

House Bill 913

By: Representatives Reeves of the 34th, Fleming of the 121st, Oliver of the 82nd, Wiedower of the 119th, Wilson of the 80th, and others

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 strengthen, clarify, and update provisions relating to the protection of children,
3 including foster children and adopted children; to allow for notice by certified mail in certain
4 adoption proceedings; to revise a provision relating to the results of a search of the putative
5 father registry; to revise provisions relating to appointment of an agent for a petitioner; to
6 revise provisions relating to required criminal history records checks of petitioners; to revise
7 provisions relating to petitioners who are nonresidents of Georgia; to provide for an
8 additional unlawful inducement with respect to adoptions; to revise various adoption related
9 forms with respect to revocation periods; to provide for related matters; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is
14 amended by revising paragraph (3) of subsection (b) of Code Section 19-8-2, relating to
15 jurisdiction and venue of adoption proceedings, as follows:

16 "(3) When a child has been placed for adoption with an individual who is a resident of
17 another state in compliance with Chapter 4 of Title 39, relating to the Interstate Compact
18 on the Placement of Children; with an individual who is a resident of another state to
19 which the Interstate Compact on the Placement of Children does not apply; or with an
20 individual who is a resident of another country, such petition shall be filed in:

- 21 (A) The court of the county where the child was born;
22 (B) The court of the county in which is located any child-placing agency having legal
23 custody of the child; or
24 (C) Superior Court of Fulton County."

25 **SECTION 2.**

26 Said title is further amended by revising Code Section 19-8-3, relating to who may petition
27 to adopt a child, as follows:

28 "19-8-3.

29 (a) Any individual may petition to adopt a child if he or she:

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

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

35 (3)(A) Is a bona fide resident of this state at the filing of the petition for adoption; or
36 (B) Is is a bona fide resident of the receiving state when the adoptee was either born
37 in this state or is a resident of this state at the time of his or her placement for adoption,
38 and was placed in compliance with Chapter 4 of Title 39, relating to the Interstate
39 Compact on the Placement of Children. For purposes of this paragraph, a nonresident
40 of Georgia is deemed to have complied with the Interstate Compact on the Placement
41 of Children if the compact does not apply as defined in Article VIII of the Compact or
42 if the individual is a resident of another country; and

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

44 (b) If an individual seeking to adopt a child is married, the petition for adoption shall be
45 filed in the name of both spouses; provided, however, that, when the child is or was the
46 stepchild of the party seeking to adopt, such petition shall be filed by the stepparent alone."

47 **SECTION 3.**

48 Said title is further amended by revising subsection (j) of Code Section 19-8-5, relating to
49 third party adoption by party who is not stepparent or relative of child, as follows:

50 (j) A petition for adoption pursuant to ~~subsection (a)~~ of this Code section shall be filed
51 within 60 days from the date the surrender of rights is executed; provided, however, that
52 for good cause shown the court may waive the 60 day requirement. If the petition for
53 adoption is not filed within the time period specified by this subsection and the court does
54 not waive the 60 day requirement or if the proceedings resulting from such petition are not
55 concluded with an order granting such petition, then the surrender of rights shall operate
56 as follows according to the election made in such surrender by the parent or guardian of the
57 child:

58 (1) In favor of such parent or guardian, with the express stipulation that neither this nor
59 any other provision of the surrender of rights shall be deemed to impair the validity,

60 absolute finality, or totality of such surrender under any other circumstance, once the
61 revocation period has elapsed;

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

64 (3) If the parent or guardian is not designated and no child-placing agency or out-of-state
65 licensed agency is designated in the surrender of rights, or if the designated child-placing
66 agency or out-of-state licensed agency declines to accept the child for placement for
67 adoption, in favor of the department for placement for adoption pursuant to ~~subsection~~
68 ~~(a)~~ of Code Section 19-8-4."

69 **SECTION 4.**

70 Said title is further amended by revising subsection (a) of Code Section 19-8-9, relating to
71 revocation of surrender of rights, time limit, and effect of voluntary surrender of rights by
72 legal mother, as follows:

73 "(a) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the use of
74 certified mail, an individual signing a surrender of rights pursuant to Code Section 19-8-4,
75 19-8-5, 19-8-6, or 19-8-7 shall have the right to revoke such surrender by written notice
76 delivered in person or mailed by registered mail or statutory overnight delivery within four
77 days after signing such surrender; and such surrender document shall not be valid unless
78 it so states. The four-day revocation period shall be counted consecutively beginning with
79 the day immediately following the date the surrender of rights is executed; provided,
80 however, that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last
81 day on which such surrender may be revoked shall be the next day that is not a Saturday,
82 Sunday, or legal holiday. After the four-day period, a surrender of rights cannot be
83 revoked. Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the use
84 of certified mail, the notice of revocation of a surrender of rights shall be delivered in
85 person or mailed by registered mail or statutory overnight delivery to the address
86 designated in the surrender document. If delivered in person, it shall be delivered to the
87 address shown in the surrender document not later than 5:00 P.M. eastern standard time or
88 eastern daylight time, whichever is applicable, on the fourth day. If mailed by registered
89 mail or delivered by statutory overnight delivery, it shall be addressed to the address shown
90 in the surrender document and submitted to the United States Postal Service or to the
91 statutory overnight delivery carrier not later than 12:00 Midnight eastern standard time or
92 eastern daylight time, whichever is applicable, on the fourth day."

93

SECTION 5.

94 Said title is further amended by revising subsection (c) of Code Section 19-8-10, relating to
 95 when surrender or termination of parental rights of living parent not required, service on
 96 parents in such cases, and involuntary termination of rights, as follows:

97 "(c)(1) Whenever it is alleged by any petitioner that surrender or termination of rights of
 98 a living parent is not a prerequisite to the granting of a petition for adoption of a child of
 99 such parent in accordance with subsection (a) or (b) of this Code section, such parent
 100 shall be personally served with a conformed copy of the adoption petition, together with
 101 a copy of the court's order thereon specified in Code Section 19-8-14, or, if personal
 102 service cannot be perfected, ~~notwithstanding subsection (a) of Code Section 9-10-12~~
 103 ~~which authorizes the use of certified mail~~, by certified mail or registered mail, return
 104 receipt requested, or statutory overnight delivery, one-day service not required, at his or
 105 her last known address. If service cannot be made by these methods, such parent shall
 106 be given notice by publication once a week for three weeks in the official organ of the
 107 county where such petition has been filed and of the county of his or her last known
 108 address. In the interest of time, publication may be initiated simultaneously with efforts
 109 to perfect service personally, by certified mail or registered mail, or by statutory
 110 overnight delivery. The court shall continue to have the inherent authority to determine
 111 the sufficiency of service. A parent who receives notification pursuant to this paragraph
 112 shall not be a party to the adoption and shall have no obligation to file an answer, but
 113 shall have the right to appear in the pending adoption proceeding and show cause why
 114 such parent's rights to the child who is the subject of the proceeding should not be
 115 terminated by that adoption. Notice shall be deemed to have been received on the earliest
 116 date:

117 (A) Personal service is perfected;

118 (B) Of delivery shown on the return receipt of certified mail or registered mail or proof
 119 of delivery by statutory overnight delivery; or

120 (C) Of the last publication.

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

125

SECTION 6.

126 Said title is further amended by revising subsection (b) of Code Section 19-8-11, relating to
 127 petitioning superior court to terminate rights of one parent or guardian of child and service
 128 of process, as follows:

129 "(b)(1) Whenever a petition to terminate parental rights is filed pursuant to subsection
 130 (a) of this Code section, the parent whose rights the petitioner is seeking to terminate
 131 shall be personally served with a conformed copy of the petition to terminate parental
 132 rights and a copy of the court's order setting forth the date upon which such petition shall
 133 be considered or, if personal service cannot be perfected, ~~notwithstanding subsection (a)~~
 134 ~~of Code Section 9-10-12 which authorizes the use of certified mail~~, by certified mail or
 135 registered mail, return receipt requested, or statutory overnight delivery, one-day service
 136 not required, at his or her last known address. If service cannot be made by these
 137 methods, such parent shall be given notice by publication once a week for three weeks
 138 in the official organ of the county where such petition has been filed and of the county
 139 of his or her last known address. In the interest of time, publication may be initiated
 140 simultaneously with efforts to perfect service personally, by certified mail or registered
 141 mail, or by statutory overnight delivery. The court shall continue to have the inherent
 142 authority to determine the sufficiency of service. A parent who receives notification
 143 pursuant to this paragraph shall not be a party to the adoption and shall have no obligation
 144 to file an answer, but shall have the right to appear in the pending termination of parental
 145 rights proceeding and show cause why such parent's rights to the child who is the subject
 146 of the proceeding should not be terminated. Notice shall be deemed to have been
 147 received on the earliest date:

148 (A) Personal service is perfected;

149 (B) Of delivery shown on the return receipt of certified mail or registered mail or proof
 150 of delivery by statutory overnight delivery; or

151 (C) Of the last publication.

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

156 **SECTION 7.**

157 Said title is further amended by revising subsections (c), (d), and (i) of Code Section 19-8-12,
 158 relating to notice to biological father, procedure when identity or location of father not
 159 known, effect of order terminating biological father's rights, legitimation of child by father,
 160 and rights of mother, as follows:

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

163 (A) ~~Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the use~~
 164 ~~of certified mail~~, Certified mail or registered mail, return receipt requested, or statutory

165 overnight delivery, one-day service not required, at his last known address, which
166 notice shall be deemed received upon the date of delivery shown on the return or
167 delivery receipt;

168 (B) Personal service, which notice shall be deemed received when personal service is
169 perfected; or

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

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

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

181 (d)(1) When the rights of a parent or guardian of a child have been surrendered or
182 terminated in accordance with ~~subsection (a)~~ of Code Section 19-8-4 or the child does not
183 have a living parent or guardian, the department, child-placing agency, or out-of-state
184 licensed agency may file, under the authority of this paragraph, a petition to terminate a
185 biological father's rights to the child with the superior court of the county of the child's
186 domicile, of the county where the child was born, of the county in which is located the
187 principal office of the child-placing agency having legal custody of the child, or of the
188 county in which is located the office of the department having legal custody of the child.

189 (2) When the rights of a parent or guardian of a child have been surrendered in
190 accordance with ~~subsection (a)~~ of Code Section 19-8-5, 19-8-6, or 19-8-7, the child does
191 not have a living parent or guardian, a consent to adopt has been executed pursuant to
192 paragraph (2) of subsection (a) of Code Section 19-8-6, or the petitioner is seeking to
193 involuntarily terminate parental rights pursuant to Code Section 19-8-10, the petitioner
194 shall file, under the authority of this paragraph, with the superior court of the county of
195 the child's domicile or of the county where the child was born a motion, if a petition for
196 adoption of the child has previously been filed with the court, or a petition to terminate
197 a biological father's rights to the child.

198 (3) When a petition or motion is filed pursuant to paragraph (1) or (2) of this subsection,
199 the court shall, within 30 days from the date of receipt of the notice required by
200 subsection (b) of this Code section or, when no notice is required to be given, from the
201 date of such filing, conduct a hearing in chambers to determine the facts in the matter.

202 (4) Unless the identity of a biological father is known to the petitioner, department,
 203 child-placing agency, or out-of-state licensed agency or to the attorney for such
 204 individual or entity such that he is entitled to notice of the proceedings as provided in this
 205 Code section, when the petitioner provides a certificate from the putative father registry
 206 stating that there is no registrant identified on the putative father registry acknowledging
 207 paternity of the child or indicating possible paternity of the child for a period beginning
 208 no later than two years immediately prior to the child's date of birth, then it shall be
 209 rebuttably presumed that an unnamed biological father who is not a legal father is not
 210 entitled to notice of the proceedings. Absent evidence rebutting the presumption, then
 211 no further inquiry or notice shall be required by the court and the court shall enter an
 212 order terminating the rights of such unnamed biological father to the child."

213 "(i) If the child is legitimated by his or her biological father and in the adoption proceeding
 214 the petition for adoption is revoked with prejudice or denied by the court, then a
 215 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION executed by a legal
 216 mother pursuant to ~~subsection (a)~~ of Code Section 19-8-4, 19-8-5, or 19-8-7 shall be
 217 dissolved by operation of law and her parental rights shall be restored to her. The fact that
 218 a legal mother executed a SURRENDER OF RIGHTS/FINAL RELEASE FOR
 219 ADOPTION, now dissolved, shall not be admissible as evidence against a legal mother in
 220 any proceeding against her."

221 **SECTION 8.**

222 Said title is further amended by revising subsections (a), (g), and (h) of Code Section
 223 19-8-13, relating to petition, filing and contents, financial disclosures, attorney's affidavit,
 224 and redaction of certain information unnecessary, as follows:

225 "(a) The petition for adoption, duly verified, together with one conformed copy thereof,
 226 shall be filed with the clerk of the superior court having jurisdiction and shall conform to
 227 the following guidelines:

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

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

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

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

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

- 238 (E) Whether the child is possessed of any property and, if so, a full and complete
 239 description thereof;
- 240 (F) Whether the child has one or both parents or his or her biological father who is not
 241 a legal father living;
- 242 (G) Whether the child has a guardian and, if so, the name of the guardian and the name
 243 of the court that appointed such guardian;
- 244 (H) Whether the child has a legal custodian and, if so, the name of the legal custodian
 245 and the name of the court that appointed such custodian; and
- 246 (I) Whether each petitioner or his or her attorney is aware of any other adoption
 247 proceeding pending to date, in this or any other state or country, regarding the child
 248 who is the subject of the proceeding that is not fully disclosed in such petition and
 249 whether each petitioner or his or her attorney is aware of any individual who has or
 250 claims to have physical custody of or visitation rights with the child who is the subject
 251 of the proceeding whose name and address and whose custody or visitation rights are
 252 not fully disclosed in such petition. Each petitioner and his or her attorney shall have
 253 a continuing duty to inform the court of any proceeding in this or any other state or
 254 country that could affect the adoption proceeding or the legal custody of or visitation
 255 with the child who is the subject of the proceeding;
- 256 (2) When the adoption is pursuant to subsection (a) of Code Section 19-8-4, the
 257 following shall be provided or attached to the petition for adoption or its absence
 258 explained when the petition for adoption is filed:
- 259 (A) If the adoption is pursuant to:
- 260 (i) Paragraph (1) of such ~~Code section~~ subsection, a copy of the written voluntary
 261 surrender of rights of each parent or guardian specified in subsection (e) of Code
 262 Section 19-8-4 and a copy of the written acknowledgment of surrender of rights
 263 specified in subsection (f) of Code Section 19-8-4; or
- 264 (ii) Paragraph (2) of such ~~Code section~~ subsection, a certified copy of the order
 265 entered by a court of competent jurisdiction terminating parental rights of the parent
 266 and committing the child to the department, child-placing agency, or out-of-state
 267 licensed agency;
- 268 (B) A copy of the affidavits specified in subsections (g) and (h) of Code
 269 Section 19-8-4;
- 270 (C) An original affidavit from the department or a child-placing agency stating that all
 271 of the requirements of Code Sections 19-8-4 and 19-8-12 have been complied with and
 272 that the child is legally available for adoption or, in the case of a placement by an
 273 out-of-state licensed agency, that the comparable provisions dealing with the
 274 termination of parental rights of the parents and of a biological father who is not a legal

275 father of the child have been complied with under the laws of the state or country in
276 which the out-of-state licensed agency is licensed and that the child is legally available
277 for adoption thereunder;

278 (D) The original written consent of the department, child-placing agency, or
279 out-of-state licensed agency to the adoption;

280 (E) Uncertified copies of appropriate certificates or forms verifying the allegations
281 contained in such petition as to guardianship of the child, including, but not limited to,
282 the marriage of each petitioner, the death of each parent in lieu of a surrender of his or
283 her parental rights, and compliance with Chapter 4 of Title 39, relating to the Interstate
284 Compact on the Placement of Children; and

285 (F) A completed form containing background information regarding the child, as
286 required by the adoption unit of the department, or an equivalent medical and social
287 history background form;

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

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

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

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

297 (D) A copy of the appropriate form verifying the allegation of compliance with Code
298 Section 19-8-12 and the original certification evidencing the search of the putative
299 father registry;

300 (E) The original accounting required by subsection (c) of this Code section;

301 (F) Uncertified copies of appropriate certificates or forms verifying the allegations
302 contained in such petition as to guardianship of the child, including, but not limited to,
303 the marriage of each petitioner, the death of each parent in lieu of a surrender of his or
304 her parental rights, and compliance with Chapter 4 of Title 39, relating to the Interstate
305 Compact on the Placement of Children;

306 (G) A completed form containing background information regarding the child, as
307 required by the adoption unit of the department, or an equivalent medical and social
308 history background form; and

309 (H) A copy of the home study report;

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

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

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

318 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;

319 (D) The original consent specified in subsection (j) of Code Section 19-8-6;

320 (E) A copy of the appropriate form verifying the allegation of compliance with Code
321 Section 19-8-12 and the original certification evidencing the search of the putative
322 father registry;

323 (F) Uncertified copies of appropriate certificates or forms verifying the allegations
324 contained in such petition as to guardianship of the child, including, but not limited to,
325 the birth of the child, the marriage of each petitioner, and the death of each parent in
326 lieu of a surrender of his or her parental rights; and

327 (G) A completed form containing background information regarding the child, as
328 required by the adoption unit of the department, or an equivalent medical and social
329 history background form;

330 (5) When the adoption is pursuant to ~~subsection (a)~~ of Code Section 19-8-7, the
331 following shall be provided or attached to the petition for adoption or its absence
332 explained when the petition for adoption is filed:

333 (A) The original written voluntary surrender of rights of each parent or biological
334 father who is not a legal father specified in subsection (e) of Code Section 19-8-7;

335 (B) The original written acknowledgment of surrender of rights specified in
336 subsection (f) of Code Section 19-8-7;

337 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;

338 (D) A copy of the appropriate form verifying the allegation of compliance with Code
339 Section 19-8-12 and the original certification evidencing the search of the putative
340 father registry;

341 (E) Uncertified copies of appropriate certificates or forms verifying allegations
342 contained in the petition as to guardianship or custody of the child and the birth of the
343 child, including, but not limited to, the marriage of each petitioner, the death of each
344 parent in lieu of a surrender of his or her parental rights, and compliance with Chapter 4
345 of Title 39, relating to the Interstate Compact on the Placement of Children; and

346 (F) A completed form containing background information regarding the child, as
347 required by the adoption unit of the department, or an equivalent medical and social
348 history background form;

349 (6)(A) When the adoption is pursuant to subsection (a) of Code Section 19-8-8, the
350 following shall be provided or attached to the petition for adoption when the petition
351 for adoption is filed:

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

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

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

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

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

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

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

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

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

379 (7) When Code Section 19-8-10 is applicable, parental rights need not be surrendered or
380 terminated prior to the filing of the petition for adoption; but the petitioner shall, in lieu
381 of obtaining and attaching those otherwise required surrenders of rights,
382 acknowledgments, and affidavits, allege facts in the petition for adoption demonstrating

383 the applicability of subsection (a) or (b), or both, of Code Section 19-8-10 and shall also
 384 allege compliance with subsection (c) of Code Section 19-8-10; and

385 (8) If the petition for adoption is filed in a county other than that of the petitioner's
 386 residence, the reason therefor shall be set forth in such petition."

387 "(g) Notwithstanding Code Sections 19-8-5 and 19-8-7 and this Code section which
 388 require obtaining and attaching a written voluntary surrender of rights and acknowledgment
 389 thereof and affidavits of a legal mother and a representative of the petitioner or of the
 390 individual signing such surrender, when the adoption is sought under ~~subsection (a) of~~
 391 Code Section 19-8-5 or 19-8-7 following the termination of parental rights and the
 392 placement of the child by the juvenile court pursuant to Code Section 15-11-321, obtaining
 393 and attaching to the petition for adoption a certified copy of the order terminating parental
 394 rights of the parent shall take the place of obtaining and attaching those otherwise required
 395 surrenders of rights, acknowledgments, and affidavits.

396 (h)(1) A petition for adoption regarding a child who has a living biological father who
 397 is not a legal father and who has not surrendered his rights to the child shall include a
 398 certificate from the putative father registry disclosing the name, address, and social
 399 security number of any registrant acknowledging paternity of the child pursuant to
 400 subparagraph (d)(2)(A) of Code Section 19-11-9 or indicating the possibility of paternity
 401 of such child pursuant to subparagraph (d)(2)(B) of Code Section 19-11-9 for a period
 402 beginning no later than two years immediately prior to the child's date of birth. Such
 403 certificate shall indicate the results of a search of the registry on or after the earliest of the
 404 following:

405 (A) The date of a legal mother's surrender of parental rights;

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

407 (C) The date of a legal mother's consent to adoption pursuant to Code Section 19-8-6;
 408 or

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

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

414 (3) When a legal mother of the child who is the subject of the proceeding identifies her
 415 husband as the biological father of the child and he has executed a surrender of his
 416 parental rights in favor of the petitioner, the petitioner shall obtain a certificate from the
 417 putative father registry and submit it with the petition for adoption to confirm that no
 418 male other than the legal mother's husband has expressed an interest in the child or to

419 identify a registrant other than the legal mother's husband who shall be notified pursuant
420 to Code Section 19-8-12."

421 **SECTION 9.**

422 Said title is further amended by revising subsection (d) of Code Section 19-8-14, relating to
423 timing of adoption hearing, record retention, and clerk's duties, as follows:

424 "(d) In those cases where the court is required to appoint an agent pursuant to
425 subsection (a) of Code Section 19-8-16 to conduct an investigation and make a written
426 report and recommendation to the court, it shall be the petitioner's responsibility to request
427 that the court appoint the agent if the court does not do so sua sponte. Notwithstanding
428 subsections (a) and (c) of this Code section, it shall be the petitioner's responsibility to
429 request that the court hear the petition for adoption on a date that allows sufficient time for
430 fulfillment of the notice requirements of Code Sections 19-8-10 and 19-8-12 and for receipt
431 of the agent's written report and recommendation prior to the hearing, when applicable."

432 **SECTION 10.**

433 Said title is further amended by revising Code Section 19-8-16, relating to investigation by
434 court-appointed agent and criminal history records check for adoption petitioners, as follows:
435 "19-8-16.

436 (a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be
437 the duty of the agent appointed by the court to verify the allegations in the petition for
438 adoption, to make a complete and thorough investigation of the entire matter, including any
439 specific issue the court requests to be investigated, and to report its findings and
440 recommendations in writing to the court where the petition for adoption was filed. The
441 petitioner may assist the court by providing names of qualified individuals or agencies to
442 serve as the court's agent. The agent may be the department, a child-placing agency, an
443 evaluator, or an individual who the court determines is qualified to conduct the required
444 investigation. The agent appointed by the court shall also provide the petitioner or his or
445 her attorney with a copy of its report. If for any reason the agent appointed by the court
446 finds itself unable to make or arrange for the proper investigation and report, it shall be the
447 duty of the agent to notify the court immediately, or at least within 20 days after receipt of
448 the request for investigation service, that it is unable to make the report and investigation,
449 so that the court may take such other steps as in its discretion are necessary to have the
450 investigation and report prepared. The investigation required by this Code section shall be
451 in addition to the requirement of a home study in the case of a petition for adoption filed
452 pursuant to ~~subsection (a) of Code Section 19-8-5.~~

453 (b) If the petition for adoption has been filed pursuant to ~~subsection (a)~~ of Code Section
454 19-8-6 or 19-8-7, the court shall be authorized but shall not be required to appoint an agent
455 to make an investigation pursuant to subsection (a) of this Code section; provided,
456 however, that a home study shall not be required.

457 (c)(1) If the petition for adoption has been filed pursuant to Code Section 19-8-8, the
458 appointment of an agent to make an investigation and render a report pursuant to
459 subsection (a) of this Code section shall not be required.

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

464 (d) The court shall require the petitioner to submit to a criminal history records check
465 except when the petitioner is brought pursuant to either Code Section 19-8-8 or Code
466 Section 19-8-21. The petitioner shall submit his or her fingerprints to the Georgia Crime
467 Information Center with the appropriate fee. The center shall promptly transmit the
468 fingerprints to the Federal Bureau of Investigation for a search of bureau records and shall
469 obtain an appropriate report. The Georgia Crime Information Center shall also promptly
470 conduct a search of its records and any records to which it has access. The center shall
471 notify the court in writing of the presence or absence of any criminal record from the state
472 fingerprint records check. In those cases when the petitioner has submitted a fingerprint
473 based criminal history report that includes the results of a records search of both the
474 Georgia Crime Information Center and the Federal Bureau of Investigation to the
475 department, child-placing agency, or evaluator as part of the home study and such results
476 are dated within 12 months of filing of the petition for adoption and are included in the
477 home study report filed with or otherwise made available to the court, such results shall
478 satisfy the requirements of this subsection. An affidavit from the department stating that
479 it has obtained a fingerprint based criminal history report dated within 12 months of the
480 filing of the petition for adoption that includes the results of a records search of both the
481 Georgia Crime Information Center and the Federal Bureau of Investigation shall be deemed
482 to satisfy the requirements of this subsection. Because the court shall not be authorized to
483 share the results of the fingerprint records check with the agent appointed by the court
484 pursuant to subsection (a) or (e) of this Code section, the court shall determine the
485 acceptability of the petitioner's criminal history, inform the petitioner or his or her attorney
486 at least five days prior to the final hearing on the petition for adoption if the court will
487 require additional evidence with respect to the petitioner's criminal history or if the court
488 is inclined to deny such petition because of such criminal history, and afford the petitioner

489 or his or her attorney an opportunity to present evidence as to why the petitioner's criminal
490 history should not be grounds for denial of such petition.

491 (e) The court shall require the petitioner to reimburse the agent appointed by the court,
492 including the department, for the full cost of conducting the investigation and preparing its
493 report. Such cost shall not exceed \$250.00 unless specifically authorized by the court,
494 provided that the court shall furnish the petitioner or his or her attorney with written notice
495 of the name of the agent that the court intends to appoint and the amount of any increased
496 costs, together with a request to agree to pay such increased costs. If the petitioner does
497 not agree to pay the increased costs, then the petitioner shall have an opportunity to present
498 to the court information regarding other persons that are qualified to conduct the
499 investigation and render the report to the court and the cost of their services, and the court
500 shall appoint the person that is qualified to conduct the investigation and render the report
501 to the court at the lowest cost to the petitioner."

502 **SECTION 11.**

503 Said title is further amended by revising subsections (a) and (b) of Code Section 19-8-18,
504 relating to hearing, district attorney to be directed to review inducement violations, decree
505 of adoption, factors considered in determining best interests of child, and disposition of child
506 on denial of petition, as follows:

507 "(a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or
508 as soon thereafter as the matter may be reached for a hearing, the court shall proceed to
509 a full hearing on such petition and the examination of the parties at interest in chambers,
510 under oath, with the right of continuing the hearing and examinations from time to time
511 as the nature of the case may require. The court at such times shall give consideration to
512 the investigation report to the court provided for in Code Section 19-8-16 and the
513 recommendations contained in such report. There shall be a presumption that a petitioner
514 who is a nonresident of Georgia should be granted the opportunity to appear via
515 electronic means in lieu of physical presence before the court if his or her petition is
516 uncontested, especially if appearing in person would cause hardship to the petitioner. In
517 all other cases, the The court may in its discretion allow the petitioner or any witness to
518 appear via electronic means in lieu of requiring his or her physical presence before the
519 court.

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

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

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

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

527 (3) If the adoption petition is filed pursuant to ~~subsection (a)~~ of Code Section 19-8-5, the
 528 court shall examine the financial disclosures required under subsections (c) and (d) of
 529 Code Section 19-8-13 and make such further examination of each petitioner and his or
 530 her attorney as the court deems appropriate in order to make a determination as to
 531 whether there is cause to believe that Code Section 19-8-24 has been violated with regard
 532 to the inducement, as such term is defined in Code Section 19-8-24, of the placement of
 533 the child for adoption. Should the court determine that further inquiry is in order, the
 534 court shall direct the district attorney for the county to review the matter further and to
 535 take such appropriate action as the district attorney in his or her discretion deems
 536 appropriate.

537 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,
 538 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed
 539 for in such petition; terminating all of the rights of each living parent, guardian, and legal
 540 custodian of the child, other than the spouse of the petitioner in the case of a stepparent
 541 adoption pursuant to Code Section 19-8-6; granting the permanent custody of the child
 542 to each petitioner; and declaring the child to be the adopted child of each petitioner if the
 543 court is satisfied that:

544 (A) Each living parent or guardian of the child has surrendered or had terminated all
 545 of his or her rights to the child in the manner provided by law or that each petitioner has
 546 complied with the notice requirements of subsection (c) of Code Section 19-8-10 and
 547 satisfied his or her burden of proof under Code Section 19-8-10 or that the spouse has
 548 consented to the petitioner's adoption of the child as required by Code Section 19-8-6;

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

551 (C) The child is suitable for adoption in a private family home; and

552 (D) The adoption requested is in the best interests of the child.

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

558 (3) When the child was born in a country other than the United States, the court shall
 559 examine the evidence submitted and in order to determine that whether sufficient
 560 evidence has been proffered to show that the child ~~will be able to obtain~~ has a viable path
 561 to lawful permanent resident status, if not already obtained, ~~before the court shall have~~

562 ~~authority to determine.~~ The court shall consider the evidence when making a
 563 determination if it is in the best interests of the child to grant the petition for adoption.
 564 (4) If there is an existing visitation order pursuant to Code Section 19-7-3 in favor of a
 565 family member, the court shall have the authority to continue or discontinue such
 566 visitation rights in the adoption order as it deems is in the best interests of the child."

567 SECTION 12.

568 Said title is further amended by revising subsections (d) and (g) of Code Section 19-8-24,
 569 relating to advertising restrictions and requirements, "inducements" defined, unlawful
 570 inducements, penalties, exemption for personal communications, and civil actions, as
 571 follows:

572 "(d)(1) It shall be unlawful for an individual to knowingly accept expenses as set forth
 573 in subparagraph (c)(1)(C) or (c)(1)(D) of this Code section for the adoption of her child
 574 or unborn child if she knows or should have known that she is not pregnant or is not a
 575 legal mother.

576 (2) It shall be unlawful for an individual to knowingly accept expenses as set forth in
 577 subparagraph (c)(1)(C) or (c)(1)(D) of this Code section from an adoption agency or an
 578 attorney without disclosing that he or she is receiving such expenses from another
 579 adoption agency or attorney in an effort to allow for the adoption of the same child or
 580 unborn child.

581 (3) It shall be unlawful for an individual to knowingly make false representations in
 582 order to obtain expenses as set forth in subparagraph (c)(1)(C) or (c)(1)(D) of this Code
 583 section.

584 (4) It shall be unlawful for an individual to make false representations as to the existence
 585 of a pregnancy or the intention to place a child for adoption when such individual knows
 586 or should have known that the person purported to be pregnant is not pregnant or that the
 587 person purported to be offering the child for adoption has no intention of placing the child
 588 for adoption, and such representations cause another to expend money or take other
 589 specific steps toward adoption of a child in reasonable reliance on such representations."

590 "(g)(1) Any child-placing agency or individual who is seeking to adopt or seeking to
 591 place a child for adoption who is damaged by a violation of this Code section may file
 592 a civil action to recover damages, treble damages, reasonable attorney's fees, and
 593 expenses of litigation.

594 (2) Any individual who is seeking to adopt or seeking to place a child for adoption who
 595 is damaged by a violation of this Code section may file a civil action to recover all
 596 damages relating to the intentional infliction of emotional distress available to such
 597 individual under Georgia law for any tort."

598

SECTION 13.

599 Said title is further amended by revising subsections (a) through (g) of Code Section 19-8-26,
600 relating to forms, as follows:

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

603 'SURRENDER OF RIGHTS
604 FINAL RELEASE FOR ADOPTION

605 NOTICE TO PARENT OR GUARDIAN:

606 This is an important legal document and by signing it, you are surrendering all of your
607 rights to the child identified in this document, so as to place the child for adoption.
608 Understand that you are signing this document under oath and that if you knowingly and
609 willfully make a false statement in this document you will be guilty of the crime of false
610 swearing. As explained below in paragraph 5, you have the right to revoke this surrender
611 within four days from the date you sign it.

612 _____

613 STATE OF GEORGIA
614 COUNTY OF _____

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

618 1.
619 I, the undersigned, being mindful that my (male) (female) [circle one] child, born
620 _____ (name of child) on _____ (birthdate of
621 child) at ____:____ (A.M.) (P.M.) [circle one], should receive the benefits and
622 advantages of a good home, to the end that (she) (he) [circle one] may be fitted for the
623 requirements of life, consent to this surrender of my parental rights.

624 2.
625 I, the undersigned, _____ (relationship to child)
626 of the aforesaid child, do hereby surrender my rights to the child to
627 _____ (name of child-placing agency,
628 out-of-state licensed agency, or Department of Human Services, as applicable) and

629 promise not to interfere in the management of the child in any respect whatever; and,
 630 in consideration of the benefits guaranteed by _____
 631 (name of child-placing agency, out-of-state licensed agency, or Department of Human
 632 Services, as applicable) in providing for the child, I do relinquish all rights to the child
 633 named in this document, it being my wish, intent, and purpose to relinquish absolutely
 634 all parental control over the child. Furthermore, I hereby agree that the
 635 _____ (name of child-placing agency,
 636 out-of-state licensed agency, or Department of Human Services, as applicable) may
 637 seek for the child a legal adoption by such individual or individuals as may be chosen
 638 by the _____ (name of child-placing agency, out-of-state
 639 licensed agency, or Department of Human Services, as applicable) or its authorized
 640 agents, without further notice to me. I do, furthermore, expressly waive any other
 641 notice or service in any of the legal proceedings for the adoption of the child.

642 3.

643 I understand that under Georgia law an agent appointed by the court is required to
 644 conduct an investigation and render a report to the court in connection with the legal
 645 proceeding for the legal adoption of the child, and I hereby agree to cooperate fully
 646 with such agent in the conduct of its investigation.

647 4.

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

650 5.

651 I understand that under Georgia law I have the unconditional right to a four-day
 652 revocation period. I understand I may only revoke this surrender by giving written
 653 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
 654 to _____ (name and address
 655 of child-placing agency, out-of-state licensed agency, or Department of Human
 656 Services, as applicable) within four days from the date of signing this document. I
 657 understand that certified mail cannot be used for mail delivery of the notice to revoke
 658 this surrender. I understand that the four days will be counted consecutively beginning
 659 with the day immediately following the date I sign this document; provided, however,
 660 that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on
 661 which this surrender may be revoked will be the next day that is not a Saturday,
 662 Sunday, or legal holiday. I understand that, if I deliver the notice to revoke this

663 surrender in person, it must be delivered to _____
 664 (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight
 665 time, whichever is applicable, on the fourth day; provided, however, that if I mail the
 666 notice by registered mail or have it delivered by statutory overnight delivery, I must
 667 address it to the address shown in the surrender document and submit it to the United
 668 States Postal Service or to the statutory overnight delivery carrier not later than 12:00
 669 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
 670 fourth day. I understand that I CANNOT revoke this surrender after that time.

671 6.
 672 I understand that if I am not a resident of this state that I am agreeing to be subject to
 673 the jurisdiction of the courts of Georgia for any action filed in connection with the
 674 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 675 of this surrender of my parental rights.

676 7.
 677 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 678 pressure in the execution of this document and I am signing it freely and voluntarily.

679 This _____ day of _____, ____.

680 _____
 681 (Parent or guardian)

682 _____
 683 Adult witness

684 Sworn to and subscribed
 685 before me this _____
 686 day of _____, ____.
 687 _____

688 Notary Public (SEAL)
 689 My commission expires: _____.'

690 (b) The notice to revoke a surrender of rights pursuant to subsection (a) of Code Section
 691 19-8-9 shall conform substantially to the following form:

692 NOTICE TO REVOKE SURRENDER OF RIGHTS/
693 FINAL RELEASE FOR ADOPTION

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

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

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

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

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

708 **OR**

709 B. Mail the original of this document by registered mail or by statutory overnight
710 delivery to the address designated in the surrender of rights document no later than 12:00
711 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
712 fourth day of the revocation period specified in the surrender of rights document.

713 This _____ day of _____, _____.

714 _____
715 (Parent, guardian, or alleged biological father)

716 _____
717 (Printed name)

718 _____

719 Adult witness'

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

722 'SURRENDER OF RIGHTS
723 FINAL RELEASE FOR ADOPTION

724 NOTICE TO PARENT OR GUARDIAN:

725 This is an important legal document and by signing it, you are surrendering all of your
726 rights to the child identified in this document, so as to place the child for adoption.
727 Understand that you are signing this document under oath and that if you knowingly and
728 willfully make a false statement in this document you will be guilty of the crime of false
729 swearing. As explained below in paragraph 8, you have the right to revoke this surrender
730 within four days from the date you sign it.

731 _____

732 STATE OF GEORGIA
733 COUNTY OF _____

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

737 1.

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

743 2.

744 I, the undersigned, _____ (relationship to
745 child) of the aforesaid child, do hereby surrender my rights to the child to
746 _____ (name, surname not required, of each
747 individual to whom surrender is made), PROVIDED that each such individual is named
748 as petitioner in a petition for adoption of the child filed in accordance with Article 1 of

749 Chapter 8 of Title 19 of the Official Code of Georgia Annotated within 60 days from
 750 the date that I sign this document. Furthermore, I promise not to interfere in the
 751 management of the child in any respect whatever; and, in consideration of the benefits
 752 guaranteed by _____ (name, surname not
 753 required, of each individual to whom surrender is made) in providing for the child, I do
 754 relinquish all rights to the child named in this document, it being my wish, intent, and
 755 purpose to relinquish absolutely all parental control over the child.

756 3.

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

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

765 A. _____ (Signature) I wish the child returned to me, as provided
 766 by subsection (j) of Code Section 19-8-5, and I expressly acknowledge that this
 767 provision applies only to the limited circumstance that the child is not adopted by the
 768 individual or individuals designated in this document and further that this provision
 769 does not impair the validity, absolute finality, or totality of this surrender under any
 770 circumstance other than the failure of the designated individual or individuals to adopt
 771 the child and that no other provision of this surrender impairs the validity, absolute
 772 finality, or totality of this surrender once the four-day revocation period has elapsed;

773 **OR**

774 B. _____ (Signature) I surrender the child to
 775 _____ (name of child-placing agency or out-of-state licensed
 776 agency), as provided in subsection (j) of Code Section 19-8-5, for placement for
 777 adoption. I understand that if the child-placing agency or out-of-state licensed agency
 778 declines to accept the child for placement for adoption, this surrender will be in favor
 779 of the Department of Human Services for placement for adoption and
 780 _____ (name of child-placing agency or out-of-state

781 licensed agency) or the Department of Human Services may petition the superior
782 court for custody of the child in accordance with the terms of this surrender;

783 **OR**

784 C. _____ (Signature) I surrender the child to the Department of
785 Human Services, as provided by subsection (j) of Code Section 19-8-5, for placement
786 for adoption; and the Department of Human Services may petition the superior court
787 for custody of the child in accordance with the terms of this surrender.

788 4.

789 I hereby agree that the child is to be adopted by each individual named in paragraph 2
790 or by any other individual as may be chosen by _____
791 (name of child-placing agency or out-of-state licensed agency) or the Department of
792 Human Services and I do expressly waive any other notice or service in any of the legal
793 proceedings for the adoption of the child.

794 5.

795 I understand that under Georgia law an evaluator is required to conduct and provide to
796 the court a home study and make recommendations to the court regarding the
797 qualification of each individual named in paragraph 2 to adopt the child concerning the
798 circumstances of placement of the child for adoption.

799 6.

800 I understand that under Georgia law an agent appointed by the court is required to
801 conduct an investigation and render a report to the court in connection with the legal
802 proceeding for the legal adoption of the child, and I hereby agree to cooperate fully
803 with such agent in the conduct of its investigation.

804 7.

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

807 8.

808 I understand that under Georgia law I have the unconditional right to a four-day
809 revocation period. I understand I may only revoke this surrender by giving written
810 notice, delivered in person or mailed by registered mail or statutory overnight delivery,

811 to _____ (name and address of each individual to whom
 812 surrender is made or his or her agent) within four days from the date of signing this
 813 document. I understand that certified mail cannot be used for mail delivery of the
 814 notice to revoke this surrender. I understand that the four days will be counted
 815 consecutively beginning with the day immediately following the date I sign this
 816 document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or
 817 legal holiday, then the last day on which this surrender may be revoked will be the next
 818 day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the
 819 notice to revoke this surrender in person, it must be delivered to
 820 _____ (name and address) not later than 5:00
 821 P.M. eastern standard time or eastern daylight time, whichever is applicable, on the
 822 fourth day; provided, however that if I mail the notice by registered mail or have it
 823 delivered by statutory overnight delivery, I must address it to the address shown in the
 824 surrender document and submit it to the United States Postal Service or to the statutory
 825 overnight delivery carrier not later than 12:00 Midnight eastern standard time or eastern
 826 daylight time, whichever is applicable, on the fourth day. I understand that I CANNOT
 827 revoke this surrender after that time.

828 9.
 829 I understand that if I am not a resident of this state that I am agreeing to be subject to
 830 the jurisdiction of the courts of Georgia for any action filed in connection with the
 831 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 832 of this surrender of my parental rights.

833 10.
 834 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 835 pressure in the execution of this document and I am signing it freely and voluntarily.

836 This _____ day of _____, _____.

837 _____
 838 (Parent or guardian)

839 _____
 840 Adult witness

841 Sworn to and subscribed
842 before me this _____
843 day of _____, ____.
844 _____

845 Notary Public (SEAL)
846 My commission expires: _____.'

847 (d) The surrender of rights by a biological father who is not a legal father of the child
848 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or
849 19-8-7 shall conform substantially to the following form:

850 'SURRENDER OF RIGHTS
851 FINAL RELEASE FOR ADOPTION

852 NOTICE TO ALLEGED BIOLOGICAL FATHER:

853 This is an important legal document and by signing it you are surrendering all of your
854 rights to the child identified in this document. Understand that you are signing this
855 document under oath and that if you knowingly and willfully make a false statement in
856 this document you will be guilty of the crime of false swearing. As explained below in
857 paragraph 4, you have the right to revoke this surrender within four days from the date
858 you sign it.

859 _____

860 STATE OF GEORGIA
861 COUNTY OF _____

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

865 1.

866 I, the undersigned, alleged biological father of a (male) (female) [circle one] child, born
867 _____ (name of child) to _____ (name of legal
868 mother) on _____ (birthdate of child) at ____:____ (A.M.) (P.M.)
869 [circle one], being mindful that the child should receive the benefits and advantages of
870 a good home, to the end that (she) (he) [circle one] may be fitted for the requirements
871 of life, consent to this surrender of my rights. I, the undersigned, do hereby surrender
872 my rights to the child. I promise not to interfere in the management of the child in any

873 respect whatever; and, in consideration of the benefits provided to the child through
874 adoption, I do relinquish all rights to the child named in this document, it being my
875 wish, intent, and purpose to relinquish absolutely all control over the child.

876 2.

877 I hereby agree that the child is to be adopted and I do expressly waive any other notice
878 or service in any of the legal proceedings for the adoption of the child. I understand
879 that under Georgia law an agent appointed by the court is required to conduct an
880 investigation and render a report to the court in connection with the legal proceeding
881 for the legal adoption of the child, and I hereby agree to cooperate fully with such agent
882 in the conduct of its investigation.

883 3.

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

886 4.

887 I understand that under Georgia law I have the unconditional right to a four-day
888 revocation period. I understand I may only revoke this surrender by giving written
889 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
890 to _____ (name and address of child-placing
891 agency representative, out-of-state licensed agency representative, Department of
892 Human Services representative, individual to whom surrender is made or his or her
893 agent, or petitioner's representative, as applicable) within four days from the date of
894 signing this document. I understand that certified mail cannot be used for mail delivery
895 of the notice to revoke this surrender. I understand that the four days will be counted
896 consecutively beginning with the day immediately following the date I sign this
897 document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or
898 legal holiday, then the last day on which this surrender may be revoked will be the next
899 day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the
900 notice to revoke this surrender in person, it must be delivered to
901 _____ (name and address) not later than
902 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
903 the fourth day; provided, however, that if I mail the notice by registered mail or have
904 it delivered by statutory overnight delivery, I must address it to the address shown in
905 the surrender document and submit it to the United States Postal Service or to the
906 statutory overnight delivery carrier not later than 12:00 Midnight eastern standard time

907 or eastern daylight time, whichever is applicable, on the fourth day. I understand that
908 I CANNOT revoke this surrender after that time.

909 5.

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

914 6.

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

917 This _____ day of _____, ____.

918 _____
919 (Alleged biological father)

920 _____
921 Adult witness

922 Sworn to and subscribed
923 before me this _____
924 day of _____, ____.
925 _____

926 Notary public (SEAL)
927 My commission expires: _____.'

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

931 'SURRENDER OF RIGHTS
932 FINAL RELEASE FOR ADOPTION

933 NOTICE TO PARENT OR GUARDIAN:

934 This is an important legal document and by signing it, you are surrendering all of your
935 rights to the child identified in this document, so as to place the child for adoption.
936 Understand that you are signing this document under oath and that if you knowingly and

937 willfully make a false statement in this document you will be guilty of the crime of false
938 swearing. As explained below in paragraph 6, you have the right to revoke this surrender
939 within four days from the date you sign it.

940 _____

941 STATE OF GEORGIA

942 COUNTY OF _____

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

946 1.

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

952 2.

953 I, the undersigned, _____ (relationship to child) of
954 the aforesaid child, do hereby surrender my rights to the child to
955 _____ (name of each individual to whom
956 surrender is made) and promise not to interfere in the management of the child in any
957 respect whatever; and, in consideration of the benefits guaranteed by
958 _____ (name of each individual to whom
959 surrender is made) in providing for the child, I do relinquish all rights to the child
960 named in this document, it being my wish, intent, and purpose to relinquish absolutely
961 all parental control over the child.

962 3.

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

967 4.

968 I understand that under Georgia law an agent may be appointed by the court to conduct
 969 an investigation and render a report to the court in connection with the legal proceeding
 970 for the legal adoption of the child, and I hereby agree to cooperate fully with such agent
 971 in the conduct of its investigation.

972 5.

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

975 6.

976 I understand that under Georgia law I have the unconditional right to a four-day
 977 revocation period. I understand I may only revoke this surrender by giving written
 978 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
 979 to _____ (name and address of each
 980 individual to whom surrender is made or petitioner's representative, as applicable)
 981 within four days from the date of signing this document. I understand that certified
 982 mail cannot be used for mail delivery of the notice to revoke this surrender. I
 983 understand that the four days will be counted consecutively beginning with the day
 984 immediately following the date I sign this document; provided, however, that, if the
 985 fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this
 986 surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal
 987 holiday. I understand that, if I deliver the notice to revoke my surrender in person, it
 988 must be delivered to _____ (name and
 989 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
 990 whichever is applicable, on the fourth day; provided, however, that if I mail the notice
 991 by registered mail or have it delivered by statutory overnight delivery, I must address
 992 it to the address shown in the surrender document and submit it to the United States
 993 Postal Service or to the statutory overnight delivery carrier not later than 12:00
 994 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
 995 fourth day. I understand that I CANNOT revoke this surrender after that time.

996 7.

997 I understand that if I am not a resident of this state that I am agreeing to be subject to
 998 the jurisdiction of the courts of Georgia for any action filed in connection with the
 999 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 1000 of this surrender of my parental rights.

8.

1001

1002

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

1003

1004

This _____ day of _____, ____.

1005

1006

(Parent or guardian)

1007

1008

Adult witness

1009

Sworn to and subscribed

1010

before me this _____

1011

day of _____, ____.

1012

1013

Notary public (SEAL)

1014

My commission expires: _____.'

1015

(f) The pre-birth surrender of rights by a biological father who is not 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:

1016

1017

1018

'PRE-BIRTH SURRENDER OF RIGHTS

1019

FINAL RELEASE FOR ADOPTION

1020

NOTICE TO ALLEGED BIOLOGICAL FATHER:

1021

This is an important legal document and by signing it, you are surrendering any and all of your rights to the child identified in this document, so as to place the child for adoption. You have the right to wait to execute a PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION after the child is born, but by signing this document, you are electing to surrender your rights prior to the birth of this child. Understand that you are signing this document under oath and that if you knowingly and willfully make a false statement in this document you will be guilty of the crime of false swearing. As explained below in paragraph 6, you have the right to revoke this pre-birth surrender within four days from the date you sign it.

1022

1023

1024

1025

1026

1027

1028

1029

1030

1031 STATE OF GEORGIA

1032 COUNTY OF _____

1033 Personally appeared before me, the undersigned officer duly authorized to administer
 1034 oaths, _____ (name of alleged biological father) who, after having
 1035 been sworn, deposes and says as follows:

1036 1.

1037 I, the undersigned, understand that I have been named by _____,
 1038 the biological mother of the child expected to be born in _____
 1039 (city) _____ (county) _____ (state) on or about the _____ day
 1040 of _____ (month), _____ (year), as the biological father or possible
 1041 biological father of her child. I further understand that the biological mother wishes to
 1042 place this child for adoption.

1043 2.

1044 To the best of my knowledge and belief, the child has not been born as of the date I am
 1045 signing this pre-birth surrender; however, if in fact the child has been born, this
 1046 surrender shall have the same effect as if it were a surrender executed following the
 1047 birth of the child.

1048 3.

1049 I understand that by signing this document I am not admitting that I am the biological
 1050 father of this child, but if I am, I hereby agree that adoption is in this child's best
 1051 interest. I consent to adoption of this child by any individual chosen by the child's legal
 1052 mother or by any public or private agency that places children without further notice
 1053 to me. I expressly waive any other notice or service in any of the legal proceedings for
 1054 the adoption of the child. I understand that I have the option to wait until after the child
 1055 is born to execute a surrender of my rights (with a corresponding four-day right of
 1056 revocation) and, further, that by executing this document I am electing instead to
 1057 surrender my rights before the child's birth.

1058 4.

1059 I understand that signing this document does not fully and finally terminate my rights
 1060 and responsibilities until an order from a court of competent jurisdiction terminating my
 1061 rights or a final order of adoption is entered. I understand that if the child is not
 1062 adopted after I sign this document, legal proceedings can be brought to establish

1063 paternity, and I may become liable for financial obligations related to the birth and
1064 support of this child.

1065 5.

1066 I understand that I will receive a copy of this document after the witness and I have
1067 signed it and it has been notarized.

1068 6.

1069 I understand that under Georgia law I have the unconditional right to a four-day
1070 revocation period. I understand that I may only revoke this pre-birth surrender by
1071 giving written notice, delivered in person or mailed by registered mail or statutory
1072 overnight delivery, to _____ (name
1073 and address of child-placing agency representative, out-of-state licensed agency
1074 representative, Department of Human Services representative, individual to whom
1075 surrender is made or his or her agent, or petitioner's representative, as applicable) within
1076 four days from the date of signing this document. I understand that certified mail
1077 cannot be used for mail delivery of the notice to revoke this pre-birth surrender. I
1078 understand that the four days will be counted consecutively beginning with the day
1079 immediately following the date I sign this document; provided, however, that, if the
1080 fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this
1081 surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal
1082 holiday. I understand that, if I deliver the notice to revoke this surrender in person, it
1083 must be delivered to _____ (name and
1084 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
1085 whichever is applicable, on the fourth day; provided, however, that if I mail the notice
1086 by registered mail or have it delivered by statutory overnight delivery, I must address
1087 it to the address shown in the surrender document and submit it to the United States
1088 Postal Service or to the statutory overnight delivery carrier not later than 12:00
1089 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
1090 fourth day. I understand that I CANNOT revoke this surrender after that time.

1091 7.

1092 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
1093 father registry then, if I do not revoke this surrender within the time permitted, I waive
1094 the notice I would be entitled to receive pursuant to Code Section 19-8-12 of the
1095 Official Code of Georgia Annotated because of my registration on the putative father
1096 registry.

8.

1097

1098

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.

1099

1100

1101

1102

9.

1103

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

1104

1105

This _____ day of _____, _____.

1106

1107

(Alleged biological father)

1108

1109

Adult witness

1110

Sworn to and subscribed

1111

before me this _____

1112

day of _____, ____.

1113

1114

Notary public (SEAL)

1115

My commission expires: _____.'

1116

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

1117

1118

'ACKNOWLEDGMENT OF SURRENDER

1119

OF RIGHTS

1120

STATE OF GEORGIA

1121

COUNTY OF _____

1122

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

1123

1124

1125

(A) That I have read the accompanying (PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION) (SURRENDER OF RIGHTS/FINAL

1126

1127 RELEASE FOR ADOPTION) [circle one] relating to the child born
 1128 _____ (name of child), a (male) (female) [circle one] on
 1129 _____ (birthdate of child);

1130 (B) That I understand that this is a full, final, and complete surrender, release, and
 1131 termination of all of my rights to the child;

1132 (C) That I have ~~chosen to retain~~ the unconditional right to revoke the surrender by
 1133 giving written notice, delivered in person or mailed by registered mail or statutory
 1134 overnight delivery, to _____ (name and
 1135 address of child-placing agency or its representative, out-of-state licensed agency or its
 1136 representative, Department of Human Services or its representative, individual to whom
 1137 surrender is made or his or her agent, or petitioner's representative, as applicable) within
 1138 four days from the date of signing the surrender and that after such four-day revocation
 1139 period I shall have no right to revoke the surrender. I understand that certified mail
 1140 cannot be used for mail delivery of the notice to revoke the surrender of my rights. I
 1141 understand that, if I deliver the notice to revoke my surrender in person, it must be
 1142 delivered to _____ (name and address) not
 1143 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
 1144 applicable, on the fourth day; provided, however, that if I mail the notice by registered
 1145 mail or have it delivered by statutory overnight delivery, I must address it to the address
 1146 shown in the surrender document and submit it to the United States Postal Service or
 1147 to the statutory overnight delivery carrier not later than 12:00 Midnight eastern standard
 1148 time or eastern daylight time, whichever is applicable, on the fourth day. I understand
 1149 that the four days will be counted consecutively beginning with the day immediately
 1150 following the date I signed the surrender; provided, however, that, if the fourth day falls
 1151 on a Saturday, Sunday, or legal holiday, then the last day on which the surrender may
 1152 be revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

1153 (D) That I have read the accompanying surrender of rights and received a copy thereof;

1154 (E) That any and all questions regarding the effect of such surrender and its provisions
 1155 have been satisfactorily explained to me;

1156 (F) That I have been given an opportunity to consult with an attorney of my choice
 1157 before signing of the surrender of my rights; and

1158 (G) That the surrender of my rights has been knowingly, intentionally, freely, and
 1159 voluntarily made by me.

1160 This _____ day of _____, ____.

1161 _____

1162 (Parent, guardian, or alleged biological father)

1163 _____

1164 Adult witness

1165 Sworn to and subscribed

1166 before me this _____

1167 day of _____, ____.

1168 _____

1169 Notary public (SEAL)

1170 My commission expires: _____."

1171 **SECTION 14.**

1172 All laws and parts of laws in conflict with this Act are repealed.