

House Bill 154 (AS PASSED HOUSE AND SENATE)

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 provide for restitution; to prohibit certain adoption facilitators; to revise various
11 adoption related forms with respect to revocation periods; to amend Code Section 29-4-10
12 of the Official Code of Georgia Annotated, relating to petition for appointment of guardian
13 and requirements for petition, so as to provide for the appointment of a guardian for a minor
14 who is in the custody of the Division of Family and Children Services when the minor
15 becomes an adult; to provide for related matters; to repeal conflicting laws; and for other
16 purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 154

18 **SECTION 1.**

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

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

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

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

31 (C) Superior Court of Fulton County."

32 **SECTION 2.**

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

35 "19-8-3.

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

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

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

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

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

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

54 **SECTION 3.**

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

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

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

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

76

SECTION 4.

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

80 "19-8-9.

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

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

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

110 SECTION 5.

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

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

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

134 (A) Personal service is perfected;

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

137 (C) Of the last publication.

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

142 **SECTION 6.**

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

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

- 165 (A) Personal service is perfected;
- 166 (B) Of delivery shown on the return receipt of certified mail or registered mail or proof
167 of delivery by statutory overnight delivery; or
- 168 (C) Of the last publication.

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

SECTION 7.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

238

SECTION 8.

239 Said title is further amended by revising subsections (a), (g), and (h) of Code Section
240 19-8-13, relating to petition, filing and contents, financial disclosures, attorney's affidavit,
241 and redaction of certain information unnecessary, and by adding a new subsection to read as
242 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

277 (A) If the adoption is pursuant to:

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

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

286 (B) A copy of the affidavits specified in subsections (g) and (h) of Code Section
287 19-8-4;

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

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

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

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

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

309 (A) The original written voluntary surrender of rights of each parent, biological father
310 who is not a legal father, or guardian specified in subsection (e) of Code Section
311 19-8-5;

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

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

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

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

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

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

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

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

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

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

359 (E) Uncertified copies of appropriate certificates or forms verifying allegations
360 contained in the petition as to guardianship or custody of the child and the birth of the
361 child, including, but not limited to, the marriage of each petitioner, the death of each
362 parent in lieu of a surrender of his or her parental rights, and compliance with Chapter
363 4 of Title 39, relating to the Interstate Compact on the Placement of Children; and

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

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

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

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

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

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

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

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

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

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

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

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

403 (8) When Code Section 19-8-11 is applicable, the petitioner shall allege facts in the
404 petition demonstrating the applicability of paragraph (3) of subsection (a) of Code
405 Section 19-8-11 and shall also allege compliance with subsection (b) of Code Section
406 19-8-11; and

407 ~~(8)~~(9) If the petition for adoption is filed in a county other than that of the petitioner's
408 residence, the reason therefor shall be set forth in such petition."

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

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

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

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

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

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

448 **SECTION 9.**

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

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

459

SECTION 10.

460 Said title is further amended by revising Code Section 19-8-16, relating to investigation by
461 court-appointed agent and criminal history records check for adoption petitioners, as follows:
462 "19-8-16.

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

480 (b) If the petition for adoption has been filed pursuant to ~~subsection (a)~~ of Code Section
481 19-8-6 or 19-8-7, the court shall be authorized but shall not be required to appoint an agent
482 to make an investigation pursuant to subsection (a) of this Code section; provided,
483 however, that a home study shall not be required.

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

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

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

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

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

525 **SECTION 11.**

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

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

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

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

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

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

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

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

560 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,
561 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed
562 for in such petition; terminating all of the rights of each living parent, guardian, and legal
563 custodian of the child, other than the spouse of the petitioner in the case of a stepparent

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

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

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

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

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

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

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

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

590

SECTION 12.

591 Said title is further amended by revising subsections (d), (e), and (g) of Code Section
592 19-8-24, relating to advertising restrictions and requirements, "inducements" defined,
593 unlawful inducements, penalties, exemption for personal communications, and civil actions,
594 as follows:

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

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

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

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

615 (e) Any person who violates this Code section shall be guilty of a felony and, upon
616 conviction thereof, shall be punished by a fine not to exceed \$10,000.00, imprisonment for

617 not less than one nor more than ten years, or both and shall further be subject to a court
 618 order requiring such person to make restitution to a victim harmed by such person's
 619 violation."

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

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

627 **SECTION 13.**

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

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

632 'SURRENDER OF RIGHTS
 633 FINAL RELEASE FOR ADOPTION

634 NOTICE TO PARENT OR GUARDIAN:

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

641

642

STATE OF GEORGIA

643

COUNTY OF _____

644

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

645

oaths, _____ (name of parent or guardian) who, after

646

having been sworn, deposes and says as follows:

647

1.

648

I, the undersigned, being mindful that my (male) (female) [circle one] child, born

649

_____ (name of child) on _____ (birthdate of

650

child) at ____:____ (A.M.) (P.M.) [circle one], should receive the benefits and

651

advantages of a good home, to the end that (she) (he) [circle one] may be fitted for the

652

requirements of life, consent to this surrender of my parental rights.

653

2.

654

I, the undersigned, _____ (relationship to child)

655

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

656

_____ (name of child-placing agency,

657

out-of-state licensed agency, or Department of Human Services, as applicable) and

658

promise not to interfere in the management of the child in any respect whatever; and,

659

in consideration of the benefits guaranteed by _____

660

(name of child-placing agency, out-of-state licensed agency, or Department of Human

661

Services, as applicable) in providing for the child, I do relinquish all rights to the child

662

named in this document, it being my wish, intent, and purpose to relinquish absolutely

663

all parental control over the child. Furthermore, I hereby agree that the

664 _____ (name of child-placing agency,
665 out-of-state licensed agency, or Department of Human Services, as applicable) may
666 seek for the child a legal adoption by such individual or individuals as may be chosen
667 by the _____ (name of child-placing agency, out-of-state
668 licensed agency, or Department of Human Services, as applicable) or its authorized
669 agents, without further notice to me. I do, furthermore, expressly waive any other
670 notice or service in any of the legal proceedings for the adoption of the child.

671 3.
672 I understand that under Georgia law an agent appointed by the court is required to
673 conduct an investigation and render a report to the court in connection with the legal
674 proceeding for the legal adoption of the child, and I hereby agree to cooperate fully
675 with such agent in the conduct of its investigation.

676 4.
677 I understand that I will receive a copy of this document after the witness and I have
678 signed it and it has been notarized.

679 5.
680 I understand that under Georgia law I have the unconditional right to a four-day
681 revocation period. I understand I may only revoke this surrender by giving written
682 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
683 to _____ (name and address
684 of child-placing agency, out-of-state licensed agency, or Department of Human
685 Services, as applicable) within four days from the date of signing this document. I
686 understand that certified mail cannot be used for mail delivery of the notice to revoke
687 this surrender. I understand that the four days will be counted consecutively beginning

688 with the day immediately following the date I sign this document; provided, however,
 689 that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on
 690 which this surrender may be revoked will be the next day that is not a Saturday,
 691 Sunday, or legal holiday. I understand that, if I deliver the notice to revoke this
 692 surrender in person, it must be delivered to _____
 693 (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight
 694 time, whichever is applicable, on the fourth day; provided, however, that if I mail the
 695 notice by registered mail or have it delivered by statutory overnight delivery, I must
 696 address it to the address shown in the surrender document and submit it to the United
 697 States Postal Service or to the statutory overnight delivery carrier not later than 12:00
 698 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
 699 fourth day. I understand that I CANNOT revoke this surrender after that time.

700 6.

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

705 7.

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

708 This _____ day of _____, _____.

709 _____
 710 (Parent or guardian)

711 _____

712 Adult witness

713 Sworn to and subscribed

714 before me this _____

715 day of _____, ____.

716 _____

717 Notary Public (SEAL)

718 My commission expires: _____.'

719 (b) The notice to revoke a surrender of rights pursuant to subsection (a) of Code Section
720 19-8-9 shall conform substantially to the following form:

721 'NOTICE TO REVOKE SURRENDER OF RIGHTS/

722 FINAL RELEASE FOR ADOPTION

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

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

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

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

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

737 **OR**

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

742 This _____ day of _____, _____.

743 _____
 744 (Parent, guardian, or alleged biological father)

745 _____
 746 (Printed name)

747 _____
 748 Adult witness'

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

751 'SURRENDER OF RIGHTS
 752 FINAL RELEASE FOR ADOPTION

753 NOTICE TO PARENT OR GUARDIAN:

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

760 _____

761 STATE OF GEORGIA
 762 COUNTY OF _____

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

766 1.
 767 I, the undersigned, being mindful that my (male) (female) [circle one] child, born
 768 _____ (name of child) on _____ (birthdate of
 769 child) at ____:____ (A.M.) (P.M.) [circle one], should receive the benefits and
 770 advantages of a good home, to the end that (she) (he) [circle one] may be fitted for the
 771 requirements of life, consent to this surrender of my parental rights.

772 2.
 773 I, the undersigned, _____ (relationship to
 774 child) of the aforesaid child, do hereby surrender my rights to the child to
 775 _____ (name, surname not required, of each
 776 individual to whom surrender is made), PROVIDED that each such individual is named
 777 as petitioner in a petition for adoption of the child filed in accordance with Article 1 of
 778 Chapter 8 of Title 19 of the Official Code of Georgia Annotated within 60 days from
 779 the date that I sign this document. Furthermore, I promise not to interfere in the
 780 management of the child in any respect whatever; and, in consideration of the benefits
 781 guaranteed by _____ (name, surname not
 782 required, of each individual to whom surrender is made) in providing for the child, I do
 783 relinquish all rights to the child named in this document, it being my wish, intent, and
 784 purpose to relinquish absolutely all parental control over the child.

785 3.
 786 It is also my wish, intent, and purpose that if each such individual identified in
 787 paragraph 2 is not named as petitioner in a petition for adoption within the 60 day
 788 period, other than for justifiable good cause, or, if said petition for adoption is filed
 789 within 60 days but the adoption proceeding is dismissed with prejudice or otherwise
 790 concluded without an order declaring the child to be the adopted child of each such
 791 individual, then I do hereby surrender my rights to the child as follows:

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

794 A. _____ (Signature) I wish the child returned to me, as provided
 795 by subsection (j) of Code Section 19-8-5, and I expressly acknowledge that this

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

802 **OR**

803 B. _____ (Signature) I surrender the child to
804 _____ (name of child-placing agency or out-of-state licensed
805 agency), as provided in subsection (j) of Code Section 19-8-5, for placement for
806 adoption. I understand that if the child-placing agency or out-of-state licensed agency
807 declines to accept the child for placement for adoption, this surrender will be in favor
808 of the Department of Human Services for placement for adoption and
809 _____ (name of child-placing agency or out-of-state
810 licensed agency) or the Department of Human Services may petition the superior
811 court for custody of the child in accordance with the terms of this surrender;

812 **OR**

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

817

4.

818

I hereby agree that the child is to be adopted by each individual named in paragraph 2

819

or by any other individual as may be chosen by _____

820

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

821

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

822

proceedings for the adoption of the child.

823

5.

824

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

825

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

826

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

827

circumstances of placement of the child for adoption.

828

6.

829

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

830

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

831

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

832

with such agent in the conduct of its investigation.

833

7.

834

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

835

signed it and it has been notarized.

836

8.

837

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

838

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

839

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

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

857 9.

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

862 10.

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

865 This _____ day of _____, ____.

866 _____

867 (Parent or guardian)

868 _____

869 Adult witness

870 Sworn to and subscribed

871 before me this _____

872 day of _____, ____.

873 _____

874 Notary Public (SEAL)

875 My commission expires: _____.'

876 (d) The surrender of rights by a biological father who is not a legal father of the child
877 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or
878 19-8-7 shall conform substantially to the following form:

879 'SURRENDER OF RIGHTS

880 FINAL RELEASE FOR ADOPTION

881 NOTICE TO ALLEGED BIOLOGICAL FATHER:

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

888

889 STATE OF GEORGIA

890 COUNTY OF _____

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

894

1.

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

905

2.

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

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

912 3.

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

915 4.

916 I understand that under Georgia law I have the unconditional right to a four-day
917 revocation period. I understand I may only revoke this surrender by giving written
918 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
919 to _____ (name and address of child-placing
920 agency representative, out-of-state licensed agency representative, Department of
921 Human Services representative, individual to whom surrender is made or his or her
922 agent, or petitioner's representative, as applicable) within four days from the date of
923 signing this document. I understand that certified mail cannot be used for mail delivery
924 of the notice to revoke this surrender. I understand that the four days will be counted
925 consecutively beginning with the day immediately following the date I sign this
926 document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or
927 legal holiday, then the last day on which this surrender may be revoked will be the next
928 day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the
929 notice to revoke this surrender in person, it must be delivered to
930 _____ (name and address) not later than
931 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
932 the fourth day; provided, however, that if I mail the notice by registered mail or have
933 it delivered by statutory overnight delivery, I must address it to the address shown in
934 the surrender document and submit it to the United States Postal Service or to the

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

938 5.
 939 I understand that if I am not a resident of this state that I am agreeing to be subject to
 940 the jurisdiction of the courts of Georgia for any action filed in connection with the
 941 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 942 of this surrender of my parental rights.

943 6.
 944 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 945 pressure in the execution of this document and I am signing it freely and voluntarily.

946 This _____ day of _____, _____.

947 _____
 948 (Alleged biological father)

949 _____
 950 Adult witness

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

954 _____

955 Notary public (SEAL)

956 My commission expires: _____.'

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

960 'SURRENDER OF RIGHTS
961 FINAL RELEASE FOR ADOPTION

962 NOTICE TO PARENT OR GUARDIAN:

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

969 _____

970 STATE OF GEORGIA

971 COUNTY OF _____

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

975

1.

976

I, the undersigned, being mindful that my (male) (female) [circle one] child, born

977

_____ (name of child) on _____ (birthdate of

978

child) at ____:____ (A.M.) (P.M.) [circle one], should receive the benefits and

979

advantages of a good home, to the end that (she) (he) [circle one] may be fitted for the

980

requirements of life, consent to this surrender of my parental rights.

981

2.

982

I, the undersigned, _____ (relationship to child) of

983

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

984

_____ (name of each individual to whom

985

surrender is made) and promise not to interfere in the management of the child in any

986

respect whatever; and, in consideration of the benefits guaranteed by

987

_____ (name of each individual to whom

988

surrender is made) in providing for the child, I do relinquish all rights to the child

989

named in this document, it being my wish, intent, and purpose to relinquish absolutely

990

all parental control over the child.

991

3.

992

I hereby agree that _____ (name of each individual to whom

993

surrender is made) may initiate legal proceedings for the legal adoption of the child

994

without further notice to me. I do, furthermore, expressly waive any other notice or

995

service in any of the legal proceedings for the adoption of the child.

996

4.

997

I understand that under Georgia law an agent may be appointed by the court to conduct

998

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

999 for the legal adoption of the child, and I hereby agree to cooperate fully with such agent
1000 in the conduct of its investigation.

1001 5.

1002 I understand that I will receive a copy of this document after the witness and I have
1003 signed it and it has been notarized.

1004 6.

1005 I understand that under Georgia law I have the unconditional right to a four-day
1006 revocation period. I understand I may only revoke this surrender by giving written
1007 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
1008 to _____ (name and address of each
1009 individual to whom surrender is made or petitioner's representative, as applicable)
1010 within four days from the date of signing this document. I understand that certified
1011 mail cannot be used for mail delivery of the notice to revoke this surrender. I
1012 understand that the four days will be counted consecutively beginning with the day
1013 immediately following the date I sign this document; provided, however, that, if the
1014 fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this
1015 surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal
1016 holiday. I understand that, if I deliver the notice to revoke my surrender in person, it
1017 must be delivered to _____ (name and
1018 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
1019 whichever is applicable, on the fourth day; provided, however, that if I mail the notice
1020 by registered mail or have it delivered by statutory overnight delivery, I must address
1021 it to the address shown in the surrender document and submit it to the United States
1022 Postal Service or to the statutory overnight delivery carrier not later than 12:00

1023 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
1024 fourth day. I understand that I CANNOT revoke this surrender after that time.

1025 7.

1026 I understand that if I am not a resident of this state that I am agreeing to be subject to
1027 the jurisdiction of the courts of Georgia for any action filed in connection with the
1028 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
1029 of this surrender of my parental rights.

1030 8.

1031 Furthermore, I hereby certify that I have not been subjected to any duress or undue
1032 pressure in the execution of this document and I am signing it freely and voluntarily.

1033 This _____ day of _____, _____.

1034 _____
1035 (Parent or guardian)

1036 _____
1037 Adult witness

1038 Sworn to and subscribed
1039 before me this _____
1040 day of _____, _____.

1041 _____
1042 Notary public (SEAL)

1043 My commission expires: _____.'

1044 (f) The pre-birth surrender of rights by a biological father who is not a legal father of the
 1045 child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or 19-8-7
 1046 shall conform substantially to the following form:

1047 **'PRE-BIRTH SURRENDER OF RIGHTS**
 1048 **FINAL RELEASE FOR ADOPTION**

1049 **NOTICE TO ALLEGED BIOLOGICAL FATHER:**

1050 This is an important legal document and by signing it, you are surrendering any and all
 1051 of your rights to the child identified in this document, so as to place the child for
 1052 adoption. You have the right to wait to execute a ~~PRE-BIRTH SURRENDER OF~~
 1053 ~~RIGHTS/FINAL RELEASE FOR ADOPTION~~ after the child is born, but by signing this
 1054 document, you are electing to surrender your rights prior to the birth of this child.
 1055 Understand that you are signing this document under oath and that if you knowingly and
 1056 willfully make a false statement in this document you will be guilty of the crime of false
 1057 swearing. As explained below in paragraph 6, you have the right to revoke this pre-birth
 1058 surrender within four days from the date you sign it.

1059 _____

1060 STATE OF GEORGIA

1061 COUNTY OF _____

1062 Personally appeared before me, the undersigned officer duly authorized to administer
 1063 oaths, _____ (name of alleged biological father) who, after having
 1064 been sworn, deposes and says as follows:

1065 1.

1066 I, the undersigned, understand that I have been named by _____,
1067 the biological mother of the child expected to be born in _____
1068 (city) _____ (county) _____ (state) on or about the _____ day
1069 of _____ (month), _____ (year), as the biological father or possible
1070 biological father of her child. I further understand that the biological mother wishes to
1071 place this child for adoption.

1072 2.

1073 To the best of my knowledge and belief, the child has not been born as of the date I am
1074 signing this pre-birth surrender; however, if in fact the child has been born, this
1075 surrender shall have the same effect as if it were a surrender executed following the
1076 birth of the child.

1077 3.

1078 I understand that by signing this document I am not admitting that I am the biological
1079 father of this child, but if I am, I hereby agree that adoption is in this child's best
1080 interest. I consent to adoption of this child by any individual chosen by the child's legal
1081 mother or by any public or private agency that places children without further notice
1082 to me. I expressly waive any other notice or service in any of the legal proceedings for
1083 the adoption of the child. I understand that I have the option to wait until after the child
1084 is born to execute a surrender of my rights (with a corresponding four-day right of
1085 revocation) and, further, that by executing this document I am electing instead to
1086 surrender my rights before the child's birth.

1087 4.

1088 I understand that signing this document does not fully and finally terminate my rights
1089 and responsibilities until an order from a court of competent jurisdiction terminating my
1090 rights or a final order of adoption is entered. I understand that if the child is not
1091 adopted after I sign this document, legal proceedings can be brought to establish
1092 paternity, and I may become liable for financial obligations related to the birth and
1093 support of this child.

1094 5.

1095 I understand that I will receive a copy of this document after the witness and I have
1096 signed it and it has been notarized.

1097 6.

1098 I understand that under Georgia law I have the unconditional right to a four-day
1099 revocation period. I understand that I may only revoke this pre-birth surrender by
1100 giving written notice, delivered in person or mailed by registered mail or statutory
1101 overnight delivery, to _____ (name
1102 and address of child-placing agency representative, out-of-state licensed agency
1103 representative, Department of Human Services representative, individual to whom
1104 surrender is made or his or her agent, or petitioner's representative, as applicable) within
1105 four days from the date of signing this document. I understand that certified mail
1106 cannot be used for mail delivery of the notice to revoke this pre-birth surrender. I
1107 understand that the four days will be counted consecutively beginning with the day
1108 immediately following the date I sign this document; provided, however, that, if the
1109 fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this
1110 surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal
1111 holiday. I understand that, if I deliver the notice to revoke this surrender in person, it

1112 must be delivered to _____ (name and
1113 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
1114 whichever is applicable, on the fourth day; provided, however, that if I mail the notice
1115 by registered mail or have it delivered by statutory overnight delivery, I must address
1116 it to the address shown in the surrender document and submit it to the United States
1117 Postal Service or to the statutory overnight delivery carrier not later than 12:00
1118 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
1119 fourth day. I understand that I CANNOT revoke this surrender after that time.

1120 7.

1121 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
1122 father registry then, if I do not revoke this surrender within the time permitted, I waive
1123 the notice I would be entitled to receive pursuant to Code Section 19-8-12 of the
1124 Official Code of Georgia Annotated because of my registration on the putative father
1125 registry.

1126 8.

1127 I understand that if I am not a resident of this state that I am agreeing to be subject to
1128 the jurisdiction of the courts of Georgia for any action filed in connection with the
1129 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
1130 of this surrender of my parental rights.

1131 9.

1132 Furthermore, I hereby certify that I have not been subjected to any duress or undue
1133 pressure in the execution of this document and I am signing it freely and voluntarily.

1134 This _____ day of _____, _____.

1135 _____
1136 (Alleged biological father)

1137 _____
1138 Adult witness

1139 Sworn to and subscribed
1140 before me this _____
1141 day of _____, ____.

1142 _____
1143 Notary public (SEAL)

1144 My commission expires: _____.'

1145 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section
1146 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

1147 'ACKNOWLEDGMENT OF SURRENDER
1148 OF RIGHTS

1149 STATE OF GEORGIA
1150 COUNTY OF _____

1151 Personally appeared before me, the undersigned officer duly authorized to administer
1152 oaths, _____ (name of parent, guardian, or
1153 alleged biological father) who, after having been sworn, deposes and says as follows:

1154 (A) That I have read the accompanying (PRE-BIRTH SURRENDER OF
1155 RIGHTS/FINAL RELEASE FOR ADOPTION) (SURRENDER OF RIGHTS/FINAL

1156 RELEASE FOR ADOPTION) [circle one] relating to the child born
1157 _____ (name of child), a (male) (female) [circle one] on
1158 _____ (birthdate of child);

1159 (B) That I understand that this is a full, final, and complete surrender, release, and
1160 termination of all of my rights to the child;

1161 (C) That I have ~~chosen to retain~~ the unconditional right to revoke the surrender by
1162 giving written notice, delivered in person or mailed by registered mail or statutory
1163 overnight delivery, to _____ (name and
1164 address of child-placing agency or its representative, out-of-state licensed agency or its
1165 representative, Department of Human Services or its representative, individual to whom
1166 surrender is made or his or her agent, or petitioner's representative, as applicable) within
1167 four days from the date of signing the surrender and that after such four-day revocation
1168 period I shall have no right to revoke the surrender. I understand that certified mail
1169 cannot be used for mail delivery of the notice to revoke the surrender of my rights. I
1170 understand that, if I deliver the notice to revoke my surrender in person, it must be
1171 delivered to _____ (name and address) not
1172 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
1173 applicable, on the fourth day; provided, however, that if I mail the notice by registered
1174 mail or have it delivered by statutory overnight delivery, I must address it to the address
1175 shown in the surrender document and submit it to the United States Postal Service or
1176 to the statutory overnight delivery carrier not later than 12:00 Midnight eastern standard
1177 time or eastern daylight time, whichever is applicable, on the fourth day. I understand
1178 that the four days will be counted consecutively beginning with the day immediately
1179 following the date I signed the surrender; provided, however, that, if the fourth day falls
1180 on a Saturday, Sunday, or legal holiday, then the last day on which the surrender may
1181 be revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

1182 (D) That I have read the accompanying surrender of rights and received a copy thereof;

1183 (E) That any and all questions regarding the effect of such surrender and its provisions
1184 have been satisfactorily explained to me;

1185 (F) That I have been given an opportunity to consult with an attorney of my choice
1186 before signing the surrender of my rights; and

1187 (G) That the surrender of my rights has been knowingly, intentionally, freely, and
1188 voluntarily made by me.

1189 This _____ day of _____, ____.

1190 _____
1191 (Parent, guardian, or alleged biological father)

1192 _____
1193 Adult witness

1194 Sworn to and subscribed
1195 before me this _____
1196 day of _____, ____.

1197 _____
1198 Notary public (SEAL)

1199 My commission expires: _____."

1200 **SECTION 14.**

1201 Code Section 29-4-10 of the Official Code of Georgia Annotated, relating to petition for
1202 appointment of guardian and requirements for petition, is amended by adding a new
1203 subsection to read as follows:

1204 “(d) Within six months prior to the date a minor in the custody of the Division of Family
1205 and Children Services of the Department of Human Services reaches 18 years of age, the
1206 Division of Family and Children Services may file a petition for the appointment of a
1207 guardian for the minor when that minor becomes an adult, in accordance with the
1208 provisions of this article, to take effect on or after the date the minor reaches 18 years of
1209 age.”

1210

SECTION 15.

1211 All laws and parts of laws in conflict with this Act are repealed.