

House Bill 154 (COMMITTEE SUBSTITUTE)

By: Representatives Reeves of the 34th, Efstration of the 104th, Oliver of the 82nd, Rich of the 97th, Wiedower of the 119th, 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 surrender of a mother's parental
5 rights; to revise a provision relating to the results of a search of the putative father registry;
6 to include certain provisions in adoption petitions; to revise provisions relating to
7 appointment of an agent for a petitioner; to revise provisions relating to required criminal
8 history records checks of petitioners; to revise provisions relating to petitioners who are
9 nonresidents of Georgia; to provide for an additional unlawful inducement with respect to
10 adoptions; to prohibit certain adoption facilitators; to revise various adoption related forms
11 with respect to revocation periods; to provide for related matters; to repeal conflicting laws;
12 and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 154 (SUB)

14

SECTION 1.

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

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

23 (A) The court of the county where the child was born, or resides, or was residing at the
 24 time of placement;

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

27 (C) Superior Court of Fulton County."

28

SECTION 2.

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

31 "19-8-3.

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

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

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

38 (3)(A) Is a bona fide resident of this state at the filing of the petition for adoption; ~~or~~

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

46 (4) Is financially, physically, and mentally able to have permanent custody of the child.
 47 (b) If an individual seeking to adopt a child is married, the petition for adoption shall be
 48 filed in the name of both spouses; provided, however, that, when the child is or was the
 49 stepchild of the party seeking to adopt, such petition shall be filed by the stepparent alone."

50

SECTION 3.

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

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

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

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

72 **SECTION 4.**

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

76 "19-8-9.

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

91 address shown in the surrender document not later than 5:00 P.M. eastern standard time or
 92 eastern daylight time, whichever is applicable, on the fourth day. If mailed by registered
 93 mail or delivered by statutory overnight delivery, it shall be addressed to the address shown
 94 in the surrender document and submitted to the United States Postal Service or to the
 95 statutory overnight delivery carrier not later than 12:00 Midnight eastern standard time or
 96 eastern daylight time, whichever is applicable, on the fourth day.

97 (b) If a legal mother has either voluntarily and in writing surrendered all of her parental
 98 rights pursuant to Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 or pursuant to the
 99 corresponding provisions of the laws of another state, and has not revoked her surrender
 100 ~~within the four-day period after signing as permitted by subsection (a) of this Code section~~
 101 ~~as allowed by applicable law, or has had her parental rights involuntarily terminated by a~~
 102 court of competent jurisdiction, she shall have no right or authority to sign a voluntary
 103 acknowledgment of paternity pursuant to Code Section 19-7-46.1 or consent to the granting
 104 of a petition for legitimation filed pursuant to Code Section 19-7-22 regarding the same
 105 child."

106 **SECTION 5.**

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

110 "(c)(1) Whenever it is alleged by any petitioner that surrender or termination of rights of
 111 a living parent is not a prerequisite to the granting of a petition for adoption of a child of
 112 such parent in accordance with subsection (a) or (b) of this Code section, such parent
 113 shall be personally served with a conformed copy of the adoption petition, together with
 114 a copy of the court's order thereon specified in Code Section 19-8-14, or, if personal
 115 service cannot be perfected, ~~notwithstanding subsection (a) of Code Section 9-10-12~~
 116 ~~which authorizes the use of certified mail~~, by certified mail or registered mail, return

117 receipt requested, or statutory overnight delivery, one-day service not required, at his or
118 her last known address. If service cannot be made by these methods, such parent shall
119 be given notice by publication once a week for three weeks in the official organ of the
120 county where such petition has been filed and of the county of his or her last known
121 address. In the interest of time, publication may be initiated simultaneously with efforts
122 to perfect service personally, by certified mail or registered mail, or by statutory
123 overnight delivery. The court shall continue to have the inherent authority to determine
124 the sufficiency of service. A parent who receives notification pursuant to this paragraph
125 shall not be a party to the adoption and shall have no obligation to file an answer, but
126 shall have the right to appear in the pending adoption proceeding and show cause why
127 such parent's rights to the child who is the subject of the proceeding should not be
128 terminated by that adoption. Notice shall be deemed to have been received on the earliest
129 date:

130 (A) Personal service is perfected;

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

133 (C) Of the last publication.

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

138 **SECTION 6.**

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

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

- 161 (A) Personal service is perfected;
- 162 (B) Of delivery shown on the return receipt of certified mail or registered mail or proof
163 of delivery by statutory overnight delivery; or
- 164 (C) Of the last publication.

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

169

SECTION 7.

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

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

176 (A) ~~Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the use~~
 177 ~~of certified mail,~~ Certified mail or registered mail, return receipt requested, or statutory
 178 overnight delivery, one-day service not required, at his last known address, which
 179 notice shall be deemed received upon the date of delivery shown on the return or
 180 delivery receipt;

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

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

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

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

194 (d)(1) When the rights of a parent or guardian of a child have been surrendered or
 195 terminated in accordance with ~~subsection (a)~~ of Code Section 19-8-4 or the child does not

196 have a living parent or guardian, the department, child-placing agency, or out-of-state
197 licensed agency may file, under the authority of this paragraph, a petition to terminate a
198 biological father's rights to the child with the superior court of the county of the child's
199 domicile, of the county where the child was born, of the county in which is located the
200 principal office of the child-placing agency having legal custody of the child, or of the
201 county in which is located the office of the department having legal custody of the child.

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

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

215 (4) Unless the identity of a biological father is known to the petitioner, department,
216 child-placing agency, or out-of-state licensed agency or to the attorney for such
217 individual or entity such that he is entitled to notice of the proceedings as provided in this
218 Code section, when the petitioner provides a certificate from the putative father registry
219 stating that there is no registrant identified on the putative father registry acknowledging
220 paternity of the child or indicating possible paternity of the child for a period beginning
221 no later than two years immediately prior to the child's date of birth, then it shall be
222 rebuttably presumed that an unnamed biological father who is not a legal father is not

223 entitled to notice of the proceedings. Absent evidence rebutting the presumption, then
224 no further inquiry or notice shall be required by the court and the court shall enter an
225 order terminating the rights of such unnamed biological father to the child."

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

234

SECTION 8.

235 Said title is further amended by revising subsections (a), (g), and (h) of Code Section
236 19-8-13, relating to petition, filing and contents, financial disclosures, attorney's affidavit,
237 and redaction of certain information unnecessary, and by adding a new subsection to read as
238 follows:

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

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

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

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

247 (C) The sex, date and place of birth, and citizenship or immigration status of the child,
248 and if the child is neither a United States citizen nor a lawful permanent resident of the

249 United States on the date such petition is filed, the petitioner shall explain how such
250 child will be able to obtain lawful permanent resident status;

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

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

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

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

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

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

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

273 (A) If the adoption is pursuant to:

274 (i) Paragraph (1) of such ~~Code section~~ subsection, a copy of the written voluntary
275 surrender of rights of each parent or guardian specified in subsection (e) of Code

276 Section 19-8-4 and a copy of the written acknowledgment of surrender of rights
277 specified in subsection (f) of Code Section 19-8-4; or
278 (ii) Paragraph (2) of such ~~Code section~~ subsection, a certified copy of the order
279 entered by a court of competent jurisdiction terminating parental rights of the parent
280 and committing the child to the department, child-placing agency, or out-of-state
281 licensed agency;

282 (B) A copy of the affidavits specified in subsections (g) and (h) of Code Section
283 19-8-4;

284 (C) An original affidavit from the department or a child-placing agency stating that all
285 of the requirements of Code Sections 19-8-4 and 19-8-12 have been complied with and
286 that the child is legally available for adoption or, in the case of a placement by an
287 out-of-state licensed agency, that the comparable provisions dealing with the
288 termination of parental rights of the parents and of a biological father who is not a legal
289 father of the child have been complied with under the laws of the state or country in
290 which the out-of-state licensed agency is licensed and that the child is legally available
291 for adoption thereunder;

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

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

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

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

305 (A) The original written voluntary surrender of rights of each parent, biological father
306 who is not a legal father, or guardian specified in subsection (e) of Code Section
307 19-8-5;

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

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

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

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

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

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

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

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

- 327 (A) The original written voluntary surrender of rights of each parent, biological father
328 who is not a legal father, or guardian specified in subsection (e) of Code Section
329 19-8-6;
- 330 (B) The original written acknowledgment of surrender of rights specified in subsection
331 (f) of Code Section 19-8-6;
- 332 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;
- 333 (D) The original consent specified in subsection (j) of Code Section 19-8-6;
- 334 (E) A copy of the appropriate form verifying the allegation of compliance with Code
335 Section 19-8-12 and the original certification evidencing the search of the putative
336 father registry;
- 337 (F) Uncertified copies of appropriate certificates or forms verifying the allegations
338 contained in such petition as to guardianship of the child, including, but not limited to,
339 the birth of the child, the marriage of each petitioner, and the death of each parent in
340 lieu of a surrender of his or her parental rights; and
- 341 (G) A completed form containing background information regarding the child, as
342 required by the adoption unit of the department, or an equivalent medical and social
343 history background form;
- 344 (5) When the adoption is pursuant to ~~subsection (a)~~ of Code Section 19-8-7, the
345 following shall be provided or attached to the petition for adoption or its absence
346 explained when the petition for adoption is filed:
- 347 (A) The original written voluntary surrender of rights of each parent or biological
348 father who is not a legal father specified in subsection (e) of Code Section 19-8-7;
- 349 (B) The original written acknowledgment of surrender of rights specified in subsection
350 (f) of Code Section 19-8-7;
- 351 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;

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

355 (E) Uncertified copies of appropriate certificates or forms verifying allegations
356 contained in the petition as to guardianship or custody of the child and the birth of the
357 child, including, but not limited to, the marriage of each petitioner, the death of each
358 parent in lieu of a surrender of his or her parental rights, and compliance with Chapter
359 4 of Title 39, relating to the Interstate Compact on the Placement of Children; and

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

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

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

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

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

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

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

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

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

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

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

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

399 (8) When Code Section 19-8-11 is applicable, the petitioner shall allege facts in the
400 petition demonstrating the applicability of paragraph (3) of subsection (a) of Code
401 Section 19-8-11 and shall also allege compliance with subsection (b) of Code Section
402 19-8-11; and

403 ~~(8)~~(9) If the petition for adoption is filed in a county other than that of the petitioner's
404 residence, the reason therefor shall be set forth in such petition."

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

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

- 424 (A) The date of a legal mother's surrender of parental rights;
425 (B) The date of entry of the court order terminating a legal mother's parental rights; ~~or~~
426 (C) The date of a legal mother's consent to adoption pursuant to Code Section 19-8-6;
427 or
428 (D) The date of filing of the petition for adoption, in which case the certificate may be
429 filed as an amendment to the petition for adoption.

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

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

440 "(j) A petition for the adoption of a child is an in rem proceeding and it shall be entitled
441 'In the interest of [insert name at birth of the child to be adopted], a child.', except upon
442 appeal, in which event the anonymity of a child shall be preserved by use of appropriate
443 initials. The petition shall be in writing."

444 **SECTION 9.**

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

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

455

SECTION 10.

456 Said title is further amended by revising Code Section 19-8-16, relating to investigation by
457 court-appointed agent and criminal history records check for adoption petitioners, as follows:
458 "19-8-16.

459 (a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be
460 the duty of the agent appointed by the court to verify the allegations in the petition for
461 adoption, to make a complete and thorough investigation of the entire matter, including any
462 specific issue the court requests to be investigated, and to report its findings and
463 recommendations in writing to the court where the petition for adoption was filed. The
464 petitioner may assist the court by providing names of qualified individuals or agencies to
465 serve as the court's agent. The agent may be the department, a child-placing agency, an
466 evaluator, or an individual who the court determines is qualified to conduct the required
467 investigation. The agent appointed by the court shall also provide the petitioner or his or
468 her attorney with a copy of its report. If for any reason the agent appointed by the court
469 finds itself unable to make or arrange for the proper investigation and report, it shall be the
470 duty of the agent to notify the court immediately, or at least within 20 days after receipt of
471 the request for investigation service, that it is unable to make the report and investigation,
472 so that the court may take such other steps as in its discretion are necessary to have the
473 investigation and report prepared. The investigation required by this Code section shall be
474 in addition to the requirement of a home study in the case of a petition for adoption filed
475 pursuant to ~~subsection (a)~~ of Code Section 19-8-5.

476 (b) If the petition for adoption has been filed pursuant to ~~subsection (a)~~ of Code Section
477 19-8-6 or 19-8-7, the court shall be authorized but shall not be required to appoint an agent
478 to make an investigation pursuant to subsection (a) of this Code section; provided,
479 however, that a home study shall not be required.

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

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

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

507 is inclined to deny such petition because of such criminal history, and afford the petitioner
508 or his or her attorney an opportunity to present evidence as to why the petitioner's criminal
509 history should not be grounds for denial of such petition.

510 (e) The court shall require the petitioner to reimburse the agent appointed by the court,
511 including the department, for the full cost of conducting the investigation and preparing its
512 report. Such cost shall not exceed \$250.00 unless specifically authorized by the court,
513 provided that the court shall furnish the petitioner or his or her attorney with written notice
514 of the name of the agent that the court intends to appoint and the amount of any increased
515 costs, together with a request to agree to pay such increased costs. If the petitioner does
516 not agree to pay the increased costs, then the petitioner shall have an opportunity to present
517 to the court information regarding other persons that are qualified to conduct the
518 investigation and render the report to the court and the cost of their services, and the court
519 shall appoint the person that is qualified to conduct the investigation and render the report
520 to the court at the lowest cost to the petitioner."

521 **SECTION 11.**

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

526 "(a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or
527 as soon thereafter as the matter may be reached for a hearing, the court shall proceed to
528 a full hearing on such petition and the examination of the parties at interest in chambers,
529 under oath, with the right of continuing the hearing and examinations from time to time
530 as the nature of the case may require. The court at such times shall give consideration to
531 the investigation report to the court provided for in Code Section 19-8-16 and the
532 recommendations contained in such report. There shall be a presumption that a petitioner

533 who is a nonresident of Georgia should be granted the opportunity to appear via
534 electronic means in lieu of physical presence before the court if his or her petition is
535 uncontested, especially if appearing in person would cause hardship to the petitioner. In
536 all other cases, the The court may in its discretion allow the petitioner or any witness to
537 appear via electronic means in lieu of requiring his or her physical presence before the
538 court.

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

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

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

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

546 (3) If the adoption petition is filed pursuant to ~~subsection (a)~~ of Code Section 19-8-5, the
547 court shall examine the financial disclosures required under subsections (c) and (d) of
548 Code Section 19-8-13 and make such further examination of each petitioner and his or
549 her attorney as the court deems appropriate in order to make a determination as to
550 whether there is cause to believe that Code Section 19-8-24 has been violated with regard
551 to the inducement, as such term is defined in Code Section 19-8-24, of the placement of
552 the child for adoption. Should the court determine that further inquiry is in order, the
553 court shall direct the district attorney for the county to review the matter further and to
554 take such appropriate action as the district attorney in his or her discretion deems
555 appropriate.

556 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,
557 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed
558 for in such petition; terminating all of the rights of each living parent, guardian, and legal
559 custodian of the child, other than the spouse of the petitioner in the case of a stepparent

560 adoption pursuant to Code Section 19-8-6; granting the permanent custody of the child
561 to each petitioner; and declaring the child to be the adopted child of each petitioner if the
562 court is satisfied that:

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

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

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

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

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

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

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

586

SECTION 12.

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

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

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

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

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

611 "(g)(1) Any child-placing agency or individual who is seeking to adopt or seeking to
612 place a child for adoption who is damaged by a violation of this Code section may file

613 a civil action to recover damages, treble damages, reasonable attorney's fees, and
614 expenses of litigation.

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

618 **SECTION 13.**

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

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

623 'SURRENDER OF RIGHTS

624 FINAL RELEASE FOR ADOPTION

625 NOTICE TO PARENT OR GUARDIAN:

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

632 _____

633 STATE OF GEORGIA

634 COUNTY OF _____

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

638 1.
 639 I, the undersigned, being mindful that my (male) (female) [circle one] child, born
 640 _____ (name of child) on _____ (birthdate of
 641 child) at ____:____ (A.M.) (P.M.) [circle one], should receive the benefits and
 642 advantages of a good home, to the end that (she) (he) [circle one] may be fitted for the
 643 requirements of life, consent to this surrender of my parental rights.

644 2.
 645 I, the undersigned, _____ (relationship to child)
 646 of the aforesaid child, do hereby surrender my rights to the child to
 647 _____ (name of child-placing agency,
 648 out-of-state licensed agency, or Department of Human Services, as applicable) and
 649 promise not to interfere in the management of the child in any respect whatever; and,
 650 in consideration of the benefits guaranteed by _____
 651 (name of child-placing agency, out-of-state licensed agency, or Department of Human
 652 Services, as applicable) in providing for the child, I do relinquish all rights to the child
 653 named in this document, it being my wish, intent, and purpose to relinquish absolutely
 654 all parental control over the child. Furthermore, I hereby agree that the
 655 _____ (name of child-placing agency,
 656 out-of-state licensed agency, or Department of Human Services, as applicable) may
 657 seek for the child a legal adoption by such individual or individuals as may be chosen
 658 by the _____ (name of child-placing agency, out-of-state
 659 licensed agency, or Department of Human Services, as applicable) or its authorized

660 agents, without further notice to me. I do, furthermore, expressly waive any other
661 notice or service in any of the legal proceedings for the adoption of the child.

662 3.

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

667 4.

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

670 5.

671 I understand that under Georgia law I have the unconditional right to a four-day
672 revocation period. I understand I may only revoke this surrender by giving written
673 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
674 to _____ (name and address
675 of child-placing agency, out-of-state licensed agency, or Department of Human
676 Services, as applicable) within four days from the date of signing this document. I
677 understand that certified mail cannot be used for mail delivery of the notice to revoke
678 this surrender. I understand that the four days will be counted consecutively beginning
679 with the day immediately following the date I sign this document; provided, however,
680 that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on
681 which this surrender may be revoked will be the next day that is not a Saturday,
682 Sunday, or legal holiday. I understand that, if I deliver the notice to revoke this
683 surrender in person, it must be delivered to _____

684 (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight
 685 time, whichever is applicable, on the fourth day; provided, however, that if I mail the
 686 notice by registered mail or have it delivered by statutory overnight delivery, I must
 687 address it to the address shown in the surrender document and submit it to the United
 688 States Postal Service or to the statutory overnight delivery carrier not later than 12:00
 689 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
 690 fourth day. I understand that I CANNOT revoke this surrender after that time.

691 6.
 692 I understand that if I am not a resident of this state that I am agreeing to be subject to
 693 the jurisdiction of the courts of Georgia for any action filed in connection with the
 694 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 695 of this surrender of my parental rights.

696 7.
 697 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 698 pressure in the execution of this document and I am signing it freely and voluntarily.

699 This _____ day of _____, ____.

700 _____
 701 (Parent or guardian)

702 _____
 703 Adult witness

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

707 _____

708 Notary Public (SEAL)

709 My commission expires: _____.'

710 (b) The notice to revoke a surrender of rights pursuant to subsection (a) of Code Section
 711 19-8-9 shall conform substantially to the following form:

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

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

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

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

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

724 A. Deliver the original of this document in person to the address designated in the
 725 surrender of rights document no later than 5:00 P.M. eastern standard time or eastern

726 daylight time, whichever is applicable, on the fourth day of the revocation period
727 specified in the surrender of rights document;

728 **OR**

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

733 This _____ day of _____, _____.

734 _____
735 (Parent, guardian, or alleged biological father)

736 _____
737 (Printed name)

738 _____
739 Adult witness'

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

742
743

744
745
746
747
748
749
750

'SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION

NOTICE TO PARENT OR GUARDIAN:

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

751 _____

752 STATE OF GEORGIA
753 COUNTY OF _____

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

757 1.
758 I, the undersigned, being mindful that my (male) (female) [circle one] child, born
759 _____ (name of child) on _____ (birthdate of
760 child) at ____:____ (A.M.) (P.M.) [circle one], should receive the benefits and
761 advantages of a good home, to the end that (she) (he) [circle one] may be fitted for the
762 requirements of life, consent to this surrender of my parental rights.

763

2.

764

I, the undersigned, _____ (relationship to

765

child) of the aforesaid child, do hereby surrender my rights to the child to

766

_____ (name, surname not required, of each

767

individual to whom surrender is made), PROVIDED that each such individual is named

768

as petitioner in a petition for adoption of the child filed in accordance with Article 1 of

769

Chapter 8 of Title 19 of the Official Code of Georgia Annotated within 60 days from

770

the date that I sign this document. Furthermore, I promise not to interfere in the

771

management of the child in any respect whatever; and, in consideration of the benefits

772

guaranteed by _____ (name, surname not

773

required, of each individual to whom surrender is made) in providing for the child, I do

774

relinquish all rights to the child named in this document, it being my wish, intent, and

775

purpose to relinquish absolutely all parental control over the child.

776

3.

777

It is also my wish, intent, and purpose that if each such individual identified in

778

paragraph 2 is not named as petitioner in a petition for adoption within the 60 day

779

period, other than for justifiable good cause, or, if said petition for adoption is filed

780

within 60 days but the adoption proceeding is dismissed with prejudice or otherwise

781

concluded without an order declaring the child to be the adopted child of each such

782

individual, then I do hereby surrender my rights to the child as follows:

783

Indicate your choice by signing ONE of the following statements (you may choose

784

statement A, B, or C):

785

A. _____ (Signature) I wish the child returned to me, as provided

786

by subsection (j) of Code Section 19-8-5, and I expressly acknowledge that this

787 provision applies only to the limited circumstance that the child is not adopted by the
 788 individual or individuals designated in this document and further that this provision
 789 does not impair the validity, absolute finality, or totality of this surrender under any
 790 circumstance other than the failure of the designated individual or individuals to adopt
 791 the child and that no other provision of this surrender impairs the validity, absolute
 792 finality, or totality of this surrender once the four-day revocation period has elapsed;

793 **OR**

794 B. _____ (Signature) I surrender the child to
 795 _____ (name of child-placing agency or out-of-state licensed
 796 agency), as provided in subsection (j) of Code Section 19-8-5, for placement for
 797 adoption. I understand that if the child-placing agency or out-of-state licensed agency
 798 declines to accept the child for placement for adoption, this surrender will be in favor
 799 of the Department of Human Services for placement for adoption and
 800 _____ (name of child-placing agency or out-of-state
 801 licensed agency) or the Department of Human Services may petition the superior
 802 court for custody of the child in accordance with the terms of this surrender;

803 **OR**

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

808

4.

809

I hereby agree that the child is to be adopted by each individual named in paragraph 2 or by any other individual as may be chosen by _____

810

811

(name of child-placing agency or out-of-state licensed agency) or the Department of

812

Human Services and I do expressly waive any other notice or service in any of the legal

813

proceedings for the adoption of the child.

814

5.

815

I understand that under Georgia law an evaluator is required to conduct and provide to

816

the court a home study and make recommendations to the court regarding the

817

qualification of each individual named in paragraph 2 to adopt the child concerning the

818

circumstances of placement of the child for adoption.

819

6.

820

I understand that under Georgia law an agent appointed by the court is required to

821

conduct an investigation and render a report to the court in connection with the legal

822

proceeding for the legal adoption of the child, and I hereby agree to cooperate fully

823

with such agent in the conduct of its investigation.

824

7.

825

I understand that I will receive a copy of this document after the witness and I have

826

signed it and it has been notarized.

827

8.

828

I understand that under Georgia law I have the unconditional right to a four-day

829

revocation period. I understand I may only revoke this surrender by giving written

830

notice, delivered in person or mailed by registered mail or statutory overnight delivery,

831 to _____ (name and address of each individual to whom
832 surrender is made or his or her agent) within four days from the date of signing this
833 document. I understand that certified mail cannot be used for mail delivery of the
834 notice to revoke this surrender. I understand that the four days will be counted
835 consecutively beginning with the day immediately following the date I sign this
836 document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or
837 legal holiday, then the last day on which this surrender may be revoked will be the next
838 day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the
839 notice to revoke this surrender in person, it must be delivered to
840 _____ (name and address) not later than 5:00
841 P.M. eastern standard time or eastern daylight time, whichever is applicable, on the
842 fourth day; provided, however, that if I mail the notice by registered mail or have it
843 delivered by statutory overnight delivery, I must address it to the address shown in the
844 surrender document and submit it to the United States Postal Service or to the statutory
845 overnight delivery carrier not later than 12:00 Midnight eastern standard time or eastern
846 daylight time, whichever is applicable, on the fourth day. I understand that I CANNOT
847 revoke this surrender after that time.

848 9.

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

853 10.

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

856 This _____ day of _____, ____.

857 _____
858 (Parent or guardian)

859 _____
860 Adult witness

861 Sworn to and subscribed
862 before me this _____
863 day of _____, ____.
864 _____

865 Notary Public (SEAL)
866 My commission expires: _____.'

867 (d) The surrender of rights by a biological father who is not a legal father of the child
868 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or
869 19-8-7 shall conform substantially to the following form:

870 'SURRENDER OF RIGHTS
871 FINAL RELEASE FOR ADOPTION

872 NOTICE TO ALLEGED BIOLOGICAL FATHER:

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

879 _____

880 STATE OF GEORGIA

881 COUNTY OF _____

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

885 1.

886 I, the undersigned, alleged biological father of a (male) (female) [circle one] child, born
887 _____ (name of child) to _____ (name of legal
888 mother) on _____ (birthdate of child) at ____:____ (A.M.) (P.M.)
889 [circle one], being mindful that the child should receive the benefits and advantages of
890 a good home, to the end that (she) (he) [circle one] may be fitted for the requirements
891 of life, consent to this surrender of my rights. I, the undersigned, do hereby surrender
892 my rights to the child. I promise not to interfere in the management of the child in any
893 respect whatever; and, in consideration of the benefits provided to the child through
894 adoption, I do relinquish all rights to the child named in this document, it being my
895 wish, intent, and purpose to relinquish absolutely all control over the child.

896 2.

897 I hereby agree that the child is to be adopted and I do expressly waive any other notice
898 or service in any of the legal proceedings for the adoption of the child. I understand
899 that under Georgia law an agent appointed by the court is required to conduct an
900 investigation and render a report to the court in connection with the legal proceeding

901 for the legal adoption of the child, and I hereby agree to cooperate fully with such agent
902 in the conduct of its investigation.

903 3.

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

906 4.

907 I understand that under Georgia law I have the unconditional right to a four-day
908 revocation period. I understand I may only revoke this surrender by giving written
909 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
910 to _____ (name and address of child-placing
911 agency representative, out-of-state licensed agency representative, Department of
912 Human Services representative, individual to whom surrender is made or his or her
913 agent, or petitioner's representative, as applicable) within four days from the date of
914 signing this document. I understand that certified mail cannot be used for mail delivery
915 of the notice to revoke this surrender. I understand that the four days will be counted
916 consecutively beginning with the day immediately following the date I sign this
917 document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or
918 legal holiday, then the last day on which this surrender may be revoked will be the next
919 day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the
920 notice to revoke this surrender in person, it must be delivered to
921 _____ (name and address) not later than
922 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
923 the fourth day; provided, however, that if I mail the notice by registered mail or have
924 it delivered by statutory overnight delivery, I must address it to the address shown in
925 the surrender document and submit it to the United States Postal Service or to the

926 statutory overnight delivery carrier not later than 12:00 Midnight eastern standard time
 927 or eastern daylight time, whichever is applicable, on the fourth day. I understand that
 928 I CANNOT revoke this surrender after that time.

929 5.
 930 I understand that if I am not a resident of this state that I am agreeing to be subject to
 931 the jurisdiction of the courts of Georgia for any action filed in connection with the
 932 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 933 of this surrender of my parental rights.

934 6.
 935 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 936 pressure in the execution of this document and I am signing it freely and voluntarily.

937 This _____ day of _____, _____.

938 _____
 939 (Alleged biological father)

940 _____
 941 Adult witness

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

945 _____

946 Notary public (SEAL)

947 My commission expires: _____.'

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

951 'SURRENDER OF RIGHTS
952 FINAL RELEASE FOR ADOPTION

953 NOTICE TO PARENT OR GUARDIAN:

954 This is an important legal document and by signing it, you are surrendering all of your
955 rights to the child identified in this document, so as to place the child for adoption.
956 Understand that you are signing this document under oath and that if you knowingly and
957 willfully make a false statement in this document you will be guilty of the crime of false
958 swearing. As explained below in paragraph 6, you have the right to revoke this surrender
959 within four days from the date you sign it.

960 _____

961 STATE OF GEORGIA

962 COUNTY OF _____

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

966 1.

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

972 2.

973 I, the undersigned, _____ (relationship to child) of
 974 the aforesaid child, do hereby surrender my rights to the child to
 975 _____ (name of each individual to whom
 976 surrender is made) and promise not to interfere in the management of the child in any
 977 respect whatever; and, in consideration of the benefits guaranteed by
 978 _____ (name of each individual to whom
 979 surrender is made) in providing for the child, I do relinquish all rights to the child
 980 named in this document, it being my wish, intent, and purpose to relinquish absolutely
 981 all parental control over the child.

982 3.

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

987 4.

988 I understand that under Georgia law an agent may be appointed by the court to conduct
 989 an investigation and render a report to the court in connection with the legal proceeding

990 for the legal adoption of the child, and I hereby agree to cooperate fully with such agent
991 in the conduct of its investigation.

992 5.

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

995 6.

996 I understand that under Georgia law I have the unconditional right to a four-day
997 revocation period. I understand I may only revoke this surrender by giving written
998 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
999 to _____ (name and address of each
1000 individual to whom surrender is made or petitioner's representative, as applicable)
1001 within four days from the date of signing this document. I understand that certified
1002 mail cannot be used for mail delivery of the notice to revoke this surrender. I
1003 understand that the four days will be counted consecutively beginning with the day
1004 immediately following the date I sign this document; provided, however, that, if the
1005 fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this
1006 surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal
1007 holiday. I understand that, if I deliver the notice to revoke my surrender in person, it
1008 must be delivered to _____ (name and
1009 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
1010 whichever is applicable, on the fourth day; provided, however, that if I mail the notice
1011 by registered mail or have it delivered by statutory overnight delivery, I must address
1012 it to the address shown in the surrender document and submit it to the United States
1013 Postal Service or to the statutory overnight delivery carrier not later than 12:00

1014 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
1015 fourth day. I understand that I CANNOT revoke this surrender after that time.

1016 7.

1017 I understand that if I am not a resident of this state that I am agreeing to be subject to
1018 the jurisdiction of the courts of Georgia for any action filed in connection with the
1019 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
1020 of this surrender of my parental rights.

1021 8.

1022 Furthermore, I hereby certify that I have not been subjected to any duress or undue
1023 pressure in the execution of this document and I am signing it freely and voluntarily.

1024 This _____ day of _____, _____.

1025 _____
1026 (Parent or guardian)

1027 _____
1028 Adult witness

1029 Sworn to and subscribed
1030 before me this _____
1031 day of _____, _____.
1032 _____

1033 Notary public (SEAL)
1034 My commission expires: _____.'

1035 (f) The pre-birth surrender of rights by a biological father who is not a legal father of the
 1036 child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or 19-8-7
 1037 shall conform substantially to the following form:

1038 **'PRE-BIRTH SURRENDER OF RIGHTS**
 1039 **FINAL RELEASE FOR ADOPTION**

1040 **NOTICE TO ALLEGED BIOLOGICAL FATHER:**

1041 This is an important legal document and by signing it, you are surrendering any and all
 1042 of your rights to the child identified in this document, so as to place the child for
 1043 adoption. You have the right to wait to execute a ~~PRE-BIRTH SURRENDER OF~~
 1044 ~~RIGHTS/FINAL RELEASE FOR ADOPTION~~ after the child is born, but by signing this
 1045 document, you are electing to surrender your rights prior to the birth of this child.
 1046 Understand that you are signing this document under oath and that if you knowingly and
 1047 willfully make a false statement in this document you will be guilty of the crime of false
 1048 swearing. As explained below in paragraph 6, you have the right to revoke this pre-birth
 1049 surrender within four days from the date you sign it.

1050 _____

1051 STATE OF GEORGIA

1052 COUNTY OF _____

1053 Personally appeared before me, the undersigned officer duly authorized to administer
 1054 oaths, _____ (name of alleged biological father) who, after having
 1055 been sworn, deposes and says as follows:

1056 1.

1057 I, the undersigned, understand that I have been named by _____,
1058 the biological mother of the child expected to be born in _____
1059 (city) _____ (county) _____ (state) on or about the _____ day
1060 of _____ (month), _____ (year), as the biological father or possible
1061 biological father of her child. I further understand that the biological mother wishes to
1062 place this child for adoption.

1063 2.

1064 To the best of my knowledge and belief, the child has not been born as of the date I am
1065 signing this pre-birth surrender; however, if in fact the child has been born, this
1066 surrender shall have the same effect as if it were a surrender executed following the
1067 birth of the child.

1068 3.

1069 I understand that by signing this document I am not admitting that I am the biological
1070 father of this child, but if I am, I hereby agree that adoption is in this child's best
1071 interest. I consent to adoption of this child by any individual chosen by the child's legal
1072 mother or by any public or private agency that places children without further notice
1073 to me. I expressly waive any other notice or service in any of the legal proceedings for
1074 the adoption of the child. I understand that I have the option to wait until after the child
1075 is born to execute a surrender of my rights (with a corresponding four-day right of
1076 revocation) and, further, that by executing this document I am electing instead to
1077 surrender my rights before the child's birth.

1078 4.

1079 I understand that signing this document does not fully and finally terminate my rights
1080 and responsibilities until an order from a court of competent jurisdiction terminating my
1081 rights or a final order of adoption is entered. I understand that if the child is not
1082 adopted after I sign this document, legal proceedings can be brought to establish
1083 paternity, and I may become liable for financial obligations related to the birth and
1084 support of this child.

1085 5.

1086 I understand that I will receive a copy of this document after the witness and I have
1087 signed it and it has been notarized.

1088 6.

1089 I understand that under Georgia law I have the unconditional right to a four-day
1090 revocation period. I understand that I may only revoke this pre-birth surrender by
1091 giving written notice, delivered in person or mailed by registered mail or statutory
1092 overnight delivery, to _____ (name
1093 and address of child-placing agency representative, out-of-state licensed agency
1094 representative, Department of Human Services representative, individual to whom
1095 surrender is made or his or her agent, or petitioner's representative, as applicable) within
1096 four days from the date of signing this document. I understand that certified mail
1097 cannot be used for mail delivery of the notice to revoke this pre-birth surrender. I
1098 understand that the four days will be counted consecutively beginning with the day
1099 immediately following the date I sign this document; provided, however, that, if the
1100 fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this
1101 surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal
1102 holiday. I understand that, if I deliver the notice to revoke this surrender in person, it

1103 must be delivered to _____ (name and
 1104 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
 1105 whichever is applicable, on the fourth day; provided, however, that if I mail the notice
 1106 by registered mail or have it delivered by statutory overnight delivery, I must address
 1107 it to the address shown in the surrender document and submit it to the United States
 1108 Postal Service or to the statutory overnight delivery carrier not later than 12:00
 1109 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
 1110 fourth day. I understand that I CANNOT revoke this surrender after that time.

1111 7.

1112 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
 1113 father registry then, if I do not revoke this surrender within the time permitted, I waive
 1114 the notice I would be entitled to receive pursuant to Code Section 19-8-12 of the
 1115 Official Code of Georgia Annotated because of my registration on the putative father
 1116 registry.

1117 8.

1118 I understand that if I am not a resident of this state that I am agreeing to be subject to
 1119 the jurisdiction of the courts of Georgia for any action filed in connection with the
 1120 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 1121 of this surrender of my parental rights.

1122 9.

1123 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 1124 pressure in the execution of this document and I am signing it freely and voluntarily.

1125 This _____ day of _____, _____.

1126

1127

(Alleged biological father)

1128

1129

Adult witness

1130

Sworn to and subscribed

1131

before me this _____

1132

day of _____, ____.

1133

1134

Notary public (SEAL)

1135

My commission expires: _____.'

1136

(g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section

1137

19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

1138

'ACKNOWLEDGMENT OF SURRENDER

1139

OF RIGHTS

1140

STATE OF GEORGIA

1141

COUNTY OF _____

1142

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

1143

oaths, _____ (name of parent, guardian, or

1144

alleged biological father) who, after having been sworn, deposes and says as follows:

1145

(A) That I have read the accompanying (PRE-BIRTH SURRENDER OF

1146

RIGHTS/FINAL RELEASE FOR ADOPTION) (SURRENDER OF RIGHTS/FINAL

1147

RELEASE FOR ADOPTION) [circle one] relating to the child born

1148 _____ (name of child), a (male) (female) [circle one] on
 1149 _____ (birthdate of child);

1150 (B) That I understand that this is a full, final, and complete surrender, release, and
 1151 termination of all of my rights to the child;

1152 (C) That I have ~~chosen to retain~~ the unconditional right to revoke the surrender by
 1153 giving written notice, delivered in person or mailed by registered mail or statutory
 1154 overnight delivery, to _____ (name and
 1155 address of child-placing agency or its representative, out-of-state licensed agency or its
 1156 representative, Department of Human Services or its representative, individual to whom
 1157 surrender is made or his or her agent, or petitioner's representative, as applicable) within
 1158 four days from the date of signing the surrender and that after such four-day revocation
 1159 period I shall have no right to revoke the surrender. I understand that certified mail
 1160 cannot be used for mail delivery of the notice to revoke the surrender of my rights. I
 1161 understand that, if I deliver the notice to revoke my surrender in person, it must be
 1162 delivered to _____ (name and address) not
 1163 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
 1164 applicable, on the fourth day; provided, however, that if I mail the notice by registered
 1165 mail or have it delivered by statutory overnight delivery, I must address it to the address
 1166 shown in the surrender document and submit it to the United States Postal Service or
 1167 to the statutory overnight delivery carrier not later than 12:00 Midnight eastern standard
 1168 time or eastern daylight time, whichever is applicable, on the fourth day. I understand
 1169 that the four days will be counted consecutively beginning with the day immediately
 1170 following the date I signed the surrender; provided, however, that, if the fourth day falls
 1171 on a Saturday, Sunday, or legal holiday, then the last day on which the surrender may
 1172 be revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

1173 (D) That I have read the accompanying surrender of rights and received a copy thereof;

1174 (E) That any and all questions regarding the effect of such surrender and its provisions
1175 have been satisfactorily explained to me;

1176 (F) That I have been given an opportunity to consult with an attorney of my choice
1177 before signing the surrender of my rights; and

1178 (G) That the surrender of my rights has been knowingly, intentionally, freely, and
1179 voluntarily made by me.

1180 This _____ day of _____, ____.

1181 _____
1182 (Parent, guardian, or alleged biological father)

1183 _____
1184 Adult witness

1185 Sworn to and subscribed
1186 before me this _____
1187 day of _____, ____.

1188 _____
1189 Notary public (SEAL)

1190 My commission expires: _____."

1191 **SECTION 14.**

1192 All laws and parts of laws in conflict with this Act are repealed.