

The House Committee on Judiciary, Juvenile offers the following substitute to HB 434:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to adoption, so as to redesignate the provisions of Code
3 Section 19-8-24, relating to advertising restrictions and unlawful inducements, as a new Code
4 section in Chapter 12 of Title 16, relating to offenses against the public health and morals;
5 to provide for conforming changes; to provide for related matters; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to
10 general provisions relative to adoption, is amended by redesignating the provisions of Code
11 Section 19-8-24, relating to advertising restrictions and requirements, "inducements" defined,
12 unlawful inducements, penalties, exemption for personal communications, and civil actions,
13 as Code Section 16-12-6, by repealing and reserving Code Section 19-8-24, and by adding
14 a new subsection to Code Section 16-12-6 to read as follows:

15 "(h) All terms used in this Code section shall have the same meanings as defined in Code
16 Section 19-8-1."

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17 **SECTION 2.**

18 Said article is further amended by revising paragraph (4) of subsection (c) of Code
19 Section 19-8-13, relating to petition, filing and contents, financial disclosures, attorney's
20 affidavit, and redaction of certain information unnecessary, as follows:

21 "(4) Reasonable expenses for the biological mother as set forth in subparagraph (c)(1)(C)
22 or (c)(1)(D) of Code Section ~~19-8-24~~ 16-12-6;"

23 **SECTION 3.**

24 Said article is further amended by revising paragraph (3) of subsection (a) of Code
25 Section 19-8-18, relating to hearing, district attorney to be directed to review inducement
26 violations, decree of adoption, factors considered in determining best interests of child, and
27 disposition of child on denial of petition, as follows:

28 "(3) If the adoption petition is filed pursuant to Code Section 19-8-5, the court shall
29 examine the financial disclosures required under subsections (c) and (d) of Code
30 Section 19-8-13 and make such further examination of each petitioner and his or her
31 attorney as the court deems appropriate in order to make a determination as to whether
32 there is cause to believe that Code Section ~~19-8-24~~ 16-12-6 has been violated with regard
33 to the inducement, as such term is defined in Code Section ~~19-8-24~~ 16-12-6, of the
34 placement of the child for adoption. Should the court determine that further inquiry is in
35 order, the court shall direct the district attorney for the county to review the matter further
36 and to take such appropriate action as the district attorney in his or her discretion deems
37 appropriate."

38 **SECTION 4.**

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