
 1970 child.

1971 (3) It shall be unlawful for an individual to knowingly make false representations in
 1972 order to obtain living expenses.

1973 ~~(c)~~(e) Any person who violates ~~subsection (a) or (b)~~ of this Code section shall be guilty
 1974 of a felony and, upon conviction thereof, shall be punished by a fine not to exceed

1975 \$10,000.00, or imprisonment for not less than one nor more than ten years, or both, ~~in the~~
 1976 ~~discretion of the court.~~

1977 ~~(d)(f)(1) Subsection Paragraph (1) of subsection~~ (a) of this Code section shall not apply
 1978 to communication by private means, including ~~only~~ written letters or oral statements, by
 1979 an individual seeking to:

1980 (A) Adopt a child or children; or

1981 (B) Place that individual's child or children for adoption,

1982 whether the communication occurs before or after the birth of such child or children.

1983 (2) ~~Subsection Paragraph (1) of subsection~~ (a) of this Code section shall not apply to any
 1984 communication described in paragraph (1) of this subsection which contains ~~any~~
 1985 ~~attorney's name, address, the name of an attorney who is a member of the State Bar of~~
 1986 Georgia, his or her address, his or her telephone number, or any combination of such
 1987 information and which requests ~~any~~ that the attorney named in such communication ~~to~~
 1988 be contacted to facilitate the carrying out of the purpose, as described in subparagraph
 1989 (A) or (B) of paragraph (1) of this subsection, of the individual making such personal
 1990 communication.

1991 (g) Any child-placing agency or individual who is seeking to adopt or seeking to place a
 1992 child for adoption who is damaged by a violation of this Code section may file a civil
 1993 action to recover damages, treble damages, reasonable attorney's fees, and expenses of
 1994 litigation.

1995 19-8-25.

1996 (a) A written consent or surrender of rights, executed on or before ~~June 30, 1990~~
 1997 December 31, 2018, shall, for purposes of an adoption proceeding commenced on or after
 1998 ~~July 1, 1990~~ January 1, 2019, be deemed to satisfy the surrender requirements of this
 1999 ~~chapter~~ article and it shall not be necessary to have any parent or guardian execute the
 2000 documents required by Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7; however, all other
 2001 applicable provisions of this ~~chapter~~ must article shall be complied with.

2002 (b) It is the legislative intent of this subsection to clarify and not to change the applicability
 2003 of certain previously existing provisions of this ~~chapter~~ article to adoption proceedings
 2004 pending on ~~July 1, 1990~~ December 31, 2018. Any decree of adoption issued in an adoption
 2005 proceeding in which the adoption petition was filed in a superior court of this state prior
 2006 to ~~July 1, 1990~~ January 1, 2019, shall be valid if the adoption conformed to the
 2007 requirements of this ~~chapter~~ article either as they existed on ~~June 30, 1990~~ December 31,
 2008 2018, or on ~~July 1, 1990~~ January 1, 2019, and each such adoption decree is hereby ratified
 2009 and confirmed.

19-8-26.

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

SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION

NOTICE TO PARENT OR GUARDIAN:

This is an important legal document and by signing it, you are surrendering all of your ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to ~~facilitate the child's placement~~ place the child for adoption. Understand that you are signing this document under oath and that if you knowingly and willfully make a false statement in this document you will be guilty of the crime of false swearing. As explained below in paragraph 5, you have the right to revoke this ~~You are to receive a copy of this document and as explained below have the right to withdraw your surrender within ten days from the date you sign it.~~ If you are at least 21 years of age, you may choose to waive that right so that this surrender will become effective immediately upon signing such a waiver. If you choose to waive the right to a ten-day revocation period, you must consult an attorney, who is not representing the petitioner, and make that choice in paragraph 5 below and execute a separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 72 hours after the birth of the child.

STATE OF GEORGIA
COUNTY OF _____

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

1.

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

2.

2042
 2043 I, the undersigned, _____ (relationship to child) (~~insert relationship~~
 2044 ~~to child~~) of the aforesaid child, do hereby surrender my rights to the child to
 2045 _____ (name of child-placing agency,
 2046 out-of-state licensed agency, or Department of Human Services, as applicable) (~~insert~~
 2047 ~~name of child-placing agency or Department of Human Services, as applicable~~) and
 2048 promise not to interfere in the management of the child in any respect whatever; and,
 2049 in consideration of the benefits guaranteed by _____
 2050 (name of child-placing agency, out-of-state licensed agency, or Department of Human
 2051 Services, as applicable) (~~insert name of child-placing agency or Department of Human~~
 2052 ~~Services, as applicable~~) in thus providing for the child, I do relinquish all right, title,
 2053 and claim rights to the child herein named in this document, it being my wish, intent,
 2054 and purpose to relinquish absolutely all parental control over the child. Furthermore,
 2055 I hereby agree that the _____ (name of
 2056 child-placing agency, out-of-state licensed agency, or Department of Human Services,
 2057 as applicable) (~~insert name of child-placing agency or Department of Human Services,~~
 2058 ~~as applicable~~) may seek for the child a legal adoption by such ~~person or persons~~
 2059 individual or individuals as may be chosen by the _____
 2060 (name of child-placing agency, out-of-state licensed agency, or Department of Human
 2061 Services, as applicable) (~~insert name of child-placing agency or Department of Human~~
 2062 ~~Services, as applicable~~) or its authorized agents, without further notice to me. I do,
 2063 furthermore, expressly waive any other notice or service in any of the legal proceedings
 2064 for the adoption of the child.

3.

2065
 2066 ~~Furthermore,~~ I understand that under Georgia law ~~the Department of Human Services~~
 2067 ~~or the child-placing agency~~ an agent appointed by the court is required to conduct an
 2068 investigation and render a report to the court in connection with the legal proceeding
 2069 for the legal adoption of the child, and I hereby agree to cooperate fully with such
 2070 ~~department or agency agent~~ agent in the conduct of its investigation.

4.

2071
 2072 I understand that I will receive a copy of this document after the witness and I have
 2073 signed it and it has been notarized.

5.

I understand that under Georgia law I have the unconditional right to a ten-day revocation period. I understand that if I am at least 21 years of age I also have the choice to waive the ten-day revocation period, thereby causing the surrender of my rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS.

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

A. _____ (Signature) I choose to RETAIN the unconditional right to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that ~~I have received a copy of this document and that~~ I understand I may only ~~withdraw~~ revoke this surrender by giving written notice, delivered in person or mailed by registered mail or statutory overnight delivery, to _____ (name and address of child-placing agency, out-of-state licensed agency, or Department of Human Services, as applicable) ~~(insert name and address of child-placing agency or Department of Human Services, as applicable)~~ within ten days from the date hereof; of signing this document. I understand that certified mail cannot be used for mail delivery of the notice to revoke this surrender. I understand that the ten days shall will be counted consecutively beginning with the day immediately following the date hereof; I sign this document; provided, however, that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on which ~~the~~ this surrender may be ~~withdrawn shall~~ revoked will be the next day that is not a Saturday, Sunday, or legal holiday; ~~and I understand that it may NOT be withdrawn thereafter. I understand that, if I deliver the notice to revoke this surrender in person, it must be delivered to~~ _____ (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on the tenth day. I understand that I CANNOT revoke this surrender after that time.

OR

B. _____ (Signature) I am at least 21 years of age and I choose to WAIVE the right to a ten-day revocation period under Georgia law. I have consulted an attorney, who is not representing the petitioner, regarding signing the WAIVER

2107 OF RIGHT TO REVOKE SURRENDER OF RIGHTS. I will sign a separate
 2108 WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 72 hours
 2109 after the birth of the child and, by signing said waiver, I understand and intend to give
 2110 up the unconditional right to revoke this surrender. I fully understand that by signing
 2111 the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the surrender
 2112 of my rights will become final immediately upon signing it and that thereafter this
 2113 surrender cannot be revoked.

2114 6.

2115 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2116 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2117 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2118 of this surrender of my parental rights.

2119 7.

2120 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2121 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2122 and voluntarily.

2123 ~~Witness my hand and seal this~~

2124 This _____ day of _____, _____.

2125 _____
 2126 (SEAL)
 2127 (Parent or guardian)

2128 _____
 2129 Unofficial witness
 2130 Adult witness

2131 Sworn to and subscribed
 2132 before me this _____
 2133 day of _____, _____.

2134 _____
2135 Notary public (SEAL)

2136 My commission expires: _____.

2137 (b) ~~Reserved:~~ The notice to revoke a surrender of rights pursuant to subsection (a) of Code
 2138 Section 19-8-9 shall conform substantially to the following form:

'NOTICE TO REVOKE SURRENDER OF RIGHTS/
FINAL RELEASE FOR ADOPTION

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

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

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

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

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

OR

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

This _____ day of _____, _____.

(Parent, guardian, or alleged biological father)

Printed name

Adult witness'

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

SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION

NOTICE TO PARENT OR GUARDIAN:

This is an important legal document and by signing it, you are surrendering all of your ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to ~~facilitate the child's placement~~ place the child for adoption. Understand that you are signing this document under oath and that if you knowingly and willfully make a false statement in this document you will be guilty of the crime of false swearing. As explained below in paragraph 8, you have the right to revoke this ~~You are to receive a copy of this document and as explained below have the right to withdraw your surrender~~ within ten days from the date you sign it. If you are at least 21 years of age, you may choose to waive that right so that this surrender will become effective immediately upon signing such a waiver. If you choose to waive the right to a ten-day revocation period, you must consult an attorney, who is not representing the petitioner, and make that choice in paragraph 8 below and execute a separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 72 hours after the birth of the child.

STATE OF GEORGIA
COUNTY OF _____

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

1.

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

2.

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

3.

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

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

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

A. _____ (Signature) — I wish the child returned to me, as provided by subsection (j) of Code Section 19-8-5, and I expressly acknowledge that this provision applies only to the limited circumstance that the child is not adopted by the ~~person or persons~~ individual or individuals designated herein in this document and further that this provision does not impair the validity, absolute finality, or totality of this surrender under any circumstance other than the failure of the designated ~~person or persons~~ individual or individuals to adopt the child and that no other provision of

2231 this surrender impairs the validity, absolute finality, or totality of this surrender once
2232 the ten-day revocation period has elapsed; ~~or~~

2233 **OR**

2234 B. _____ (Signature) _____ I surrender the child to
2235 _____ (name of child-placing agency or out-of-state licensed
2236 agency), as provided in subsection (j) of Code Section 19-8-5 (~~insert name of~~
2237 ~~designated licensed child-placing agency~~), a licensed child-placing agency, for
2238 placement for adoption. I understand that if the child-placing agency or out-of-state
2239 licensed agency declines to accept the child for placement for adoption, this surrender
2240 will be in favor of the Department of Human Services for placement for adoption and
2241 _____ (name of child-placing agency or out-of-state
2242 licensed agency) or the Department of Human Services may petition the superior
2243 court for custody of the child in accordance with the terms of this surrender; ~~or~~

2244 **OR**

2245 C. _____ (Signature) _____ I surrender the child to the Department
2246 of Human Services, as provided by subsection ~~(k)~~ (j) of Code Section 19-8-5, for
2247 placement for adoption; and (~~insert name of designated licensed child-placing agency~~)
2248 ~~or~~ the Department of Human Services may petition the superior court for custody of
2249 the child in accordance with the terms of this surrender.

2250 4.

2251 ~~Furthermore~~, I hereby agree that the child is to be adopted either by each person named
2252 above individual named in paragraph 2 or by any other ~~such person~~ individual as may
2253 be chosen by ~~the~~ _____ (name of
2254 child-placing agency or out-of-state licensed agency) (~~insert name of designated~~
2255 ~~licensed child-placing agency~~) or the Department of Human Services and I do expressly
2256 waive any other notice or service in any of the legal proceedings for the adoption of the
2257 child.

2258 5.

2259 ~~Furthermore~~, I understand that under Georgia law an evaluator is required to conduct
 2260 and provide to the court a home study and make recommendations to the court
 2261 regarding the qualification of each ~~person named above to adopt~~ individual named in
 2262 paragraph 2 to adopt the child concerning the circumstances of placement of ~~my~~ the
 2263 child for adoption. ~~I hereby agree to cooperate fully with such investigations.~~

2264 6.

2265 ~~Furthermore~~, I understand that under Georgia law, an agent appointed by the court is
 2266 required to conduct an investigation and render a report to the court in connection with
 2267 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate
 2268 fully with such agent in the conduct of ~~this~~ its investigation.

2269 7.

2270 I understand that I will receive a copy of this document after the witness and I have
 2271 signed it and it has been notarized.

2272 8.

2273 I understand that under Georgia law I have the unconditional right to a ten-day
 2274 revocation period. I understand that if I am at least 21 years of age I also have the
 2275 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2276 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2277 SURRENDER OF RIGHTS.

2278 Indicate your choice by signing ONE of the following statements (you may choose
 2279 statement A or B):

2280 A. _____ (Signature) I choose to RETAIN the unconditional right
 2281 to a ten-day revocation period under Georgia law. ~~Furthermore, I hereby certify that~~
 2282 ~~I have received a copy of this document and that I understand I may only withdraw~~
 2283 ~~revoke~~ this surrender by giving written notice, delivered in person or mailed by
 2284 registered mail or statutory overnight delivery, to
 2285 _____ (name and address of each individual to whom
 2286 surrender is made or his or her agent) ~~(insert name and address of agent of each~~
 2287 ~~person to whom surrender is made)~~ within ten days from the date hereof; of signing
 2288 this document. I understand that certified mail cannot be used for mail delivery of the
 2289 notice to revoke this surrender. I understand that the ten days shall will be counted

2290 consecutively beginning with the day immediately following the date ~~hereof~~ I sign
 2291 this document; provided, however, that, if the tenth day falls on a Saturday, Sunday,
 2292 or legal holiday, then the last day on which ~~the this~~ surrender may be ~~withdrawn~~ shall
 2293 revoked will be the next day that is not a Saturday, Sunday, or legal holiday; ~~and I~~
 2294 understand that it may NOT be withdrawn thereafter. I understand that, if I deliver
 2295 the notice to revoke this surrender in person, it must be delivered to
 2296 _____ (name and address) not later than
 2297 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
 2298 the tenth day. I understand that I CANNOT revoke this surrender after that time.

2299 **OR**

2300 B. _____ (Signature) I am at least 21 years of age and I choose to
 2301 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted
 2302 an attorney, who is not representing the petitioner, regarding signing the WAIVER
 2303 OF RIGHT TO REVOKE SURRENDER OF RIGHTS. I will sign a separate
 2304 WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 72 hours
 2305 after the birth of the child and, by signing said waiver, I understand and intend to give
 2306 up the unconditional right to revoke this surrender. I fully understand that by signing
 2307 the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the surrender
 2308 of my rights will become final immediately upon signing it and that thereafter this
 2309 surrender cannot be revoked.

2310 9.

2311 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2312 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2313 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2314 of this surrender of my parental rights.

2315 10.

2316 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2317 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2318 and voluntarily.

2319 ~~Witness my hand and seal this~~

2320 This _____ day of _____, _____.

2321
2322
2323

(SEAL)
(Parent or guardian)

2324
2325
2326

Unofficial witness
Adult witness

2327
2328
2329

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

2330
2331

Notary public (SEAL)

2332

My commission expires: _____.

2333
2334
2335

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

2336
2337

'SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION

2338

NOTICE TO ALLEGED BIOLOGICAL FATHER:

2339
2340
2341
2342
2343
2344
2345
2346
2347
2348
2349
2350
2351
2352

This is an important legal document and by signing it you are surrendering all of your ~~right, title, and claim~~ rights to the child identified herein, ~~so as to facilitate the child's placement for adoption. You are to receive a copy of this document and as explained below have the right to withdraw your surrender within ten days from the date you sign it in this document. Understand that you are signing this document under oath and that if you knowingly and willfully make a false statement in this document you will be guilty of the crime of false swearing. As explained below in paragraph 4, you have the right to revoke this surrender within ten days from the date you sign it. If you are at least 21 years of age, you may choose to waive that right so that this surrender will become immediately effective upon signing such a waiver. If you choose to waive the right to a ten-day revocation period, you must consult an attorney, who is not representing the petitioner, and make that choice in paragraph 4 below and execute a separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 72 hours after the birth of the child.~~

2353

2354 STATE OF GEORGIA
 2355 COUNTY OF _____

2356 Personally appeared before me, the undersigned officer duly authorized to administer
 2357 oaths, _____ (name of alleged biological father) who, after having
 2358 been sworn, deposes and says as follows:

2359 1.
 2360 I, the undersigned, alleged biological father of a (male) (female) [circle one] child, born
 2361 _____ (name of child) to _____ (name of legal
 2362 mother) on _____ (birthdate of child) at _____ : _____ (A.M.) (P.M.)
 2363 [circle one], being mindful that the (insert name of child) to (insert name of mother) on
 2364 (insert birthdate of child), being solicitous that said child should receive the benefits
 2365 and advantages of a good home, to the end that (she) (he) [circle one] may be fitted for
 2366 the requirements of life, consent to this surrender of my rights. I, the undersigned, do
 2367 hereby surrender my rights to the child. I promise not to interfere in the management
 2368 of the child in any respect whatever; and, in consideration of the benefits provided to
 2369 the child through adoption, I do relinquish all right, title, and claim rights to the child
 2370 herein named in this document, it being my wish, intent, and purpose to relinquish
 2371 absolutely all control over the child.

2372 2.
 2373 ~~Furthermore~~, I hereby agree that the child is to be adopted and I do expressly waive any
 2374 other notice or service in any of the legal proceedings for the adoption of the child.
 2375 ~~Furthermore~~, I understand that under Georgia law an agent appointed by the court is
 2376 required to conduct an investigation and render a report to the court in connection with
 2377 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate
 2378 fully with ~~the~~ such agent appointed by the court in the conduct of ~~this~~ its investigation.

2379 3.
 2380 I understand that I will receive a copy of this document after the witness and I have
 2381 signed it and it has been notarized.

2382 4.
 2383 I understand that under Georgia law I have the unconditional right to a ten-day
 2384 revocation period. I understand that if I am at least 21 years of age I also have the
 2385 choice to waive the ten-day revocation period, thereby causing the surrender of my

2386 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2387 SURRENDER OF RIGHTS.

2388 Indicate your choice by signing ONE of the following statements (you may choose
 2389 statement A or B):

2390 A. _____ (Signature) I choose to RETAIN the unconditional right
 2391 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2392 I have received a copy of this document and that I understand I may only withdraw
 2393 revoke this surrender by giving written notice, delivered in person or mailed by
 2394 registered mail or statutory overnight delivery, to
 2395 _____ (name and address of child-placing
 2396 agency representative, out-of-state licensed agency representative, Department of
 2397 Human Services representative, individual to whom surrender is made or his or her
 2398 agent, or petitioner's representative, as applicable) (~~insert name and address of~~
 2399 ~~child-placing agency representative, Department of Human Services representative,~~
 2400 ~~person to whom surrender is made, or petitioner's representative, as appropriate)~~
 2401 within ten days from the date hereof; of signing this document. I understand that
 2402 certified mail cannot be used for mail delivery of the notice to revoke this surrender.
 2403 I understand that the ten days ~~shall~~ will be counted consecutively beginning with the
 2404 day immediately following the date hereof; I sign this document; provided, however,
 2405 that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on
 2406 which ~~the~~ this surrender may be ~~withdrawn shall~~ revoked will be the next day that is
 2407 not a Saturday, Sunday, or legal holiday; and I understand that it may NOT be
 2408 withdrawn thereafter. I understand that, if I deliver the notice to revoke this surrender
 2409 in person, it must be delivered to
 2410 _____ (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight
 2411 time, whichever is applicable, on the tenth day. I understand that I CANNOT revoke
 2412 this surrender after that time.

2413 **OR**

2414 B. _____ (Signature) I am at least 21 years of age and I choose to
 2415 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted
 2416 an attorney, who is not representing the petitioner, regarding signing the WAIVER
 2417 OF RIGHT TO REVOKE SURRENDER OF RIGHTS. I will sign a separate
 2418 WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 72 hours

2419 after the birth of the child and, by signing said waiver, I understand and intend to give
 2420 up the unconditional right to revoke this surrender. I fully understand that by signing
 2421 the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the surrender
 2422 of my rights will become final immediately upon signing it and that thereafter this
 2423 surrender cannot be revoked.

2424 5.

2425 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2426 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2427 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2428 of this surrender of my parental rights.

2429 6.

2430 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2431 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2432 and voluntarily.

2433 ~~Witness my hand and seal this~~

2434 This _____ day of _____, ____.

2435 _____
 2436 (SEAL)
 2437 (Alleged biological father)

2438 _____
 2439 ~~Unofficial witness~~
 2440 Adult witness

2441 Sworn to and subscribed
 2442 before me this _____
 2443 day of _____, ____.

2444 _____
2445 Notary public (SEAL)

2446 My commission expires: _____.

2447 (e) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
 2448 subsection (e) of Code Section 19-8-6 or 19-8-7 shall conform substantially to the
 2449 following form:

2450 SURRENDER OF RIGHTS
2451 FINAL RELEASE FOR ADOPTION

2452 NOTICE TO PARENT OR GUARDIAN:

2453 This is an important legal document and by signing it, you are surrendering all of your
2454 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to
2455 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are
2456 signing this document under oath and that if you knowingly and willfully make a false
2457 statement in this document you will be guilty of the crime of false swearing. As
2458 explained below in paragraph 6, you have the right to revoke this ~~You are to receive a~~
2459 ~~copy of this document and as explained below have the right to withdraw your~~ surrender
2460 within ten days from the date you sign it. If you are at least 21 years of age, you may
2461 choose to waive that right so that this surrender will become effective immediately upon
2462 signing such a waiver. If you choose to waive the right to a ten-day revocation period,
2463 you must consult an attorney, who is not representing the petitioner, and make that choice
2464 in paragraph 6 below and execute a separate WAIVER OF RIGHT TO REVOKE
2465 SURRENDER OF RIGHTS at least 72 hours after the birth of the child.

2466 _____

2467 STATE OF GEORGIA
2468 COUNTY OF _____

2469 Personally appeared before me, the undersigned officer duly authorized to administer
2470 oaths, _____ (name of parent or guardian) who, after having been
2471 sworn, deposes and says as follows:

2472 1.
2473 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,
2474 born _____ (name of child) on _____ (birthdate
2475 of child) at _____ : _____ (A.M.) (P.M.) [circle one] ~~(insert name of child)~~ on ~~(insert~~
2476 ~~birthdate of child)~~, should receive the benefits and advantages of a good home, to the
2477 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this
2478 surrender of my parental rights.

2.

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

3.

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

4.

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

5.

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

6.

I understand that under Georgia law I have the unconditional right to a ten-day revocation period. I understand that if I am at least 21 years of age I also have the choice to waive the ten-day revocation period, thereby causing the surrender of my rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS.

2512 Indicate your choice by signing ONE of the following statements (you may choose
 2513 statement A or B):

2514 A. _____ (Signature) I choose to RETAIN the unconditional right
 2515 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2516 I have received a copy of this document and that I understand I may only withdraw
 2517 revoke this surrender by giving written notice, delivered in person or mailed by
 2518 registered mail or statutory overnight delivery, to
 2519 _____ (name and address of each
 2520 individual to whom surrender is made or petitioner's representative, as applicable)
 2521 (insert name and address of each person to whom surrender is made) within ten days
 2522 from the date hereof; of signing this document. I understand that certified mail cannot
 2523 be used for mail delivery of the notice to revoke this surrender. I understand that the
 2524 ten days shall will be counted consecutively beginning with the day immediately
 2525 following the date hereof; I sign this document; provided, however, that, if the tenth
 2526 day falls on a Saturday, Sunday, or legal holiday, then the last day on which the this
 2527 surrender may be withdrawn shall revoked will be the next day that is not a Saturday,
 2528 Sunday, or legal holiday; and I understand that it may NOT be withdrawn thereafter.
 2529 I understand that, if I deliver the notice to revoke my surrender in person, it must be
 2530 delivered to _____ (name and address) not
 2531 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
 2532 applicable, on the tenth day. I understand that I CANNOT revoke this surrender after
 2533 that time.

2534 **OR**

2535 B. _____ (Signature) I am at least 21 years of age and I choose to
 2536 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted
 2537 an attorney, who is not representing the petitioner, regarding signing the WAIVER
 2538 OF RIGHT TO REVOKE SURRENDER OF RIGHTS. I will sign a separate
 2539 WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 72 hours
 2540 after the birth of the child and, by signing said waiver, I understand and intend to give
 2541 up the unconditional right to revoke this surrender. I fully understand that by signing
 2542 the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the surrender
 2543 of my rights will become final immediately upon signing it and that thereafter this
 2544 surrender cannot be revoked.

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7.

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

8.

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

~~Witness my hand and seal this~~

This _____ day of _____, _____.

(SEAL)
(Parent or guardian)

~~Unofficial witness~~
Adult witness

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

Notary public (SEAL)
My commission expires: _____.

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

PRE-BIRTH SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION

NOTICE TO ALLEGED BIOLOGICAL FATHER:

This is an important legal document and by signing it, you are surrendering any and all of your ~~right, title, and claim rights~~ rights to the child identified ~~herein~~ in this document, so as to ~~facilitate the child's placement~~ place the child for adoption. You have the right to wait to execute a ~~Surrender of Rights Final Release for Adoption~~ PRE-BIRTH SURRENDER

2578 OF RIGHTS/FINAL RELEASE FOR ADOPTION after the child is born, but by signing
 2579 this document, you are electing to surrender your rights prior to the birth of this child.
 2580 Understand that you are signing this document under oath and that if you knowingly and
 2581 willfully make a false statement in this document you will be guilty of the crime of false
 2582 swearing. As explained below in paragraph 6, you have the right to revoke this ~~You are~~
 2583 ~~to receive a copy of this document and as explained below have the right to withdraw~~
 2584 ~~your~~ pre-birth surrender within ten days from the date you sign it. If you are at least 21
 2585 years of age, you may choose to waive that right so that this surrender will become
 2586 effective immediately upon signing such a waiver. If you choose to waive the right to a
 2587 ten-day revocation period, you must consult an attorney, who is not representing the
 2588 petitioner, and make that choice in paragraph 6 below and execute a separate WAIVER
 2589 OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 72 hours after the birth
 2590 of the child.

2591 _____
 2592 STATE OF GEORGIA

2593 COUNTY OF _____

2594 Personally appeared before me, the undersigned officer duly authorized to administer
 2595 oaths, _____ (name of alleged biological father) who, after having
 2596 been sworn, deposes and says as follows:

2597 1.

2598 I, the undersigned, understand that I have been named by _____,
 2599 the biological mother of the child expected to be born in
 2600 _____(city) _____(county) _____(state)
 2601 on or about the _____ day of _____(month), _____(year), as the
 2602 biological father or possible biological father of her child. I further understand that the
 2603 biological mother wishes to place this child for adoption.

2604 2.

2605 To the best of my knowledge and belief, the child has not been born as of the date I am
 2606 signing this pre-birth surrender; however, if in fact the child has been born, this
 2607 surrender shall have the same effect as if it were a surrender executed following the
 2608 birth of the child.

3.

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

4.

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

5.

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

6.

I understand that under Georgia law I have the unconditional right to a ten-day revocation period. I understand that if I am at least 21 years of age I also have the choice to waive the ten-day revocation period, thereby causing the pre-birth surrender of my rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS.

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

A. _____ (Signature) I choose to RETAIN the unconditional right to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that I have received a copy of this document and that I understand that I may only ~~withdraw~~ revoke this pre-birth surrender by giving written notice, delivered in person

2641 ~~or by statutory overnight delivery or registered mail, return receipt requested, to~~
 2642 ~~_____ within ten days from the date hereof; mailed by~~
 2643 ~~registered mail or statutory overnight delivery, to~~
 2644 ~~_____ (name and address of~~
 2645 ~~child-placing agency representative, out-of-state licensed agency representative,~~
 2646 ~~Department of Human Services representative, individual to whom surrender is made~~
 2647 ~~or his or her agent, or petitioner's representative, as applicable) within ten days from~~
 2648 ~~the date of signing this document. I understand that certified mail cannot be used for~~
 2649 ~~mail delivery of the notice to revoke this pre-birth surrender. I understand that the ten~~
 2650 ~~days shall will be counted consecutively beginning with the day immediately~~
 2651 ~~following the date hereof; that, however, I sign this document; provided, however,~~
 2652 ~~that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on~~
 2653 ~~which the this surrender may be withdrawn shall revoked will be the next day that is~~
 2654 ~~not a Saturday, Sunday, or legal holiday; and that it may NOT be withdrawn~~
 2655 ~~thereafter. I understand that, if I deliver the notice to revoke this surrender in person,~~
 2656 ~~it must be delivered to _____ (name and~~
 2657 ~~address) not later than 5:00 P.M. eastern standard time or eastern daylight time,~~
 2658 ~~whichever is applicable, on the tenth day. I understand that I CANNOT revoke this~~
 2659 ~~surrender after that time.~~

2660 **OR**

2661 B. _____ (Signature) I am at least 21 years of age and I choose to
 2662 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted
 2663 an attorney, who is not representing the petitioner, regarding signing the WAIVER
 2664 OF RIGHT TO REVOKE SURRENDER OF RIGHTS. I will sign a separate
 2665 WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 72 hours
 2666 after the birth of the child and, by signing said waiver, I understand and intend to give
 2667 up the unconditional right to revoke this pre-birth surrender. I fully understand that
 2668 by signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the
 2669 surrender of my rights will become final immediately upon signing it and that
 2670 thereafter this surrender cannot be revoked.

2671 7.

2672 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
 2673 father registry then, if I do not ~~withdraw~~ revoke this surrender within the time
 2674 permitted, I waive the notice I would be entitled to receive pursuant to ~~the provisions~~

2675 of Code Section 19-8-12 of the Official Code of Georgia Annotated because of my
2676 registration on the putative father registry.

2677 8.

2678 I understand that if I am not a resident of this state that I am agreeing to be subject to
2679 the jurisdiction of the courts of Georgia for any action filed in connection with the
2680 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
2681 of this surrender of my parental rights.

2682 9.

2683 Furthermore, I hereby certify that I have not been subjected to any duress or undue
2684 pressure in the execution of this document and ~~do so~~ I am signing it freely and
2685 voluntarily.

2686 ~~Witness my hand and seal this~~

2687 This _____ day of _____, _____.

2688 _____
2689 (SEAL)
2690 (Alleged biological father)

2691 _____
2692 Unofficial Witness
2693 Adult witness

2694 Sworn to and subscribed
2695 before me on this _____
2696 day of _____, ____.

2697 _____
2698 Notary public (SEAL)

2699 Notary Public Seal

2700 My commission expires: _____.

2701 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section
2702 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

2703 'ACKNOWLEDGMENT OF SURRENDER
2704 OF RIGHTS

2705 STATE OF GEORGIA
2706 COUNTY OF _____

2707 Personally appeared before me, the undersigned officer duly authorized to administer
 2708 oaths, _____ (name of parent, guardian, or
 2709 alleged biological father) who, after having been sworn, deposes and says as follows ~~By~~
 2710 execution of this paragraph, the undersigned expressly acknowledges:

2711 (A) That I have read the accompanying (PRE-BIRTH SURRENDER OF
 2712 RIGHTS/FINAL RELEASE FOR ADOPTION)(SURRENDER OF RIGHTS/FINAL
 2713 RELEASE FOR ADOPTION) [circle one] relating to ~~said minor~~ the child born
 2714 _____ (name of child) (insert name of child), a (male) (female)
 2715 [circle one] on _____ (birthdate of child) (insert birthdate of child);

2716 (B) That I understand that this is a full, final, and complete surrender, release, and
 2717 termination of all of my rights to the child;

2718 (C) Indicate your choice by signing ONE of the following statements (you may choose
 2719 statement A or B):

2720 A. _____ (Signature) That I have chosen to retain the unconditional
 2721 right to revoke the surrender by giving written notice, delivered in person or mailed
 2722 by registered mail or statutory overnight delivery, to
 2723 _____ (name and address of child-placing
 2724 agency or its representative, out-of-state licensed agency or its representative,
 2725 Department of Human Services or its representative, individual to whom surrender
 2726 is made or his or her agent, or petitioner's representative, as applicable) (insert name
 2727 and address of each person or entity to whom surrender is made) not later than within
 2728 ten days from the date of signing the surrender and that after such ten-day revocation
 2729 period I shall have no right to revoke the surrender;

2730 ~~(D)~~ That I understand that certified mail cannot be used for mail delivery of the
 2731 notice to revoke the surrender of my rights. I understand that, if I deliver the notice
 2732 to revoke my surrender in person, it must be delivered to
 2733 _____ (name and address) not later than
 2734 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
 2735 the tenth day. I understand that the ten days ~~shall~~ will be counted consecutively
 2736 beginning with the day immediately following the date I signed the surrender is
 2737 executed; ~~provided,~~ however, that, if the tenth day falls on a Saturday, Sunday, or
 2738 legal holiday, then the last day on which the surrender may be ~~withdrawn~~ shall
 2739 revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

2740 **OR**

2741 B. (Signature) That I am at least 21 years of age and I have
 2742 chosen to exercise my right to sign a separate WAIVER OF RIGHT TO REVOKE
 2743 SURRENDER OF RIGHTS at least 72 hours after the birth of the child and that, by
 2744 signing said waiver, I understand and intend to give up the unconditional right to
 2745 revoke my surrender. I have consulted an attorney, who is not representing the
 2746 petitioner, regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER
 2747 OF RIGHTS. I fully understand that by signing the WAIVER OF RIGHT TO
 2748 REVOKE SURRENDER OF RIGHTS the surrender of my rights will become final
 2749 immediately upon signing it and that thereafter my surrender cannot be revoked;

2750 ~~(E)~~(D) That I have read the accompanying surrender of rights and received a copy
 2751 thereof;

2752 ~~(F)~~(E) That any and all questions regarding the effect of ~~said~~ such surrender and its
 2753 provisions have been satisfactorily explained to me;

2754 ~~(G)~~(F) That I have been ~~afforded~~ given an opportunity to consult with ~~counsel~~ an
 2755 attorney of my choice ~~prior to execution of~~ before signing the surrender of my rights;
 2756 and

2757 ~~(H)~~(G) That the surrender of my rights has been knowingly, intentionally, freely, and
 2758 voluntarily made by me.

2759 ~~Witness my hand and seal this~~

2760 This _____ day of _____, _____.

2761 _____
 2762 (SEAL)
 2763 (Parent, guardian, or alleged biological father)

2764 _____
 2765 Unofficial witness
 2766 Adult witness

2767 Sworn to and subscribed
 2768 before me this _____
 2769 day of _____, _____.

2770 _____
 2771 Notary public (SEAL)

2772 My commission expires: _____.'

2773 (h) The affidavit of a legal mother required by paragraph (1) of subsection (g) of Code
 2774 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the surrender of her rights shall meet the
 2775 following requirements:

2776 (1) The affidavit shall set forth:

2777 (A) Her name;

2778 (B) Her relationship to the child;

2779 (C) Her age;

2780 (D) Her marital status at the time of conception and of the birth of the child;

2781 (E) The identity and last known address of any her spouse or former spouse and
 2782 whether any such spouse is the biological father of the child;

2783 (F) The identity, last known address, and relationship to the legal mother of the
 2784 biological father of ~~her~~ the child, provided that ~~the mother she~~ shall have the right not
 2785 to disclose the name and address of the biological father of ~~her~~ the child should she so
 2786 desire;

2787 (G) Whether or not she has consented to the appointment of a temporary guardian for
 2788 the child and, if so, provide the name and address of the temporary guardian and the
 2789 probate court in which the petition for temporary guardianship was filed;

2790 (H) Whether custody of the child has been awarded to another individual and, if so,
 2791 provide the name of the child's custodian and the court in which custody was awarded;

2792 ~~(G)(I) Whether or not the biological father of the child has lived with the child,~~
 2793 ~~contributed to its support, provided for the mother's support or medical care during her~~
 2794 ~~pregnancy or during her hospitalization for the birth of the child, or made an attempt~~
 2795 ~~to legitimate the child; and is or was in a branch of the United States armed forces and,~~
 2796 ~~if so, provide details as to his military service;~~

2797 (J) Whether or not the biological mother or any member of her family is or was an
 2798 enrolled member of a federally recognized American Indian tribe, is or was a resident
 2799 of an American Indian reservation, or is or was an Alaskan native;

2800 (K) Whether or not the biological father of the child or any member of his family is or
 2801 was an enrolled member of a federally recognized American Indian tribe, is or was a
 2802 resident of an American Indian reservation, or is or was an Alaskan native; and

2803 ~~(H)(L)~~ (L) All financial assistance received by or promised her either directly or indirectly,
 2804 from whatever source, in connection with her pregnancy, the birth of the child, or the
 2805 placement or arranging for the placement of the child for adoption (including the date,
 2806 amount or value, description, payor, and payee), provided that financial assistance
 2807 provided directly by ~~the mother's~~ her husband, mother, father, sister, brother, aunt,
 2808 uncle, grandfather, or grandmother need not be detailed and instead ~~the mother she~~ need
 2809 only state the nature of the assistance received; and

2810 (2) The affidavit shall conform substantially to the following form:

2811

LEGAL MOTHER'S AFFIDAVIT

2812

NOTICE TO LEGAL MOTHER:

2813

This is an important legal document which deals with ~~your~~ the child's right to have its

2814

his or her biological father's rights properly determined. You have the right not ~~If you~~

2815

~~decline~~ to disclose the name and address of the biological father of ~~your~~ the child;

2816

~~understand that you may be required to appear in court to explain your refusal and that~~

2817

~~your name may be used in connection with the publication of notice to the biological~~

2818

~~father~~. Understand that you are providing this affidavit under oath and that ~~the~~ if you

2819

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

2820

the crime of false swearing. The information ~~provided~~ you provide will be held in strict

2821

confidence and will be used only in connection with the adoption of ~~your~~ the child.

2822

STATE OF GEORGIA

2823

COUNTY OF _____

2824

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

2825

oaths, _____, who, after having been sworn, deposes and says

2826

as follows:

2827

That my name is _____.

2828

That I am the legal mother of a (male) (female) [circle one] child born

2829

_____ (name of child) (~~insert name of child~~) in the State of

2830

_____, County of _____ on _____ (birthdate of child) at

2831

_____: _____ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

2832

That I am _____ years of age, having been born in the State of _____, County

2833

of _____ on _____.

2834

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

2835

That my marital status at the time of the conception of ~~my~~ the child was (check the

2836

status and complete the appropriate information):

2837

() Single, never having been married.

2838

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

2839

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

2840

address is _____; we were married in the State of

2841

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

2842

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

2843

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

2844 () Divorced; the name of my ~~previous~~ former spouse is
 2845 _____; we were married in the State of _____, County of
 2846 _____ on _____; we last had sexual relations on _____ (date);
 2847 my former spouse's ~~his~~ last known address is _____; divorce granted in
 2848 the State of _____, County of _____ on _____; my former
 2849 spouse (is) (is not) [circle one] the biological father of said child.

2850 () Legally married; the name of my spouse (was) (is) [circle one]
 2851 _____; we were married in the State of _____, County of _____
 2852 on _____; and ~~his~~ my spouse's last known address is _____;
 2853 my spouse (is) (is not) [circle one] the biological father of said child.

2854 () Married through common-law marriage relationship prior to January 1, 1997;
 2855 the name of my spouse (was) (is) [circle one] _____; ~~his~~ my
 2856 spouse's last known address is _____; our relationship began in the State
 2857 of _____, County of _____ on _____; my spouse (is) (is not) [circle
 2858 one] the biological father of said child.

2859 () Widowed; the name of my deceased spouse was _____;
 2860 we were married in the State of _____, County of _____ on _____; and
 2861 ~~he~~ my spouse died on _____ in the County of _____, State of _____.

2862 That my name and marital status at the time of the birth of my the child was (check
 2863 the status and complete the appropriate information):

2864 Name _____.

2865 () Single, never having been married.

2866 () Separated, but not legally divorced; the name of my spouse (was) (is) [circle
 2867 one] _____; ~~his~~ my
 2868 spouse's last known address is _____; we were married
 2869 in the State of _____, County of _____ on _____; we
 2870 have been separated since _____; we last had sexual relations on
 2871 _____ (date); my spouse (is) (is not) [circle one] the biological
 2872 father of said child.

2873 () Divorced; the name of my former spouse is _____; we were married
 2874 in the State of _____, County of _____ on _____; we last had
 2875 sexual relations on _____ (date); my spouse's ~~his~~ last known
 2876 address is _____; divorce granted in the State of
 2877 _____, County of _____; my former spouse (is) (is not) [circle
 2878 one] the biological father of said child.

2879 () Legally ~~Married~~ married; the name of my spouse (was) (is) [circle one]
 2880 _____; we were married in the State of _____, County of _____

2881 _____ on _____; ~~and his~~ my spouse's last known address is
 2882 _____; my spouse (is) (is not) [circle one] the biological
 2883 father of said child.

2884 () Married through common-law relationship prior to January 1, 1997; the name
 2885 of my spouse (was) (is) [circle one] _____; ~~his~~ my
 2886 spouse's last known address is _____; our relationship began in
 2887 the State of _____, County of _____ on _____;
 2888 my spouse (is) (is not) [circle one] the biological father of said child.

2889 () Widowed; the name of my deceased spouse was _____; we were
 2890 married in the State of _____, County of _____ on _____;
 2891 ~~and he~~ my spouse died on _____ in the County of _____,
 2892 State of _____; he (was) (was not) [circle one] the biological father of
 2893 said child.

2894 That the name of the biological father of ~~my~~ the child is (complete appropriate
 2895 response):

- 2896 Known to me and is (_____);
- 2897 Known to me but I expressly decline to identify him because _____
- 2898 _____; or
- 2899 Unknown to me because _____
- 2900 _____.

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

- 2903 Known to me and is _____;
- 2904 Known to me but I expressly decline to provide his address because
- 2905 _____; or
- 2906 Unknown to me because _____
- 2907 _____.

2908 That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member
 2909 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident
 2910 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native
 2911 of American Indian heritage. If so:

- 2912 (A) The name of my American Indian tribe is _____ ~~and the.~~
- 2913 (B) The percentage of my American Indian blood is _____ percent.

2914 That, to the best of my knowledge, a member of my family (is or was) (is not or was
 2915 not) [circle one] an enrolled member of a federally recognized American Indian tribe,
 2916 (is or was) (is not or was not) [circle one] a resident of an American Indian
 2917 reservation, or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

2918 (A) The name of the American Indian tribe is _____.

2919 (B) The percentage of my American Indian blood is _____ percent.

2920 ~~(B)~~(C) My relatives with American Indian or Alaskan native blood are: _____

2921 _____

2922 _____.

2923 ~~(C)~~(D) I ~~(am)~~ ~~(am not)~~ a member of an American Indian tribe. If so, the The name

2924 of the American Indian tribe is _____.

2925 (E) The name of each enrolled member is _____, and his or

2926 her corresponding registration or identification number is _____.

2927 ~~(D)~~ I ~~(am)~~ ~~(am not)~~ registered with an American Indian tribal registry. If so, the

2928 American Indian tribal registry is: _____ and my registration

2929 or identification number is: _____.

2930 (E) A member of my family (is) (is not) a member of an American Indian tribe. If

2931 so, the name of each such family member is: _____ and the name

2932 of the corresponding American Indian tribe is: _____.

2933 ~~(F)~~ A member of my family (is) (is not) registered with an American Indian tribal

2934 registry. If so, the name of each such family member is: _____

2935 and the name of the corresponding American Indian tribal registry is:

2936 _____ and their corresponding registration or

2937 identification numbers are: _____.

2938 That to the best of my knowledge, the biological father (is) (is not) of American

2939 Indian heritage or a member of his family (is or was) (is not or was not) [circle one]

2940 an enrolled member of a federally recognized American Indian tribe, (is or was) (is

2941 not or was not) [circle one] a resident of an American Indian reservation, or (is or

2942 was) (is not or was not) [circle one] an Alaskan native. If so:

2943 (A) The name of his American Indian tribe is _____ and the

2944 (B) The percentage of his American Indian blood is _____ percent.

2945 ~~(B)~~(C) His relatives with American Indian or Alaskan native blood are: _____

2946 _____

2947 _____.

2948 (C) He (is) (is not) a member of an American Indian tribe. If so, the name of the

2949 tribe is: _____.

2950 (D) He (is) (is not) registered with an American Indian tribal registry. If so, the

2951 American Indian tribal registry is: _____

2952 and his registration or identification number is: _____

2953 The name of each enrolled member is _____.

2954 and his or her corresponding registration or identification number is
2955 _____.

2956 That the date of birth of the biological father (~~was is~~ _____, _____) or (is not
2957 known to me) [circle one].

2958 That the biological father (is) (is not) [circle one] on active duty in a branch of the
2959 United States armed forces. If so:

2960 (A) The branch of his service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)
2961 [circle one].

2962 (B) His rank is _____.

2963 (C) His duty station is _____.

2964 If applicable, please provide any additional available information regarding his
2965 military service.

2966 _____
2967 _____
2968 _____.

2969 That the biological father of my the child, whether or not identified ~~herein~~ (~~strike each~~
2970 ~~inappropriate phrase~~) in this document (circle the appropriate phrase):

2971 (Was) (Was not) married to me at the time this child was conceived;

2972 (Was) (Was not) married to me at any time during my pregnancy with this child;

2973 (Was) (Was not) married to me at the time that this child was born;

2974 (Did) (Did not) marry me after the child was born and recognize the child as his
2975 own;

2976 (Has) (Has not) been determined to be the child's father by a final paternity order
2977 of a court;

2978 (Has) (Has not) legitimated the child by a final court order;

2979 (Has) (Has not) lived with the child;

2980 (Has) (Has not) contributed to its support;

2981 (Has) (Has not) provided for my support during my pregnancy or hospitalization for
2982 the birth of the child; and

2983 (Has) (Has not) provided for my medical care during my pregnancy or
2984 hospitalization for the birth of the child; ~~and~~

2985 ~~(Has) (Has not) made any attempt to legitimate the child.~~

2986 That I (have) (have not) [circle one] consented to the appointment of a temporary
2987 guardian for the child. If so, the name of the temporary guardian is
2988 _____, and the probate court in which the petition for temporary
2989 guardianship was filed is _____.

2990 That custody of the child has been awarded to
 2991 _____ (name and address of custodian) by order
 2992 of the _____ Court of _____ County, State of
 2993 _____, entered on _____ (date).

2994 That I have received or been promised the following financial assistance, either
 2995 directly or indirectly, from whatever source, in connection with my pregnancy, the
 2996 birth of ~~my~~ the child, and its the child's placement for adoption:
 2997 _____.

2998 That I recognize that if I knowingly and willfully make a false statement in this
 2999 affidavit; I will be guilty of the crime of false swearing.

3000 _____
 3001 (Biological mother's signature)
 3002 (Legal mother)

3003 Sworn to and subscribed
 3004 before me this _____
 3005 day of _____, _____.
 3006 _____
 3007 Notary public (SEAL)

3008 My ~~Commission Expires~~ commission expires: _____.

3009 (i) The affidavit of an adoptive mother required by ~~subsection (a) of Code Section 19-8-9~~
 3010 paragraph (2) of subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the
 3011 surrender of her rights shall meet the following requirements:

3012 (1) The affidavit shall set forth:

- 3013 (A) Her name;
- 3014 (B) Her relationship to the child;
- 3015 (C) Her age;
- 3016 (D) Her marital status;
- 3017 (E) The name and last known address of any spouse or former spouse at the time the
 3018 child was adopted and whether any such spouse also adopted the child or ~~was~~ is the
 3019 biological father of the child;
- 3020 (F) The circumstances surrounding her adoption of ~~her~~ the child, including the date the
 3021 adoption was finalized, the state and county where finalized, and the name and address
 3022 of the adoption agency, if any; ~~and~~
- 3023 (G) Whether or not she has consented to the appointment of a temporary guardian for
 3024 the child and, if so, provide the name of the temporary guardian and the probate court
 3025 in which the petition for temporary guardianship was filed;

3026 (H) Whether custody of the child has been awarded to another individual and, if so,
3027 provide the name of the child's custodian and the court in which custody was awarded;
3028 and

3029 ~~(G)~~(I) All financial assistance received by or promised her either directly or indirectly,
3030 from whatever source, in connection with the placement or arranging for the placement
3031 of ~~her~~ the child for adoption (including the date, amount or value, description, payor,
3032 and payee), provided that financial assistance provided directly by ~~the adoptive~~
3033 ~~mother's~~ her husband, mother, father, sister, brother, aunt, uncle, grandfather, or
3034 grandmother need not be detailed and instead ~~the adoptive mother~~ she need only state
3035 the nature of the assistance received.

3036 (2) The affidavit shall be in substantially the following form:

3037 'ADOPTIVE MOTHER'S AFFIDAVIT

3038 NOTICE TO ADOPTIVE MOTHER:

3039 This is an important legal document which deals with ~~your~~ the adopted child's right to
3040 have ~~its~~ his or her legal father's rights properly ~~terminated~~ determined. Understand that
3041 you are providing this affidavit under oath and that ~~the~~ if you knowingly and willfully
3042 make a false statement in this affidavit you will be guilty of the crime of false swearing.
3043 The information ~~provided~~ you provide will be held in strict confidence and will be used
3044 only in connection with the adoption of ~~your~~ the child.

3045 STATE OF GEORGIA
3046 COUNTY OF _____

3047 Personally appeared before me, the undersigned officer duly authorized to administer
3048 oaths, _____, who, after having been sworn, deposes and says as follows:

3049 That my name is _____.

3050 That I am the adoptive mother of a (male) (female) [circle one] child born
3051 _____ (name of child) ~~(insert name of child)~~ in the State of
3052 _____, County of _____ on _____ (birthdate of child)
3053 at _____ : _____ (A.M.) (P.M.) [circle one] ~~(insert birthdate of child)~~.

3054 That I am _____ years of age, having been born in the State of _____, County
3055 of _____ on _____.

3056 That my social security number is _____.

3057 That my marital status is (check the status and complete the appropriate information):

3058 () Single, never having been married.

3059 () Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle
 3060 one] _____; ~~his~~ my spouse's last known address is _____; we
 3061 were married in the State of _____, County of _____ on
 3062 _____; we have been separated since _____; we last had
 3063 sexual relations on _____ (date); my spouse (did) (did not) [circle
 3064 one] also adopt said child; my spouse (is) (is not) [circle one] the biological father
 3065 of said child.

3066 () Divorced; the name of my ~~previous~~ former spouse is _____; we were
 3067 married in the State of _____, County of _____ on _____; we
 3068 last had sexual relations on _____ (date); my former spouse's ~~his~~ last
 3069 known address is _____; divorce granted in the State of _____,
 3070 County of _____ on _____; my ~~previous~~ former spouse (did) (did
 3071 not) [circle one] also adopt said child; my ~~previous~~ former spouse (is) (is not) [circle
 3072 one] the biological father of said child.

3073 () Legally married; the name of my spouse ~~is~~ (was) (is) [circle one]
 3074 _____; we were married in the State of _____, County of _____
 3075 on _____; ~~his~~ my spouse's last known address is _____; my
 3076 spouse (did) (did not) [circle one] also adopt said child; my spouse (is) (is not)
 3077 [circle one] the biological father of said child.

3078 () Married through common-law marriage relationship prior to January 1, 1997;
 3079 the name of my spouse ~~is~~ (was) (is) [circle one] _____; ~~his~~ my spouse's
 3080 last known address is _____; ~~the date and place~~ our relationship began
 3081 is (date, county, state) in the State of _____, County of _____
 3082 on _____; my spouse (did) (did not) [circle one] also adopt said child;
 3083 my spouse (is) (is not) [circle one] the biological father of said child.

3084 () Widowed; the name of my deceased spouse ~~is~~ was _____; we were
 3085 married in the State of _____, County of _____ on _____; ~~he~~ my
 3086 spouse died on _____ in the County of _____, State of _____;
 3087 he (did) (did not) [circle one] also adopt said child; ~~and~~ he (was) (was not) [circle
 3088 one] the biological father of said child.

3089 That I adopted ~~my~~ the child in the State of _____, County of _____;

3090 That the final order of adoption was entered on _____;

3091 That there (was) (was not) [circle one] an adoption agency involved in the placement
 3092 of ~~my~~ the child with me for adoption; and if so its name was _____,
 3093 and its address is _____.

3094 That I (have) (have not) [circle one] consented to the appointment of a temporary
 3095 guardian for the child. If so, the name of the temporary guardian is:

3096 _____, and the probate court in which the petition for
3097 temporary guardianship was filed is _____.

3098 That custody of the child has been awarded to _____ (name and
3099 address of custodian) by order of the _____ Court of _____
3100 County, State of _____, entered on _____ (date).

3101 That I have received or been promised the following financial assistance, either
3102 directly or indirectly, from whatever source, in connection with ~~my~~ the child's
3103 placement for adoption: _____.

3104 That I recognize that if I knowingly and willfully make a false statement in this
3105 affidavit; I will be guilty of the crime of false swearing.

3106 _____
3107 (Adoptive mother)

3108 Sworn to and subscribed
3109 before me this _____
3110 day of _____, ____.

3111 _____
3112 Notary public (SEAL)
3113 My commission expires: _____.'

3114 (j) The affidavit of ~~an~~ a child-placing agency, out-of-state licensed agency, or department
3115 representative required by subsection (h) of Code Section 19-8-4 shall conform
3116 substantially to the following form:

3117 'AFFIDAVIT OF CHILD-PLACING AGENCY,
3118 OUT-OF-STATE LICENSED AGENCY, OR
3119 DEPARTMENT REPRESENTATIVE

3120 STATE OF GEORGIA
3121 COUNTY OF _____

3122 Personally appeared before me, the undersigned officer duly authorized to administer
3123 oaths, _____, who, after having been sworn, deposes and says as
3124 follows:

3125 That I am _____ (position) of _____ (name
3126 of department, child-placing agency, or out-of-state licensed agency) (~~department or~~
3127 ~~agency~~).

3128 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
3129 RELEASE FOR ADOPTION by _____, releasing and

3130 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor
 3131 child born _____ (name of child) on _____ (birthdate
 3132 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert
 3133 birthdate of child~~), I reviewed with and explained to said such individual all of the
 3134 provisions of the surrender of rights, and particularly the provisions which provide that
 3135 the surrender is a full surrender of all rights to the child.
 3136 That based on my review and explanation to said such individual, it is my opinion that
 3137 said such individual knowingly, intentionally, freely, and voluntarily executed the
 3138 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3139 _____
 3140 (Agency representative)
 3141 (Representative)

3142 _____
 3143 (Department or agency name)

3144 Sworn to and subscribed
 3145 before me this _____
 3146 day of _____, _____.
 3147 _____
 3148 Notary public (SEAL)
 3149 My commission expires: _____.'

3150 (k) The affidavit of a petitioner's representative or of the representative of the individual
 3151 signing the surrender of rights required by subsection (h) of Code Section 19-8-5, 19-8-6,
 3152 or 19-8-7 shall conform substantially to the following form:

3153 'AFFIDAVIT OF PETITIONER'S REPRESENTATIVE

3154 STATE OF GEORGIA
 3155 COUNTY OF _____

3156 Personally appeared before me, the undersigned officer duly authorized to administer
 3157 oaths, _____, who, after having been sworn, deposes and says as
 3158 follows:

3159 That my name is _____.

3160 That my address is _____.

3161 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
 3162 RELEASE FOR ADOPTION by _____, releasing and

3163 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor
 3164 child born _____ (name of child) on _____ (birthdate
 3165 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert
 3166 birthdate of child~~), I reviewed with and explained to said such individual all of the
 3167 provisions of the surrender of rights, and particularly the provisions which provide that
 3168 the surrender is a full surrender of all rights to the child.
 3169 That based on my review and explanation to said such individual, it is my opinion that
 3170 said such individual knowingly, intentionally, freely, and voluntarily executed the
 3171 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3172 _____
 3173 (Petitioner's representative)
 3174 (Petitioner's representative or the
 3175 representative of the individual
 3176 signing the surrender)

3177 Sworn to and subscribed
 3178 before me this _____
 3179 day of _____, ____.

3180 _____
 3181 Notary public (SEAL)
 3182 My commission expires: _____!

3183 (l) The parental consent to a stepparent adoption required by subsection (j) of Code
 3184 Section 19-8-6 shall conform substantially to the following form:

3185 PARENTAL CONSENT TO STEPPARENT ADOPTION

3186 STATE OF GEORGIA
 3187 COUNTY OF _____

3188 Personally appeared before me, the undersigned officer duly authorized to administer
 3189 oaths, _____ (name of parent) who, after having been
 3190 sworn, deposes and says as follows:

3191 I, the undersigned, hereby consent that my spouse _____ (name of
 3192 spouse) (~~insert name of spouse~~) adopt my (son) (daughter) [circle one],
 3193 _____ (name of child) (~~insert name of child~~), whose date of birth is
 3194 _____, and in so doing I in no way relinquish or surrender my parental rights
 3195 to the child. I further acknowledge service of a copy of the petition for adoption of the
 3196 child as filed on behalf of my spouse, and I hereby consent to the granting of the

3197 prayers of the petition for adoption. I also waive all other and further service and notice
3198 of any kind and nature in connection with the proceedings.

3199 This _____ day of _____, _____.

3200 _____
3201 (Parent)

3202 _____
3203 Unofficial witness

3204 Sworn to and subscribed
3205 before me this _____
3206 day of _____, _____.

3207 _____
3208 Notary public (SEAL)

3209 My commission expires: _____.'

3210 (m) The sworn statement executed by the biological mother identifying an alleged
3211 biological father of her unborn child authorized and required by subparagraph (e)(3)(E) of
3212 Code Section 19-8-4, 19-8-5, or 19-8-7 shall conform substantially to the following form:

3213 NOTICE TO BIOLOGICAL MOTHER:

3214 This is an important legal document which will enable the individual you identify as the
3215 biological father of your unborn child to sign a pre-birth surrender of his rights so as to
3216 place your child for adoption. Understand that you are signing this affidavit under oath
3217 and that the information you provide will be held in strict confidence and will be used
3218 only in connection with the adoption of your unborn child.

3219 STATE OF GEORGIA
3220 COUNTY OF _____

3221 BIOLOGICAL MOTHER'S AFFIDAVIT IDENTIFYING
3222 BIOLOGICAL FATHER OF HER UNBORN CHILD

3223 Personally appeared before me, the undersigned officer duly authorized to administer
3224 oaths, _____, who, after having been sworn, deposes and says as
3225 follows:

3226 That my name is _____.

3227 That I am _____ years of age, having been born in the State of _____, County of
3228 _____ on _____.

3229 That my social security number is _____.

3230 That I am currently pregnant with a (male) (female) (sex unknown) [circle one] child
3231 who is expected to be born on _____ (due date of child).

3232 That the name of any alleged biological father is _____,
3233 and his last known address is _____.

3234 That I execute this affidavit so that any alleged biological father I have identified above
3235 can be asked to sign a pre-birth surrender of his rights to assist me in placing the child
3236 for adoption once the child is born.

3237 That I recognize that if I knowingly and willfully make a false statement in this
3238 affidavit I will be guilty of the crime of false swearing.

3239 _____
3240 (Biological mother)

3241 Sworn to and subscribed
3242 before me this _____
3243 day of _____, _____.

3244 _____
3245 Notary public (SEAL)

3246 My commission expires: _____.'

3247 (n) The waiver of the right to revoke a surrender of rights authorized and required by
3248 subsection (c) of Code Section 19-8-9 shall conform substantially to the following form:

3249 WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS

3250 This is an important legal document and it shall only be signed by an individual who is
3251 at least 21 years of age and who has consulted an attorney, who is not representing the
3252 petitioner, before signing this document. By signing it, you are waiving the right to
3253 revoke the surrender of all of your rights to the child identified in the surrender of rights
3254 document so as to immediately place the child for adoption. Understand that you are
3255 providing this affidavit under oath and that if you knowingly and willfully make a false
3256 statement in this affidavit you will be guilty of the crime of false swearing.

3257 STATE OF GEORGIA
3258 COUNTY OF _____

3259 Personally appeared before me, the undersigned officer duly authorized to administer
3260 oaths, _____, who, after having been sworn, deposes and says as follows:

3261 I, the undersigned, have previously executed a SURRENDER OF RIGHTS/FINAL
3262 RELEASE FOR ADOPTION as to the child identified in the surrender of rights
3263 document so as to assist in (his)(her) adoption.

3264 I hereby certify that:

3265 (A) I am at least 21 years of age;

3266 (B) I have received a copy of my surrender document;

3267 (C) I understand I had the choice to retain the unconditional right to revoke my
3268 surrender by giving written notice to the individual, department, or agency named in
3269 the surrender document in the manner set forth in that document within ten days from
3270 the date I signed the surrender and that thereafter my surrender could not be revoked;

3271 (D) I understand I may choose to waive the right to revoke my surrender during that
3272 ten-day period immediately following the date I signed the surrender if I want my
3273 surrender of rights to become final and irrevocable on the date I sign this waiver;

3274 (E) I choose that the adoption of the child proceed without any delay;

3275 (F) I freely and voluntarily waive the unconditional right to revoke my surrender of
3276 rights as it is my intent that my surrender of rights become final and irrevocable
3277 immediately upon my signing this waiver document;

3278 (G) I have consulted an attorney of my choice, who is not representing the petitioner,
3279 before signing this waiver document;

3280 (H) This waiver is in connection with a child born on _____ (birthdate
3281 of child) at _____ : _____ (A.M.) (P.M.) [circle one];

3282 (I) It has been at least 72 hours since the birth of the child;

3283 (J) I have received a copy of this document; and

3284 (K) I have not been subjected to any duress or undue pressure in the execution of this
3285 document and I am signing it freely and voluntarily.

3286 This _____ day of _____, _____ at _____ : _____ (A.M.) (P.M.) [circle one].

3287 _____
3288 (Parent or alleged biological father)

3289 _____
3290 Adult witness

3291 Sworn to and subscribed

3292 before me this _____

3293 day of _____, _____.
 3294 _____
 3295 Notary public (SEAL)
 3296 My commission expires: _____.

3297 The individual executing this document consulted me and I hereby certify that to the best
 3298 of my knowledge this document is being executed knowingly and voluntarily.

3299 This day of _____, _____.
 3300 _____
 3301 (Signature of attorney)

3302 _____
 3303 (State Bar number)

3304 _____
 3305 (State of licensure)'

3306 (o) The affidavit regarding Native American heritage and military service authorized and
 3307 required by subsection (k) of Code Sections 19-8-4, 19-8-6, and 19-8-7 and subsection (o)
 3308 of Code Section 19-8-5 shall conform substantially to the following form:

3309 NOTICE TO BIOLOGICAL OR LEGAL FATHER:

3310 This is an important legal document. Understand that you are providing this affidavit
 3311 under oath and that if you knowingly and willfully make a false statement in this affidavit
 3312 you will be guilty of the crime of false swearing.

3313 _____

3314 AFFIDAVIT REGARDING NATIVE AMERICAN HERITAGE
 3315 AND MILITARY SERVICE

3316 STATE OF GEORGIA
 3317 COUNTY OF _____

3318 Personally appeared before me, the undersigned officer duly authorized to administer
 3319 oaths, _____ (name of affiant) who, after having been
 3320 sworn, deposes and says as follows:

- 3321 1. That my name is _____.
 3322 2. That I am the (biological) (legal) [circle one] father of a (male) (female) (sex
 3323 unknown) [circle one] child (born) (yet to be born) [circle one] in the State of
 3324 _____, County of _____ on _____.

3325 3. That I am _____ years of age, having been born in the State of _____,
3326 County of _____ on _____.

3327 4. That my social security number is _____.

3328 5. That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member
3329 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident
3330 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native. If
3331 so:

3332 (A) The name of my American Indian tribe is _____.

3333 (B) My registration or identification number is _____.

3334 (C) The percentage of my American Indian blood is _____ percent.

3335 6. That, to the best of my knowledge, a member of my family (is or was) (is not or was
3336 not) [circle one] an enrolled member of a federally recognized American Indian tribe,
3337 (is or was) (is not or was not) [circle one] a resident of an American Indian reservation,
3338 or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

3339 (A) The name of the American Indian tribe is _____.

3340 (B) The percentage of my American Indian blood is _____ percent.

3341 (C) My relatives with American Indian or Alaskan native blood are _____
3342 _____
3343 _____.

3344 (D) The name of the American Indian tribe is _____.

3345 (E) The name of each enrolled member is _____, and
3346 his or her corresponding registration or identification number is _____.

3347 7. That I (am) (am not) [circle one] on active duty in a branch of the United States
3348 armed forces. If so:

3349 (A) The branch of my service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)
3350 [circle one].

3351 (B) My rank is _____.

3352 (C) My duty station is _____.

3353 (D) Additional information regarding my military service is _____
3354 _____
3355 _____
3356 _____.

3357 8. That I have received or been promised the following financial assistance, either
3358 directly or indirectly, from whatever source, in connection with the birth of the child
3359 and the child's placement for adoption: _____.

3360 9. That I recognize that if I knowingly and willfully make a false statement in this
 3361 affidavit I will be guilty of the crime of false swearing.

3362 _____
 3363 (Biological or legal father)

3364 Sworn to and subscribed

3365 before me this _____

3366 day of _____, _____.

3367 _____

3368 Notary public (SEAL)

3369 My commission expires: _____.'

3370 19-8-27.

3371 (a) As used in this Code section, the term 'birth relative' means:

3372 (1) A parent, biological father who is not ~~the~~ a legal father, grandparent, brother, sister,
 3373 half-brother, or half-sister who is related by blood or marriage to a child who is being
 3374 adopted or who has been adopted; or

3375 (2) A grandparent, brother, sister, half-brother, or half-sister who is related by adoption
 3376 to a child who is being adopted or who has been adopted.

3377 (b)(1) An adopting parent or parents and birth relatives or an adopting parent or parents,
 3378 birth relatives, and a child who is 14 years of age or older who is being adopted or who
 3379 has been adopted may voluntarily enter into a written postadoption contact agreement to
 3380 permit continuing contact between such birth relatives and such child. A child who is 14
 3381 years of age or older shall be considered a party to a postadoption contact agreement.

3382 (2) A postadoption contact agreement may provide for privileges regarding a child who
 3383 is being adopted or who has been adopted, including, but not limited to, visitation with
 3384 such child, contact with such child, sharing of information about such child, or sharing
 3385 of information about birth relatives.

3386 (3) In order to be an enforceable postadoption contact agreement, such agreement shall
 3387 be in writing and signed by all of the parties to such agreement acknowledging their
 3388 consent to its terms and conditions.

3389 (4) Enforcement, modification, or termination of a postadoption contact agreement shall
 3390 be under the continuing jurisdiction of the court that granted the petition ~~of~~ for adoption;
 3391 provided, however, that the parties to a postadoption contact agreement may expressly
 3392 waive the right to enforce, modify, or terminate such agreement under this Code section.

3393 (5) Any party to the postadoption contact agreement may, at any time, file the original
 3394 postadoption contact agreement with the court that has or had jurisdiction over the

3395 adoption if such agreement provides for the court to enforce such agreement or such
3396 agreement is silent as to the issue of enforcement.

3397 (c) A postadoption contact agreement shall contain the following warnings in at least 14
3398 point boldface type:

3399 (1) After the entry of a decree for adoption, an adoption cannot be set aside due to the
3400 failure of an adopting parent, a ~~birth~~ biological parent, a birth relative, or the child to
3401 follow the terms of this agreement or a later change to this agreement; and

3402 (2) A disagreement between the parties or litigation brought to enforce, terminate, or
3403 modify this agreement shall not affect the validity of the adoption and shall not serve as
3404 a basis for orders affecting the custody of the child.

3405 (d)(1) As used in this subsection, the term 'parties' means the individuals who signed the
3406 postadoption contact agreement currently in effect, including the child if he or she is 14
3407 years of age or older at the time of the action regarding such agreement, but such term
3408 shall exclude any third-party beneficiary to such agreement.

3409 (2) A postadoption contact agreement may always be modified or terminated if the
3410 parties have voluntarily signed a written modified postadoption contact agreement or
3411 termination of a postadoption contact agreement. A modified postadoption contact
3412 agreement may be filed with the court if such agreement provides for the court to enforce
3413 such agreement or such agreement is silent as to the issue of enforcement.

3414 (e) With respect to postadoption contact agreements that provide for court enforcement or
3415 termination or are silent as to such matters, any party, as defined in paragraph (1) of
3416 subsection (d) of this Code section, may file a petition to enforce or terminate such
3417 agreement with the court that granted the petition ~~of~~ for adoption, and the court shall
3418 enforce the terms of such agreement or terminate such agreement if such court finds by a
3419 preponderance of the evidence that the enforcement or termination is necessary to serve the
3420 best interests of the child.

3421 (f) With respect to postadoption contact agreements that provide for court modification or
3422 are silent as to modification, only the adopting parent or parents may file a petition seeking
3423 modification. Such petition shall be filed with the court that granted the petition ~~of~~ for
3424 adoption, and the court shall modify such agreement if such court finds by a preponderance
3425 of the evidence that the modification is necessary to serve the best interests of the child and
3426 there has been a material change of circumstances since the current postadoption contact
3427 agreement was executed.

3428 (g) A court may require the party seeking modification, termination, or enforcement of a
3429 postadoption contact agreement to participate in mediation or other appropriate alternative
3430 dispute resolution.

3431 (h) All reasonable costs and expenses of mediation, alternative dispute resolution, and
 3432 litigation shall be borne by the party, other than the child, filing the action to enforce,
 3433 modify, or terminate a postadoption contact agreement when no party has been found by
 3434 the court as failing to comply with an existing postadoption contact agreement. Otherwise,
 3435 a party, other than the child, found by the court as failing to comply without good cause
 3436 with an existing postadoption contact agreement shall bear all the costs and expenses of
 3437 mediation, alternative dispute resolution, and litigation of the other party.

3438 (i) A court shall not set aside a decree of adoption, rescind a surrender of rights, or modify
 3439 an order to terminate parental rights or any other prior court order because of the failure of
 3440 an adoptive parent, a birth relative, or the child to comply with any or all of the original
 3441 terms of, or subsequent modifications to, a postadoption contact agreement.

3442 19-8-28.

3443 When a child is an orphan, the petitioner shall not be required to have a guardian appointed
 3444 for such child in order for a guardian to execute a surrender of rights. Such child shall be
 3445 adoptable without a surrender of rights."

3446 **SECTION 1-2.**

3447 Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination
 3448 of parental rights, is amended by revising subsection (d) as follows:

3449 "(d) The court shall transmit a copy of every final order terminating the parental rights of
 3450 a parent to the ~~Office of Adoptions~~ State Adoption Unit of the department within 15 days
 3451 of the filing of such order."

3452 **PART II**

3453 **SECTION 2-1.**

3454 The General Assembly finds that:

3455 (1) From time to time, parents experience short-term difficulties that impair their ability
 3456 to perform the regular and expected functions to provide care and support to their
 3457 children;

3458 (2) Parents need a means to confer to a relative or other approved person the temporary
 3459 authority to act on behalf of a child without the time and expense of a court proceeding
 3460 or the involvement of the Division of Family and Children Services of the Department
 3461 of Human Services; and

3462 (3) Providing a statutory mechanism for granting such authority enhances family
 3463 preservation and stability.

3464

SECTION 2-2.

3465

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended by repealing Article 4 of Chapter 9, relating to the power of attorney for the care of a minor child, and enacting a new Article 4 to read as follows:

3466

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3468

"ARTICLE 4

3469

19-9-120.

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3471

This article shall be known and may be cited as the 'Supporting and Strengthening Families Act.'

3472

19-9-121.

3473

As used in this article, the term:

3474

(1) 'Child' means an unemancipated individual who is under 18 years of age.

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(2) 'Parent' shall have the same meaning as provided in Code Section 19-3-37.

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19-9-122.

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(a) A parent of a child may delegate caregiving authority regarding such child to an individual who is an adult, who resides in this state, and who is the grandparent, great-grandparent, stepparent, former stepparent, step-grandparent, aunt, uncle, great aunt, great uncle, cousin, or sibling of such child or is a non-relative who is approved as an agent by an organization licensed as a child-placing agency pursuant to Chapter 5 of Title 49 or a nonprofit entity or faith based organization that provides child or family services and that is in good standing with the Internal Revenue Service for a period not to exceed one year, except as provided in Code Section 19-9-130, by executing a power of attorney that substantially complies with this article. A parent of a child may delegate to an agent in such power of attorney any power and authority regarding the care and custody of such child, except the power to consent to the marriage or adoption of such child, the performance or inducement of an abortion on or for such child, or the termination of parental rights to such child. Such power and authority may be delegated without the approval of a court, provided that such delegation of power and authority shall not operate to change or modify any parental or legal rights, obligations, or authority established by an existing court order, including a standing order, or deprive a parent of a child of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of such child. Such delegation of power and authority shall not deprive or limit any support for a child that should be received by such child pursuant to a court order or for any other reason. When support is being collected for the child by the Child Support

3497 Enforcement Agency of the Department of Human Services, such agency shall be
3498 authorized to redirect support payments to the agent for the duration of the power of
3499 attorney or until the power of attorney is revoked or superseded by a court order. A power
3500 of attorney executed under this article during the pendency of a divorce or custody action
3501 shall be void ab initio unless executed or agreed upon by both parties to such action, if both
3502 parties have custodial rights to the child or the court presiding over such divorce or custody
3503 action enters an order allowing the execution of the power of attorney as being in the best
3504 interests of such child.

3505 (b) Except as limited by federal law, this article, or the direction of a parent of a child as
3506 expressed in the power of attorney, an agent shall have the same rights, duties, and
3507 responsibilities that would otherwise be exercised by such parent of a child pursuant to the
3508 laws of this state.

3509 (c) An agent shall acknowledge in writing his or her acceptance of the responsibility for
3510 caring for a child for the duration of the power of attorney and shall identify any associated
3511 child-placing agency licensed pursuant to Chapter 5 of Title 49 or nonprofit entity that is
3512 focused on child or family services and that is in good standing with the Internal Revenue
3513 Service if applicable. An agent shall certify that he or she is not currently on the state
3514 sexual offender registry or child abuse registry of this state or the sexual offender registry
3515 or child abuse registry for any other state, a United States territory, the District of
3516 Columbia, or any American Indian tribe nor has he or she ever been required to register for
3517 any such registry. The individual executing a power of attorney shall require an agent to
3518 provide him or her with a criminal background check.

3519 (d) The agent under a power of attorney shall act in the best interests of the child. Such
3520 agent shall not be liable to the individual executing the power of attorney for consenting
3521 or refusing to consent to medical, dental, or mental health care for a child when such
3522 decision is made in good faith and is exercised in the best interests of the child.

3523 (e) The child-placing agencies licensed pursuant to Chapter 5 of Title 49 and the entities
3524 authorized by this article to assist with the execution of a power of attorney shall maintain
3525 a record of all powers of attorney executed by individuals approved as their agents under
3526 this article for at least five years after the expiration of such powers of attorney.

3527 19-9-123.

3528 (a) An individual with sole custody of a child who executes a power of attorney authorized
3529 under this article shall provide written notice of such execution to the noncustodial parent
3530 by certified mail, return receipt requested, or statutory overnight delivery within 15 days
3531 after the date upon which such power of attorney was executed.

3532 (b) A noncustodial parent receiving the notice as set forth in subsection (a) of this Code
 3533 section may object to the execution of such power of attorney within 21 days of the
 3534 delivery of such notice and shall serve his or her objection on the individual who executed
 3535 such power of attorney by certified mail, return receipt requested, or statutory overnight
 3536 delivery. An objection shall prohibit the action of a power of attorney under this article and
 3537 the child shall be returned to the individual with sole custody.

3538 (c) In addition to the notice provided for in subsection (a) of this Code section, an
 3539 individual with sole custody of a child who executes a power of attorney under this article
 3540 shall comply with any applicable relocation notice requirements under subsection (f) of
 3541 Code Section 19-9-3.

3542 19-9-124.

3543 Nothing in this article shall preclude a parent or agent from granting temporary written
 3544 permission to seek emergency medical treatment or other services for a child while such
 3545 child is in the custody of an adult who is not the parent or agent and who is temporarily
 3546 supervising the child at the request of such parent or agent.

3547 19-9-125.

3548 An individual shall not execute a power of attorney under this article for the purpose of
 3549 subverting an investigation of the child's welfare initiated by the Division of Family and
 3550 Children Services of the Department of Human Services and shall not execute such power
 3551 of attorney so long as the Division of Family and Children Services of the Department of
 3552 Human Services has an open child welfare and youth services case with regard to the child,
 3553 his or her parent, or another child of the parent. Nothing in this article shall be construed
 3554 to diminish or limit any rights, power, or authority of or by the Division of Family and
 3555 Children Services of the Department of Human Services for the protection of any child.

3556 19-9-126.

3557 A power of attorney executed under this article shall be signed under oath and
 3558 acknowledged before a notary public by the individual executing such power of attorney
 3559 and by the agent accepting such delegation.

3560 19-9-127.

3561 (a)(1) An agent shall have the authority to act on behalf of the child on a continuous
 3562 basis, without compensation:

3563 (A) For the duration of the power of attorney so long as the duration does not exceed
 3564 one year or the time period authorized in Code Section 19-9-130; or

3565 (B) Until the individual who executed the power of attorney revokes the power of
3566 attorney in writing and provides notice of the revocation to the agent by certified mail,
3567 return receipt requested, or statutory overnight delivery. Upon receipt of such
3568 revocation, the agent shall cease to act as agent.

3569 (2) The individual revoking the power of attorney shall send a copy of the revocation of
3570 the power of attorney to the agent within five days of executing such revocation. If an
3571 individual revokes a power of attorney, the child shall be returned to the custody of such
3572 individual who executed the power of attorney as soon as reasonably possible.

3573 (3) The revoking individual shall notify schools, health care providers, and others known
3574 to the revoking individual to have relied upon such power of attorney as soon as
3575 reasonably possible.

3576 (b) A power of attorney executed under this article may be terminated by an order of a
3577 court of competent jurisdiction.

3578 (c) Upon receipt of a revocation of a power of attorney, an agent shall notify schools,
3579 health care providers, and others known to the agent to have relied upon such power of
3580 attorney as soon as reasonably possible.

3581 (d) An agent may resign by notifying the individual who appointed the agent in writing by
3582 certified mail, return receipt requested, or statutory overnight delivery and he or she shall
3583 notify schools, health care providers, and others known to the agent to have relied upon
3584 such power of attorney as soon as reasonably possible.

3585 (e) Upon the death of an individual who executed a power of attorney, the agent shall
3586 notify the surviving parent of the child, if known, as soon as practicable.

3587 (f) The authority to designate an agent to act on behalf of a child shall be in addition to any
3588 other lawful action a parent may take for the benefit of such child.

3589 (g) A parent shall continue to have the right to receive medical, dental, mental health, and
3590 educational records pertaining to his or her child, even when a power of attorney has been
3591 executed under this article.

3592 19-9-128.

3593 The execution of a power of attorney under this article shall not constitute abandonment
3594 under Code Section 19-10-1 nor be reportable as child abuse or neglect under Code Section
3595 19-7-5 unless the individual who executed such power of attorney fails to take custody of
3596 the child or execute a new power of attorney under this article after the expiration or
3597 revocation of the power of attorney.

3598 19-9-129.

3599 (a) A child subject to a power of attorney executed under this article shall not be
3600 considered placed in foster care under Chapter 5 of Title 49, and the parties to the power
3601 of attorney shall not be subject to any of the requirements or licensing regulations for foster
3602 care or other regulations relating to community care for children.

3603 (b) Caregiving authority delegated under this article shall not constitute an out-of-home
3604 child placement.

3605 (c) An individual who is approved as an agent by an organization licensed as a
3606 child-placing agency shall not be exempt from the requirements of Chapter 5 of Title 49
3607 regarding the licensing and inspection of child welfare agencies.

3608 (d) The execution of a power of attorney under this article shall not delegate caregiving
3609 authority for more than one child unless such power of attorney delegates caregiving
3610 authority for children who are siblings or stepsiblings.

3611 19-9-130.

3612 (a) When a power of attorney delegates caregiving authority to a grandparent of a child,
3613 it may have an unlimited duration.

3614 (b) Except as limited by or in conflict with federal law regarding the armed forces of the
3615 United States, a parent who is a member of the armed forces of the United States, including
3616 any reserve component thereof, or the commissioned corps of the National Oceanic and
3617 Atmospheric Administration or the Public Health Service of the United States Department
3618 of Health and Human Services detailed by proper authority for duty with the armed forces
3619 of the United States, or who is required to enter or serve in the active military service of
3620 the United States under a call or order of the President of the United States or to serve on
3621 state active duty, may delegate caregiving authority for a period longer than one year if
3622 such parent is deployed as defined in Code Section 19-9-6. Such term of delegation,
3623 however, shall not exceed the term of deployment plus 30 days.

3624 19-9-131.

3625 The provisions of this article shall not affect a power of attorney given to a grandparent
3626 prior to July 1, 2018, to which the provisions of former Code Sections 19-9-120 through
3627 19-9-129, as such existed on June 30, 2018, shall continue to apply.

3628 19-9-132.

3629 (a) The power of attorney contained in this Code section may be used for the temporary
3630 delegation of caregiving authority to an agent. The form contained in this Code section
3631 shall be sufficient for the purpose of creating a power of attorney under this article,

3632 provided that nothing in this Code section shall be construed to require the use of this
 3633 particular form.

3634 (b) A power of attorney shall be legally sufficient if the form is properly completed and
 3635 the signatures of the parties are notarized.

3636 (c) The power of attorney delegating caregiving authority of a child shall be in
 3637 substantially the following form:

3638 FORM FOR POWER OF ATTORNEY TO DELEGATE
 3639 THE POWER AND AUTHORITY FOR THE CARE OF A CHILD

3640 NOTICE:

3641 (1) THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE
 3642 INDIVIDUAL WHOM YOU DESIGNATE (THE AGENT) POWERS TO CARE FOR
 3643 YOUR CHILD, INCLUDING THE POWER TO: HAVE ACCESS TO EDUCATIONAL
 3644 RECORDS AND DISCLOSE THE CONTENTS TO OTHERS; ARRANGE FOR AND
 3645 CONSENT TO MEDICAL, DENTAL, AND MENTAL HEALTH TREATMENT FOR
 3646 THE CHILD; HAVE ACCESS TO RECORDS RELATED TO SUCH TREATMENT
 3647 OF THE CHILD AND DISCLOSE THE CONTENTS OF THOSE RECORDS TO
 3648 OTHERS; PROVIDE FOR THE CHILD'S FOOD, LODGING, RECREATION, AND
 3649 TRAVEL; AND HAVE ANY ADDITIONAL POWERS AS SPECIFIED BY THE
 3650 INDIVIDUAL EXECUTING THIS POWER OF ATTORNEY.

3651 (2) THE AGENT IS REQUIRED TO EXERCISE DUE CARE TO ACT IN THE
 3652 CHILD'S BEST INTERESTS AND IN ACCORDANCE WITH THE GRANT OF
 3653 AUTHORITY SPECIFIED IN THIS FORM.

3654 (3) A COURT OF COMPETENT JURISDICTION MAY REVOKE THE POWERS OF
 3655 THE AGENT.

3656 (4) THE AGENT MAY EXERCISE THE POWERS GIVEN IN THIS POWER OF
 3657 ATTORNEY FOR THE CARE OF A CHILD FOR THE PERIOD SET FORTH IN
 3658 THIS FORM UNLESS THE INDIVIDUAL EXECUTING THIS POWER OF
 3659 ATTORNEY REVOKES THIS POWER OF ATTORNEY AND PROVIDES NOTICE
 3660 OF THE REVOCATION TO THE AGENT OR A COURT OF COMPETENT
 3661 JURISDICTION TERMINATES THIS POWER OF ATTORNEY.

3662 (5) THE AGENT MAY RESIGN AS AGENT AND MUST IMMEDIATELY
 3663 COMMUNICATE SUCH RESIGNATION TO THE INDIVIDUAL EXECUTING THIS
 3664 POWER OF ATTORNEY AND TO SCHOOLS, HEALTH CARE PROVIDERS, AND
 3665 OTHERS KNOWN TO THE AGENT TO HAVE RELIED UPON SUCH POWER OF
 3666 ATTORNEY.

3667 (6) THIS POWER OF ATTORNEY MAY BE REVOKED IN WRITING. IF THIS
 3668 POWER OF ATTORNEY IS REVOKED, THE REVOKING INDIVIDUAL SHALL
 3669 NOTIFY THE AGENT, SCHOOLS, HEALTH CARE PROVIDERS, AND OTHERS
 3670 KNOWN TO THE INDIVIDUAL EXECUTING THIS POWER OF ATTORNEY TO
 3671 HAVE RELIED UPON SUCH POWER OF ATTORNEY.

3672 (7) IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT
 3673 UNDERSTAND, YOU SHOULD ASK AN ATTORNEY TO EXPLAIN IT TO YOU.

3674 STATE OF GEORGIA
 3675 COUNTY OF _____

3676 Personally appeared before me, the undersigned officer duly authorized to administer
 3677 oaths, _____ (name of parent) who, after having been sworn, deposes
 3678 and says as follows:

3679 1. I certify that I am the parent of:

3680 _____
 3681 (Full name of child) (Date of birth)

3682 2. I designate: _____,
 3683 (Full name of agent)

3684 _____
 3685 (Street address, city, state, and ZIP Code of agent)

3686 _____
 3687 (Personal and work telephone numbers of agent)

3688 as the agent of the child named above.

3689 3. The agent named above is related or known to me as follows (write in your
 3690 relationship to the agent; for example, aunt of the child, maternal grandparent of the
 3691 child, sibling of the child, godparent of the child, associated with a nonprofit or faith
 3692 based organization): _____

3693 4. Sign by the statement you wish to choose (you may only choose one):

3694 (A) _____ (Signature) I delegate to the agent all my power
 3695 and authority regarding the care and custody of the child named above, including but
 3696 not limited to the right to inspect and obtain copies of educational records and other
 3697 records concerning the child, attend school activities and other functions concerning the
 3698 child, and give or withhold any consent or waiver with respect to school activities,
 3699 medical and dental treatment, and any other activity, function, or treatment that may
 3700 concern the child. This delegation shall not include the power or authority to consent
 3701 to the marriage or adoption of the child, the performance or inducement of an abortion
 3702 on or for the child, or the termination of parental rights to the child.

3703 **OR**

3704 (B) _____ (Signature) I delegate to the agent the following
 3705 specific powers and responsibilities (write in): _____
 3706 _____

3707 This delegation shall not include the power or authority to consent to the marriage or
 3708 adoption of the child, the performance or inducement of an abortion on or for the child,
 3709 or the termination of parental rights to the child.

3710 5. Initial by the statement you wish to choose (you may only choose one of the three
 3711 options) and complete the information in the paragraph:

3712 (A) _____ (Initials) This power of attorney is effective for a period not to exceed
 3713 one year, beginning _____, 2_____, and ending _____, 2_____. I
 3714 reserve the right to revoke this power and authority at any time.

3715 **OR**

3716 (B) _____ (Initials) This power of attorney is being given to a grandparent of my
3717 child and is effective until I revoke this power of attorney.

3718 **OR**

3719 (C) _____ (Initials) I am a parent as described in O.C.G.A. § 19-9-130(b). My
3720 deployment is scheduled to begin on _____, 2____, and is estimated to end
3721 on _____, 2____. I acknowledge that in no event shall this delegation of
3722 power and authority last more than one year or the term of my deployment plus 30
3723 days, whichever is longer. I reserve the right to revoke this power and authority at any
3724 time.

3725 6. I hereby swear or affirm under penalty of law that I provided the notice required by
3726 O.C.G.A. § 19-9-123 and received no objection in the required time period.

3727 By: _____

3728 (Parent signature)

3729 _____

3730 (Printed name)

3731 _____

3732 (Street address, city, state, and ZIP Code of parent)

3733 _____

3734 (Personal and work telephone numbers of parent)

3735 Sworn to and subscribed

3736 before me this _____

3737 day of _____, _____.

3738 _____

3739 Notary public (SEAL)

3740 My commission expires: _____.

3741 STATE OF GEORGIA

3742 COUNTY OF _____

3743 Personally appeared before me, the undersigned officer duly authorized to administer
 3744 oaths, _____ (name of agent) who, after having been
 3745 sworn, deposes and says as follows:

3746 7. I hereby accept my designation as agent for the child specified in this power of
 3747 attorney and by doing so acknowledge my acceptance of the responsibility for caring for
 3748 such child for the duration of this power of attorney and shall identify any associated
 3749 child-placing agency licensed pursuant to Chapter 5 of Title 49 or nonprofit entity or faith
 3750 based organization that provides child or family services and that is in good standing with
 3751 the Internal Revenue Service if applicable. Furthermore, I hereby certify that:

3752 (A) I am not currently on the state sexual offender registry or child abuse registry of
 3753 this state or the sexual offender registry or child abuse registry for any other state, a
 3754 United States territory, the District of Columbia, or any American Indian tribe nor have
 3755 I ever been required to register for any such registry;

3756 (B) I have provided a criminal background check to the individual designating me as
 3757 an agent, if it was requested;

3758 (C) I understand that I have the authority to act on behalf of the child:

3759 •For the period of time set forth in this form;

3760 •Until the power of attorney is revoked in writing and notice is provided to me as
 3761 required by O.C.G.A. § 19-9-127; or

3762 •Until the power of attorney is terminated by order of a court;

3763 (D) I understand that if I am made aware of the death of the individual who executed
 3764 the power of attorney, I must notify the surviving parent of the child, if known, as soon
 3765 as practicable; and

3766 (E) I understand that I may resign as agent by notifying the individual who executed
 3767 the power of attorney in writing by certified mail, return receipt requested, or statutory
 3768 overnight delivery and I must also notify any schools, health care providers, and others
 3769 to whom I give a copy of this power of attorney.

3770 _____
 3771 (Agent signature)

3772 _____
 3773 (Printed name)

3774 Sworn to and subscribed
 3775 before me this _____
 3776 day of _____, _____.
 3777 _____
 3778 Notary public (SEAL)
 3779 My commission expires: _____.

3780 _____
 3781 (Organization signature, if applicable)

3782 _____
 3783 (Printed name and title)"

3784 **PART III**
 3785 **SECTION 3-1.**

3786 Part 4 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 3787 relating to sick, personal, and maternity leave for teachers and other school personnel, is
 3788 amended by adding a new Code section to read as follows:

3789 "20-2-852.1.
 3790 A local board of education that permits paternity or maternity time off for biological
 3791 parents following the birth of a child shall, upon request, make such time off available for
 3792 individuals adopting a child, in the same manner and utilizing the same type of leave. If
 3793 the local board of education has established a policy providing time off for biological
 3794 parents, that period of time shall be the minimum period of leave available for adoptive
 3795 parents. Requests for additional leave due to the adoption of an ill child or a child with a
 3796 disability shall be considered on the same basis as comparable cases of such complications
 3797 accompanying the birth of such a child to an employee or employee's spouse. Any other
 3798 benefits provided by the local board of education, such as job guarantee or pay, shall be
 3799 available to both adoptive and biological parents on an equal basis. A local board of
 3800 education shall not penalize an employee for exercising the rights provided by this Code
 3801 section. The provisions of this Code section shall not apply to an adoption by the spouse
 3802 of a custodial parent."

3803

PART IV

3804

SECTION 4-1.

3805

This part and Parts II and III of this Act shall become effective on July 1, 2018. Part I of this

3806

Act shall become effective on January 1, 2019.

3807

SECTION 4-2.

3808

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