

The House Committee on Juvenile Justice offers the following substitute to HB 913:

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 **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."

SECTION 2.

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

"19-8-3.

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

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

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

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

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

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

SECTION 3.

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

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

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

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

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

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

SECTION 4.

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

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

SECTION 5.

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

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

(A) Personal service is perfected;

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

(C) Of the last publication.

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

SECTION 6.

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

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

(A) Personal service is perfected;

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

(C) Of the last publication.

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

SECTION 7.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 8.

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

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

(1) The petition for adoption shall set forth:

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

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

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

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

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

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

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

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

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

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

(A) If the adoption is pursuant to:

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

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

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

(C) An original affidavit from the department or a child-placing agency stating that all of the requirements of Code Sections 19-8-4 and 19-8-12 have been complied with and that the child is legally available for adoption or, in the case of a placement by an out-of-state licensed agency, that the comparable provisions dealing with the 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) When a legal mother of the child who is the subject of the proceeding identifies her husband as the biological father of the child and he has executed a surrender of his parental rights in favor of the petitioner, the petitioner shall obtain a certificate from the putative father registry and submit it with the petition for adoption to confirm that no 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.

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

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

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

(d) The court shall require the petitioner to submit to a criminal history records check except when the petitioner is brought pursuant to either Code Section 19-8-8 or Code Section 19-8-21. The petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with the appropriate fee. The center shall promptly transmit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and shall obtain an appropriate report. The Georgia Crime Information Center shall also promptly conduct a search of its records and any records to which it has access. The center shall notify the court in writing of the presence or absence of any criminal record from the state fingerprint records check. In those cases when the petitioner has submitted a fingerprint based criminal history report that includes the results of a records search of both the Georgia Crime Information Center and the Federal Bureau of Investigation to the department, child-placing agency, or evaluator as part of the home study and such results are dated within 12 months of filing of the petition for adoption and are included in the home study report filed with or otherwise made available to the court, such results shall satisfy the requirements of this subsection. Because the court shall not be authorized to share the results of the fingerprint records check with the agent appointed by the court pursuant to subsection (a) or (e) of this Code section, the court shall determine the acceptability of the petitioner's criminal history, inform the petitioner or his or her attorney at least five days prior to the final hearing on the petition for adoption if the court will require additional evidence with respect to the petitioner's criminal history or if the court is inclined to deny such petition because of such criminal history, and afford the petitioner or his or her attorney an opportunity to present evidence as to why the petitioner's criminal history should not be grounds for denial of such petition.

(e) The court shall require the petitioner to reimburse the agent appointed by the court, including the department, for the full cost of conducting the investigation and preparing its report. Such cost shall not exceed \$250.00 unless specifically authorized by the court,

provided that the court shall furnish the petitioner or his or her attorney with written notice of the name of the agent that the court intends to appoint and the amount of any increased costs, together with a request to agree to pay such increased costs. If the petitioner does not agree to pay the increased costs, then the petitioner shall have an opportunity to present to the court information regarding other persons that are qualified to conduct the investigation and render the report to the court and the cost of their services, and the court shall appoint the person that is qualified to conduct the investigation and render the report to the court at the lowest cost to the petitioner."

SECTION 11.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) When the child was born in a country other than the United States, the court shall examine the evidence submitted and in order to determine that whether sufficient evidence has been proffered to show that the child ~~will be able to obtain~~ has a viable path to lawful permanent resident status, if not already obtained, before the court shall have authority to determine. The court shall consider the evidence when making a determination if it is in the best interests of the child to grant the petition for adoption.

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

SECTION 12.

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

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

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

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

(4) It shall be unlawful for an individual to make false representations as to the existence of a pregnancy or the intention to place a child for adoption when such individual knows or should have known that the person purported to be pregnant is not pregnant or that the person purported to be offering the child for adoption has no intention of placing the child for adoption, and such representations cause another to expend substantial financial resources or take other specific steps, including, but not limited to, significant travel or retaining the services of an attorney, agency or social worker, toward adoption of a child in reasonable reliance on such representations."

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

(2) Any individual who is seeking to adopt or seeking to place a child for adoption who is damaged by a violation of this Code section may file a civil action in tort, provided that such individual would have an existing tort claim under Georgia law."

SECTION 13.

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

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

600 'SURRENDER OF RIGHTS
601 FINAL RELEASE FOR ADOPTION

602 NOTICE TO PARENT OR GUARDIAN:

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

609 _____

610 STATE OF GEORGIA
611 COUNTY OF _____

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

615 1.

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

621 2.

622 I, the undersigned, _____ (relationship to child)
623 of the aforesaid child, do hereby surrender my rights to the child to
624 _____ (name of child-placing agency,
625 out-of-state licensed agency, or Department of Human Services, as applicable) and
626 promise not to interfere in the management of the child in any respect whatever; and,
627 in consideration of the benefits guaranteed by _____
628 (name of child-placing agency, out-of-state licensed agency, or Department of Human

Services, as applicable) in providing for the child, I do relinquish all rights to the child named in this document, it being my wish, intent, and purpose to relinquish absolutely all parental control over the child. Furthermore, I hereby agree that the _____ (name of child-placing agency, out-of-state licensed agency, or Department of Human Services, as applicable) may seek for the child a legal adoption by such individual or individuals as may be chosen by the _____ (name of child-placing agency, out-of-state licensed agency, or Department of Human Services, as applicable) or its authorized agents, 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.

3.

I understand that under Georgia law an agent appointed by the court is required 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 such agent in the conduct of its investigation.

4.

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

5.

I understand that under Georgia law I have the unconditional right to a four-day revocation period. I understand I may only 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) within four days from the date 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 four days will be counted consecutively beginning with the day immediately following the date I sign this document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal holiday. 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 fourth day; provided, however, that if I mail the

663 notice by registered mail or have it delivered by statutory overnight delivery, I must
 664 address it to the address shown in the surrender document and submit it to the United
 665 States Postal Service or to the statutory overnight delivery carrier not later than 12:00
 666 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
 667 fourth day. I understand that I CANNOT revoke this surrender after that time.

668 6.

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

673 7.

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

676 This _____ day of _____, ____.

677 _____
 678 (Parent or guardian)

679 _____
 680 Adult witness

681 Sworn to and subscribed
 682 before me this _____
 683 day of _____, ____.
 684 _____

685 Notary Public (SEAL)

686 My commission expires: _____.'

687 (b) The notice to revoke a surrender of rights pursuant to subsection (a) of Code Section
 688 19-8-9 shall conform substantially to the following form:

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

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

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

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

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

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

705 **OR**

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

710 This _____ day of _____, _____.

711 _____
712 (Parent, guardian, or alleged biological father)

713 _____
714 (Printed name)

715 _____

716 Adult witness'

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

719 'SURRENDER OF RIGHTS

720 FINAL RELEASE FOR ADOPTION

721 NOTICE TO PARENT OR GUARDIAN:

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

728 _____

729 STATE OF GEORGIA

730 COUNTY OF _____

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

734 1.

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

740 2.

741 I, the undersigned, _____ (relationship to
742 child) of the aforesaid child, do hereby surrender my rights to the child to
743 _____ (name, surname not required, of each
744 individual to whom surrender is made), PROVIDED that each such individual is named
745 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 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) in providing for the child, I do relinquish all rights to the child 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 individual identified in paragraph 2 is not named as petitioner in a petition for adoption within the 60 day period, other than for justifiable good cause, or, if said petition for adoption is filed within 60 days but the adoption proceeding is dismissed with prejudice or otherwise concluded without an order declaring the child to be the adopted child of each such individual, then I do hereby surrender my rights to the child as follows:

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 individual or individuals designated 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 individual or individuals to adopt the child and that no other provision of this surrender impairs the validity, absolute finality, or totality of this surrender once the four-day revocation period has elapsed;

OR

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

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

780 **OR**

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

785 4.

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

791 5.

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

796 6.

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

801 7.

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

804 8.

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

to _____ (name and address of each individual to whom
surrender is made or his or her agent) within four days from the date 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 four days will be counted
consecutively beginning with the day immediately following the date I sign this
document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or
legal holiday, then the last day on which this surrender may be revoked will be the next
day that is not a Saturday, Sunday, or legal holiday. 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
fourth day; provided, however that if I mail the notice by registered mail or have it
delivered by statutory overnight delivery, I must address it to the address shown in the
surrender document and submit it to the United States Postal Service or to the statutory
overnight delivery carrier not later than 12:00 Midnight eastern standard time or eastern
daylight time, whichever is applicable, on the fourth day. I understand that I CANNOT
revoke this surrender after that time.

9.

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.

10.

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.

This _____ day of _____, ____.

(Parent or guardian)

Adult witness

838 Sworn to and subscribed
839 before me this _____
840 day of _____, ____.
841 _____

842 Notary Public (SEAL)

843 My commission expires: _____.'

844 (d) The surrender of rights by a biological father who is not a legal father of the child
845 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or
846 19-8-7 shall conform substantially to the following form:

847 'SURRENDER OF RIGHTS

848 FINAL RELEASE FOR ADOPTION

849 NOTICE TO ALLEGED BIOLOGICAL FATHER:

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

856 _____

857 STATE OF GEORGIA

858 COUNTY OF _____

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

862 1.

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

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

873 2.

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

880 3.

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

883 4.

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

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

906 5.

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

911 6.

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

914 This _____ day of _____, ____.

915 _____
 916 (Alleged biological father)

917 _____
 918 Adult witness

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

922 _____
 923 Notary public (SEAL)
 924 My commission expires: _____.'

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

928 'SURRENDER OF RIGHTS
 929 FINAL RELEASE FOR ADOPTION

930 NOTICE TO PARENT OR GUARDIAN:

931 This is an important legal document and by signing it, you are surrendering all of your
 932 rights to the child identified in this document, so as to place the child for adoption.
 933 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 surrender within four days from the date you sign it.

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 mindful that my (male) (female) [circle one] child, born _____ (name of child) on _____ (birthdate of child) at ____:____ (A.M.) (P.M.) [circle one], 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) of the aforesaid child, do hereby surrender my rights to the child to _____ (name of each individual 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) in providing for the child, I do relinquish all rights to the child named in this document, it being my wish, intent, and purpose to relinquish absolutely all parental control over the child.

3.

I hereby agree that _____ (name of each individual 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.

964

4.

965

966

967

968

I understand that under Georgia law an agent may be 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 such agent in the conduct of its investigation.

969

5.

970

971

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

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6.

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I understand that under Georgia law I have the unconditional right to a four-day revocation period. I understand I may only revoke this surrender by giving written notice, delivered in person or mailed by registered mail or statutory overnight delivery, to _____ (name and address of each individual to whom surrender is made or petitioner's representative, as applicable) within four days from the date 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 four days will be counted consecutively beginning with the day immediately following the date I sign this document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the notice to revoke my 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 fourth day; provided, however, that if I mail the notice by registered mail or have it delivered by statutory overnight delivery, I must address it to the address shown in the surrender document and submit it to the United States Postal Service or to the statutory overnight delivery carrier not later than 12:00 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the fourth day. I understand that I CANNOT revoke this surrender after that time.

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7.

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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.

998 8.

999 Furthermore, I hereby certify that I have not been subjected to any duress or undue
1000 pressure in the execution of this document and I am signing it freely and voluntarily.

1001 This _____ day of _____, ____.

1002 _____
1003 (Parent or guardian)

1004 _____
1005 Adult witness

1006 Sworn to and subscribed
1007 before me this _____
1008 day of _____, ____.

1009 _____
1010 Notary public (SEAL)

1011 My commission expires: _____.'

1012 (f) The pre-birth surrender of rights by a biological father who is not a legal father of the
1013 child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or 19-8-7
1014 shall conform substantially to the following form:

1015 'PRE-BIRTH SURRENDER OF RIGHTS
1016 FINAL RELEASE FOR ADOPTION

1017 NOTICE TO ALLEGED BIOLOGICAL FATHER:

1018 This is an important legal document and by signing it, you are surrendering any and all
1019 of your rights to the child identified in this document, so as to place the child for
1020 adoption. You have the right to wait to execute a ~~PRE-BIRTH~~ SURRENDER OF
1021 RIGHTS/FINAL RELEASE FOR ADOPTION after the child is born, but by signing this
1022 document, you are electing to surrender your rights prior to the birth of this child.
1023 Understand that you are signing this document under oath and that if you knowingly and
1024 willfully make a false statement in this document you will be guilty of the crime of false
1025 swearing. As explained below in paragraph 6, you have the right to revoke this pre-birth
1026 surrender within four days from the date you sign it.

1027 _____

1028 STATE OF GEORGIA

1029 COUNTY OF _____

1030 Personally appeared before me, the undersigned officer duly authorized to administer
1031 oaths, _____ (name of alleged biological father) who, after having
1032 been sworn, deposes and says as follows:

1033 1.

1034 I, the undersigned, understand that I have been named by _____,
1035 the biological mother of the child expected to be born in _____
1036 (city) _____ (county) _____ (state) on or about the _____ day
1037 of _____ (month), _____ (year), as the biological father or possible
1038 biological father of her child. I further understand that the biological mother wishes to
1039 place this child for adoption.

1040 2.

1041 To the best of my knowledge and belief, the child has not been born as of the date I am
1042 signing this pre-birth surrender; however, if in fact the child has been born, this
1043 surrender shall have the same effect as if it were a surrender executed following the
1044 birth of the child.

1045 3.

1046 I understand that by signing this document I am not admitting that I am the biological
1047 father of this child, but if I am, I hereby agree that adoption is in this child's best
1048 interest. I consent to adoption of this child by any individual chosen by the child's legal
1049 mother or by any public or private agency that places children without further notice
1050 to me. I expressly waive any other notice or service in any of the legal proceedings for
1051 the adoption of the child. I understand that I have the option to wait until after the child
1052 is born to execute a surrender of my rights (with a corresponding four-day right of
1053 revocation) and, further, that by executing this document I am electing instead to
1054 surrender my rights before the child's birth.

1055 4.

1056 I understand that signing this document does not fully and finally terminate my rights
1057 and responsibilities until an order from a court of competent jurisdiction terminating my
1058 rights or a final order of adoption is entered. I understand that if the child is not
1059 adopted after I sign this document, legal proceedings can be brought to establish

1060 paternity, and I may become liable for financial obligations related to the birth and
1061 support of this child.

1062 5.

1063 I understand that I will receive a copy of this document after the witness and I have
1064 signed it and it has been notarized.

1065 6.

1066 I understand that under Georgia law I have the unconditional right to a four-day
1067 revocation period. I understand that I may only revoke this pre-birth surrender by
1068 giving written notice, delivered in person or mailed by registered mail or statutory
1069 overnight delivery, to _____ (name
1070 and address of child-placing agency representative, out-of-state licensed agency
1071 representative, Department of Human Services representative, individual to whom
1072 surrender is made or his or her agent, or petitioner's representative, as applicable) within
1073 four days from the date of signing this document. I understand that certified mail
1074 cannot be used for mail delivery of the notice to revoke this pre-birth surrender. I
1075 understand that the four days will be counted consecutively beginning with the day
1076 immediately following the date I sign this document; provided, however, that, if the
1077 fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this
1078 surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal
1079 holiday. I understand that, if I deliver the notice to revoke this surrender in person, it
1080 must be delivered to _____ (name and
1081 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
1082 whichever is applicable, on the fourth day; provided, however, that if I mail the notice
1083 by registered mail or have it delivered by statutory overnight delivery, I must address
1084 it to the address shown in the surrender document and submit it to the United States
1085 Postal Service or to the statutory overnight delivery carrier not later than 12:00
1086 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
1087 fourth day. I understand that I CANNOT revoke this surrender after that time.

1088 7.

1089 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
1090 father registry then, if I do not revoke this surrender within the time permitted, I waive
1091 the notice I would be entitled to receive pursuant to Code Section 19-8-12 of the
1092 Official Code of Georgia Annotated because of my registration on the putative father
1093 registry.

8.

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.

9.

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.

This _____ day of _____, _____.

(Alleged biological father)

Adult witness

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

Notary public (SEAL)

My commission expires: _____.'

(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:

'ACKNOWLEDGMENT OF SURRENDER
OF RIGHTS

STATE OF GEORGIA

COUNTY OF _____

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:

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

1124 RELEASE FOR ADOPTION) [circle one] relating to the child born
1125 _____ (name of child), a (male) (female) [circle one] on
1126 _____ (birthdate of child);

1127 (B) That I understand that this is a full, final, and complete surrender, release, and
1128 termination of all of my rights to the child;

1129 (C) That I have ~~chosen to retain~~ the unconditional right to revoke the surrender by
1130 giving written notice, delivered in person or mailed by registered mail or statutory
1131 overnight delivery, to _____ (name and
1132 address of child-placing agency or its representative, out-of-state licensed agency or its
1133 representative, Department of Human Services or its representative, individual to whom
1134 surrender is made or his or her agent, or petitioner's representative, as applicable) within
1135 four days from the date of signing the surrender and that after such four-day revocation
1136 period I shall have no right to revoke the surrender. I understand that certified mail
1137 cannot be used for mail delivery of the notice to revoke the surrender of my rights. I
1138 understand that, if I deliver the notice to revoke my surrender in person, it must be
1139 delivered to _____ (name and address) not
1140 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
1141 applicable, on the fourth day; provided, however, that if I mail the notice by registered
1142 mail or have it delivered by statutory overnight delivery, I must address it to the address
1143 shown in the surrender document and submit it to the United States Postal Service or
1144 to the statutory overnight delivery carrier not later than 12:00 Midnight eastern standard
1145 time or eastern daylight time, whichever is applicable, on the fourth day. I understand
1146 that the four days will be counted consecutively beginning with the day immediately
1147 following the date I signed the surrender; provided, however, that, if the fourth day falls
1148 on a Saturday, Sunday, or legal holiday, then the last day on which the surrender may
1149 be revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

1150 (D) That I have read the accompanying surrender of rights and received a copy thereof;

1151 (E) That any and all questions regarding the effect of such surrender and its provisions
1152 have been satisfactorily explained to me;

1153 (F) That I have been given an opportunity to consult with an attorney of my choice
1154 before signing of the surrender of my rights; and

1155 (G) That the surrender of my rights has been knowingly, intentionally, freely, and
1156 voluntarily made by me.

1158 _____
1159 (Parent, guardian, or alleged biological father)

1161 Adult witness

1166 Notary public (SEAL)

1167 My commission expires: _____."

1168 SECTION 14.

1169 All laws and parts of laws in conflict with this Act are repealed.