

House Bill 159 (AS PASSED HOUSE AND SENATE)

By: Representatives Reeves of the 34<sup>th</sup>, Willard of the 51<sup>st</sup>, Evans of the 42<sup>nd</sup>, Fleming of the 121<sup>st</sup>, Oliver of the 82<sup>nd</sup>, 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 substantially revise the general provisions applicable to adoptions; to change the  
3 requirements for adopting children; to provide for a nonresident to allow an adoption of his  
4 or her child; to provide for adoption of foreign-born children; to provide for a waiver to  
5 revoke a surrender of parental rights under certain circumstances; to change the age for  
6 individuals to access the Adoption Reunion Registry; to revise and provide for forms; to  
7 amend Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to  
8 termination of parental rights, so as to correct a cross-reference; to provide for the creation,  
9 authorization, procedure, revocation, rescision, and termination of a power of attorney from  
10 a parent to an agent for the temporary delegation of certain power and authority for the care  
11 and custody of his or her child; to repeal the "Power of Attorney for the Care of a Minor  
12 Child Act"; to provide for definitions; to provide for procedure; to grandfather certain  
13 provisions relating to a power of attorney given to a grandparent; to provide a short title; to  
14 provide for legislative findings; to amend Part 4 of Article 17 of Chapter 2 of Title 20 of the  
15 Official Code of Georgia Annotated, relating to sick, personal, and maternity leave for  
16 teachers and other school personnel, so as to require local boards of education to provide  
17 employees who are adoptive parents the same duration of maternity leave, leave options, and  
18 other benefits as are provided to employees who are biological parents; to provide for related  
19 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 PART I  
22 SECTION 1-1.

23 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
24 amended by revising Article 1 of Chapter 8, relating to general provisions for adoption as  
25 follows:

## "ARTICLE 1

26

27 19-8-1.

28 For purposes of this ~~chapter~~ article, the term:29 (1) 'Alaskan native' means a member of the Alaska Native Regional Corporations formed  
30 under the Alaska Native Claims Settlement Act of 1971 (ANCSA).31 ~~(1)(2)~~ (2) 'Biological father' means ~~the~~ a male who impregnated the biological mother  
32 resulting in the birth of the child.33 (3) 'Biological parent' means a biological mother or biological father.34 ~~(2)(4)~~ (4) 'Child' means ~~a person~~ an individual who is under 18 years of age and who is  
35 sought to be adopted.36 ~~(3)(5)~~ (5) 'Child-placing agency' means an agency licensed as a child-placing agency  
37 pursuant to Chapter 5 of Title 49.38 ~~(4)(6)~~ (6) 'Department' means the Department of Human Services.39 ~~(4.1)(7)~~ (7) 'Evaluator' means ~~the~~ a person or agency that conducts a home study. An  
40 evaluator shall be a ~~licensed~~ child-placing agency, the department, or a licensed  
41 professional with at least two years of adoption related professional experience, including  
42 a licensed clinical social worker, licensed master social worker, licensed marriage and  
43 family therapist, or licensed professional counselor; provided, however, that ~~where~~ when  
44 none of the foregoing evaluators are available, the court may appoint a guardian ad litem  
45 or court appointed special advocate to conduct ~~the~~ a home study.46 ~~(5)(8)~~ (8) 'Guardian' means ~~a legal guardian of the person of a child~~ an individual appointed  
47 as a:48 (A) Guardian or temporary guardian of a child as provided in Title 29;49 (B) Guardian of a child pursuant to Code Section 15-11-13; or50 (C) Permanent guardian of a child as provided in Part 13 of Article 3 of Chapter 11 of  
51 Title 15.52 ~~(5.1)(9)~~ (9) 'Home study' means an evaluation by an evaluator of ~~the~~ a petitioner's home  
53 environment for the purpose of determining the suitability of ~~the~~ such environment as a  
54 prospective adoptive home for a child. Such evaluation shall consider ~~the~~ a petitioner's  
55 physical health, emotional maturity, financial circumstances, family, and social  
56 background and shall conform to the rules and regulations established by the department  
57 for child-placing agencies for adoption home studies.58 ~~(5.2)(10)~~ (10) 'Home study report' means the written report generated as a result of the home  
59 study.60 ~~(6)(11)~~ (11) 'Legal father' means a male who has not surrendered or had terminated his rights  
61 to a child and who:

- 62 (A) Has legally adopted such child;
- 63 (B) Was married to the biological mother of such child at the time such child was born  
64 or within the usual period of gestation, unless paternity was disproved by a final order  
65 ~~pursuant to Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction;
- 66 (C) Married ~~the~~ a legal mother of such child after such child was born and recognized  
67 such child as his own, unless paternity was disproved by a final order ~~pursuant to~~  
68 ~~Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction; or
- 69 (D) Has legitimated such child by a final order pursuant to Code Section 19-7-22.
- 70 ~~(7)~~(12) 'Legal mother' means ~~the~~ a female who is the biological or adoptive mother of  
71 the child and who has not surrendered or had terminated her rights to the child.
- 72 (13) 'Native American heritage' means any individual who is:
- 73 (A) A member of a federally recognized American Indian tribe; or  
74 (B) An Alaskan native.
- 75 (14) 'Out-of-state licensed agency' means an agency or entity that is licensed in another  
76 state or country to place children for adoption.
- 77 ~~(8)~~(15) 'Parent' means ~~either the~~ a legal father or ~~the~~ a legal mother of the child.
- 78 ~~(9)~~(16) 'Petitioner' means ~~a person~~ an individual who petitions to adopt or terminate  
79 rights to a child pursuant to this ~~chapter~~ article.
- 80 ~~(10)~~(17) 'Putative father registry' means the registry established and maintained pursuant  
81 to subsections (d) and (e) of Code Section 19-11-9.
- 82 19-8-2.
- 83 (a) The superior courts of the several counties shall have exclusive jurisdiction in all  
84 matters of adoption, ~~except such jurisdiction as may be granted to the juvenile courts.~~
- 85 (b) All petitions for adoption under this ~~chapter~~ article shall be filed in the county in which  
86 any petitioner resides, except that:
- 87 (1) Upon good cause being shown, the court may, in its discretion, allow such petition  
88 to be filed in the court of the county ~~of~~:
- 89 (A) Of the child's domicile ~~or of the county in~~;
- 90 (B) In which is located any child-placing agency having legal custody of the child;  
91 ~~sought to be adopted may, in its discretion, allow the petition to be filed in that court;~~  
92 ~~and~~
- 93 (C) Where the child was born if such petition is filed within one year of the child's  
94 birth; or
- 95 (D) In which is located the office of the department having legal custody of the child;
- 96 (2) Any ~~person~~ individual who ~~has been~~ is a resident of any United States ~~Army~~ army  
97 post or military reservation within this state ~~for six months next preceding the filing of~~

98 ~~the petition for adoption~~ may file ~~the~~ such petition in any county adjacent to the United  
 99 States ~~Army~~ army post or military reservation; and

100 (3) When a child has been placed for adoption with an individual who is a resident of  
 101 another state in compliance with Chapter 4 of Title 39, relating to the Interstate Compact  
 102 on the Placement of Children, such petition shall be filed in:

103 (A) The court of the county where the child was born;

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

106 (C) Superior Court of Fulton County.

107 19-8-3.

108 (a) Any ~~adult person~~ individual may petition to adopt a child if ~~the person~~ he or she:

109 (1) Is at least 25 years of age or is married and living with his or her spouse, or is at least  
 110 21 years of age and is a relative of the child;

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

114 (3) ~~Is Has been~~ a bona fide resident of this state ~~for at least six months immediately~~  
 115 ~~preceding~~ at the filing of the petition for adoption or is a bona fide resident of the  
 116 receiving state when the adoptee was born in this state and was placed in compliance with  
 117 Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children;  
 118 and

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

120 ~~(b) Any adult person, including but not limited to a foster parent, meeting the requirements~~  
 121 ~~of subsection (a) of this Code section shall be eligible to apply to the department or a~~  
 122 ~~child-placing agency for consideration as an adoption applicant in accordance with the~~  
 123 ~~policies of the department or the agency.~~

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

128 19-8-4.

129 (a) A child ~~Except as otherwise authorized in this chapter, a child who has any living~~  
 130 ~~parent or guardian may be adopted through the department, or any child-placing agency,~~  
 131 or any out-of-state licensed agency only if each such living parent and each such guardian  
 132 of such child:

133 (1) Has voluntarily and in writing surrendered all of his or her rights to the child to the  
 134 department, ~~or to a child-placing agency, or an out-of-state licensed agency~~ as provided  
 135 in this Code section and ~~the department or~~ such department, child-placing agency, or  
 136 out-of-state licensed agency thereafter consents to the adoption; or

137 (2) Has had all of his or her rights to the child terminated by order of a court of  
 138 competent jurisdiction, the child has been committed by the court to the department, ~~or~~  
 139 ~~to a child-placing agency, or an out-of-state licensed agency~~ for placement for adoption,  
 140 and ~~the department or~~ such department, child-placing agency, or out-of-state licensed  
 141 agency thereafter consents to the adoption.

142 (b) In the case of a child 14 years of age or older, the written consent of the child to his or  
 143 her adoption ~~must~~ shall be given and acknowledged in the presence of the court.

144 (c) The surrender of rights to the department, ~~or to a child-placing agency, or an~~  
 145 out-of-state licensed agency specified in paragraphs (1) and (2) of subsection (e) of this  
 146 Code section shall be executed following the birth of the child, and the pre-birth surrender  
 147 to the department, ~~or to a child-placing agency, or an out-of-state licensed agency~~ specified  
 148 in paragraph (3) of subsection (e) of this Code section shall be executed prior to the birth  
 149 of the child. Each surrender shall be executed under oath and in the presence of a  
 150 ~~representative of the department or the agency and a notary public and an adult witness.~~  
 151 A copy of the surrender shall be ~~delivered~~ provided to the individual signing the surrender  
 152 at the time of the execution thereof.

153 (d) ~~An individual~~ A person signing a surrender of rights pursuant to this Code section shall  
 154 have the right to ~~withdraw the surrender~~ revoke such surrender within four days as  
 155 provided in subsection ~~(b)~~ (a) of Code Section 19-8-9.

156 (e)(1) The surrender of rights by a parent or guardian specified in paragraph (1) of  
 157 subsection (a) of this Code section shall meet the requirements of subsection (a) of Code  
 158 Section 19-8-26. Such surrender shall be signed under oath and in the presence of a  
 159 notary public and an adult witness.

160 (2) ~~A~~ The biological father who is not ~~the~~ a legal father of a child may surrender all his  
 161 rights to the child for the purpose of an adoption pursuant to this Code section. Such ~~That~~  
 162 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26. Such  
 163 surrender shall be signed under oath and in the presence of a notary public and an adult  
 164 witness.

165 (3)(A) ~~A~~ The biological father who is not ~~the~~ a legal father of a child may execute a  
 166 surrender of his rights to the child prior to the birth of the child for the purpose of an  
 167 adoption pursuant to this Code section. A pre-birth surrender, ~~when signed under oath~~  
 168 ~~by the alleged biological father,~~ shall serve to relinquish ~~the~~ an alleged biological  
 169 father's rights to the child and to waive ~~the~~ an alleged biological father's right to notice

170 of any proceeding with respect to the child's adoption, custody, or guardianship. The  
 171 court in any adoption proceeding shall have jurisdiction to enter a final order of  
 172 adoption of the child based upon the pre-birth surrender and in other proceedings to  
 173 determine the child's legal custody or guardianship shall have jurisdiction to enter an  
 174 order for those purposes.

175 (B) The rights and responsibilities of an alleged biological father ~~are~~ shall be  
 176 permanently terminated only upon an order from a court of competent jurisdiction  
 177 terminating such rights or the entry of a final order of adoption. ~~An individual~~ A person  
 178 executing a pre-birth surrender pursuant to this Code section shall have the right to  
 179 ~~withdraw the~~ revoke such surrender within ~~ten~~ four days from the date of execution  
 180 thereof, notwithstanding the date of birth of the child.

181 (C) If a final order of adoption is not entered after the execution of a pre-birth  
 182 surrender and paternity is established by acknowledgment, by administrative order, or  
 183 by judicial order, then ~~the~~ an alleged biological father shall be responsible for child  
 184 support or other financial obligations to the child or to ~~the child's~~ a legal mother, or to  
 185 both.

186 (D) The pre-birth surrender shall not be valid for use by a legal father ~~as defined under~~  
 187 ~~paragraph (6) of Code Section 19-8-1 or for any man who has executed a voluntary~~  
 188 ~~acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1.~~

189 (E) The pre-birth surrender may be executed at any time after the biological mother  
 190 executes a sworn statement identifying such ~~person~~ individual as an alleged biological  
 191 father of the biological mother's unborn child meeting the requirements of subsection  
 192 (m) of Code Section 19-8-26.

193 (F) The pre-birth surrender shall meet the requirements of subsection (f) of Code  
 194 Section 19-8-26 and shall be signed under oath and in the presence of a notary public  
 195 and an adult witness.

196 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders  
 197 those rights by also signing an acknowledgment meeting the requirements of subsection (g)  
 198 of Code Section 19-8-26. Such acknowledgment shall be signed under oath and in the  
 199 presence of a notary public and an adult witness.

200 (g)(1) ~~A~~ Whenever the legal mother who surrenders her parental rights pursuant to this  
 201 Code section, ~~she~~ shall execute an affidavit meeting the requirements of subsection (h)  
 202 of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence  
 203 of a notary public.

204 (2) A legal mother who is the adoptive mother of the child and who surrenders her  
 205 parental rights pursuant to this Code section shall execute an affidavit meeting the

206 requirements of subsection (i) of Code Section 19-8-26. Such affidavit shall be signed  
 207 under oath and in the presence of a notary public.

208 (h) Whenever rights are surrendered to the department, ~~or to a child-placing agency, or an~~  
 209 ~~out-of-state licensed agency,~~ the department or agency representative before whom the  
 210 surrender of rights is signed shall execute an affidavit meeting the requirements of  
 211 subsection (j) of Code Section 19-8-26. Such affidavit shall be signed under oath and in  
 212 the presence of a notary public.

213 (i) A surrender of rights pursuant to this Code section may be given by any parent or  
 214 biological father who is not ~~the a~~ legal father of the child ~~irrespective~~ regardless of whether  
 215 ~~such parent or biological father has arrived at the age of majority. The individual is a~~  
 216 citizen of the United States, a resident of this state, or has reached the age of 18 years.  
 217 Such surrender given by ~~any such minor~~ such individual shall be binding upon him ~~or her~~  
 218 as if the individual were in all respects sui juris and shall include a consent to the  
 219 jurisdiction of the courts of this state for any action filed under this article. Such surrender  
 220 shall state that such individual agrees to be bound by a decree of adoption.

221 (j) In any surrender of rights pursuant to this Code section, ~~the provisions of Chapter 4 of~~  
 222 Title 39, relating to the Interstate Compact on the Placement of Children, if applicable,  
 223 shall be complied with.

224 (k) A biological father or a legal father who signs a surrender of rights may execute an  
 225 affidavit regarding his Native American heritage and military service meeting the  
 226 requirements of subsection (n) of Code Section 19-8-26. Such affidavit shall be signed  
 227 under oath and in the presence of a notary public.

228 19-8-5.

229 (a) ~~A child Except as otherwise authorized in this chapter, a child who has any living~~  
 230 ~~parent or guardian~~ may be adopted by a third party who is neither the stepparent nor  
 231 relative of that child, as such individuals are described in subsection (a) of Code Sections  
 232 19-8-6 and 19-8-7, only if each ~~such~~ living parent and ~~each such~~ guardian of such child has  
 233 voluntarily and in writing surrendered all of his or her rights to such child to that third party  
 234 for the purpose of enabling that third party to adopt such child. A third party to whom such  
 235 child is voluntarily surrendered shall be financially responsible for such child as of the date  
 236 of surrender by the parent. Except as provided in subsection ~~(m)~~ (l) of this Code section,  
 237 no child shall be placed with a third party for purposes of adoption unless prior to the date  
 238 of placement a home study shall have been completed, and the home study report  
 239 recommends placement of a child in such third party's home.

240 (b) In the case of a child 14 years of age or older, the written consent of the child to his or  
 241 her adoption ~~must~~ shall be given and acknowledged in the presence of the court.

242 (c) The surrender of rights specified in paragraphs (1) and (2) of subsection (e) of this  
 243 Code section shall be executed following the birth of the child, and the pre-birth surrender  
 244 specified in paragraph (3) of subsection (e) of this Code section shall be executed prior to  
 245 the birth of the child. Each surrender shall be executed under oath and in the presence of  
 246 a notary public and an adult witness. The name and address of each person individual to  
 247 whom the child is surrendered may be omitted to protect confidentiality, provided the  
 248 surrender of rights sets forth the name and address of his or her agent for purposes of notice  
 249 of ~~withdrawal~~ revocation as provided for in subsection (d) of this Code section. A copy  
 250 of the surrender shall be ~~delivered~~ provided to the individual signing the surrender at the  
 251 time of the execution thereof.

252 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall  
 253 have the right to ~~withdraw the surrender~~ revoke such surrender within four days as  
 254 provided in subsection ~~(b)~~ (a) of Code Section 19-8-9.

255 (e)(1) The surrender of rights by a parent or guardian specified in subsection (a) of this  
 256 Code section shall meet the requirements of subsection (c) of Code Section 19-8-26.  
 257 Such surrender shall be signed under oath and in the presence of a notary public and an  
 258 adult witness.

259 (2) ~~A The~~ biological father who is not ~~the~~ a legal father of a child may surrender all his  
 260 rights to the child for purposes of an adoption pursuant to this Code section. ~~That~~ Such  
 261 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26. Such  
 262 surrender shall be signed under oath and in the presence of a notary public and an adult  
 263 witness.

264 (3)(A) ~~A The~~ biological father who is not ~~the~~ a legal father of a child may execute a  
 265 surrender of his rights to the child prior to the birth of the child for the purpose of an  
 266 adoption pursuant to this Code section. A pre-birth surrender, ~~when signed under oath~~  
 267 ~~by the alleged biological father,~~ shall serve to relinquish ~~the~~ an alleged biological  
 268 father's rights to the child and to waive ~~the~~ an alleged biological father's right to notice  
 269 of any proceeding with respect to the child's adoption, custody, or guardianship. The  
 270 court in any adoption proceeding shall have jurisdiction to enter a final order of  
 271 adoption of the child based upon the pre-birth surrender and in other proceedings to  
 272 determine the child's legal custody or guardianship shall have jurisdiction to enter an  
 273 order for those purposes.

274 (B) The rights and responsibilities of an alleged biological father ~~are~~ shall be  
 275 permanently terminated only upon an order from a court of competent jurisdiction  
 276 terminating such rights or the entry of a final order of adoption. An individual ~~A person~~  
 277 executing a pre-birth surrender pursuant to this Code section shall have the right to



278 ~~withdraw the~~ revoke such surrender within ~~ten~~ four days from the date of execution  
279 thereof, notwithstanding the date of birth of the child.

280 (C) If a final order of adoption is not entered after the execution of a pre-birth  
281 surrender and paternity is established by acknowledgment, by administrative order, or  
282 by judicial order, then ~~the~~ an alleged biological father shall be responsible for child  
283 support or other financial obligations to the child or to ~~the child's~~ a legal mother, or to  
284 both.

285 (D) The pre-birth surrender shall not be valid for use by a legal father ~~as defined under~~  
286 ~~paragraph (6) of Code Section 19-8-1 or for any man who has executed a voluntary~~  
287 ~~acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1.~~

288 (E) The pre-birth surrender may be executed at any time after the biological mother  
289 executes a sworn statement identifying such ~~person~~ individual as an alleged biological  
290 father of the biological mother's unborn child meeting the requirements of subsection  
291 (m) of Code Section 19-8-26.

292 (F) The pre-birth surrender shall meet the requirements of subsection (f) of Code  
293 Section 19-8-26 and shall be signed under oath and in the presence of a notary public  
294 and an adult witness.

295 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders  
296 those rights by also signing an acknowledgment meeting the requirements of subsection (g)  
297 of Code Section 19-8-26. Such acknowledgment shall be signed under oath and in the  
298 presence of a notary public and an adult witness.

299 (g)(1) ~~A Whenever the~~ legal mother who surrenders her parental rights pursuant to this  
300 Code section, ~~she~~ shall execute an affidavit meeting the requirements of subsection (h)  
301 of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence  
302 of a notary public.

303 (2) A legal mother who is the adoptive mother of the child and who surrenders her  
304 parental rights pursuant to this Code section shall execute an affidavit meeting the  
305 requirements of subsection (i) of Code Section 19-8-26. Such affidavit shall be signed  
306 under oath and in the presence of a notary public.

307 (h) Whenever rights are surrendered pursuant to this Code section, the representative of  
308 each petitioner or the representative of the individual signing such surrender shall execute  
309 an affidavit meeting the requirements of subsection (k) of Code Section 19-8-26. Such  
310 affidavit shall be signed under oath and in the presence of a notary public.

311 (i) A surrender of rights pursuant to this Code section may be given by any parent or  
312 biological father who is not ~~the~~ a legal father of the child ~~sought to be adopted~~ irrespective  
313 regardless of whether such ~~parent or biological father has arrived at the age of majority.~~  
314 The individual is a citizen of the United States, a resident of this state, or has reached the

315 age of 18 years. Such surrender given by ~~any such minor~~ such individual shall be binding  
 316 upon him or her as if the individual were in all respects sui juris and shall include a consent  
 317 to the jurisdiction of the courts of this state for any action filed under this article. Such  
 318 surrender shall state that such individual agrees to be bound by a decree of adoption.

319 ~~(j) A copy of each surrender specified in subsection (a) of this Code section, together with~~  
 320 ~~a copy of the acknowledgment specified in subsection (f) of this Code section and a copy~~  
 321 ~~of the affidavits specified in subsections (g) and (h) of this Code section and the name and~~  
 322 ~~address of each person to whom the child is surrendered, shall be mailed, by registered or~~  
 323 ~~certified mail or statutory overnight delivery, return receipt requested, to the~~

324 ~~Office of Adoptions~~

325 ~~Georgia Department of Human Services~~

326 ~~Atlanta, Georgia~~

327 ~~within 15 days from the execution thereof. Upon receipt of the copy the department may~~  
 328 ~~commence its investigation as required in Code Section 19-8-16.~~

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

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

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

343 (3) If the ~~legal~~ parent or guardian is not designated and no child-placing agency or  
 344 out-of-state licensed agency is designated in the surrender of rights, or if the designated  
 345 child-placing agency or out-of-state licensed agency declines to accept the child for  
 346 placement for adoption, in favor of the department for placement for adoption pursuant  
 347 to subsection (a) of Code Section 19-8-4. ~~The court may waive the 60 day time period~~  
 348 ~~for filing the petition for excusable neglect.~~

349 ~~(h)(k)~~ In any surrender of rights pursuant to this Code section, ~~the provisions of Chapter~~  
 350 4 of Title 39, relating to the Interstate Compact on the Placement of Children, if applicable,  
 351 shall be complied with.

352 ~~(m)~~(l) If the home study for a third-party adoption has not occurred prior to the date of  
 353 placement, then the third party shall, ~~at the time of the filing of~~ within the petition for  
 354 adoption ~~or in a separate motion, file a motion with the court seeking~~ seek an order  
 355 authorizing placement of such child prior to the completion of the home study. Such  
 356 petition or such motion shall identify the evaluator that the petitioner has selected to  
 357 perform the home study. The court may waive the requirement of a preplacement home  
 358 study in cases when a child ~~to be adopted~~ already resides in the prospective adoptive home  
 359 either as a child of one of the residents of such home or pursuant to a court order of  
 360 guardianship, testamentary guardianship, or custody.

361 ~~(n)~~(m) The court may ~~grant the motion for~~ authorize the placement prior to the completion  
 362 of a home study if the court finds that such placement is in the best ~~interest~~ interests of the  
 363 child.

364 ~~(o)~~(n) If the court ~~grants the motion for~~ authorizes the placement prior to the completion  
 365 of a home study ~~and authorizes placement of a child prior to the completion of the home~~  
 366 ~~study, then:~~

367 (1) Such child shall be permitted to remain in the home of the third party with whom the  
 368 parent or guardian placed such child pending further order of the court;

369 (2) A copy of the order authorizing placement of such child prior to the completion of  
 370 the home study shall be delivered to the department and the evaluator selected to perform  
 371 the home study by the clerk of the court within 15 days of the date of the entry of such  
 372 order; and

373 (3) The home study, if not already in process, shall be initiated by the evaluator selected  
 374 by the petitioner or appointed by the court within ten days of such evaluator's receipt of  
 375 the court's order.

376 (o) A biological father or a legal father who signs a surrender of rights may execute an  
 377 affidavit regarding his Native American heritage and military service meeting the  
 378 requirements of subsection (n) of Code Section 19-8-26. Such affidavit shall be signed  
 379 under oath and in the presence of a notary public.

380 19-8-6.

381 ~~(a) Except as otherwise authorized in this chapter:~~

382 (a)(1) A child whose legal father and legal mother are both living but are not still married  
 383 to each other may be adopted by the spouse of either parent only when the other parent  
 384 voluntarily and in writing surrenders all of his or her rights to the child to that spouse for  
 385 the purpose of enabling that spouse to adopt the child and the other parent consents to the  
 386 adoption and, ~~where~~ when there is any guardian of that child, each such guardian has

387 voluntarily and in writing surrendered to such spouse all of his or her rights to the child  
 388 for ~~purposes~~ the purpose of such adoption; ~~or~~.

389 (2) A child who has only one parent still living may be adopted by the spouse of that  
 390 parent only if that parent consents to the adoption and, ~~where~~ when there is any guardian  
 391 of that child, each such guardian has voluntarily and in writing surrendered to such  
 392 spouse all of his or her rights to the child for the purpose of such adoption.

393 (b) In the case of a child 14 years of age or older, the written consent of the child to his or  
 394 her adoption ~~must~~ shall be given and acknowledged in the presence of the court.

395 (c) The surrender of rights specified in this Code section shall be executed; following the  
 396 birth of the child; under oath and in the presence of a notary public and an adult witness.  
 397 A copy of the surrender shall be ~~delivered~~ provided to the individual signing the surrender  
 398 at the time of the execution thereof.

399 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall  
 400 have the right to ~~withdraw the surrender~~ revoke such surrender within four days as  
 401 provided in subsection ~~(b)~~ (a) of Code Section 19-8-9.

402 (e)(1) The surrender of rights by a parent or guardian specified in subsection (a) of this  
 403 Code section shall meet the requirements of subsection (e) of Code Section 19-8-26.  
 404 Such surrender shall be signed under oath and in the presence of a notary public and an  
 405 adult witness.

406 (2) A ~~The~~ biological father who is not ~~the~~ a legal father of a child may surrender all his  
 407 rights to the child for purposes of an adoption pursuant to this Code section. Such ~~That~~  
 408 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26. Such  
 409 surrender shall be signed under oath and in the presence of a notary public and an adult  
 410 witness.

411 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders  
 412 those rights by also signing an acknowledgment meeting the requirements of subsection (g)  
 413 of Code Section 19-8-26. Such acknowledgment shall be signed under oath and in the  
 414 presence of a notary public and an adult witness.

415 (g)(1) A ~~Whenever the~~ legal mother who surrenders her parental rights or consents to the  
 416 adoption of her child by her spouse pursuant to this Code section; ~~she~~ shall execute an  
 417 affidavit meeting the requirements of subsection (h) of Code Section 19-8-26. Such  
 418 affidavit shall be signed under oath and in the presence of a notary public.

419 (2) A legal mother who is the adoptive mother of the child and who surrenders her  
 420 parental rights pursuant to this Code section shall execute an affidavit meeting the  
 421 requirements of subsection (i) of Code Section 19-8-26. Such affidavit shall be signed  
 422 under oath and in the presence of a notary public.

423 (h) Whenever rights are surrendered pursuant to this Code section, the representative of  
 424 each petitioner or the representative of the individual signing such surrender shall execute  
 425 an affidavit meeting the requirements of subsection (k) of Code Section 19-8-26. Such  
 426 affidavit shall be signed under oath and in the presence of a notary public.

427 (i) A surrender of rights or consent pursuant to this Code section may be given by any  
 428 parent or biological father who is not ~~the a~~ legal father of the child ~~sought to be adopted~~  
 429 ~~irrespective regardless~~ of whether such ~~parent or biological father has arrived at the age of~~  
 430 ~~majority. The surrender given by any such minor~~ individual is a citizen of the United  
 431 States, a resident of this state, or has reached the age of 18 years. Such surrender or  
 432 consent given by such individual shall be binding upon him or her as if the individual were  
 433 in all respects sui juris and shall include a consent to the jurisdiction of the courts of this  
 434 state for any action filed under this article. Such surrender shall state that such individual  
 435 agrees to be bound by a decree of adoption.

436 (j) The parental consent by the spouse of a stepparent seeking to adopt a child of that  
 437 spouse and required by subsection (a) of this Code section shall ~~be as provided in~~ meet the  
 438 requirements of subsection (l) of Code Section 19-8-26. Such consent shall be signed  
 439 under oath and in the presence of a notary public.

440 (k) A biological father or a legal father who signs a surrender of rights may execute an  
 441 affidavit regarding his Native American heritage and military service meeting the  
 442 requirements of subsection (n) of Code Section 19-8-26. Such affidavit shall be signed  
 443 under oath and in the presence of a notary public.

444 19-8-7.

445 (a) A child ~~Except as otherwise authorized in this Code section, a child who has any living~~  
 446 ~~parent or guardian~~ may be adopted by a relative who is related by blood or marriage to the  
 447 child as a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, or sibling  
 448 only if each ~~such~~ living parent and ~~each such~~ guardian of such child has voluntarily and in  
 449 writing surrendered to that relative and any spouse of such relative all of his or her rights  
 450 to the child for the purpose of enabling that relative and any such spouse to adopt the child.

451 (b) In the case of a child 14 years of age or older, the written consent of the child to his or  
 452 her adoption ~~must~~ shall be given and acknowledged in the presence of the court.

453 (c) The surrender of rights specified in paragraphs (1) and (2) of subsection (e) of this  
 454 Code section shall be executed following the birth of the child, and the pre-birth surrender  
 455 specified in paragraph (3) of subsection (e) of this Code section shall be executed prior to  
 456 the birth of the child. Each surrender shall be executed under oath and in the presence of  
 457 a notary public and an adult witness. A copy of the surrender shall be delivered provided  
 458 to the individual signing the surrender at the time of the execution thereof.

459 (d) ~~An individual~~ ~~A person~~ signing a surrender of rights pursuant to this Code section shall  
 460 have the right to ~~withdraw the surrender~~ revoke such surrender within four days as  
 461 provided in subsection ~~(b)~~ (a) of Code Section 19-8-9.

462 (e)(1) The surrender of rights by a parent or guardian specified in subsection (a) of this  
 463 Code section shall meet the requirements of subsection (e) of Code Section 19-8-26.  
 464 Such surrender shall be signed under oath and in the presence of a notary public and an  
 465 adult witness.

466 (2) ~~A~~ ~~The~~ biological father who is not ~~the~~ a legal father of the child may surrender all his  
 467 rights to the child for purposes of an adoption pursuant to this Code section. Such ~~That~~  
 468 surrender shall meet the requirements of subsection (d) of Code Section 19-8-26. Such  
 469 surrender shall be signed under oath and in the presence of a notary public and an adult  
 470 witness.

471 (3)(A) ~~A~~ ~~The~~ biological father who is not ~~the~~ a legal father of a child may execute a  
 472 surrender of his rights to the child prior to the birth of the child for the purpose of an  
 473 adoption pursuant to this Code section. A pre-birth surrender, ~~when signed under oath~~  
 474 ~~by the alleged biological father,~~ shall serve to relinquish ~~the~~ an alleged biological  
 475 father's rights to the child and to waive ~~the~~ an alleged biological father's right to notice  
 476 of any proceeding with respect to the child's adoption, custody, or guardianship. The  
 477 court in any adoption proceeding shall have jurisdiction to enter a final order of  
 478 adoption of the child based upon the pre-birth surrender and in other proceedings to  
 479 determine the child's legal custody or guardianship shall have jurisdiction to enter an  
 480 order for those purposes.

481 (B) The rights and responsibilities of an alleged biological father ~~are~~ shall be  
 482 permanently terminated only upon an order from a court of competent jurisdiction  
 483 terminating such rights or the entry of a final order of adoption. ~~An individual~~ ~~A person~~  
 484 executing a pre-birth surrender pursuant to this Code section shall have the right to  
 485 ~~withdraw the~~ revoke such surrender within ~~ten~~ four days from the date of execution  
 486 thereof, notwithstanding the date of birth of the child.

487 (C) If a final order of adoption is not entered after the execution of a pre-birth  
 488 surrender and paternity is established by acknowledgment, by administrative order, or  
 489 by judicial order, then ~~the~~ an alleged biological father shall be responsible for child  
 490 support or other financial obligations to the child or to ~~the child's~~ a legal mother, or to  
 491 both.

492 (D) The pre-birth surrender shall not be valid for use by a legal father ~~as defined under~~  
 493 ~~paragraph (6) of Code Section 19-8-1 or for any man who has executed a voluntary~~  
 494 ~~acknowledgment of paternity pursuant to the provisions of Code Section 19-7-46.1.~~

495 (E) The pre-birth surrender may be executed at any time after the biological mother  
 496 executes a sworn statement identifying such ~~person~~ individual as an alleged biological  
 497 father of the biological mother's unborn child meeting the requirements of  
 498 subsection (m) of Code Section 19-8-26.

499 (F) The pre-birth surrender shall meet the requirements of subsection (f) of Code  
 500 Section 19-8-26 and shall be signed under oath and in the presence of a notary public  
 501 and an adult witness.

502 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders  
 503 those rights by also signing an acknowledgment meeting the requirements of subsection  
 504 (g) of Code Section 19-8-26. Such acknowledgment shall be signed under oath and in the  
 505 presence of a notary public and an adult witness.

506 (g)(1) ~~A Whenever the~~ legal mother who surrenders her parental rights pursuant to this  
 507 Code section, ~~she~~ shall execute an affidavit meeting the requirements of subsection (h)  
 508 of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence  
 509 of a notary public.

510 (2) A legal mother who is the adoptive mother of the child and who surrenders her  
 511 parental rights pursuant to this Code section shall execute an affidavit meeting the  
 512 requirements of subsection (i) of Code Section 19-8-26. Such affidavit shall be signed  
 513 under oath and in the presence of a notary public.

514 (h) Whenever rights are surrendered pursuant to this Code section, the representative of  
 515 each petitioner or the representative of the individual signing such surrender shall execute  
 516 an affidavit meeting the requirements of subsection (k) of Code Section 19-8-26. Such  
 517 affidavit shall be signed under oath and in the presence of a notary public.

518 (i) A surrender of rights pursuant to this Code section may be given by any parent or  
 519 biological father who is not ~~the~~ a legal father of the child ~~sought to be adopted irrespective~~  
 520 regardless of whether such ~~parent or biological father has arrived at the age of majority.~~  
 521 The individual is a citizen of the United States, a resident of this state, or has reached the  
 522 age of 18 years. Such surrender given by any such minor such individual shall be binding  
 523 upon him or her as if the individual were in all respects sui juris and shall include a consent  
 524 to the jurisdiction of the courts of this state for any action filed under this article. Such  
 525 surrender shall state that such individual agrees to be bound by a decree of adoption.

526 (j) In any surrender of rights pursuant to this Code section, Chapter 4 of Title 39, relating  
 527 to the Interstate Compact on the Placement of Children, if applicable, shall be complied  
 528 with.

529 (k) A biological father or a legal father who signs a surrender of rights may execute an  
 530 affidavit regarding his Native American heritage and military service meeting the

531 requirements of subsection (n) of Code Section 19-8-26. Such affidavit shall be signed  
532 under oath and in the presence of a notary public.

533 19-8-8.

534 ~~A child may be adopted pursuant to the provisions of this chapter based upon:~~

535 ~~(1) A decree which has been entered pursuant to due process of law by a court of~~  
536 ~~competent jurisdiction outside the United States establishing the relationship of parent~~  
537 ~~and child by adoption between each petitioner and a child born in such foreign country;~~  
538 ~~and~~

539 ~~(2) The child's having been granted a valid visa by the United States Immigration and~~  
540 ~~Naturalization Service.~~

541 (a)(1) A child, who was born in a country other than the United States and for whom a  
542 decree or order of adoption has been entered pursuant to due process of law by a court  
543 of competent jurisdiction or an administrative proceeding in the country of the child's  
544 birth or the country in which the child habitually resided immediately prior to coming to  
545 the United States establishing the relationship of parent and child by adoption between  
546 each petitioner named in the foreign decree or order of adoption and the child according  
547 to the law of such foreign country, shall be eligible to have his or her adoption  
548 domesticated under this subsection if a consular officer of the United States Department  
549 of State has issued and affixed in the child's passport an immediate relative immigrant  
550 visa or Hague Convention immigrant visa.

551 (2) Evidence of the issuance of an immediate relative immigrant visa or Hague  
552 Convention immigrant visa by the United States Department of State in the child's  
553 passport shall be prima-facie evidence that all parental rights have been terminated, that  
554 the child was legally available for adoption by each petitioner named in the foreign  
555 decree or order of adoption, that the adoption of the child by each petitioner named in the  
556 foreign decree or order of adoption was in the child's best interests, and that the child's  
557 adoption by each petitioner named in the foreign decree or order of adoption was  
558 finalized in full compliance with the laws of the foreign country and the court need not  
559 make any inquiry into those proceedings but shall domesticate the foreign decree or order  
560 of adoption hereunder and issue a final decree of adoption pursuant to subsection (c) of  
561 Code Section 19-8-18.

562 (3) A child who qualifies for domestication of his or her foreign adoption under this  
563 subsection and whose adoption was full and final prior to entering the United States shall,  
564 upon entry of a final decree of domestication of adoption by the court, be entitled to have  
565 a Certificate of Foreign Birth issued to him or her by the State Office of Vital Records



566 of the Georgia Department of Public Health pursuant to paragraph (2) of subsection (f)  
 567 of Code Section 31-10-13.

568 (b)(1) A child, who was born in a country other than the United States and for whom a  
 569 decree or order of guardianship has been entered pursuant to due process of law by a  
 570 court of competent jurisdiction or an administrative proceeding in the country of the  
 571 child's birth or the country in which the child habitually resided immediately prior to  
 572 coming to the United States terminating the parental rights of both of his or her parents  
 573 and establishing a guardian-ward relationship between each petitioner named in the  
 574 foreign decree or order of guardianship and the child according to the law of such foreign  
 575 country, shall be eligible to be adopted pursuant to this subsection if a consular officer  
 576 of the United States Department of State has issued and affixed in the child's passport an  
 577 immediate relative immigrant visa or Hague Convention immigrant visa.

578 (2)(A) Evidence of the issuance of an immediate relative immigrant visa or Hague  
 579 Convention immigrant visa by the United States Department of State in the child's  
 580 passport shall be prima-facie evidence that all parental rights have been terminated, that  
 581 the child is legally available for adoption by each petitioner named in the foreign decree  
 582 or order of guardianship, and that the guardian-ward relationship between each  
 583 petitioner named in the foreign decree or order of guardianship and the child was  
 584 granted in full compliance with the laws of the foreign country and the court need not  
 585 make any inquiry into those proceedings but shall be authorized to finalize the child's  
 586 adoption as provided in this subsection.

587 (B) Notwithstanding subparagraph (A) of this paragraph, when the foreign decree or  
 588 order of guardianship requires specific postplacement supervision, the court shall not  
 589 be authorized to finalize such child's adoption as provided in this subsection until the  
 590 petitioner provides documentation of formal evidence that the conditions of the foreign  
 591 decree or order of guardianship have been satisfied.

592 (3) Once a child's adoption is granted pursuant to this subsection, he or she shall be  
 593 entitled to have a Certificate of Foreign Birth issued to him or her by the State Office of  
 594 Vital Records of the Georgia Department of Public Health pursuant to paragraph (2) of  
 595 subsection (f) of Code Section 31-10-13.

596 (c) The court shall have authority to change a child's date of birth from that shown on the  
 597 child's original birth certificate and as reflected in the child's passport upon presentation by  
 598 a preponderance of evidence of a more accurate date of birth.

599 19-8-9.

600 ~~(a) In those cases where the legal mother of the child being placed for adoption has herself~~  
 601 ~~previously adopted such child, said adoptive mother shall execute, in lieu of the affidavit~~

602 ~~specified in subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, an affidavit~~  
 603 ~~meeting the requirements of subsection (i) of Code Section 19-8-26.~~

604 ~~(b)(a) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the use~~  
 605 ~~of certified mail, an individual~~ A person signing a surrender of rights pursuant to Code  
 606 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall have the right to ~~withdraw the~~ revoke such  
 607 surrender by written notice delivered in person or mailed by registered mail or statutory  
 608 overnight delivery within ~~ten~~ four days after signing such surrender; and ~~the~~ such surrender  
 609 document shall not be valid unless it so states. The ~~ten-day~~ four-day revocation period  
 610 shall be counted consecutively beginning with the day immediately following the date the  
 611 surrender of rights is executed; ~~provided, however, that, if the tenth~~ fourth day falls on a  
 612 Saturday, Sunday, or legal holiday, then the last day on which ~~the~~ such surrender may be  
 613 ~~withdrawn~~ revoked shall be the next day that is not a Saturday, Sunday, or legal holiday.  
 614 ~~After ten days, a surrender may not be withdrawn. The~~ the four-day period, a surrender of  
 615 rights cannot be revoked. Notwithstanding subsection (a) of Code Section 9-10-12 which  
 616 authorizes the use of certified mail, the notice of withdrawal of revocation of a surrender  
 617 of rights shall be delivered in person or mailed by registered mail or statutory overnight  
 618 delivery to the address designated in the surrender document. If delivered in person, it  
 619 shall be delivered to the address shown in the surrender document not later than 5:00 P.M.  
 620 eastern standard time or eastern daylight time, whichever is applicable, on the fourth day.  
 621 ~~(c)(b) If a legal mother has voluntarily and in writing surrendered all of her parental rights~~  
 622 ~~pursuant to the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or~~  
 623 ~~19-8-7 and has not withdrawn~~ revoked her surrender within the ~~ten-day~~ four-day period  
 624 after signing as permitted by ~~the provisions of subsection (b)~~ subsection (a) of this Code  
 625 section, she shall have no right or authority to sign a voluntary acknowledgment of  
 626 paternity pursuant to ~~the provisions of Code Section 19-7-46.1~~ or consent to the granting  
 627 of a petition for legitimation filed pursuant to Code Section 19-7-22 regarding the same  
 628 child.

629 19-8-10.

630 (a) Surrender or termination of rights of a living parent pursuant to ~~subsection (a)~~ of Code  
 631 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall not be required as a prerequisite to the ~~filing~~  
 632 granting of a petition for adoption of a child of ~~that~~ such living parent pursuant to Code  
 633 Section 19-8-13 when the court determines by clear and convincing evidence that the:

- 634 (1) Child has been abandoned by that parent;
- 635 (2) Parent cannot be found after a diligent search has been made;
- 636 (3) Parent is insane or otherwise incapacitated from surrendering such rights;

637 (4) Parent caused his child to be conceived as a result of having nonconsensual sexual  
 638 intercourse with the biological mother of his child or when the biological mother is less  
 639 than ten years of age; or

640 (5) Parent, without justifiable cause, has failed to exercise proper parental care or control  
 641 due to misconduct or inability, as set out in paragraph (3), (4), or (5) of subsection (a) of  
 642 Code Section 15-11-310,

643 and the court is of the opinion that the adoption is in the best interests of that child, after  
 644 considering the physical, mental, emotional, and moral condition and needs of the child  
 645 who is the subject of the proceeding, including the need for a secure and stable home.

646 (b) A surrender ~~Surrender~~ of rights of a living parent pursuant to ~~subsection (a)~~ of Code  
 647 Section 19-8-6 or 19-8-7 shall not be required as a prerequisite to the filing granting of a  
 648 petition for adoption of a child of ~~that~~ such living parent pursuant to Code Section 19-8-13,  
 649 ~~if that~~ when the court determines by clear and convincing evidence that the parent, for a  
 650 period of one year or longer immediately prior to the filing of the petition for adoption,  
 651 without justifiable cause, has significantly failed:

652 (1) To communicate or to make a bona fide attempt to communicate with that child in  
 653 a meaningful, supportive, parental manner; or

654 (2) To provide for the care and support of that child as required by law or judicial decree,  
 655 and the court is of the opinion that the adoption is ~~for~~ in the best interests of that child, after  
 656 considering the physical, mental, emotional, and moral condition and needs of the child  
 657 who is the subject of the proceeding, including the need for a secure and stable home.

658 (c)(1) Whenever it is alleged by any petitioner that surrender or termination of rights of  
 659 a living parent is not a prerequisite to the filing granting of a petition for adoption of a  
 660 child of ~~that~~ such parent in accordance with subsection (a) or (b) of this Code section, ~~that~~  
 661 such parent shall be personally served with a conformed copy of the adoption petition,  
 662 together with a copy of the court's order thereon specified in Code Section 19-8-14, or,  
 663 if personal service cannot be perfected, notwithstanding subsection (a) of Code Section  
 664 9-10-12 which authorizes the use of certified mail, by registered ~~or certified~~ mail ~~or~~  
 665 ~~statutory overnight delivery~~, return receipt requested, or statutory overnight delivery,  
 666 one-day service not required, at his or her last known address. If service cannot be made  
 667 by ~~either~~ of these methods, that such parent shall be given notice by publication once a  
 668 week for three weeks in the official organ of the county where ~~the~~ such petition has been  
 669 filed and of the county of his or her last known address. In the interest of time,  
 670 publication may be initiated simultaneously with efforts to perfect service personally, by  
 671 registered mail, or by statutory overnight delivery. The court shall continue to have the  
 672 inherent authority to determine the sufficiency of service. A parent who receives  
 673 notification pursuant to this paragraph ~~may~~ shall not be a party to the adoption and shall

674 have no obligation to file an answer, but shall have the right to appear in the pending  
 675 adoption action proceeding and show cause why such parent's rights to the child sought  
 676 to be adopted in that action who is the subject of the proceeding should not be terminated  
 677 by that adoption. Notice shall be deemed to have been received the on the earliest date:

678 ~~(1)~~(A) Personal service is perfected;

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

681 ~~(3)~~(C) Of the last publication.

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

686 (d) Consistent with the requirement of paragraph (7) of subsection (a) of Code Section  
 687 19-8-13, when the petitioner is seeking to involuntarily terminate the rights of a parent as  
 688 a prerequisite to the granting of the petition for adoption, the petitioner shall, in lieu of  
 689 obtaining and attaching those otherwise required surrenders of rights, acknowledgments,  
 690 and affidavits, allege facts in the petition seeking to involuntarily terminate parental rights  
 691 that demonstrate the applicability of the grounds set forth in subsection (a) or (b), or both,  
 692 of this Code section and shall also allege compliance with subsection (c) of this Code  
 693 section.

694 19-8-11.

695 (a)(1) In those cases ~~where~~ when the department, ~~or a child-placing agency, or an~~  
 696 out-of-state licensed agency has ~~either~~ obtained:

697 ~~(A) The~~ the voluntary written surrender of all parental rights from one of the parents  
 698 or the guardian of a child; or

699 ~~(B) An order of~~ has obtained an order from a court of competent jurisdiction  
 700 terminating all of the rights of one of the parents or the guardian of a child,

701 ~~the~~ such department, ~~or child-placing agency, or out-of-state licensed agency~~ may in  
 702 contemplation of the placement of such child for adoption petition the superior court of  
 703 the county ~~where the child resides~~ of the child's domicile, of the county where the child  
 704 was born, of the county in which is located the principal office of the child-placing  
 705 agency having legal custody of the child, or of the county in which is located the office  
 706 of the department having legal custody of the child to terminate the parental rights of the  
 707 remaining parent pursuant to this Code section.

708 (2) In those cases ~~where a person~~ when a child has been placed in compliance with  
 709 Chapter 4 of Title 39, and the individual who is the resident of another state has obtained

710 the voluntary written surrender of all parental rights from one of the parents or the  
 711 guardian of a child, each such ~~person~~ individual to whom the child has been surrendered  
 712 may in contemplation of the adoption of such child in such other state petition the  
 713 superior court of the county where the child ~~resides~~ was born or of Fulton County to  
 714 terminate the parental rights of the remaining parent pursuant to this Code section.

715 (3)(A) Parental rights may be terminated pursuant to paragraph (1) or (2) of this  
 716 subsection when the court determines by clear and convincing evidence that the:

717 ~~(A)~~(i) Child has been abandoned by that parent;

718 ~~(B)~~(ii) Parent of the child cannot be found after a diligent search has been made;

719 ~~(C)~~(iii) Parent is insane or otherwise incapacitated from surrendering such rights;

720 ~~(D)~~(iv) Parent caused his child to be conceived as a result of having nonconsensual  
 721 sexual intercourse with the biological mother of his child or when the biological  
 722 mother is less than ten years of age; or

723 ~~(E)~~(v) Parent, without justifiable cause, has failed to exercise proper parental care or  
 724 control due to misconduct or inability, as set out in paragraph (3), (4), or (5) of  
 725 subsection (a) of Code Section 15-11-310, ~~and the court.~~

726 (B) If the court determines that a circumstance described in subparagraph (A) of this  
 727 paragraph has been met, it shall set the matter down to be heard in chambers not less  
 728 than 30 and not more than 60 days following the receipt by such remaining parent of  
 729 the notice under subsection (b) of this Code section and shall enter an order terminating  
 730 such parental rights if it so finds and if it is of the opinion that adoption is in the best  
 731 interests of the child, after considering the physical, mental, emotional, and moral  
 732 condition and needs of the child who is the subject of the proceeding, including the  
 733 need for a secure and stable home.

734 (b)(1) Whenever a petition to terminate parental rights is filed pursuant to subsection (a)  
 735 of this Code section, the parent whose rights the petitioner is seeking to terminate shall  
 736 be personally served with a conformed copy of the petition; to terminate parental rights  
 737 and a copy of the court's order setting forth the date upon which ~~the~~ such petition shall  
 738 be considered or, if personal service cannot be perfected, notwithstanding subsection (a)  
 739 of Code Section 9-10-12 which authorizes the use of certified mail, by registered ~~or~~  
 740 ~~certified~~ mail ~~or statutory overnight delivery~~, return receipt requested, or statutory  
 741 overnight delivery, one-day service not required, at his or her last known address. If  
 742 service cannot be made by ~~either of~~ these methods, ~~that~~ such parent shall be given notice  
 743 by publication once a week for three weeks in the official organ of the county where ~~the~~  
 744 such petition has been filed and of the county of his or her last known address. In the  
 745 interest of time, publication may be initiated simultaneously with efforts to perfect  
 746 service personally, by registered mail, or by statutory overnight delivery. The court shall

747 continue to have the inherent authority to determine the sufficiency of service. A parent  
 748 who receives notification pursuant to this ~~subsection~~ paragraph shall not be  
 749 a party to the adoption and shall have no obligation to file an answer, but shall have the  
 750 right to appear in the pending termination of parental rights proceeding and show cause  
 751 why such parent's rights to the child ~~sought to be placed for adoption~~ who is the subject  
 752 of the proceeding should not be terminated. Notice shall be deemed to have been  
 753 received ~~the~~ on the earliest date:

754 ~~(1)~~(A) Personal service is perfected;

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

757 ~~(3)~~(C) Of the last publication.

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

762 19-8-12.

763 (a) The General Assembly finds that:

764 (1) The state has a compelling interest in promptly providing stable and permanent  
 765 homes for adoptive children, and in preventing the disruption of adoptive placements;

766 (2) Adoptive children have a right to permanence and stability in adoptive placements;

767 (3) Adoptive parents have a constitutionally protected liberty and privacy interest in  
 768 retaining custody of children placed with them for adoption;

769 (4) A biological father who is not ~~the~~ a legal father may have an interest in his biological  
 770 child. This inchoate interest is lost by failure to develop a familial bond with the child  
 771 and acquires constitutional protection only if ~~the~~ a biological father who is not ~~the~~ a legal  
 772 father develops a familial bond with the child;

773 (5) The subjective intent of a biological father who is not a legal father, whether  
 774 expressed or otherwise, unsupported by evidence of acts manifesting such intent, shall  
 775 not preclude a determination that ~~the~~ a biological father who is not a legal father has  
 776 failed to develop a familial bond with the child; and

777 (6) A man who has engaged in a nonmarital sexual relationship with a woman is deemed  
 778 to be on notice that a pregnancy and adoption proceeding regarding a child may occur  
 779 and has a duty to protect his own rights and interests in that child. He is therefore entitled  
 780 to notice of an adoption proceeding only as provided in this Code section.

781 (b) If there is a biological father who is not ~~the~~ a legal father of a child and he has not  
 782 executed a surrender of rights as specified in paragraph (2) of subsection (e) of Code

783 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 or paragraph (3) of subsection (e) of Code  
 784 Section 19-8-4, 19-8-5, or 19-8-7, he shall be notified of adoption proceedings regarding  
 785 the child in the following circumstances:

786 (1) If his identity is known to the petitioner, department, ~~or licensed child-placing~~  
 787 ~~agency, or out-of-state licensed agency~~ or to the attorney for ~~the petitioner, department,~~  
 788 ~~or licensed child-placing agency~~ such individual or entity;

789 (2) If he is a registrant on the putative father registry who has acknowledged paternity  
 790 of the child in accordance with subparagraph (d)(2)(A) of Code Section 19-11-9; or

791 (3) If he is a registrant on the putative father registry who has indicated possible paternity  
 792 of ~~a child of the child's mother~~ the child during a period beginning two years immediately  
 793 prior to the child's date of birth in accordance with subparagraph (d)(2)(B) of Code  
 794 Section 19-11-9; ~~or~~

795 ~~(4) If the court finds from the evidence, including but not limited to the affidavit of the~~  
 796 ~~mother specified in subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 in~~  
 797 ~~the form provided in subsection (h) of Code Section 19-8-26, that such biological father~~  
 798 ~~who is not the legal father has performed any of the following acts:~~

799 ~~(A) Lived with the child;~~

800 ~~(B) Contributed to the child's support;~~

801 ~~(C) Made any attempt to legitimize the child; or~~

802 ~~(D) Provided support or medical care for the mother either during her pregnancy or~~  
 803 ~~during her hospitalization for the birth of the child.~~

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

806 ~~(1)(A) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the~~  
 807 ~~use of certified mail, registered mail Registered or certified mail or statutory overnight~~  
 808 ~~delivery, return receipt requested, or statutory overnight delivery, one-day service not~~  
 809 ~~required, at his last known address, which notice shall be deemed received upon the~~  
 810 ~~date of delivery shown on the return or delivery receipt;~~

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

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

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

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

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

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

842 (3) ~~When~~ Where a petition or motion is filed pursuant to paragraph (1) or (2) of this  
 843 subsection, the court shall, within 30 days from the date of receipt of the notice required  
 844 by subsection (b) of this Code section or, when no notice is required to be given, from the  
 845 date of such filing, conduct a hearing in chambers to determine the facts in the matter.  
 846 ~~The court shall be authorized to consider the affidavit of the mother specified in~~  
 847 ~~subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as applicable, in making~~  
 848 ~~its determination pursuant to this paragraph. If the court finds from the evidence that~~  
 849 ~~such biological father has not performed any of the following acts:~~

850 ~~(A) Lived with the child;~~

851 ~~(B) Contributed to the child's support;~~

852 ~~(C) Made any attempt to legitimate the child; or~~

853 ~~(D) Provided support or medical care for the mother, either during her pregnancy or~~  
 854 ~~during her hospitalization for the birth of the child, and~~

855 (4) Unless the identity of a biological father is known to the petitioner, department,  
 856 child-placing agency, or out-of-state licensed agency or to the attorney for such



857 individual or entity such that he is entitled to notice of the proceedings as provided in this  
 858 Code section, when the petitioner provides a certificate ~~as of the date of the petition or~~  
 859 ~~the motion, as the case may be,~~ from the putative father registry stating that there is no  
 860 entry registrant identified on the putative father registry ~~either~~ acknowledging paternity  
 861 of the child or indicating possible paternity of ~~a child of the child's mother~~ the child for  
 862 a period beginning no later than two years immediately prior to the child's date of birth,  
 863 then it shall be rebuttably presumed that ~~the~~ an unnamed biological father who is not ~~the~~  
 864 a legal father is not entitled to notice of the proceedings. Absent evidence rebutting the  
 865 presumption, then no further inquiry or notice shall be required by the court and the court  
 866 shall enter an order terminating the rights of such unnamed biological father to the child.

867 (e) When notice is to be given pursuant to subsection (b) of this Code section, it shall  
 868 advise such biological father who is not ~~the~~ a legal father that he loses all rights to the child  
 869 and will neither receive notice nor be entitled to object to the adoption of the child unless,  
 870 within 30 days of receipt of such notice, he files:

871 (1) A petition to legitimate the child pursuant to Code Section 19-7-22 as a separate civil  
 872 action; and

873 (2) Notice of the filing of the petition to legitimate with the court in which the action  
 874 under this Code section, if any, is pending; and

875 (3) Notice of the filing of the petition to legitimate to the person or agency who provided  
 876 such notice to such biological father.

877 (f) A biological father who is not ~~the~~ a legal father ~~loses~~ shall lose all rights to the child  
 878 and the court shall enter an order terminating all ~~such father's~~ of his rights to the child and  
 879 ~~such father may~~ he shall not thereafter be allowed to object to the adoption and ~~is not~~ shall  
 880 not be entitled to receive further notice of the adoption if, within 30 days from his receipt  
 881 of the notice provided for in subsection (b) of this Code section, he:

882 (1) Does not file a legitimation petition and give notice as required in subsection (e) of  
 883 this Code section;

884 (2) Files a legitimation petition which is subsequently dismissed for failure to prosecute;  
 885 or

886 (3) Files a legitimation petition and the action is subsequently concluded without a court  
 887 order granting such petition and declaring ~~a finding~~ that he is ~~the~~ a legal father of the  
 888 child.

889 (g) If an alleged biological father who is not a legal father files a legitimation petition after  
 890 the mother of such child has surrendered her parental rights, the court shall be authorized  
 891 to consider the affidavit of the mother specified in subsection (g) of Code Section 19-8-4,  
 892 19-8-5, 19-8-6, or 19-8-7, as applicable. If the court finds from the evidence that such  
 893 biological father has not lived with the child, contributed to the child's support, or provided

894 support or medical care during the mother's pregnancy or hospitalization for the birth of  
 895 such child, there shall be a rebuttable presumption that the biological father abandoned his  
 896 opportunity interest to legitimate such child and may deny his petition for legitimation.  
 897 Such biological father shall not thereafter be allowed to object to the adoption nor be  
 898 entitled to receive further notice of the adoption proceedings.

899 ~~(g)~~(h) If the child is legitimated by his or her biological father, the adoption shall not be  
 900 permitted except as provided in Code Sections 19-8-4 through 19-8-7.

901 ~~(h)~~(i) If the child is legitimated by his or her biological father and in the subsequent  
 902 adoption proceeding the petition for adoption is ~~either withdrawn~~ revoked with prejudice  
 903 or denied by the court, then a ~~surrender of parental rights final release for adoption~~  
 904 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION executed by ~~the~~ a legal  
 905 mother pursuant to ~~the provisions of~~ subsection (a) of Code Section 19-8-4, 19-8-5, or  
 906 19-8-7 shall be dissolved by operation of law and her parental rights shall be restored to  
 907 her. The fact that ~~the~~ a legal mother executed a ~~surrender of parental rights final release~~  
 908 ~~for adoption~~ SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION, now  
 909 dissolved, shall not be admissible as evidence in any proceedings against ~~the~~ a legal mother  
 910 in any proceeding against her.

911 19-8-13.

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

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

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

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

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

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

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

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

- 929 (G) Whether the child has a guardian: and, if so, the name of the guardian and the name  
 930 of the court that appointed such guardian;
- 931 (H) Whether the child has a legal custodian and, if so, the name of the legal custodian  
 932 and the name of the court that appointed such custodian; and
- 933 (I) Whether each petitioner or his or her attorney is aware of any other adoption  
 934 proceeding pending to date, in this or any other state or country, regarding the child  
 935 who is the subject of the proceeding that is not fully disclosed in such petition and  
 936 whether each petitioner or his or her attorney is aware of any individual who has or  
 937 claims to have physical custody of or visitation rights with the child who is the subject  
 938 of the proceeding whose name and address and whose custody or visitation rights are  
 939 not fully disclosed in such petition. Each petitioner and his or her attorney shall have  
 940 a continuing duty to inform the court of any proceeding in this or any other state or  
 941 country that could affect the adoption proceeding or the legal custody of or visitation  
 942 with the child who is the subject of the proceeding;
- 943 (2) ~~Where~~ When the adoption is pursuant to subsection (a) of Code Section 19-8-4, the  
 944 following shall be provided or attached to the petition for adoption or its absence  
 945 explained when the petition for adoption is filed:
- 946 (A) If the adoption is pursuant to:
- 947 (i) Paragraph (1) of such Code section, a copy of the written voluntary surrender of  
 948 rights of each parent or guardian specified in subsection (e) of Code Section 19-8-4  
 949 and a copy of the written acknowledgment of surrender of rights specified in  
 950 subsection (f) of Code Section 19-8-4; or
- 951 (ii) Paragraph (2) of such Code section, a certified copy of the order entered by a  
 952 court of competent jurisdiction terminating parental rights of the parent and  
 953 committing the child to the department, child-placing agency, or out-of-state licensed  
 954 agency;
- 955 (B) A copy of the affidavits specified in subsections (g) and (h) of Code Section  
 956 19-8-4;
- 957 ~~(A)~~(C) An original affidavit from the department or a child-placing agency stating that  
 958 all of the requirements of Code Sections 19-8-4 and 19-8-12 have been complied with  
 959 and that the child is legally available for adoption or, in the case of a placement by an  
 960 out-of-state licensed agency, that the comparable provisions dealing with the  
 961 termination of parental rights of the parents and of a biological father who is not a legal  
 962 father of the child have been complied with under the laws of the state or country in  
 963 which the out-of-state licensed agency is licensed and that the child is legally available  
 964 for adoption thereunder;

- 965 ~~(B)~~(D) The original written consent of the department, child-placing agency, or  
 966 out-of-state licensed agency to the adoption;
- 967 ~~(C)~~(E) Uncertified copies of appropriate certificates or forms verifying the allegations  
 968 contained in such petition as to guardianship of the child, including, but not limited to,  
 969 the marriage of each petitioner, the death of each parent in lieu of a surrender of his or  
 970 her parental rights, and ~~A copy of the appropriate form verifying the allegation of~~  
 971 ~~compliance with the requirements of Chapter 4 of Title 39, relating to the Interstate~~  
 972 ~~Compact on the Placement of Children; and~~
- 973 ~~(D)~~(F) A completed form containing background information regarding the child ~~to be~~  
 974 ~~adopted~~, as required by the adoption unit of the department, or an equivalent medical  
 975 and social history background form;
- 976 (3) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-5, the  
 977 following shall be provided or attached to the petition for adoption or its absence  
 978 explained when the petition for adoption is filed:
- 979 (A) The original written voluntary surrender of rights of each parent, biological father  
 980 who is not a legal father, or guardian specified in subsection (e) of Code Section  
 981 19-8-5;
- 982 (B) The original written acknowledgment of surrender of rights specified in subsection  
 983 (f) of Code Section 19-8-5;
- 984 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-5;
- 985 (D) ~~A copy of the appropriate form verifying the allegation~~ Allegations of compliance  
 986 with Code Section 19-8-12 and the original certification evidencing the search of the  
 987 putative father registry;
- 988 ~~(E) Allegations of compliance with Chapter 4 of Title 39, relating to the Interstate~~  
 989 ~~Compact on the Placement of Children;~~
- 990 ~~(F)~~(E) The original accounting required by subsection (c) of this Code section;
- 991 ~~(G)~~(F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the  
 992 allegations contained in the such petition as to guardianship ~~or custody~~ of the child,  
 993 including, but not limited to, the marriage of each petitioner, the ~~divorce~~ or death of  
 994 each parent ~~of the child~~ in lieu of a surrender of his or her parental rights, and  
 995 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the  
 996 Placement of Children;
- 997 ~~(H)~~(G) A completed form containing background information regarding the child ~~to~~  
 998 ~~be adopted~~, as required by the adoption unit of the department, or an equivalent medical  
 999 and social history background form; and
- 1000 ~~(H)~~(H) A copy of the home study report;

1001 (4) ~~When~~ ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-6, the  
 1002 following shall be provided or attached to the petition for adoption or its absence  
 1003 explained when the petition for adoption is filed:

1004 (A) The original written voluntary surrender of ~~the parent rights of each parent,~~  
 1005 biological father who is not a legal father, or guardian specified in subsection (e) of  
 1006 Code Section 19-8-6;

1007 (B) The original written acknowledgment of surrender of rights specified in subsection  
 1008 (f) of Code Section 19-8-6;

1009 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;

1010 (D) The original consent specified in subsection (j) of Code Section 19-8-6;

1011 (E) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance  
 1012 with Code Section 19-8-12 and the original certification evidencing the search of the  
 1013 putative father registry;

1014 (F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the  
 1015 allegations contained in the such petition as to guardianship of the child ~~sought to be~~  
 1016 ~~adopted, including, but not limited to,~~ the birth of the child ~~sought to be adopted,~~ the  
 1017 marriage of each petitioner, and the ~~divorce or~~ death of each parent ~~of the child sought~~  
 1018 ~~to be adopted;~~ and in lieu of a surrender of his or her parental rights; and

1019 (G) A completed form containing background information regarding the child ~~to be~~  
 1020 ~~adopted,~~ as required by the adoption unit of the department; or an equivalent medical  
 1021 and social history background form;

1022 (5) ~~When~~ ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-7, the  
 1023 following shall be provided or attached to the petition for adoption or its absence  
 1024 explained when the petition for adoption is filed:

1025 (A) The original written voluntary surrender of rights of each parent or biological  
 1026 father who is not a legal father specified in subsection (e) of Code Section 19-8-7;

1027 (B) The original written acknowledgment of surrender of rights specified in subsection  
 1028 (f) of Code Section 19-8-7;

1029 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;

1030 (D) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance  
 1031 with Code Section 19-8-12 and the original certification evidencing the search of the  
 1032 putative father registry;

1033 (E) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying allegations  
 1034 contained in the petition as to guardianship or custody of the child ~~sought to be adopted,~~  
 1035 and the birth of the child ~~sought to be adopted,~~ including but not limited to, the  
 1036 marriage of each petitioner, ~~and the divorce or~~ the death of each parent ~~of the child~~  
 1037 ~~sought to be adopted;~~ and in lieu of a surrender of his or her parental rights, and

1038 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the  
 1039 Placement of Children;

1040 (F) A completed form containing background information regarding the child ~~to be~~  
 1041 ~~adopted~~, as required by the adoption unit of the department, or an equivalent medical  
 1042 and social history background form;

1043 (6)(A) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-8,  
 1044 the following shall be provided or attached or its absence explained to the petition for  
 1045 adoption when the petition for adoption is filed:

1046 ~~(i) A certified copy of the final decree of adoption from the foreign country along~~  
 1047 ~~with a verified English translation. The translator shall provide a statement regarding~~  
 1048 ~~his qualification to render the translation, his complete name, and his current address.~~  
 1049 ~~Should the current address be a temporary one, his permanent address shall also be~~  
 1050 ~~provided;~~

1051 ~~(ii) A verified copy of the visa granting the child entry to the United States;~~

1052 ~~(iii) A certified copy along with a verified translation of the child's amended birth~~  
 1053 ~~certificate or registration showing each petitioner as parent; and~~

1054 ~~(iv) A copy of the home study which was completed for United States Immigration~~  
 1055 ~~and Naturalization Service.~~

1056 (i) A copy of the child's passport page showing an immediate relative immigrant visa  
 1057 or Hague Convention immigrant visa obtained to grant the child entry into the United  
 1058 States as a result of a full and final adoption in the foreign country; and

1059 (ii) A copy along with an English translation of the child's birth certificate or  
 1060 registration.

1061 ~~(B) It is not necessary to file copies of surrenders or termination on any parent or~~  
 1062 ~~biological father who is not the legal father when the petition is filed pursuant to~~  
 1063 ~~paragraph (1) of Code Section 19-8-8.~~

1064 (B) Because the issuance of an immediate relative immigrant visa or Hague  
 1065 Convention immigrant visa by the United States Department of State in the child's  
 1066 passport is prima-facie evidence that all parental rights have been terminated and that  
 1067 the child is legally available for adoption, it shall not be necessary to file any  
 1068 documents related to the surrender or termination of the parental rights of the child's  
 1069 parents or comply with Code Section 19-8-12 regarding the rights of a biological father  
 1070 who is not a legal father when the petition for adoption is filed pursuant to  
 1071 subsection (a) of Code Section 19-8-8.

1072 (C) When the adoption is pursuant to subsection (b) of Code Section 19-8-8, the  
 1073 following shall be provided or attached to the petition for adoption when the petition  
 1074 for adoption is filed:

- 1075 (i) A copy along with an English translation of the final decree or order of  
 1076 guardianship from the foreign country;
- 1077 (ii) Copies of all postplacement reports, if required by the foreign country that  
 1078 entered the guardianship decree or order;
- 1079 (iii) Authorization to proceed with adoption if specifically required by the decree or  
 1080 order entered by the court or administrative agency in the foreign country;
- 1081 (iv) A copy of the child's passport page showing an immediate relative immigrant  
 1082 visa or Hague Convention immigrant visa obtained to grant the child entry into the  
 1083 United States in order to finalize his or her adoption; and
- 1084 (v) A copy along with an English translation of the child's birth certificate or  
 1085 registration;
- 1086 (7) When ~~Where~~ Code Section 19-8-10 is applicable, parental rights need not be  
 1087 surrendered or terminated prior to the filing of the petition for adoption; but any the  
 1088 petitioner shall, in lieu of obtaining and attaching those otherwise required surrenders of  
 1089 rights, acknowledgments, and affidavits, allege facts in the petition for adoption  
 1090 demonstrating the applicability of subsection (a) or (b), or both, of Code Section 19-8-10  
 1091 and shall also allege compliance with subsection (c) of Code Section 19-8-10; and
- 1092 (8) If the petition for adoption is filed in a county other than that of the petitioners'  
 1093 petitioner's residence, the reason therefor ~~must also~~ shall be set forth in the such petition.
- 1094 (b) At the time of filing the petition for adoption, the petitioner shall deposit with the clerk  
 1095 the deposit required by Code Section 9-15-4; the fees shall be those established by Code  
 1096 Sections 15-6-77, ~~and 15-6-77.1, and 15-6-77.2.~~
- 1097 (c) Each petitioner for adoption in any proceeding for the adoption of a minor child  
 1098 pursuant to the provisions of Code Section 19-8-5 shall file with the petition for adoption,  
 1099 in a manner acceptable to the court, a report fully accounting for all disbursements of  
 1100 anything of value made or agreed to be made, directly or indirectly, by, on behalf of, or for  
 1101 the benefit of the petitioner in connection with the adoption, including, but not limited to,  
 1102 any expenses incurred in connection with:
- 1103 (1) The birth of the minor child;
- 1104 (2) Placement of the minor child with the petitioner;
- 1105 (3) Counseling services or legal services for a legal mother;
- 1106 (4) Reasonable expenses for the biological mother as set forth in subparagraph (c)(1)(C)  
 1107 or (c)(1)(D) of Code Section 19-8-24;
- 1108 ~~(3)~~(5) Medical or hospital care received by the biological mother or by the minor child  
 1109 during the such mother's prenatal care and confinement; and

1110 ~~(4)~~(6) Services relating to the adoption or to the placement of the minor child for  
 1111 adoption which were received by or on behalf of the petitioner, either ~~natural~~ biological  
 1112 parent of the minor child, or any other person individual.

1113 (d) Every attorney for a petitioner in any proceeding for the adoption of a minor child  
 1114 pursuant to ~~the provisions of~~ Code Section 19-8-5 shall file, in a manner acceptable to the  
 1115 court, before the decree of adoption is entered, an affidavit detailing all sums paid or  
 1116 promised to that attorney, directly or indirectly, from whatever source, for all services of  
 1117 any nature rendered or to be rendered in connection with the adoption; provided, however,  
 1118 that, if the attorney received or is to receive less than \$500.00, the affidavit need only state  
 1119 that fact.

1120 (e) Any report made under this Code section ~~must~~ shall be signed ~~and verified~~ under oath  
 1121 and in the presence of a notary public by the individual making the report.

1122 (f)(1) As used in this subsection, the term 'family member' shall have the same meaning  
 1123 as set forth in Code Section 19-7-3.

1124 (2) Whenever a ~~petitioner is a blood relative of the child to be adopted and~~ a family  
 1125 member other than the petitioner has visitation rights to ~~the~~ such child granted pursuant  
 1126 to Code Section 19-7-3, the petitioner shall cause a copy of the petition for adoption to  
 1127 be served upon the family member with the visitation rights or upon such person's family  
 1128 member's counsel of record at least 30 days prior to the date upon which the petition for  
 1129 adoption will be considered as such time frames are set forth in Code Section 19-8-14.

1130 (g) Notwithstanding ~~the provisions of~~ Code Sections 19-8-5 and 19-8-7 and this Code  
 1131 section which require obtaining and attaching a written voluntary surrender of rights and  
 1132 acknowledgment thereof and affidavits of ~~the~~ a legal mother and a representative of the  
 1133 petitioner or of the individual signing such surrender, when the adoption is sought under  
 1134 subsection (a) of Code Section 19-8-5 or 19-8-7 following the termination of parental rights  
 1135 and the placement of the child by the juvenile court pursuant to Code Section 15-11-321,  
 1136 obtaining and attaching to the petition for adoption a certified copy of the order terminating  
 1137 parental rights of the parent shall take the place of obtaining and attaching those otherwise  
 1138 required surrenders of rights, acknowledgments, and affidavits.

1139 (h)(1) A petition for adoption regarding a child ~~or children~~ who ~~have~~ has a living  
 1140 biological father who is not ~~the~~ a legal father and who has not surrendered his rights to  
 1141 the child ~~or children~~ shall include a certificate from the putative father registry disclosing  
 1142 the name, address, and social security number of any registrant acknowledging paternity  
 1143 of the child ~~or children~~ pursuant to subparagraph (d)(2)(A) of Code Section 19-11-9 or  
 1144 indicating the possibility of paternity of ~~a child of the child's mother~~ such child pursuant  
 1145 to subparagraph (d)(2)(B) of Code Section 19-11-9 for a period beginning no later than



1146 two years immediately prior to the child's date of birth. Such certificate shall indicate the  
 1147 results of a search of the registry on or after the earliest of the following:

1148 ~~(1)(A)~~ The date of ~~the~~ a legal mother's surrender of parental rights;

1149 ~~(2)(B)~~ The date of entry of the court order terminating ~~the~~ a legal mother's parental  
 1150 rights; or

1151 ~~(3)(C)~~ The date of ~~the~~ a legal mother's consent to adoption pursuant to Code Section  
 1152 19-8-6; ~~or~~

1153 ~~(4) The date of the filing of the petition for adoption, in which case the certificate may~~  
 1154 ~~be filed as an amendment to the petition for adoption.~~

1155 (2) Such certificate shall include a statement that the registry is current as of the earliest  
 1156 date listed in ~~paragraphs (1) through (4)~~ subparagraphs (A) through (D) of paragraph (1)  
 1157 of this subsection, or as of a specified date that is later than the earliest such date.

1158 (3) When a legal mother of the child who is the subject of the proceeding identifies her  
 1159 husband as the biological father of the child and he has executed a surrender of his  
 1160 parental rights in favor of the petitioner, the petitioner shall obtain a certificate from the  
 1161 putative father registry and submit it with the petition for adoption to confirm that no  
 1162 male other than the legal mother's husband has expressed an interest in the child or to  
 1163 identify a registrant other than the legal mother's husband who shall be notified pursuant  
 1164 to Code Section 19-8-12.

1165 (i) Because adoption records are sealed pursuant to subsection (a) of Code Section  
 1166 19-8-23, it shall not be necessary to redact social security numbers, taxpayer identification  
 1167 numbers, financial account numbers, or dates of birth from pleadings and all documents  
 1168 filed therewith that are filed pursuant to this article as they are deemed to be a filing under  
 1169 seal under subsection (d) of Code Section 9-11-7.1.

1170 19-8-14.

1171 (a) It is the policy of this state that, in the best ~~interest~~ interests of the child, uncontested  
 1172 adoption petitions ~~should~~ shall be heard as soon as possible but not later than 120 days after  
 1173 the date of filing, unless the petitioner has failed to arrange for the court to receive the  
 1174 report required by ~~the provisions of~~ Code Section 19-8-16 or has otherwise failed to  
 1175 provide the court with all exhibits, surrenders of rights, or certificates required by this  
 1176 ~~chapter~~ article within that time period. It is the policy of this state that, in contested  
 1177 adoption petitions, the parties shall make every effort to have the petition considered by the  
 1178 court as soon as practical after the date of filing, taking into account the circumstances of  
 1179 the petition and the best ~~interest~~ interests of the child.

- 1180 (b) Upon the filing of the petition for adoption, accompanied by the filing fee unless such  
 1181 fee is waived, it shall be the responsibility of the clerk to accept ~~the~~ such petition as filed.  
 1182 Such petition shall not be subject to court approval before it is filed.
- 1183 (c) Upon the filing of the petition for adoption, the court shall fix a date upon which ~~the~~  
 1184 such petition shall be considered, which date shall be not less than 45 days from the date  
 1185 of the filing of ~~the~~ such petition and shall not be less than 30 days following the last date  
 1186 a parent or biological father is deemed to have received service of notice as required in  
 1187 those cases when Code Section 19-8-10 or 19-8-12, or both, is applicable.
- 1188 (d) Notwithstanding ~~the provisions of~~ subsections (a) and (c) of this Code section, it shall  
 1189 be the petitioner's responsibility to request that the court hear the petition for adoption on  
 1190 a date that allows sufficient time for fulfillment of the notice requirements of ~~Code Section~~  
 1191 ~~19-8-10 and Code Section 19-8-12, where~~ Code Sections 19-8-10 and 19-8-12, when  
 1192 applicable.
- 1193 (e) In the best ~~interest~~ interests of the child, the court may hear the petition for adoption  
 1194 less than 45 days from the date of its filing upon a showing by the petitioner that ~~either~~ no  
 1195 further notice is required or ~~that~~ any statutory requirement of notice to any ~~person~~  
 1196 individual will be fulfilled at an earlier date, and provided that any report required by Code  
 1197 Section 19-8-16 has been completed or will be completed at an earlier date.
- 1198 (f) The court in the child's best ~~interest~~ interests may grant such expedited hearings or  
 1199 continuances as may be necessary for completion of applicable notice requirements,  
 1200 investigations, a home study, and reports or for other good cause shown.
- 1201 (g) Copies of the petition for adoption and all documents filed in connection therewith,  
 1202 including, but not limited to, the order fixing the date upon which ~~the~~ such petition shall  
 1203 be considered, motions, other pleadings filed, all orders entered in connection with such  
 1204 petition, and all exhibits, surrenders of rights, or certificates required by this chapter article,  
 1205 shall be forwarded by the clerk to the department within 15 days after the date of ~~the~~ such  
 1206 filing of the petition for adoption for retention by the State Adoption Unit of the  
 1207 department.
- 1208 (h) Copies of the petition for adoption, the order fixing the date upon which ~~the~~ such  
 1209 petition shall be considered, and all exhibits, surrenders of rights, or certificates required  
 1210 by this ~~chapter~~ article shall be forwarded by the clerk to the ~~child-placing agency or other~~  
 1211 agent appointed by the court pursuant to ~~the provisions of~~ Code Section 19-8-16 within 15  
 1212 days after the filing of the petition for adoption, together with a request that a report and  
 1213 investigation be made as required by ~~law~~ Code Section 19-8-16.
- 1214 (i) The clerk of court shall provide the petitioner or his or her attorney with a copy of the  
 1215 petition for adoption and of each amendment, motion, and other pleading filed with a stamp  
 1216 confirming the date each pleading was filed with the court and shall also provide the

1217 petitioner or his or her attorney with a copy of each order entered by the court in the  
 1218 adoption proceeding, confirming the date the order was filed of record by the court. Copies  
 1219 of all motions, amendments, and other pleadings filed and of all orders entered in  
 1220 connection with the petition for adoption shall be forwarded by the clerk to the department  
 1221 within 15 days after such filing or entry.

1222 19-8-15.

1223 (a) As used in this Code section, the term 'family member' shall have the same meaning  
 1224 as set forth in Code Section 19-7-3.

1225 (b) ~~If the child sought to be adopted has no legal father or legal mother living~~ If a legal  
 1226 mother and biological father, whether he was a legal father or not, of the child who is the  
 1227 subject of the proceeding are both deceased, regardless of whether either individual had  
 1228 surrendered his or her parental rights or had his or her rights terminated, it shall be the  
 1229 privilege of any ~~person~~ individual related by blood to ~~the~~ such child to file objections to the  
 1230 petition for adoption.

1231 (c) A family member with visitation rights to a child granted pursuant to Code Section  
 1232 19-7-3 shall have the privilege to file objections to the petition ~~of~~ for adoption if neither  
 1233 parent has any further rights to the child and if the petition for adoption has been filed by  
 1234 a blood relative of the child. The court, after hearing such objections, shall determine, in  
 1235 its discretion, whether or not ~~the same~~ such objections constitute a good reason for denying  
 1236 the petition for adoption and the court shall have the authority to grant or continue such  
 1237 visitation rights of the family member of the child in the adoption order in the event the  
 1238 adoption by the blood relative is approved by the court.

1239 19-8-16.

1240 (a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be  
 1241 the duty of ~~a child-placing agency~~ the agent appointed by the court ~~or any other~~  
 1242 ~~independent agent appointed by the court~~ to verify the allegations in the petition for  
 1243 adoption, to make a complete and thorough investigation of the entire matter, including a  
 1244 ~~criminal records check of each petitioner~~ any specific issue the court requests to be  
 1245 investigated, and to report its findings and recommendations in writing to the court where  
 1246 the petition for adoption was filed. The agent may be the department, a child-placing  
 1247 agency, an evaluator, or an individual who the court determines is qualified to conduct the  
 1248 required investigation. ~~The department, child-placing agency, or other independent agent~~  
 1249 appointed by the court shall also provide the petitioner or his or her attorney ~~for petitioner~~  
 1250 with a copy of ~~the~~ its report ~~to the court.~~ If for any reason the ~~child-placing agency or other~~  
 1251 agent appointed by the court finds itself unable to make or arrange for the proper

1252 investigation and report, it shall be the duty of the ~~agency or agent~~ to notify the court  
 1253 immediately, or at least within 20 days after receipt of the request for investigation service,  
 1254 that it is unable to make the report and investigation, so that the court may take such other  
 1255 steps as in its discretion are necessary to have the ~~entire matter investigated~~ investigation  
 1256 and report prepared. The investigation required by this Code section shall be in addition  
 1257 to the requirement of a home study in the case of a petition for adoption filed pursuant to  
 1258 subsection (a) of Code Section 19-8-5.

1259 (b) If the petition for adoption has been filed pursuant to subsection (a) of Code Section  
 1260 19-8-6 or 19-8-7, the court ~~is~~ shall be authorized but shall not be required to appoint a  
 1261 ~~child-placing agency or other independent~~ an agent to make an investigation ~~in whatever~~  
 1262 ~~form the court specifies~~ pursuant to subsection (a) of this Code section; provided, however,  
 1263 that a home study shall not be required.

1264 (c)(1) If the petition for adoption has been filed pursuant to Code Section 19-8-8, ~~or if~~  
 1265 ~~the department has conducted an investigation and has consented to the adoption, an~~  
 1266 ~~investigation~~ the appointment of an agent to make an investigation and render a report  
 1267 pursuant to subsection (a) of this Code section shall not be required.

1268 (2) If the petition for adoption has been filed pursuant to Code Section 19-8-4 and the  
 1269 department or child-placing agency has consented to the adoption, the appointment of an  
 1270 agent to make an investigation and render a report pursuant to subsection (a) of this Code  
 1271 section shall not be required.

1272 (d) The court shall require the petitioner to submit to a criminal history records check. The  
 1273 petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with  
 1274 the appropriate fee. The center shall promptly transmit the fingerprints to the Federal  
 1275 Bureau of Investigation for a search of bureau records and shall obtain an appropriate  
 1276 report. The Georgia Crime Information Center shall also promptly conduct a search of its  
 1277 records and any records to which it has access. The center shall notify the court in writing  
 1278 of the presence or absence of any ~~derogatory finding, including but not limited to any~~  
 1279 ~~conviction data, regarding the~~ criminal record from the state fingerprint records check. In  
 1280 those cases when the petitioner has submitted a fingerprint based criminal history report  
 1281 that includes the results of a records search of both the Georgia Crime Information Center  
 1282 and the Federal Bureau of Investigation to the department, child-placing agency, or  
 1283 evaluator as part of the home study and such results are dated within 12 months of filing  
 1284 of the petition for adoption and are included in the home study report filed with or  
 1285 otherwise made available to the court, such results shall satisfy the requirements of this  
 1286 subsection. Because the court shall not be authorized to share the results of the fingerprint  
 1287 records check with the agent appointed by the court pursuant to subsection (a) or (e) of this  
 1288 Code section, the court shall determine the acceptability of the petitioner's criminal history,

1289 inform the petitioner or his or her attorney at least five days prior to the final hearing on the  
 1290 petition for adoption if the court will require additional evidence with respect to the  
 1291 petitioner's criminal history or if the court is inclined to deny such petition because of such  
 1292 criminal history, and afford the petitioner or his or her attorney an opportunity to present  
 1293 evidence as to why the petitioner's criminal history should not be grounds for denial of such  
 1294 petition.

1295 ~~(e) The court may appoint the department to serve as its agent to conduct the investigation~~  
 1296 ~~required by this Code section if an appropriate child-placing agency or independent agent~~  
 1297 ~~is not available. If for any reason the department finds itself unable to make or arrange for~~  
 1298 ~~the proper investigation and report, it shall be the duty of the commissioner of human~~  
 1299 ~~services to notify the court immediately, or at least within 20 days after receipt of the~~  
 1300 ~~request for investigation service, that it is unable to make the report and investigation, so~~  
 1301 ~~that the court may take such other steps as in its discretion are necessary to have the entire~~  
 1302 ~~matter investigated.~~

1303 ~~(f)~~(e) The court shall require the petitioner to reimburse the ~~child-placing agency or other~~  
 1304 ~~independent agent~~ appointed by the court, including the department, for the full cost of  
 1305 conducting the investigation and preparing ~~the~~ its report. Such cost shall not exceed  
 1306 \$250.00 unless specifically authorized by the court, provided that the court shall furnish  
 1307 the petitioner or his or her attorney with written notice of the name of the agent that the  
 1308 court intends to appoint and the amount of any increased costs, together with a request to  
 1309 agree to pay such increased costs. If the petitioner does not agree to pay the increased  
 1310 costs, then the petitioner shall have an opportunity to present to the court information  
 1311 regarding other persons that are qualified to conduct the investigation and render the report  
 1312 to the court and the cost of their services, and the court shall appoint the person that is  
 1313 qualified to conduct the investigation and render the report to the court at the lowest cost  
 1314 to the petitioner.

1315 19-8-17.

1316 (a) The report and findings of the investigating ~~agency~~ agent appointed by the court  
 1317 pursuant to Code Section 19-8-16 shall include, among other things, the following:

- 1318 (1) Verification of allegations contained in the petition for adoption;
- 1319 (2) Circumstances under which the child came to be placed for adoption;
- 1320 (3) Whether each ~~proposed~~ prospective adoptive parent is financially, physically, and  
 1321 mentally able to have the permanent custody of the child; in considering financial ability  
 1322 any adoption supplement approved by the department shall be taken into account;
- 1323 (4) The physical and mental condition of the child, insofar as this can be determined by  
 1324 the aid of competent medical authority;

- 1325 (5) Whether or not the adoption is in the best interests of the child, including his or her  
 1326 general care;
- 1327 (6) Suitability of the home to the child;
- 1328 (7) If applicable, whether the identity and location of ~~the~~ a biological father who is not  
 1329 ~~the~~ a legal father are known or ascertainable and whether the requirements of Code  
 1330 Section 19-8-12 were complied with; ~~and~~
- 1331 (8) Any other information that might be disclosed by the investigation that in the agent's  
 1332 opinion would be of ~~any~~ value or interest to the court in deciding the case; and
- 1333 (9) Any other information that might be disclosed by the investigation in response to any  
 1334 specific issue that the court requested be investigated in its order appointing such agent.
- 1335 (b) If the report of the investigating ~~agency or independent~~ agent disapproves of the  
 1336 adoption of the child, motion may be made by the investigating ~~agency or independent~~  
 1337 agent to the court to dismiss the petition for adoption and the court after hearing is such  
 1338 motion shall be authorized to ~~do so~~ dismiss such petition. If the court denies the motion  
 1339 to dismiss, the court shall appoint a guardian ad litem who may appeal the ruling to the  
 1340 ~~Georgia~~ Court of Appeals or Supreme Court, as in other cases, as provided by law.
- 1341 (c) If at any time it appears to the court that the interests of the child may conflict with  
 1342 those of any petitioner, the court may, in its discretion, appoint a guardian ad litem to  
 1343 represent the child and the cost thereof shall be a charge upon the funds of the county.

1344 19-8-18.

- 1345 (a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or  
 1346 as soon thereafter as the matter may be reached for a hearing, the court shall proceed to  
 1347 a full hearing on ~~the~~ such petition and the examination of the parties at interest in  
 1348 chambers, under oath, with the right of continuing the hearing and examinations from  
 1349 time to time as the nature of the case may require. The court at such times shall give  
 1350 consideration to the investigation report to the court provided for in Code Section 19-8-16  
 1351 and the recommendations contained ~~therein~~ in such report. The court may in its  
 1352 discretion allow the petitioner or any witness to appear via electronic means in lieu of  
 1353 requiring his or her physical presence before the court.
- 1354 (2) The court shall examine the petition for adoption and the affidavit specified in  
 1355 subsection (g) of Code Section ~~19-8-4~~, 19-8-5, 19-8-6, or 19-8-7, as appropriate, to  
 1356 determine whether Code Section 19-8-12 is applicable. If the court determines that Code  
 1357 Section 19-8-12 is applicable to the petition for adoption, it shall:
- 1358 (A) Determine that an appropriate order has previously been entered;
- 1359 (B) Enter an order consistent with Code Section 19-8-12; or
- 1360 (C) Continue the hearing until Code Section 19-8-12 is complied with.

1361 (3) If the adoption petition is filed pursuant to subsection (a) of Code Section 19-8-5, the  
 1362 court shall examine the financial disclosures required under subsections (c) and (d) of  
 1363 Code Section 19-8-13 and make such further examination of each petitioner and his or  
 1364 her attorney as the court deems appropriate in order to make a determination as to  
 1365 whether there is cause to believe that Code Section 19-8-24 has been violated with regard  
 1366 to the ~~'inducement'~~ inducement, as such term is defined in Code Section 19-8-24, of the  
 1367 placement of the child for adoption. Should the court determine that further inquiry is in  
 1368 order, the court shall direct the district attorney for the county to review the matter further  
 1369 and to take such appropriate action as the district attorney in his or her discretion deems  
 1370 appropriate.

1371 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,  
 1372 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed  
 1373 for in such petition; terminating all of the rights of each living parent, guardian, and legal  
 1374 custodian of the child, other than the spouse of the petitioner in the case of a stepparent  
 1375 adoption pursuant to Code Section 19-8-6; granting the permanent custody of the child  
 1376 to each petitioner; and declaring the child to be the adopted child of each petitioner if the  
 1377 court is satisfied that ~~each~~:

1378 (A) Each living parent or guardian of the child has surrendered or had terminated all  
 1379 of his or her rights to the child in the manner provided by law ~~prior to the filing of the~~  
 1380 ~~petition for adoption~~ or that each petitioner has complied with the notice requirements  
 1381 of subsection (c) of Code Section 19-8-10 and satisfied his or her burden of proof under  
 1382 Code Section 19-8-10, that such or that the spouse has consented to the petitioner's  
 1383 adoption of the child as required by Code Section 19-8-6;

1384 (B) Each petitioner is capable of assuming responsibility for the care, supervision,  
 1385 training, and education of the child, ~~that the;~~

1386 (C) The child is suitable for adoption in a private family home, ~~and that the;~~ and

1387 (D) The adoption requested is for in the best ~~interest~~ interests of the child, ~~it shall enter~~  
 1388 ~~a decree of adoption, terminating all the rights of each parent and guardian to the child,~~  
 1389 ~~granting the permanent custody of the child to each petitioner, naming the child as~~  
 1390 ~~prayed for in the petition, and declaring the child to be the adopted child of each~~  
 1391 ~~petitioner. In all cases wherein Code Section 19-8-10 is relied upon by any petitioner~~  
 1392 ~~as a basis for the termination of parental rights, the.~~

1393 (2) When Code Section 19-8-10 has been relied upon by any petitioner for the  
 1394 termination of rights of a living parent, the court shall include in the decree of adoption  
 1395 appropriate findings of fact and conclusions of law relating to the ~~applicability of Code~~  
 1396 ~~Section 19-8-10~~ termination of rights of such living parent and the court's determination  
 1397 that the adoption is in the child's best interests.

1398 (3) When the child was born in a country other than the United States, the court shall  
 1399 examine the evidence submitted and determine that sufficient evidence has been  
 1400 proffered to show that the child will be able to obtain lawful permanent resident status,  
 1401 if not already obtained, before the court shall have authority to determine if it is in the  
 1402 best interests of the child to grant the petition for adoption.

1403 (4) If there is an existing visitation order pursuant to Code Section 19-7-3 in favor of a  
 1404 family member, the court shall have the authority to continue or discontinue such  
 1405 visitation rights in the adoption order as it deems is in the best interests of the child.

1406 (c) If the petition for adoption was filed pursuant to subsection (a) of Code Section 19-8-8  
 1407 and if the court is satisfied that the petitioner has fully complied with the requirements of  
 1408 Code Section 19-8-13 and has established that he or she finalized his or her adoption of the  
 1409 child in the foreign country, then the court shall enter a decree of adoption naming the child  
 1410 as prayed for in such petition; domesticating the foreign decree of adoption; granting the  
 1411 permanent custody of the child to each petitioner; changing the date of birth of the child  
 1412 if so requested, provided that evidence was presented justifying such change; and declaring  
 1413 the child to be the adopted child of each petitioner. Notwithstanding the requirements of  
 1414 subsection (a) of this Code section, the court may domesticate the foreign decree of  
 1415 adoption upon the pleadings without a hearing.

1416 (d) If the petition for adoption was filed pursuant to subsection (b) of Code Section 19-8-8,  
 1417 the court shall enter a decree of adoption naming the child as prayed for in such petition;  
 1418 terminating the guardianship; granting the permanent custody of the child to each  
 1419 petitioner; changing the date of birth of the child if so requested, provided that evidence  
 1420 was presented justifying such change; and declaring the child to be the adopted child of  
 1421 each petitioner if the court is satisfied that the petitioner has fully complied with the  
 1422 requirements of Code Section 19-8-13 and that:

1423 (1) Each petitioner in his or her capacity as guardian of the child has surrendered all of  
 1424 his or her rights to the child in the manner provided by law;

1425 (2) Each petitioner is capable of assuming responsibility for the care, supervision,  
 1426 training, and education of the child;

1427 (3) The child is suitable for adoption in a private family home; and

1428 (4) The adoption requested is in the best interests of the child.

1429 (e) In exercising its discretion to determine whether the adoption requested is in the best  
 1430 interests of the child, the court shall consider the following factors:

1431 (1) The ability of each petitioner and, if applicable, each respondent to provide for the  
 1432 physical safety and welfare of the child, including food, shelter, health, and clothing;

1433 (2) The love, affection, bonding, and emotional ties existing between the child and each  
 1434 petitioner and, if applicable, each respondent;



- 1435 (3) The child's need for permanence, including the child's need for stability and  
 1436 continuity of relationships with his or her siblings;
- 1437 (4) The capacity and disposition of each petitioner and, if applicable, each respondent  
 1438 to give the child his or her love, affection, and guidance and to continue the education and  
 1439 rearing of the child;
- 1440 (5) The home environment of each petitioner and, if applicable, each respondent,  
 1441 considering the promotion of the child's nurturance and safety rather than superficial or  
 1442 material factors;
- 1443 (6) The stability of the family unit and the presence or absence of support systems within  
 1444 the community to benefit the child;
- 1445 (7) The mental and physical health of all individuals involved;
- 1446 (8) The home, school, and community record and history of the child, as well as any  
 1447 health or educational special needs of the child;
- 1448 (9) The child's background and ties, including familial, cultural, and religious;
- 1449 (10) The uniqueness of every family and child;
- 1450 (11) The child's wishes and long-term goals;
- 1451 (12) Any evidence of family violence, substance abuse, criminal history, or sexual,  
 1452 mental, or physical child abuse in the petitioner's home and, if applicable, each  
 1453 respondent's home;
- 1454 (13) Any recommendation by a court appointed agent or guardian ad litem; and
- 1455 (14) Any other factors considered by the court to be relevant and proper to its  
 1456 determination.
- 1457 ~~(e)~~(f) If the court determines that any petitioner has not complied with this ~~chapter~~ article,  
 1458 it may dismiss the petition for adoption without prejudice or it may continue the case.  
 1459 Should the court find that any notice required to be given by any petitioner under this  
 1460 ~~chapter~~ article has not been given or has not been properly given or that the petition for  
 1461 adoption has not been properly filed, the court ~~is~~ shall be authorized to enter an order  
 1462 providing for corrective action and an additional hearing.
- 1463 ~~(d)~~(g) If the court is not satisfied that the adoption is in the best interests of the child, it  
 1464 shall deny the petition for adoption. ~~If the~~ such petition is denied because ~~of such reason~~  
 1465 the court determines that the adoption requested is not in the best interests of the child or  
 1466 for any other reason under law, the court shall set forth specific findings of fact explaining  
 1467 its decision in its order denying the adoption and shall commit the child to the custody of  
 1468 the department, or to a child-placing agency, if the or an out-of-state licensed agency if  
 1469 such petition was filed pursuant to Code Section 19-8-4 ~~or 19-8-5~~. If such petition was  
 1470 filed pursuant to Code Section 19-8-5, the court shall commit the child to the third party  
 1471 named by the parent in the written surrender of rights pursuant to subsection (a) of Code

1472 Section 19-8-5; and if there is no surrender of rights, the court shall place the child with the  
 1473 department for the purpose of determining whether or not a petition should be initiated  
 1474 under Chapter 11 of Title 15. If such the petition was filed pursuant to Code Section  
 1475 19-8-6, 19-8-7, or 19-8-8, the child shall remain in the custody of each petitioner if that  
 1476 each petitioner is fit to have custody or the court may place the child with the department  
 1477 for the purpose of determining whether or not a petition should be initiated under Chapter  
 1478 11 of Title 15. If the petition for adoption is denied, each surrender of rights executed in  
 1479 support of the adoption, whether by a parent, biological father who is not a legal father, or  
 1480 guardian, shall be dissolved by operation of law and the individual's rights shall be  
 1481 restored. The fact that the individual executed a surrender of his or her rights in support  
 1482 of the adoption shall not be admissible as evidence against him or her in any subsequent  
 1483 proceeding.

1484 ~~(e)~~(h) A decree of adoption issued pursuant to subsection (b) of this Code section shall not  
 1485 be subject to any judicial challenge filed more than six months after the date of entry of  
 1486 such decree. Notwithstanding Code Section 9-3-31, any action for damages against an  
 1487 adoptee or the adoptive parents for fraud in obtaining a consent or surrender of rights shall  
 1488 be brought within six months of the time the fraud is or ought to reasonably have been  
 1489 discovered.

1490 ~~(f) Any decree of adoption issued prior to the effective date of this action shall not be~~  
 1491 ~~subject to any judicial challenge more than six months after July 1, 1995.~~

1492 (i) Notwithstanding subsection (a) of Code Section 19-8-23, the decree of adoption issued  
 1493 pursuant to subsection (b) of this Code section shall authorize the clerk of the court to issue  
 1494 one or more certified copies of the decree of adoption to the petitioner or his or her attorney  
 1495 at the time of entry of the final decree without further order of the court and without cost.

1496 19-8-19.

1497 (a) A decree of adoption, whether issued by a court of this state or by a court of any other  
 1498 jurisdiction, shall have the following effect as to matters within the jurisdiction of or before  
 1499 a court in this state:

1500 (1) Except with respect to a spouse of the petitioner and relatives of the spouse, a decree  
 1501 of adoption ~~terminates~~ shall terminate all legal relationships between the adopted  
 1502 individual and his or her relatives, including his or her parent, so that the adopted  
 1503 individual thereafter ~~is~~ shall be a stranger to his or her former relatives for all purposes,  
 1504 including inheritance and the interpretation or construction of documents, statutes, and  
 1505 instruments, whether executed before or after the adoption is decreed, which do not  
 1506 expressly include the individual by name or by some designation not based on a parent  
 1507 and child or blood relationship; and

1508 (2) A decree of adoption ~~creates~~ shall create the relationship of parent and child between  
 1509 each petitioner and the adopted individual, as if the adopted individual were a child of  
 1510 biological issue of that petitioner. The adopted individual shall enjoy every right and  
 1511 privilege of a biological child of that petitioner; shall be deemed a biological child of that  
 1512 petitioner, to inherit under the laws of descent and distribution in the absence of a will,  
 1513 and to take under ~~the provisions of~~ any instrument of testamentary gift, bequest, devise,  
 1514 or legacy, whether executed before or after the adoption is decreed, unless expressly  
 1515 excluded therefrom; shall take by inheritance from relatives of that petitioner; and shall  
 1516 also take as a 'child' of that petitioner under a class gift made by the will of a third person.

1517 (b) Notwithstanding ~~the provisions of~~ subsection (a) of this Code section, if a parent of a  
 1518 child dies without the relationship of parent and child having been previously terminated  
 1519 by court order ~~or unrevoked surrender of parental rights to the child~~, the child's right of  
 1520 inheritance from or through the deceased parent shall not be affected by the adoption.

1521 19-8-20.

1522 (a) Upon the entry of the decree of adoption, the clerk of the court granting the same shall  
 1523 forward a copy of the decree, together with the original of the investigation report and  
 1524 background information filed with the court, to the department. If there is any subsequent  
 1525 order or revocation of the adoption, a copy of same in like manner shall be forwarded by  
 1526 the clerk to the department.

1527 (b) At any time after the entry of the decree of adoption, upon the request of an adopted  
 1528 ~~person~~ individual who has reached 18 years of age or upon the request of any adopting  
 1529 parent, the clerk of the court granting the decree shall issue to that requesting adopted  
 1530 ~~person~~ individual or adopting parent a certificate of adoption, under the seal of the court,  
 1531 upon payment to the clerk of the fee prescribed in paragraph (4) of subsection (g) of Code  
 1532 Section 15-6-77, which adoption certificate shall be received as evidence in any court or  
 1533 proceeding as primary evidence of the facts contained in the certificate.

1534 (c) The adoption certificate shall ~~be in~~ conform substantially to the following form:

1535 'This is to certify that \_\_\_\_\_ (names of each adopting parent) have  
 1536 obtained a decree of adoption for \_\_\_\_\_ (full name of ~~adopted~~  
 1537 ~~child~~ adoptee and date of birth of adoptee) in the Superior Court of \_\_\_\_\_ County,  
 1538 Georgia, on the \_\_\_\_\_ day of \_\_\_\_\_, as shown by the court's  
 1539 records \_\_\_\_\_ (adoption file number).

1540 Given under the hand and seal of said court, this the \_\_\_\_\_ day of \_\_\_\_\_,  
 1541 \_\_\_\_\_.

1542 \_\_\_\_\_  
 1543 Clerk'

1544 19-8-21.

1545 (a) Adult ~~persons~~ individuals may be adopted on giving written consent to the adoption.  
 1546 In such cases, adoption shall be by a petition duly verified and filed, together with ~~two~~  
 1547 ~~conformed copies~~ one conformed copy, in the superior court in the county in which ~~either~~  
 1548 any petitioner or the adult to be adopted resides, setting forth the name, age, and residence  
 1549 of each petitioner and of the adult to be adopted, the name by which the adult is to be  
 1550 known, and his or her written consent to the adoption. The court may assign the petition  
 1551 for adoption for hearing at any time. The petition for adoption shall state whether one or  
 1552 both parents of the adult to be adopted will be replaced by the grant of such petition, and  
 1553 if only one parent is to be replaced, then the decree of adoption shall make clear which  
 1554 parent is to be replaced by adoption. After examining each petitioner and the adult ~~sought~~  
 1555 to be adopted, the court, if satisfied that there is no reason why the adoption should not be  
 1556 granted, shall enter a decree of adoption and, if requested, shall change the name of the  
 1557 adopted adult. Thereafter, the relation between each petitioner and the adopted adult shall  
 1558 be, as to their legal rights and liabilities, the same as the relation of a parent and adult child.  
 1559 (b) ~~Code Section 19-8-19, relating to the effect of a decree of adoption, and Code Section~~  
 1560 ~~19-8-20, relating to notice of adoption,~~ Sections 19-8-19 and 19-8-20 shall also apply to  
 1561 the adoption of adults.

1562 19-8-22.

1563 (a) A decree of a court or an administrative proceeding terminating the relationship of  
 1564 parent and child, establishing the relationship of guardian and ward, or establishing the  
 1565 relationship of parent and child by adoption, issued pursuant to due process of law by a  
 1566 court or administrative body of any other jurisdiction within or outside the United States,  
 1567 or the clear and irrevocable release or consent to adoption by the guardian of a child ~~where~~  
 1568 when the appointment of the guardian has been certified by the appropriate and legally  
 1569 authorized court or agency of the government of the foreign country, shall be recognized  
 1570 in this state; and the rights and obligations of the parties as to matters within the  
 1571 jurisdiction of this state shall be determined as though any such decree were issued by a  
 1572 court of this state and any such consent or release shall be deemed to satisfy the  
 1573 requirements of Code Sections 19-8-4, 19-8-5, 19-8-6, 19-8-7, 19-8-8, and 19-8-12.

1574 (b) Any adoption proceeding in this state in which a final order of adoption was entered  
 1575 by the court prior to April 1, 1986, and to which subsection (a) of this Code section would  
 1576 have been applicable if said subsection, ~~as amended~~, had been effective at the time such  
 1577 proceeding was filed or concluded shall be governed by ~~the provisions of~~ subsection (a) of  
 1578 this Code section, ~~as amended~~.

1579 ~~(c) Any adoption proceeding pending in a court of competent jurisdiction in this state in~~  
 1580 ~~which no final order of adoption has been entered as of April 1, 1986, to which the~~  
 1581 ~~provisions of subsection (a) of this Code section are applicable shall be governed by the~~  
 1582 ~~provisions of subsection (a) of this Code section, as amended.~~

1583 19-8-23.

1584 (a)(1) The original petition for adoption, all amendments, attachments, and exhibits  
 1585 thereto, all motions, documents, affidavits, records, and testimony filed in connection  
 1586 therewith, and all decrees or orders of any kind whatsoever, except the original  
 1587 investigation report and background information referred to in Code Section 19-8-20,  
 1588 shall be recorded in a book kept for ~~that~~ such purpose and properly indexed; and ~~the~~ such  
 1589 book shall be part of the records of the court in each county which has jurisdiction over  
 1590 matters of adoption in that county. All of ~~the~~ such court records, including the docket  
 1591 book, ~~of the court granting the adoption, of the department, and of the child-placing~~  
 1592 ~~agency~~ that relate in any manner to the adoption shall be kept sealed and locked. The  
 1593 department shall keep its records that relate in any manner to an adoption sealed and  
 1594 locked.

1595 (2) The court records and department records may be examined by the parties at interest  
 1596 in the adoption and their attorneys when, after written petition, which shall be filed under  
 1597 seal, has been presented to the court having jurisdiction and after the department and the  
 1598 appropriate child-placing agency or out-of-state licensed agency, if any, have received  
 1599 at least 30 days' prior written notice of the filing of such petition, the matter has come on  
 1600 before the court in chambers and, ~~good cause having been shown to the court~~, the court  
 1601 has entered an order permitting such examination.

1602 (3) Notwithstanding ~~the foregoing paragraph (2) of this subsection~~, if the adoptee who  
 1603 is the subject of the records sought to be examined is less than 18 years of age at the time  
 1604 the petition for examination is filed and ~~the~~ such petitioner is someone other than one of  
 1605 the adoptive parents of the adoptee, then the department shall provide written notice of  
 1606 such proceedings to the adoptive parents by certified mail ~~or statutory overnight delivery~~,  
 1607 return receipt requested, or statutory overnight delivery at the last address the department  
 1608 has for such adoptive parents, and the court shall continue any hearing on ~~the~~ such  
 1609 petition until not less than 60 days after the date the notice to the adoptive parents was

1610 sent. Each such adoptive parent shall have the right to appear in person or through  
 1611 counsel and show cause why such records should not be examined. Adoptive parents  
 1612 may provide the department with their current address for purposes of receiving notice  
 1613 under this subsection by mailing that address to:

1614 ~~Office of Adoptions~~

1615 State Adoption Unit

1616 Department of Human Services

1617 Atlanta, Georgia 30303

1618 (b) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any  
 1619 information contained in the records of the respective department or child-placing agency  
 1620 relating to the adoptive parents in connection with a subsequent adoption matter involving  
 1621 the same adoptive parents or to provide notice when required by subsection (a) of this Code  
 1622 section.

1623 (b.1) The department may, in its sole discretion, make use of any information contained  
 1624 in the records of the department concerning an adopted child and the adopted child's  
 1625 biological parents in connection with the placement of another child in the home of the  
 1626 adoptive parents of the child or in connection with the investigation of a report of child  
 1627 abuse or neglect made concerning the adopted child's biological parents.

1628 (c) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any  
 1629 information contained in its records on a child when an adoption disrupts after finalization  
 1630 and when such records are required for the permanent placement of such child, or when the  
 1631 information is required by federal law.

1632 (d)(1) Upon the request of a party at interest in the adoption, a child, legal guardian, or  
 1633 health care agent of an adopted ~~person~~ individual or a provider of medical services to  
 1634 such a party, child, legal guardian, or health care agent when certain information would  
 1635 assist in the provision of medical care, a medical emergency, or medical diagnosis or  
 1636 treatment, the department or child-placing agency shall access its own records on  
 1637 finalized adoptions for the purpose of adding subsequently obtained medical information  
 1638 or releasing nonidentifying medical and health history information contained in its  
 1639 records pertaining to an adopted ~~person~~ individual or the biological parents or relatives  
 1640 of the biological parents of the adopted ~~person~~ individual. For purposes of this  
 1641 paragraph, the term 'health care agent' ~~has~~ shall have the meaning provided by Code  
 1642 Section 31-32-2.

1643 (2) Upon receipt by the State Adoption Unit ~~of the Division of Family and Children~~  
 1644 ~~Services~~ of the department or by a child-placing agency of documented medical  
 1645 information relevant to an adoptee, the ~~office~~ department or child-placing agency shall  
 1646 use reasonable efforts to contact the adoptive parents of the adoptee if the adoptee is

1647 under 18 years of age or the adoptee if he or she is 18 years of age or older and provide  
 1648 such documented medical information to the adoptive parents or the adult adoptee. The  
 1649 ~~office~~ department or child-placing agency shall be entitled to reimbursement of  
 1650 reasonable costs for postage and photocopying incurred in the delivery of such  
 1651 documented medical information to the adoptive parents or adult adoptee.

1652 (e) Records relating in any manner to adoption shall not be open to the general public for  
 1653 inspection.

1654 (f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:

1655 (A) 'Biological parent' means the biological mother or biological father who  
 1656 surrendered ~~that person's~~ such individual's rights or had such rights terminated by court  
 1657 order giving rise to the adoption of the child.

1658 (B) 'Commissioner' means the commissioner of human services or ~~that person's~~ his or  
 1659 her designee.

1660 (C) 'Department' means the Department of Human Services or, when the Department  
 1661 of Human Services so designates, the county ~~department~~ division of family and children  
 1662 services which placed for adoption the ~~person~~ individual seeking, or on whose behalf  
 1663 is sought, information under this subsection.

1664 (D) 'Placement agency' means the child-placing agency, as defined in paragraph ~~(3)~~ (5)  
 1665 of Code Section 19-8-1, which placed for adoption the ~~person~~ individual seeking, or on  
 1666 whose behalf is sought, information under this subsection.

1667 (2) The department or a placement agency, upon the written request of an adopted ~~person~~  
 1668 individual who has reached 18 years of age or upon the written request of an adoptive  
 1669 parent on behalf of that parent's adopted child, shall release to such adopted ~~person~~  
 1670 individual or to the adoptive parent on the child's behalf nonidentifying information  
 1671 regarding such adopted ~~person's~~ individual's biological parents and information regarding  
 1672 such adopted ~~person's~~ individual's birth. Such information may include the date and  
 1673 place of birth of the adopted ~~person~~ individual and the genetic, social, and health history  
 1674 of the biological parents. No information released pursuant to this paragraph shall  
 1675 include the name or address of either biological parent or the name or address of any  
 1676 relative by birth or marriage of either biological parent.

1677 (3)(A) The department or a placement agency, upon the written request of an adopted  
 1678 ~~person~~ individual who has reached ~~21~~ 18 years of age, shall release to such adopted  
 1679 ~~person~~ individual the name of such ~~person's~~ individual's biological parent, together with  
 1680 a detailed summary of all information the department or placement agency has  
 1681 concerning the adoptee's birth, foster care, placement for adoption, and finalization of  
 1682 his or her adoption, if:

1683 (i) ~~A~~ ~~The~~ biological parent whose name is to be released has submitted unrevoked  
 1684 written permission to the department or ~~the~~ placement agency for the release of that  
 1685 parent's name to the adopted ~~person~~ individual;

1686 (ii) The identity of ~~the~~ a biological parent submitting permission for the release of  
 1687 that parent's name has been verified by the department or ~~the~~ placement agency; and

1688 (iii) The department or ~~the~~ placement agency has records pertaining to the finalized  
 1689 adoption and to the identity of ~~the~~ a biological parent whose name is to be released.

1690 (B) If the adopted ~~person~~ individual is deceased and leaves a child, such child, upon  
 1691 reaching ~~21~~ 18 years of age, may seek the name and other identifying information  
 1692 concerning his or her grandparents in the same manner as the deceased adopted ~~person~~  
 1693 individual and subject to the same procedures contained in this Code section.

1694 (4)(A) If a biological parent has not filed written unrevoked permission for the release  
 1695 of that parent's name to the adopted child, the department or ~~the~~ placement agency,  
 1696 within six months of receipt of the written request of the adopted ~~person~~ individual who  
 1697 has reached ~~21~~ 18 years of age, shall make diligent effort to notify each living  
 1698 biological parent identified in the original adoption proceedings or in other records of  
 1699 the department or ~~the~~ placement agency relative to the adopted ~~person~~ individual. For  
 1700 purposes of this subparagraph, the term 'notify' means a personal and confidential  
 1701 contact with each biological parent of the adopted ~~person~~ individual. The contact shall  
 1702 be by an employee or agent of the placement agency which processed the pertinent  
 1703 adoption or by other agents or employees of the department. The contact shall be  
 1704 evidenced by the ~~person~~ individual who notified each biological parent, certifying to  
 1705 the department or placement agency that each biological parent was given the following  
 1706 information:

1707 (i) The nature of the information requested by the adopted ~~person~~ individual;

1708 (ii) The date of the request of the adopted ~~person~~ individual;

1709 (iii) The right of each biological parent to file an affidavit with the placement agency  
 1710 or the department stating that such parent's identity should not be disclosed;

1711 (iv) The right of each biological parent to file a consent to disclosure with the  
 1712 placement agency or the department; and

1713 (v) The effect of a failure of each biological parent to file ~~either~~ a consent to  
 1714 disclosure or an affidavit stating that the information in the sealed adoption file should  
 1715 not be disclosed.

1716 (B) If a biological parent files an unrevoked consent to the disclosure of that parent's  
 1717 identity, such parent's name, together with a detailed summary of all information the  
 1718 department or placement agency has concerning the adoptee's birth, foster care,  
 1719 placement for adoption, and finalization of his or her adoption, shall be released to the



1720 adopted ~~person~~ individual who has requested such information as authorized by this  
1721 paragraph.

1722 (C) If, within 60 days of being notified by the department or ~~the~~ placement agency  
1723 pursuant to subparagraph (A) of this paragraph, a biological parent has filed with the  
1724 department or placement agency an affidavit objecting to such release, information  
1725 regarding the identity of that biological parent shall not be released.

1726 (D)(i) If six months after receipt of the adopted ~~person's~~ individual's written request  
1727 the placement agency or the department has ~~either~~ been unable to notify a biological  
1728 parent identified in the original adoption record or has been able to notify a biological  
1729 parent identified in the original adoption record but has not obtained a consent to  
1730 disclosure from the notified biological parent, then the identity of a biological parent  
1731 may only be disclosed as provided in division (ii) or (iii) of this subparagraph.

1732 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age may petition  
1733 the Superior Court of Fulton County to seek the release of the identity of each of ~~that~~  
1734 ~~person's~~ his or her biological parents from the department or placement agency. The  
1735 court shall grant the petition if the court finds that the department or placement  
1736 agency has made diligent efforts to locate each biological parent pursuant to this  
1737 subparagraph ~~either~~ without success or upon locating a biological parent has not  
1738 obtained a consent to disclosure from the notified biological parent and that failure  
1739 to release the identity of each biological parent would have an adverse impact upon  
1740 the physical, mental, or emotional health of the adopted ~~person~~ individual.

1741 (iii) If it is verified that a biological parent of the adopted ~~person~~ individual is  
1742 deceased, the department or placement agency shall be authorized to disclose the  
1743 name and place of burial of the deceased biological parent, if known, together with  
1744 a detailed summary of all information the department or placement agency has  
1745 concerning the adoptee's birth, foster care, placement for adoption, and finalization  
1746 of his or her adoption, to the adopted ~~person~~ individual seeking such information  
1747 without the necessity of obtaining a court order.

1748 (5)(A) Upon written request of an adopted ~~person~~ individual who has reached ~~21~~ 18  
1749 years of age or a ~~person~~ an individual who has reached ~~21~~ 18 years of age and who is  
1750 the sibling of an adopted ~~person~~ individual, the department or ~~a~~ placement agency shall  
1751 attempt to identify and notify the siblings of the requesting party, if such siblings are  
1752 at least 18 years of age. Upon locating the requesting party's sibling, the department  
1753 or ~~the~~ placement agency shall notify the sibling of the inquiry. Upon the written  
1754 consent of a sibling so notified, the department or ~~the~~ placement agency shall forward  
1755 the requesting party's name and address to the sibling and, upon further written consent  
1756 of the sibling, shall divulge to the requesting party the present name and address of the

1757 sibling. If a sibling cannot be identified or located, the department or placement agency  
 1758 shall notify the requesting party of such circumstances but shall not disclose any names  
 1759 or other information which would tend to identify the sibling. If a sibling is deceased,  
 1760 the department or placement agency shall be authorized to disclose the name and place  
 1761 of burial of the deceased sibling, if known, to the requesting party without the necessity  
 1762 of obtaining a court order.

1763 (B)(i) If six months after receipt of the written request from an adopted ~~person~~  
 1764 individual who has reached ~~21~~ 18 years of age or a ~~person~~ an individual who has  
 1765 reached ~~21~~ 18 years of age and who is the sibling of an adopted ~~person~~ individual, the  
 1766 ~~placement agency or the department has either~~ department or placement agency has  
 1767 been unable to notify one or more of the siblings of the requesting party or has been  
 1768 able to notify a sibling of the requesting party but has not obtained a consent to  
 1769 disclosure from the notified sibling, then the identity of the siblings may only be  
 1770 disclosed as provided in division (ii) of this subparagraph.

1771 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age or a ~~person~~  
 1772 an individual who has reached ~~21~~ 18 years of age and who is the sibling of an adopted  
 1773 ~~person~~ individual may petition the Superior Court of Fulton County to seek the  
 1774 release of the last known name and address of each of the siblings of the petitioning  
 1775 sibling, ~~that~~ who are at least 18 years of age, from the department or placement  
 1776 agency. The court shall grant the petition if the court finds that the department or  
 1777 placement agency has made diligent efforts to locate such siblings pursuant to  
 1778 subparagraph (A) of this paragraph ~~either~~ without success or upon locating one or  
 1779 more of the siblings has not obtained a consent to disclosure from all the notified  
 1780 siblings and that failure to release the identity and last known address of said siblings  
 1781 would have an adverse impact upon the physical, mental, or emotional health of the  
 1782 petitioning sibling.

1783 (C) If the adopted ~~person~~ individual is deceased and leaves a child, such child, upon  
 1784 reaching ~~21~~ 18 years of age, may obtain the name and other identifying information  
 1785 concerning the siblings of his or her deceased parent in the same manner that the  
 1786 deceased adopted ~~person~~ individual would be entitled to obtain such information  
 1787 pursuant to the procedures contained in this Code section.

1788 (6)(A) Upon written request of a biological parent of an adopted ~~person~~ individual who  
 1789 has reached ~~21~~ 18 years of age, the department or a placement agency shall attempt to  
 1790 identify and notify the adopted ~~person~~ individual. Upon locating the adopted ~~person~~  
 1791 individual, the department or ~~the~~ placement agency shall notify the adopted ~~person~~  
 1792 individual of the inquiry. Upon the written consent of the adopted ~~person~~ individual  
 1793 so notified, the department or ~~the~~ placement agency shall forward ~~the~~ such biological

1794 parent's name and address to the adopted person individual, together with a detailed  
 1795 summary of all information the department or placement agency has concerning the  
 1796 adoptee's birth, foster care, placement for adoption, and finalization of his or her  
 1797 adoption, and, upon further written consent of the adopted person individual, shall  
 1798 divulge to ~~the~~ such requesting biological parent the present name and address of the  
 1799 adopted person individual. If the adopted person individual is deceased, the department  
 1800 or placement agency shall be authorized to disclose the name and place of burial of the  
 1801 deceased adopted person individual, if known, to ~~the~~ such requesting biological parent  
 1802 without the necessity of obtaining a court order.

1803 (B)(i) If six months after receipt of the written request from a biological parent of an  
 1804 adopted person individual who has reached ~~21~~ 18 years of age, the ~~placement agency~~  
 1805 ~~or the department has either~~ department or placement agency has been unable to  
 1806 notify the adopted person individual or has been able to notify the adopted person  
 1807 individual but has not obtained a consent to disclosure from the notified adopted  
 1808 person individual, then the identity of the adopted person individual may only be  
 1809 disclosed as provided in division (ii) of this subparagraph.

1810 (ii) ~~A~~ The biological parent of an adopted person individual who has reached ~~21~~ 18  
 1811 years of age may petition the Superior Court of Fulton County to seek the release of  
 1812 the last known name and address of the adopted person individual from the  
 1813 department or placement agency. The court shall grant the petition if the court finds  
 1814 that the department or placement agency has made diligent efforts to locate such  
 1815 adopted person individual pursuant to subparagraph (A) of this paragraph ~~either~~  
 1816 without success or upon locating the adopted person individual has not obtained a  
 1817 consent to disclosure from the adopted person individual and that failure to release the  
 1818 identity and last known address of said adopted person individual would have an  
 1819 adverse impact upon the physical, mental, or emotional health of the petitioning  
 1820 biological parent.

1821 (C) If ~~the~~ a biological parent is deceased, a parent or sibling of the deceased biological  
 1822 parent, or both, may obtain the name and other identifying information concerning the  
 1823 adopted person individual in the same manner that the deceased biological parent would  
 1824 be entitled to obtain such information pursuant to the procedures contained in this Code  
 1825 section.

1826 (7) If an adoptive parent or the sibling of an adopted person individual notifies the  
 1827 department or placement agency of the death of an adopted person individual, the  
 1828 department or placement agency shall add information regarding the date and  
 1829 circumstances of the death to its records so as to enable it to share such information with

1830 a biological parent or sibling of the adopted ~~person~~ individual if they make an inquiry  
 1831 pursuant to ~~the provisions of~~ this Code section.

1832 (8) If a biological parent or his or her parent or sibling of a ~~biological parent~~ notifies the  
 1833 department or placement agency of the death of a biological parent or a sibling of an  
 1834 adopted ~~person~~ individual, the department or placement agency shall add information  
 1835 regarding the date and circumstances of the death to its records so as to enable it to share  
 1836 such information with an adopted ~~person~~ individual or sibling of the adopted ~~person~~ if he  
 1837 ~~or she makes~~ individual if they make an inquiry pursuant to ~~the provisions of~~ this Code  
 1838 section.

1839 (9) ~~The Office of Adoptions~~ State Adoption Unit within the department shall maintain  
 1840 a registry for the recording of requests by adopted ~~persons~~ individuals for the name of  
 1841 any biological parent, for the recording of the written consent or the written objections  
 1842 of any biological parent to the release of that parent's identity to an adopted ~~person~~  
 1843 individual upon the adopted ~~person's~~ individual's request, and for nonidentifying  
 1844 information regarding any biological parent which may be released pursuant to  
 1845 paragraph (2) of this subsection. The department and any placement agency which  
 1846 receives such requests, consents, or objections shall file a copy thereof with ~~that office~~  
 1847 the State Adoption Unit.

1848 (10) The department or placement agency may charge a reasonable fee to be determined  
 1849 by the department for the cost of conducting any search pursuant to this subsection.

1850 (11) Nothing in this subsection shall be construed to require the department or placement  
 1851 agency to disclose to any party at interest, including but not limited to an adopted ~~person~~  
 1852 individual who has reached ~~21~~ 18 years of age, any information which is not kept by the  
 1853 department or ~~the~~ placement agency in its normal course of operations relating to  
 1854 adoption.

1855 (12) Any department employee or employee of any placement agency who releases  
 1856 information or makes authorized contacts in good faith and in compliance with this  
 1857 subsection shall be immune from civil ~~or criminal~~ liability or criminal responsibility for  
 1858 such release of information or authorized contacts.

1859 (13) Information authorized to be released pursuant to this subsection may be released  
 1860 under the conditions specified in this subsection, notwithstanding any other provisions  
 1861 of law to the contrary.

1862 (14) A placement agency which demonstrates to the department by clear and convincing  
 1863 evidence that the requirement that such agency search for or notify any biological parent,  
 1864 sibling, or adopted ~~person~~ individual under subparagraph (A) ~~of paragraph (4) of this~~  
 1865 ~~subsection or subparagraph (A) of paragraph (5) of this subsection or subparagraph (A)~~  
 1866 ~~of paragraph (4), (5), or (6) of this subsection~~ will impose an undue hardship upon that

1867 agency shall be relieved from that responsibility, and the department shall assume that  
 1868 responsibility upon such finding by the department of undue hardship. The department's  
 1869 determination under this subsection shall be a contested case within the meaning of  
 1870 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1871 (15) Whenever this subsection authorizes both the department and a placement agency  
 1872 to perform any function or requires the placement agency to perform any function which  
 1873 the department is also required to perform, the department or agency may designate an  
 1874 agent to perform that function and in so performing it the agent shall have the same  
 1875 authority, powers, duties, and immunities as an employee of the department or placement  
 1876 agency has with respect to performing that function.

1877 19-8-24.

1878 (a)(1) It shall be unlawful for any person, organization, corporation, hospital, facilitator,  
 1879 or association of any kind whatsoever which ~~has not been established as is not a~~  
 1880 child-placing agency by the department to: a prospective adoptive parent who has a  
 1881 valid, approved preplacement home study report, or an attorney who is a member of the  
 1882 State Bar of Georgia representing a prospective adoptive parent who has a valid,  
 1883 approved preplacement home study report to advertise,

1884 ~~(1) Advertise,~~ whether in a periodical, by television, by radio, or by any other public  
 1885 medium or by any private means, including, but not limited to, letters, circulars,  
 1886 handbills, Internet postings including social media, and oral statements, that the person,  
 1887 organization, corporation, hospital, facilitator, or association will adopt children or will  
 1888 arrange for or cause children to be adopted or placed for adoption; ~~or~~

1889 ~~(2) Directly or indirectly hold out inducements to parents to part with their children.~~  
 1890 ~~As used in this subsection, 'inducements' shall include any financial assistance, either direct~~  
 1891 ~~or indirect, from whatever source, except payment or reimbursement of the medical~~  
 1892 ~~expenses directly related to the mother's pregnancy and hospitalization for the birth of the~~  
 1893 ~~child and medical care for the child.~~

1894 (2)(A) Any person, organization, corporation, hospital, facilitator, or association of any  
 1895 kind which is not a child-placing agency that places an advertisement concerning  
 1896 adoption or prospective adoption shall include in such advertisement its license number  
 1897 issued by the department;

1898 (B) Any attorney representing a prospective adoptive parent who has a valid, approved  
 1899 preplacement home study report who places an advertisement concerning adoption or  
 1900 prospective adoption shall include in such advertisement his or her State Bar of Georgia  
 1901 license number; and

1902 (C) Any individual who places an advertisement concerning being an adoptive parent  
 1903 shall include in such advertisement that he or she has a valid, approved preplacement  
 1904 home study report.

1905 (b) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or  
 1906 association of any kind whatsoever to sell, offer to sell, or conspire with another to sell or  
 1907 offer to sell a child for money or anything of value, except as otherwise provided in this  
 1908 chapter article.

1909 (c)(1) As used in this subsection, the term 'inducements' means any financial assistance,  
 1910 either direct or indirect, from whatever source, but shall expressly not include:

1911 (A) The payment or reimbursement of the medical expenses directly related to the  
 1912 biological mother's pregnancy and hospitalization for the birth of the child and medical  
 1913 care for such child if paid by a licensed child-placing agency or an attorney;

1914 (B) The payment or reimbursement of expenses for counseling services or legal  
 1915 services for a biological parent that are directly related to the placement by such parent  
 1916 of her or his child for adoption if paid by a licensed child-placing agency or an attorney;

1917 (C) The payment or reimbursement of reasonable living expenses for the biological  
 1918 mother if paid by a licensed child-placing agency; or

1919 (D) The payment or reimbursement of reasonable expenses for rent, utilities, food,  
 1920 maternity garments, and maternity accessories for the biological mother if paid from  
 1921 the trust account of an attorney who is a member of the State Bar of Georgia in good  
 1922 standing.

1923 (2) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or  
 1924 association of any kind whatsoever to directly or indirectly hold out inducements to any  
 1925 biological parent to part with his or her child.

1926 (3) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or  
 1927 association of any kind whatsoever to conspire with another to offer or provide  
 1928 inducements to a biological parent to part with his or her child.

1929 (4) It shall be unlawful for an individual to knowingly make false representations in  
 1930 order to obtain inducements.

1931 (5) The report and affidavit filed pursuant to subsections (c) and (d) of Code Section  
 1932 19-8-13 shall include an itemized accounting of all expenses paid or reimbursed pursuant  
 1933 to this subsection.

1934 (d)(1) It shall be unlawful for an individual to knowingly accept expenses as set forth in  
 1935 subparagraph (c)(1)(C) or (c)(1)(D) of this Code section for the adoption of her child or  
 1936 unborn child if she knows or should have known that she is not pregnant or is not a legal  
 1937 mother.

1938 (2) It shall be unlawful for an individual to knowingly accept expenses as set forth in  
 1939 subparagraph (c)(1)(C) or (c)(1)(D) of this Code section from an adoption agency or an  
 1940 attorney without disclosing that he or she is receiving such expenses from another  
 1941 adoption agency or attorney in an effort to allow for the adoption of the same child or  
 1942 unborn child.

1943 (3) It shall be unlawful for an individual to knowingly make false representations in  
 1944 order to obtain expenses as set forth in subparagraph (c)(1)(C) or (c)(1)(D) of this Code  
 1945 section.

1946 ~~(c)(e)~~ Any person who violates ~~subsection (a) or (b)~~ of this Code section shall be guilty  
 1947 of a felony and, upon conviction thereof, shall be punished by a fine not to exceed  
 1948 \$10,000.00, ~~or imprisonment for not less than one nor more than ten years, or both, in the~~  
 1949 ~~discretion of the court.~~

1950 ~~(d)(f)(1) Subsection Paragraph (1) of subsection~~ (a) of this Code section shall not apply  
 1951 to communication by private means, including ~~only~~ written letters or oral statements, by  
 1952 an individual seeking to:

1953 (A) Adopt a child or children; or

1954 (B) Place that individual's child or children for adoption,

1955 whether the communication occurs before or after the birth of such child or children.

1956 ~~(2) Subsection Paragraph (1) of subsection~~ (a) of this Code section shall not apply to any  
 1957 communication described in paragraph (1) of this subsection which contains ~~any~~  
 1958 ~~attorney's name, address, the name of an attorney who is a member of the State Bar of~~  
 1959 Georgia, his or her address, his or her telephone number, or any combination of such  
 1960 information and which requests any that the attorney named in such communication to  
 1961 be contacted to facilitate the carrying out of the purpose, as described in subparagraph  
 1962 (A) or (B) of paragraph (1) of this subsection, of the individual making such personal  
 1963 communication.

1964 (g) Any child-placing agency or individual who is seeking to adopt or seeking to place a  
 1965 child for adoption who is damaged by a violation of this Code section may file a civil  
 1966 action to recover damages, treble damages, reasonable attorney's fees, and expenses of  
 1967 litigation.

1968 19-8-25.

1969 (a) A written consent or surrender of rights, executed on or before ~~June 30, 1990~~  
 1970 August 31, 2018, shall, for purposes of an adoption proceeding commenced on or after  
 1971 ~~July 1, 1990~~ September 1, 2018, be deemed to satisfy the surrender requirements of this  
 1972 ~~chapter~~ article and it shall not be necessary to have any parent or guardian execute the

1973 documents required by Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7; however, all other  
1974 applicable provisions of this ~~chapter must~~ article shall be complied with.

1975 (b) It is the legislative intent of this subsection to clarify and not to change the applicability  
1976 of certain previously existing provisions of this ~~chapter~~ article to adoption proceedings  
1977 pending on ~~July 1, 1990~~ August 31, 2018. Any decree of adoption issued in an adoption  
1978 proceeding in which the adoption petition was filed in a superior court of this state prior  
1979 to ~~July 1, 1990~~ September 1, 2018, shall be valid if the adoption conformed to the  
1980 requirements of this ~~chapter~~ article either as they existed on ~~June 30, 1990~~ August 31,  
1981 2018, or on ~~July 1, 1990~~ September 1, 2018, and each such adoption decree is hereby  
1982 ratified and confirmed.

1983 19-8-26.

1984 (a) The surrender of rights by a parent or guardian pursuant to paragraph (1) of  
1985 subsection (e) of Code Section 19-8-4 shall conform substantially to the following form:

1986 SURRENDER OF RIGHTS

1987 FINAL RELEASE FOR ADOPTION

1988 NOTICE TO PARENT OR GUARDIAN:

1989 This is an important legal document and by signing it, you are surrendering all of your  
1990 ~~right, title, and claim~~ rights to the child identified ~~herein in this document~~, so as to  
1991 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are  
1992 signing this document under oath and that if you knowingly and willfully make a false  
1993 statement in this document you will be guilty of the crime of false swearing. As  
1994 explained below in paragraph 5, you have the right to revoke this ~~You are to receive a~~  
1995 ~~copy of this document and as explained below have the right to withdraw your surrender~~  
1996 ~~within ten~~ four days from the date you sign it.

1997 \_\_\_\_\_

1998 STATE OF GEORGIA

1999 COUNTY OF \_\_\_\_\_

2000 Personally appeared before me, the undersigned officer duly authorized to administer  
2001 oaths, \_\_\_\_\_ (name of parent or guardian) who, after  
2002 having been sworn, deposes and says as follows:



2003

1.

2004

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

2005

born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate

2006

of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert~~

2007

~~birthdate of child~~), should receive the benefits and advantages of a good home, to the

2008

end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this

2009

surrender of my parental rights.

2010

2.

2011

I, the undersigned, \_\_\_\_\_ (relationship to child) (~~insert relationship~~

2012

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

2013

\_\_\_\_\_ (name of child-placing agency,

2014

out-of-state licensed agency, or Department of Human Services, as applicable) (~~insert~~

2015

~~name of child-placing agency or Department of Human Services, as applicable~~) and

2016

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

2017

in consideration of the benefits guaranteed by \_\_\_\_\_

2018

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

2019

Services, as applicable) (~~insert name of child-placing agency or Department of Human~~

2020

~~Services, as applicable~~) in ~~thus~~ providing for the child, I do relinquish all right, title,

2021

and claim rights to the child ~~herein~~ named in this document, it being my wish, intent,

2022

and purpose to relinquish absolutely all parental control over the child. Furthermore,

2023

I hereby agree that the \_\_\_\_\_ (name of

2024

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

2025

as applicable) (~~insert name of child-placing agency or Department of Human Services,~~

2026

~~as applicable~~) may seek for the child a legal adoption by such ~~person or persons~~

2027

individual or individuals as may be chosen by the \_\_\_\_\_

2028

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

2029

Services, as applicable) (~~insert name of child-placing agency or Department of Human~~

2030

~~Services, as applicable~~) or its authorized agents, without further notice to me. I do,

2031

furthermore, expressly waive any other notice or service in any of the legal proceedings

2032

for the adoption of the child.

2033

3.

2034

Furthermore, I understand that under Georgia law ~~the Department of Human Services~~

2035

~~or the child-placing agency~~ an agent appointed by the court is required to conduct an

2036

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

2037 for the legal adoption of the child, and I hereby agree to cooperate fully with such  
2038 ~~department or agency agent~~ in the conduct of its investigation.

2039 4.

2040 I understand that I will receive a copy of this document after the witness and I have  
2041 signed it and it has been notarized.

2042 5.

2043 I understand that under Georgia law I have the unconditional right to a four-day  
2044 revocation period.

2045 ~~Furthermore, I hereby certify that I have received a copy of this document and that I~~  
2046 ~~understand I may only ~~withdraw~~ revoke this surrender by giving written notice,~~  
2047 ~~delivered in person or mailed by registered mail or statutory overnight delivery, to~~  
2048 ~~\_\_\_\_\_ (name and address~~  
2049 ~~of child-placing agency, out-of-state licensed agency, or Department of Human~~  
2050 ~~Services, as applicable) (~~insert name and address of child-placing agency or~~~~  
2051 ~~~~Department of Human Services, as applicable~~) within ~~ten~~ four days from the date~~  
2052 ~~hereof; ~~of signing this document. I understand that certified mail cannot be used for~~~~  
2053 ~~~~mail delivery of the notice to revoke this surrender. I understand that the ~~ten~~ four~~~~  
2054 ~~days ~~shall~~ will be counted consecutively beginning with the day immediately~~  
2055 ~~following the date hereof; ~~I sign this document; provided, however, that, if the ~~tenth~~~~~~  
2056 ~~~~fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which~~~~  
2057 ~~~~the this surrender may be ~~withdrawn~~ ~~shall~~ revoked will be the next day that is not a~~~~  
2058 ~~Saturday, Sunday, or legal holiday; and I understand that it may NOT be withdrawn~~  
2059 ~~thereafter. I understand that, if I deliver the notice to revoke this surrender in person,~~  
2060 ~~i t m u s t b e d e l i v e r e d t o~~  
2061 ~~\_\_\_\_\_ (name and address)~~  
2062 ~~not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is~~  
2063 ~~applicable, on the fourth day. I understand that I CANNOT revoke this surrender~~  
2064 ~~after that time.~~

2065 6.

2066 I understand that if I am not a resident of this state that I am agreeing to be subject to  
2067 the jurisdiction of the courts of Georgia for any action filed in connection with the  
2068 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
2069 of this surrender of my parental rights.

2070 7.

2071 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
2072 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
2073 and voluntarily.

2074 ~~Witness my hand and seal this~~

2075 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2076 \_\_\_\_\_  
2077 (SEAL)  
2078 (Parent or guardian)

2079 \_\_\_\_\_  
2080 ~~Unofficial witness~~  
2081 Adult witness

2082 Sworn to and subscribed  
2083 before me this \_\_\_\_\_  
2084 day of \_\_\_\_\_, \_\_\_\_\_.

2085 \_\_\_\_\_  
2086 Notary public (SEAL)

2087 My commission expires: \_\_\_\_\_.'

2088 (b) ~~Reserved.~~ The notice to revoke a surrender of rights pursuant to subsection (a) of Code  
2089 Section 19-8-9 shall conform substantially to the following form:

2090 'NOTICE TO REVOKE SURRENDER OF RIGHTS/  
2091 FINAL RELEASE FOR ADOPTION

2092 I, the undersigned, executed a (SURRENDER OF RIGHTS/FINAL RELEASE FOR  
2093 ADOPTION) (PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR  
2094 ADOPTION) [circle one] as to the child identified in the surrender of rights document on  
2095 \_\_\_\_\_ (date). My relationship to the (child) (unborn child) [circle one] is that  
2096 I am the (mother) (father) (alleged biological father) (guardian) [circle one].

2097 (Complete this paragraph if the child has been born.) This notice to revoke my surrender  
2098 of rights applies to the (female) (male) [circle one] child born \_\_\_\_\_ (name  
2099 of child) on \_\_\_\_\_ (birthdate of child).

2100 I now wish to exercise my right to revoke my surrender of rights.

2101 I understand that for my revocation of surrender to be effective I must:

2102 A. Deliver the original of this document in person to the address designated in the  
2103 surrender of rights document no later than 5:00 P.M. eastern standard time or eastern  
2104 daylight time, whichever is applicable, on the fourth day of the revocation period  
2105 specified in the surrender of rights document;

2106 **OR**

2107 B. Mail the original of this document by registered mail or by statutory overnight  
2108 delivery to the address designated in the surrender of rights document no later than the  
2109 fourth day of the revocation period specified in the surrender of rights document.

2110 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2111 \_\_\_\_\_  
2112 (Parent, guardian, or alleged biological father)

2113 \_\_\_\_\_  
2114 Printed name

2115 \_\_\_\_\_  
2116 Adult witness'

2117 (c) The surrender of rights by a parent or guardian pursuant to paragraph (1) of  
2118 subsection (e) of Code Section 19-8-5 shall conform substantially to the following form:

2119 'SURRENDER OF RIGHTS  
2120 FINAL RELEASE FOR ADOPTION

2121 NOTICE TO PARENT OR GUARDIAN:

2122 This is an important legal document and by signing it, you are surrendering all of your  
2123 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to  
2124 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are  
2125 signing this document under oath and that if you knowingly and willfully make a false  
2126 statement in this document you will be guilty of the crime of false swearing. As  
2127 explained below in paragraph 8, you have the right to revoke this ~~You are to receive a~~  
2128 ~~copy of this document and as explained below have the right to withdraw your surrender~~  
2129 within ten ~~four~~ days from the date you sign it.

2130

\_\_\_\_\_

2131 STATE OF GEORGIA

2132 COUNTY OF \_\_\_\_\_

2133 Personally appeared before me, the undersigned officer duly authorized to administer  
2134 oaths, \_\_\_\_\_ (name of parent or guardian) who, after having been  
2135 sworn, deposes and says as follows:

2136 1.

2137 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,  
2138 born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
2139 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert~~  
2140 ~~birthdate of child~~), should receive the benefits and advantages of a good home, to the  
2141 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this  
2142 surrender of my parental rights.

2143 2.

2144 I, the undersigned, \_\_\_\_\_ (relationship to child) (~~insert relationship~~  
2145 ~~to child~~) of the aforesaid child, do hereby surrender my rights to the child to  
2146 \_\_\_\_\_ (name, surname not required, of each  
2147 individual to whom surrender is made) (~~insert name, surname not required, of each~~  
2148 ~~person to whom surrender is made~~), PROVIDED that each such ~~person~~ individual is  
2149 named as petitioner in a petition for adoption of the child filed in accordance with  
2150 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated within 60  
2151 days from the date ~~hereof~~ that I sign this document. Furthermore, I promise not to  
2152 interfere in the management of the child in any respect whatever; and, in consideration  
2153 of the benefits guaranteed by \_\_\_\_\_ (name,  
2154 surname not required, of each individual to whom surrender is made) (~~insert name,~~  
2155 ~~surname not required, of each person to whom surrender is made~~) in thus providing for  
2156 the child, I do relinquish all ~~right, title, and claim~~ rights to the child ~~herein~~ named in  
2157 this document, it being my wish, intent, and purpose to relinquish absolutely all  
2158 parental control over the child.

2159 3.

2160 It is also my wish, intent, and purpose that if each such ~~person~~ individual identified in  
2161 paragraph 2 is not named as petitioner in a petition for adoption ~~as provided for above~~

2162 within the 60 day period, other than for ~~excusable neglect~~ justifiable good cause, or, if  
 2163 said petition for adoption is filed within 60 days but the adoption ~~action~~ proceeding is  
 2164 dismissed with prejudice or otherwise concluded without an order declaring the child  
 2165 to be the adopted child of each such ~~person~~ individual, then I do hereby surrender my  
 2166 rights to the child as follows:

2167 ~~(Mark one of the following as chosen)~~

2168 Indicate your choice by signing ONE of the following statements (you may choose  
 2169 statement A, B, or C):

2170 A. \_\_\_\_\_ (Signature) \_\_\_\_\_ I wish the child returned to me, as  
 2171 provided by subsection (j) of Code Section 19-8-5, and I expressly acknowledge that  
 2172 this provision applies only to the limited circumstance that the child is not adopted by  
 2173 the ~~person or persons~~ individual or individuals designated ~~herein~~ in this document and  
 2174 further that this provision does not impair the validity, absolute finality, or totality of  
 2175 this surrender under any circumstance other than the failure of the designated ~~person~~  
 2176 ~~or persons~~ individual or individuals to adopt the child and that no other provision of  
 2177 this surrender impairs the validity, absolute finality, or totality of this surrender once  
 2178 the four-day revocation period has elapsed; ~~or~~

2179 **OR**

2180 B. \_\_\_\_\_ (Signature) \_\_\_\_\_ I surrender the child to  
 2181 \_\_\_\_\_ (name of child-placing agency or out-of-state licensed  
 2182 agency), as provided in subsection (j) of Code Section 19-8-5 (~~insert name of~~  
 2183 ~~designated licensed child-placing agency~~), a licensed ~~child-placing~~ agency, for  
 2184 placement for adoption. I understand that if the ~~child-placing~~ agency or out-of-state  
 2185 licensed agency declines to accept the child for placement for adoption, this surrender  
 2186 will be in favor of the Department of Human Services for placement for adoption and  
 2187 \_\_\_\_\_ (name of child-placing agency or out-of-state  
 2188 licensed agency) or the Department of Human Services may petition the superior  
 2189 court for custody of the child in accordance with the terms of this surrender; ~~or~~

2190 **OR**

2191 C. \_\_\_\_\_ (Signature) \_\_\_\_\_ I surrender the child to the Department  
 2192 of Human Services, as provided by subsection (~~k~~) (j) of Code Section 19-8-5, for

2193 placement for adoption; and ~~(insert name of designated licensed child-placing agency)~~  
 2194 ~~or~~ the Department of Human Services may petition the superior court for custody of  
 2195 the child in accordance with the terms of this surrender.

2196 4.  
 2197 ~~Furthermore,~~ I hereby agree that the child is to be adopted either by each person named  
 2198 ~~above~~ individual named in paragraph 2 or by any other ~~such person~~ individual as may  
 2199 be chosen by the \_\_\_\_\_ (name of  
 2200 child-placing agency or out-of-state licensed agency) ~~(insert name of designated~~  
 2201 licensed child-placing agency) or the Department of Human Services and I do expressly  
 2202 waive any other notice or service in any of the legal proceedings for the adoption of the  
 2203 child.

2204 5.  
 2205 ~~Furthermore,~~ I understand that under Georgia law an evaluator is required to conduct  
 2206 and provide to the court a home study and make recommendations to the court  
 2207 regarding the qualification of each ~~person named above to adopt~~ a individual named in  
 2208 paragraph 2 to adopt the child concerning the circumstances of placement of ~~my~~ the  
 2209 child for adoption. ~~I hereby agree to cooperate fully with such investigations.~~

2210 6.  
 2211 ~~Furthermore,~~ I understand that under Georgia law; an agent appointed by the court is  
 2212 required to conduct an investigation and render a report to the court in connection with  
 2213 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate  
 2214 fully with such agent in the conduct of ~~this~~ its investigation.

2215 7.  
 2216 I understand that I will receive a copy of this document after the witness and I have  
 2217 signed it and it has been notarized.

2218 8.  
 2219 I understand that under Georgia law I have the unconditional right to a four-day  
 2220 revocation period.

2221 ~~Furthermore,~~ I hereby certify that I have received a copy of this document and that I  
 2222 understand I may only ~~withdraw~~ revoke this surrender by giving written notice,  
 2223 delivered in person or mailed by registered mail or statutory overnight delivery, to

2224 \_\_\_\_\_ (name and address of each individual to whom  
 2225 surrender is made or his or her agent) (~~insert name and address of each~~  
 2226 ~~person to whom surrender is made~~) within ~~ten~~ four days from the date hereof; of  
 2227 signing this document. I understand that certified mail cannot be used for mail  
 2228 delivery of the notice to revoke this surrender. I understand that the ~~ten~~ four days  
 2229 ~~shall~~ will be counted consecutively beginning with the day immediately following the  
 2230 date ~~hereof~~ I sign this document; provided, however, that, if the ~~tenth~~ fourth day falls  
 2231 on a Saturday, Sunday, or legal holiday, then the last day on which ~~the~~ this surrender  
 2232 may be ~~withdrawn~~ shall ~~revoked~~ will be the next day that is not a Saturday, Sunday,  
 2233 or legal holiday; ~~and I understand that it may NOT be withdrawn thereafter. I~~  
 2234 ~~understand that, if I deliver the notice to revoke this surrender in person, it must be~~  
 2235 ~~delivered to~~ \_\_\_\_\_ (name and address)  
 2236 ~~not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is~~  
 2237 ~~applicable, on the fourth day. I understand that I CANNOT revoke this surrender~~  
 2238 ~~after that time.~~

2239 9.  
 2240 I understand that if I am not a resident of this state that I am agreeing to be subject to  
 2241 the jurisdiction of the courts of Georgia for any action filed in connection with the  
 2242 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
 2243 of this surrender of my parental rights.

2244 10.  
 2245 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
 2246 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
 2247 and voluntarily.

2248 ~~Witness my hand and seal this~~

2249 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2250 \_\_\_\_\_  
 2251 (SEAL)  
 2252 (Parent or guardian)

2253 \_\_\_\_\_  
 2254 Unofficial witness  
 2255 Adult witness



2256 Sworn to and subscribed  
2257 before me this \_\_\_\_\_  
2258 day of \_\_\_\_\_, \_\_\_\_.

2259 \_\_\_\_\_  
2260 Notary public (SEAL)

2261 My commission expires: \_\_\_\_\_!

2262 (d) The surrender of rights by a biological father who is not ~~the~~ a legal father of the child  
2263 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or  
2264 19-8-7 shall conform substantially to the following form:

2265 'SURRENDER OF RIGHTS  
2266 FINAL RELEASE FOR ADOPTION

2267 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2268 This is an important legal document and by signing it you are surrendering all of your  
2269 ~~right, title, and claim~~ rights to the child identified ~~herein, so as to facilitate the child's~~  
2270 ~~placement for adoption. You are to receive a copy of this document and as explained~~  
2271 ~~below have the right to withdraw your surrender within ten days from the date you sign~~  
2272 ~~it in this document. Understand that you are signing this document under oath and that~~  
2273 ~~if you knowingly and willfully make a false statement in this document you will be guilty~~  
2274 ~~of the crime of false swearing. As explained below in paragraph 4, you have the right to~~  
2275 ~~revoke this surrender within four days from the date you sign it.~~

2276 \_\_\_\_\_

2277 STATE OF GEORGIA  
2278 COUNTY OF \_\_\_\_\_

2279 Personally appeared before me, the undersigned officer duly authorized to administer  
2280 oaths, \_\_\_\_\_ (name of alleged biological father) who, after having  
2281 been sworn, deposes and says as follows:

2282 1.  
2283 I, the undersigned, alleged biological father of a (male) (female) [circle one] child, born  
2284 \_\_\_\_\_ (name of child) to \_\_\_\_\_ (name of legal  
2285 mother) on \_\_\_\_\_ (birthdate of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.)  
2286 [circle one], being mindful that the (insert name of child) to (insert name of mother) on  
2287 (insert birthdate of child), being solicitous that said child should receive the benefits

2288 and advantages of a good home, to the end that (she) (he) [circle one] may be fitted for  
 2289 the requirements of life, consent to this surrender of my rights. I, the undersigned, do  
 2290 hereby surrender my rights to the child. I promise not to interfere in the management  
 2291 of the child in any respect whatever; and, in consideration of the benefits provided to  
 2292 the child through adoption, I do relinquish all ~~right, title, and claim~~ rights to the child  
 2293 ~~herein named in this document~~, it being my wish, intent, and purpose to relinquish  
 2294 absolutely all control over the child.

2295 2.  
 2296 ~~Furthermore~~, I hereby agree that the child is to be adopted and I do expressly waive any  
 2297 other notice or service in any of the legal proceedings for the adoption of the child.  
 2298 ~~Furthermore~~, I understand that under Georgia law an agent appointed by the court is  
 2299 required to conduct an investigation and render a report to the court in connection with  
 2300 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate  
 2301 fully with ~~the~~ such agent ~~appointed by the court~~ in the conduct of ~~this~~ its investigation.

2302 3.  
 2303 I understand that I will receive a copy of this document after the witness and I have  
 2304 signed it and it has been notarized.

2305 4.  
 2306 I understand that under Georgia law I have the unconditional right to a four-day  
 2307 revocation period.

2308 ~~Furthermore, I hereby certify that I have received a copy of this document and that I~~  
 2309 ~~understand I may only~~ ~~withdraw~~ revoke this surrender by giving written notice,  
 2310 delivered in person or mailed by registered mail or statutory overnight delivery, to  
 2311 \_\_\_\_\_ (name and address of child-placing  
 2312 agency representative, out-of-state licensed agency representative, Department of  
 2313 Human Services representative, individual to whom surrender is made or his or her  
 2314 agent, or petitioner's representative, as applicable) (~~insert name and address of~~  
 2315 ~~child-placing agency representative, Department of Human Services representative,~~  
 2316 ~~person to whom surrender is made, or petitioner's representative, as appropriate)~~  
 2317 within ten four days from the date ~~hereof~~; of signing this document. I understand that  
 2318 certified mail cannot be used for mail delivery of the notice to revoke this surrender.  
 2319 I understand that the ~~ten~~ four days ~~shall~~ will be counted consecutively beginning with  
 2320 the day immediately following the date ~~hereof~~; I sign this document; provided,

2321 however, that, if the ~~tenth~~ fourth day falls on a Saturday, Sunday, or legal holiday,  
 2322 then the last day on which ~~the~~ this surrender may be ~~withdrawn shall~~ revoked will be  
 2323 the next day that is not a Saturday, Sunday, or legal holiday; ~~and I understand that it~~  
 2324 ~~may NOT be withdrawn thereafter.~~ I understand that, if I deliver the notice to revoke  
 2325 this surrender in person, it must be delivered to  
 2326 \_\_\_\_\_ (name and address) not later than  
 2327 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on  
 2328 the fourth day. I understand that I CANNOT revoke this surrender after that time.

2329 5.  
 2330 I understand that if I am not a resident of this state that I am agreeing to be subject to  
 2331 the jurisdiction of the courts of Georgia for any action filed in connection with the  
 2332 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
 2333 of this surrender of my parental rights.

2334 6.  
 2335 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
 2336 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
 2337 and voluntarily.

2338 ~~Witness my hand and seal this~~  
 2339 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2340 \_\_\_\_\_  
 2341 (SEAL)  
 2342 (Alleged biological father)

2343 \_\_\_\_\_  
 2344 ~~Unofficial witness~~  
 2345 Adult witness

2346 Sworn to and subscribed  
 2347 before me this \_\_\_\_\_  
 2348 day of \_\_\_\_\_, \_\_\_\_\_.

2349 \_\_\_\_\_  
 2350 Notary public (SEAL)

2351 My commission expires: \_\_\_\_\_.

2352 (e) The surrender of rights by a parent or guardian pursuant to paragraph (1) of  
2353 subsection (e) of Code Section 19-8-6 or 19-8-7 shall conform substantially to the  
2354 following form:

2355 SURRENDER OF RIGHTS  
2356 FINAL RELEASE FOR ADOPTION

2357 NOTICE TO PARENT OR GUARDIAN:

2358 This is an important legal document and by signing it, you are surrendering all of your  
2359 ~~right, title, and claim~~ rights to the child identified ~~herein in this document~~, so as to  
2360 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are  
2361 signing this document under oath and that if you knowingly and willfully make a false  
2362 statement in this document you will be guilty of the crime of false swearing. As  
2363 explained below in paragraph 6, you have the right to revoke this ~~You are to receive a~~  
2364 ~~copy of this document and as explained below have the right to withdraw your surrender~~  
2365 ~~within ten~~ four days from the date you sign it.

2366 \_\_\_\_\_

2367 STATE OF GEORGIA  
2368 COUNTY OF \_\_\_\_\_

2369 Personally appeared before me, the undersigned officer duly authorized to administer  
2370 oaths, \_\_\_\_\_ (name of parent or guardian) who, after having been  
2371 sworn, deposes and says as follows:

2372 1.

2373 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,  
2374 born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
2375 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert~~  
2376 ~~birthdate of child~~), should receive the benefits and advantages of a good home, to the  
2377 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this  
2378 surrender of my parental rights.

2379 2.

2380 I, the undersigned, \_\_\_\_\_ (relationship to child) (~~insert relationship~~  
2381 ~~to child~~) of the aforesaid child, do hereby surrender my rights to the child to  
2382 \_\_\_\_\_ (name of each individual to whom

2383 surrender is made) (~~insert name of each person to whom surrender is made~~) and  
 2384 promise not to interfere in the management of the child in any respect whatever; and,  
 2385 in consideration of the benefits guaranteed by  
 2386 \_\_\_\_\_ (name of each individual to whom  
 2387 surrender is made) (~~insert name of each person to whom surrender is made~~) in thus  
 2388 providing for the child, I do relinquish all right, title, and claim rights to the child herein  
 2389 named in this document, it being my wish, intent, and purpose to relinquish absolutely  
 2390 all parental control over the child.

2391 3.  
 2392 ~~Furthermore~~, I hereby agree that \_\_\_\_\_ (name of each individual to  
 2393 whom surrender is made) (~~insert name of each person to whom surrender is made~~) may  
 2394 initiate legal proceedings for the legal adoption of the child without further notice to  
 2395 me. I do, furthermore, expressly waive any other notice or service in any of the legal  
 2396 proceedings for the adoption of the child.

2397 4.  
 2398 ~~Furthermore~~, I understand that under Georgia law ~~the Department of Human Services~~  
 2399 an agent may be ~~required~~ appointed by the court to conduct an investigation and render  
 2400 a report to the court in connection with the legal proceeding for the legal adoption of  
 2401 the child, and I hereby agree to cooperate fully with ~~the department~~ such agent in the  
 2402 conduct of its investigation.

2403 5.  
 2404 I understand that I will receive a copy of this document after the witness and I have  
 2405 signed it and it has been notarized.

2406 6.  
 2407 I understand that under Georgia law I have the unconditional right to a four-day  
 2408 revocation period.

2409 ~~Furthermore, I hereby certify that I have received a copy of this document and that I~~  
 2410 understand I may only ~~withdraw~~ revoke this surrender by giving written notice,  
 2411 delivered in person or mailed by registered mail or statutory overnight delivery, to  
 2412 \_\_\_\_\_ (name and address of each  
 2413 individual to whom surrender is made or petitioner's representative, as applicable)  
 2414 (~~insert name and address of each person to whom surrender is made~~) within ten four

2415 days from the date ~~hereof~~; of signing this document. I understand that certified mail  
 2416 cannot be used for mail delivery of the notice to revoke this surrender. I understand  
 2417 that the ~~ten~~ four days ~~shall~~ will be counted consecutively beginning with the day  
 2418 immediately following the date ~~hereof~~; I sign this document; provided, however, that,  
 2419 if the ~~tenth~~ fourth day falls on a Saturday, Sunday, or legal holiday, then the last day  
 2420 on which ~~the~~ this surrender may be ~~withdrawn shall~~ revoked will be the next day that  
 2421 is not a Saturday, Sunday, or legal holiday; ~~and I understand that it may NOT be~~  
 2422 ~~withdrawn thereafter. I understand that, if I deliver the notice to revoke my surrender~~  
 2423 ~~i n p e r s o n , i t m u s t b e d e l i v e r e d t o~~  
 2424 \_\_\_\_\_ (name and address) not later than  
 2425 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on  
 2426 the fourth day. I understand that I CANNOT revoke this surrender after that time.

2427 7.

2428 I understand that if I am not a resident of this state that I am agreeing to be subject to  
 2429 the jurisdiction of the courts of Georgia for any action filed in connection with the  
 2430 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
 2431 of this surrender of my parental rights.

2432 8.

2433 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
 2434 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
 2435 and voluntarily.

2436 ~~Witness my hand and seal this~~

2437 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2438 \_\_\_\_\_  
 2439 (SEAL)  
 2440 (Parent or guardian)

2441 \_\_\_\_\_  
 2442 Unofficial witness  
 2443 Adult witness

2444 Sworn to and subscribed  
2445 before me this  
2446 day of \_\_\_\_\_.

2447 \_\_\_\_\_  
2448 Notary public (SEAL)

2449 My commission expires: \_\_\_\_\_!

2450 (f) The pre-birth surrender of rights by a biological father who is not ~~the~~ a legal father of  
2451 the child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or  
2452 19-8-7 shall conform substantially to the following form:

2453 PRE-BIRTH SURRENDER OF RIGHTS  
2454 FINAL RELEASE FOR ADOPTION

2455 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2456 This is an important legal document and by signing it, you are surrendering any and all  
2457 of your ~~right, title, and claim~~ rights to the child identified ~~herein in this document~~, so as  
2458 to ~~facilitate the child's placement~~ place the child for adoption. You have the right to wait  
2459 to execute a ~~Surrender of Rights Final Release for Adoption~~ PRE-BIRTH SURRENDER  
2460 OF RIGHTS/FINAL RELEASE FOR ADOPTION after the child is born, but by signing  
2461 this document, you are electing to surrender your rights prior to the birth of this child.  
2462 Understand that you are signing this document under oath and that if you knowingly and  
2463 willfully make a false statement in this document you will be guilty of the crime of false  
2464 swearing. As explained below in paragraph 6, you have the right to revoke this ~~You are~~  
2465 ~~to receive a copy of this document and as explained below have the right to withdraw~~  
2466 ~~your~~ pre-birth surrender within ~~ten~~ four days from the date you sign it.

2467 \_\_\_\_\_

2468 STATE OF GEORGIA  
2469 COUNTY OF \_\_\_\_\_

2470 Personally appeared before me, the undersigned officer duly authorized to administer  
2471 oaths, \_\_\_\_\_ (name of alleged biological father) who, after having  
2472 been sworn, deposes and says as follows:

2473 1.  
2474 I, the undersigned, understand that I have been named by \_\_\_\_\_,  
2475 the biological mother of the child expected to be born in

2476 \_\_\_\_\_(city) \_\_\_\_\_(county) \_\_\_\_\_(state)  
 2477 on or about the \_\_\_\_\_ day of \_\_\_\_\_(month), \_\_\_\_\_(year), as the  
 2478 biological father or possible biological father of her child. I further understand that the  
 2479 biological mother wishes to place this child for adoption.

2480 2.

2481 To the best of my knowledge and belief, the child has not been born as of the date I am  
 2482 signing this pre-birth surrender; however, if in fact the child has been born, this  
 2483 surrender shall have the same effect as if it were a surrender executed following the  
 2484 birth of the child.

2485 3.

2486 I understand that by signing this document I am not admitting that I am the biological  
 2487 father of this child, but if I am, I hereby agree that adoption is in this child's best  
 2488 interest. I consent to adoption of this child by any ~~person~~ individual chosen by the  
 2489 child's legal mother or by any public or private ~~child-placing~~ agency that places  
 2490 children without further notice to me. I expressly waive any other notice or service in  
 2491 any of the legal proceedings for the adoption of the child. I understand that I have the  
 2492 option to wait until after the child is born to execute a surrender of my rights (with a  
 2493 corresponding ~~ten-day~~ four-day right of ~~withdrawal~~ revocation) and, further, that by  
 2494 executing this document I am electing instead to surrender my rights before the child's  
 2495 birth.

2496 4.

2497 I ~~further~~ understand that ~~execution of signing~~ this document does not fully and finally  
 2498 terminate my rights and responsibilities until an order from a court of competent  
 2499 jurisdiction terminating my rights or a final order of adoption is entered. I understand  
 2500 that if the child is not adopted after I sign this document, legal proceedings can be  
 2501 brought to establish paternity, and I may become liable for financial obligations related  
 2502 to the birth and support of this child.

2503 5.

2504 I understand that I will receive a copy of this document after the witness and I have  
 2505 signed it and it has been notarized.



## 6.

2506  
 2507 I understand that under Georgia law I have the unconditional right to a four-day  
 2508 revocation period.

2509 ~~Furthermore, I hereby certify that I have received a copy of this document and that I~~  
 2510 ~~understand that I may only withdraw~~ revoke this pre-birth surrender by giving written  
 2511 notice, delivered in person or ~~by statutory overnight delivery or registered mail, return~~  
 2512 ~~receipt requested, to \_\_\_\_\_ within ten days from the date~~  
 2513 ~~hereof; mailed by registered mail or statutory overnight delivery, to~~  
 2514 \_\_\_\_\_ ~~(name and address of~~  
 2515 ~~child-placing agency representative, out-of-state licensed agency representative,~~  
 2516 ~~Department of Human Services representative, individual to whom surrender is made~~  
 2517 ~~or his or her agent, or petitioner's representative, as applicable) within four days from~~  
 2518 ~~the date of signing this document. I understand that certified mail cannot be used for~~  
 2519 ~~mail delivery of the notice to revoke this pre-birth surrender. I understand that the ten~~  
 2520 ~~four days shall~~ will be counted consecutively beginning with the day immediately  
 2521 following the date ~~hereof; that, however, I sign this document; provided, however,~~  
 2522 ~~that, if the tenth~~ fourth day falls on a Saturday, Sunday, or legal holiday, then the last  
 2523 day on which ~~the this~~ this surrender may be ~~withdrawn shall~~ revoked will be the next day  
 2524 that is not a Saturday, Sunday, or legal holiday; ~~and that it may NOT be withdrawn~~  
 2525 ~~thereafter. I understand that, if I deliver the notice to revoke this surrender in person,~~  
 2526 ~~it must be delivered to \_\_\_\_\_ (name and~~  
 2527 ~~address) not later than 5:00 P.M. eastern standard time or eastern daylight time,~~  
 2528 ~~whichever is applicable, on the fourth day. I understand that I CANNOT revoke this~~  
 2529 ~~surrender after that time.~~

## 7.

2530  
 2531 If prior to my signing this pre-birth surrender I have registered on Georgia's putative  
 2532 father registry then, if I do not ~~withdraw~~ revoke this surrender within the time  
 2533 permitted, I waive the notice I would be entitled to receive pursuant to ~~the provisions~~  
 2534 ~~of~~ Code Section 19-8-12 of the Official Code of Georgia Annotated because of my  
 2535 registration on the putative father registry.

## 8.

2536  
 2537 I understand that if I am not a resident of this state that I am agreeing to be subject to  
 2538 the jurisdiction of the courts of Georgia for any action filed in connection with the

2539 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
2540 of this surrender of my parental rights.

2541 9.

2542 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
2543 pressure in the execution of this document and ~~do so~~ I am signing it freely and  
2544 voluntarily.

2545 ~~Witness my hand and seal this~~

2546 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2547 \_\_\_\_\_  
2548 (SEAL)  
2549 (Alleged biological father)

2550 \_\_\_\_\_  
2551 ~~Unofficial Witness~~  
2552 Adult witness

2553 Sworn to and subscribed  
2554 before me ~~on~~ this \_\_\_\_\_  
2555 day of \_\_\_\_\_, \_\_\_\_.

2556 \_\_\_\_\_  
2557 Notary public (SEAL)

2558 ~~Notary Public Seal~~

2559 My commission expires: \_\_\_\_\_.

2560 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section  
2561 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

2562 'ACKNOWLEDGMENT OF SURRENDER  
2563 OF RIGHTS

2564 STATE OF GEORGIA  
2565 COUNTY OF \_\_\_\_\_

2566 Personally appeared before me, the undersigned officer duly authorized to administer  
2567 oaths, \_\_\_\_\_ (name of parent, guardian, or  
2568 alleged biological father) who, after having been sworn, deposes and says as follows ~~By~~  
2569 execution of this paragraph, the undersigned expressly acknowledges:

2570 (A) That I have read the accompanying (PRE-BIRTH SURRENDER OF  
 2571 RIGHTS/FINAL RELEASE FOR ADOPTION) ~~(SURRENDER OF RIGHTS/FINAL~~  
 2572 RELEASE FOR ADOPTION) [circle one] relating to ~~said minor~~ the child born  
 2573 \_\_\_\_\_ (name of child) ~~(insert name of child)~~, a (male) (female)  
 2574 [circle one] on \_\_\_\_\_ (birthdate of child) ~~(insert birthdate of child)~~;

2575 (B) That I understand that this is a full, final, and complete surrender, release, and  
 2576 termination of all of my rights to the child;

2577 (C) That I have chosen to retain the unconditional right to revoke the surrender by  
 2578 giving written notice, delivered in person or mailed by registered mail or statutory  
 2579 overnight delivery, to \_\_\_\_\_ (name and  
 2580 address of child-placing agency or its representative, out-of-state licensed agency or its  
 2581 representative, Department of Human Services or its representative, individual to whom  
 2582 surrender is made or his or her agent, or petitioner's representative, as applicable) ~~(insert~~  
 2583 ~~name and address of each person or entity to whom surrender is made)~~ not later than  
 2584 within ten four days from the date of signing the surrender and that after such ~~ten-day~~  
 2585 four-day revocation period I shall have no right to revoke the surrender;

2586 ~~(D)~~ That I understand that certified mail cannot be used for mail delivery of the  
 2587 notice to revoke the surrender of my rights. I understand that, if I deliver the notice  
 2588 to revoke my surrender in person, it must be delivered to  
 2589 \_\_\_\_\_ (name and address) not later than  
 2590 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on  
 2591 the fourth day. I understand that the ~~ten four~~ days ~~shall~~ will be counted consecutively  
 2592 beginning with the day immediately following the date I signed the surrender is  
 2593 ~~executed~~; provided, however, that, if the ~~tenth~~ fourth day falls on a Saturday, Sunday,  
 2594 or legal holiday, then the last day on which the surrender may be ~~withdrawn~~ shall  
 2595 revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

2596 ~~(E)~~ (D) That I have read the accompanying surrender of rights and received a copy  
 2597 thereof;

2598 ~~(F)~~ (E) That any and all questions regarding the effect of ~~said~~ such surrender and its  
 2599 provisions have been satisfactorily explained to me;

2600 ~~(G)~~ (F) That I have been ~~afforded~~ given an opportunity to consult with ~~counsel~~ an  
 2601 attorney of my choice ~~prior to execution of~~ before signing the surrender of my rights;  
 2602 and

2603 ~~(H)~~ (G) That the surrender of my rights has been knowingly, intentionally, freely, and  
 2604 voluntarily made by me.

2605 ~~Witness my hand and seal this~~

2606 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2607 \_\_\_\_\_  
2608 (SEAL)  
2609 (Parent, guardian, or alleged biological father)

2610 \_\_\_\_\_  
2611 ~~Unofficial witness~~  
2612 Adult witness

2613 Sworn to and subscribed  
2614 before me this \_\_\_\_\_  
2615 day of \_\_\_\_\_.

2616 \_\_\_\_\_  
2617 Notary public (SEAL)  
2618 My commission expires: \_\_\_\_\_.'

2619 (h) The affidavit of a legal mother required by paragraph (1) of subsection (g) of Code  
2620 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the surrender of her rights shall meet the  
2621 following requirements:

- 2622 (1) The affidavit shall set forth:
- 2623 (A) Her name;
- 2624 (B) Her relationship to the child;
- 2625 (C) Her age;
- 2626 (D) Her marital status at the time of conception and of the birth of the child;
- 2627 (E) The identity and last known address of ~~any~~ her spouse or former spouse and  
2628 whether any such spouse is the biological father of the child;
- 2629 (F) The identity, last known address, and relationship to the legal mother of the  
2630 biological father of ~~her~~ the child, provided that ~~the mother~~ she shall have the right not  
2631 to disclose the name and address of the biological father of ~~her~~ the child should she so  
2632 desire;
- 2633 (G) Whether or not she has consented to the appointment of a temporary guardian for  
2634 the child and, if so, provide the name and address of the temporary guardian and the  
2635 probate court in which the petition for temporary guardianship was filed;
- 2636 (H) Whether custody of the child has been awarded to another individual and, if so,  
2637 provide the name of the child's custodian and the court in which custody was awarded;
- 2638 ~~(G)(I) Whether or not the biological father of the child has lived with the child,~~  
2639 ~~contributed to its support, provided for the mother's support or medical care during her~~  
2640 ~~pregnancy or during her hospitalization for the birth of the child, or made an attempt~~

2641 ~~to legitimate the child; and is or was in a branch of the United States armed forces and,~~  
 2642 ~~if so, provide details as to his military service;~~

2643 ~~(J) Whether or not the biological mother or any member of her family is or was an~~  
 2644 ~~enrolled member of a federally recognized American Indian tribe, is or was a resident~~  
 2645 ~~of an American Indian reservation, or is or was an Alaskan native;~~

2646 ~~(K) Whether or not the biological father of the child or any member of his family is or~~  
 2647 ~~was an enrolled member of a federally recognized American Indian tribe, is or was a~~  
 2648 ~~resident of an American Indian reservation, or is or was an Alaskan native; and~~

2649 ~~(H)(L) All financial assistance received by or promised her either directly or indirectly,~~  
 2650 ~~from whatever source, in connection with her pregnancy, the birth of the child, or the~~  
 2651 ~~placement or arranging for the placement of the child for adoption (including the date,~~  
 2652 ~~amount or value, description, payor, and payee), provided that financial assistance~~  
 2653 ~~provided directly by the mother's her husband, mother, father, sister, brother, aunt,~~  
 2654 ~~uncle, grandfather, or grandmother need not be detailed and instead the mother she need~~  
 2655 ~~only state the nature of the assistance received; and~~

2656 (2) The affidavit shall conform substantially to the following form:

2657 LEGAL MOTHER'S AFFIDAVIT

2658 NOTICE TO LEGAL MOTHER:

2659 This is an important legal document which deals with ~~your~~ the child's right to have ~~its~~  
 2660 his or her biological father's rights properly determined. You have the right not ~~If you~~  
 2661 ~~decline~~ to disclose the name and address of the biological father of ~~your~~ the child;  
 2662 ~~understand that you may be required to appear in court to explain your refusal and that~~  
 2663 ~~your name may be used in connection with the publication of notice to the biological~~  
 2664 ~~father.~~ Understand that you are providing this affidavit under oath and that ~~the~~ if you  
 2665 knowingly and willfully make a false statement in this affidavit you will be guilty of  
 2666 the crime of false swearing. ~~The information provided~~ you provide will be held in strict  
 2667 confidence and will be used only in connection with the adoption of ~~your~~ the child.

2668 STATE OF GEORGIA

2669 COUNTY OF \_\_\_\_\_

2670 Personally appeared before me, the undersigned officer duly authorized to administer  
 2671 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says  
 2672 as follows:

2673 That my name is \_\_\_\_\_.

2674 That I am the legal mother of a (male) (female) [circle one] child born  
 2675 \_\_\_\_\_ (name of child) (~~insert name of child~~) in the State of  
 2676 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_ (birthdate of child) at  
 2677 \_\_\_\_\_: \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

2678 That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_, County  
 2679 of \_\_\_\_\_ on \_\_\_\_\_.

2680 That my social security ~~account~~ number is \_\_\_\_\_.

2681 That my marital status at the time of the conception of ~~my~~ the child was (check the  
 2682 status and complete the appropriate information):

2683 ( ) Single, never having been married.

2684 ( ) Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle  
 2685 one] \_\_\_\_\_; ~~his~~ my spouse's last known  
 2686 address is \_\_\_\_\_; we were married in the State of  
 2687 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we have been separated since  
 2688 \_\_\_\_\_; we last had sexual relations on \_\_\_\_\_ (date);  
 2689 my spouse (is) (is not) [circle one] the biological father of said child.

2690 ( ) Divorced; the name of my ~~previous~~ former spouse is  
 2691 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of  
 2692 \_\_\_\_\_ on \_\_\_\_\_; we last had sexual relations on \_\_\_\_\_ (date);  
 2693 my former spouse's ~~his~~ last known address is \_\_\_\_\_; divorce granted in  
 2694 the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; my former  
 2695 spouse (is) (is not) [circle one] the biological father of said child.

2696 ( ) Legally married; the name of my spouse (was) (is) [circle one]  
 2697 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of \_\_\_\_\_  
 2698 on \_\_\_\_\_; and ~~his~~ my spouse's last known address is \_\_\_\_\_;  
 2699 my spouse (is) (is not) [circle one] the biological father of said child.

2700 ( ) Married through common-law marriage relationship prior to January 1, 1997;  
 2701 the name of my spouse (was) (is) [circle one] \_\_\_\_\_; ~~his~~ my  
 2702 spouse's last known address is \_\_\_\_\_; our relationship began in the State  
 2703 of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; my spouse (is) (is not) [circle  
 2704 one] the biological father of said child.

2705 ( ) Widowed; the name of my deceased spouse was \_\_\_\_\_;  
 2706 we were married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; ~~and~~  
 2707 ~~he~~ my spouse died on \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_.

2708 That my name and marital status at the time of the birth of ~~my~~ the child was (check  
 2709 the status and complete the appropriate information):

2710 Name \_\_\_\_\_.

2711 ( ) Single, never having been married.

2712 ( ) Separated, but not legally divorced; the name of my spouse (was) (is) [circle

2713 one] \_\_\_\_\_; ~~his~~ my

2714 spouse's last known address is \_\_\_\_\_; we were married

2715 in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we

2716 have been separated since \_\_\_\_\_; we last had sexual relations on

2717 \_\_\_\_\_ (date); my spouse (is) (is not) [circle one] the biological

2718 father of said child.

2719 ( ) Divorced; the name of my former spouse is \_\_\_\_\_; we were married

2720 in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we last had

2721 sexual relations on \_\_\_\_\_ (date); my spouse's ~~his~~ last known

2722 address is \_\_\_\_\_; divorce granted in the State of

2723 \_\_\_\_\_, County of \_\_\_\_\_; my former spouse (is) (is not) [circle

2724 one] the biological father of said child.

2725 ( ) Legally ~~Married~~ married; the name of my spouse (was) (is) [circle one]

2726 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of

2727 \_\_\_\_\_ on \_\_\_\_\_; ~~and his~~ my spouse's last known address is

2728 \_\_\_\_\_; my spouse (is) (is not) [circle one] the biological

2729 father of said child.

2730 ( ) Married through common-law relationship prior to January 1, 1997; the name

2731 of my spouse (was) (is) [circle one] \_\_\_\_\_; ~~his~~ my

2732 spouse's last known address is \_\_\_\_\_; our relationship began in

2733 the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_;

2734 my spouse (is) (is not) [circle one] the biological father of said child.

2735 ( ) Widowed; the name of my deceased spouse was \_\_\_\_\_; we were

2736 married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_;

2737 ~~and he~~ my spouse died on \_\_\_\_\_ in the County of \_\_\_\_\_,

2738 State of \_\_\_\_\_; he (was) (was not) [circle one] the biological father of

2739 said child.

2740 That the name of the biological father of my the child is (complete appropriate

2741 response):

2742 Known to me and is (\_\_\_\_\_);

2743 Known to me but I expressly decline to identify him because \_\_\_\_\_

2744 \_\_\_\_\_; or

2745 Unknown to me because \_\_\_\_\_

2746 \_\_\_\_\_.

2747 That the last known address of the biological father of ~~my~~ the child is (complete  
2748 appropriate response):

2749 Known to me and is \_\_\_\_\_;

2750 Known to me but I expressly decline to provide his address because  
2751 \_\_\_\_\_; or

2752 Unknown to me because \_\_\_\_\_  
2753 \_\_\_\_\_.

2754 That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member  
2755 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident  
2756 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native  
2757 of American Indian heritage. If so:

2758 (A) The name of my American Indian tribe is \_\_\_\_\_ ~~and the~~.

2759 (B) The percentage of my American Indian blood is \_\_\_\_\_ percent.

2760 That, to the best of my knowledge, a member of my family (is or was) (is not or was  
2761 not) [circle one] an enrolled member of a federally recognized American Indian tribe,  
2762 (is or was) (is not or was not) [circle one] a resident of an American Indian  
2763 reservation, or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

2764 (A) The name of the American Indian tribe is \_\_\_\_\_.

2765 (B) The percentage of my American Indian blood is \_\_\_\_\_ percent.

2766 ~~(B)~~(C) My relatives with American Indian or Alaskan native blood are: \_\_\_\_\_

2767 \_\_\_\_\_  
2768 \_\_\_\_\_.

2769 ~~(C)~~(D) I (am) (am not) a member of an American Indian tribe. If so, the The name  
2770 of the American Indian tribe is \_\_\_\_\_.

2771 (E) The name of each enrolled member is \_\_\_\_\_, and his or  
2772 her corresponding registration or identification number is \_\_\_\_\_.

2773 ~~(D)~~ I (am) (am not) registered with an American Indian tribal registry. If so, the  
2774 American Indian tribal registry is: \_\_\_\_\_ and my registration  
2775 or identification number is: \_\_\_\_\_.

2776 (E) A member of my family (is) (is not) a member of an American Indian tribe. If  
2777 so, the name of each such family member is: \_\_\_\_\_ and the name  
2778 of the corresponding American Indian tribe is: \_\_\_\_\_.

2779 ~~(F) A member of my family (is) (is not) registered with an American Indian tribal~~  
2780 ~~registry. If so, the name of each such family member is: \_\_\_\_\_~~  
2781 ~~and the name of the corresponding American Indian tribal registry is:~~  
2782 ~~\_\_\_\_\_ and their corresponding registration or~~  
2783 ~~identification numbers are: \_\_\_\_\_.~~



2784 That to the best of my knowledge, the biological father ~~(is) (is not)~~ of American  
 2785 ~~Indian heritage~~ or a member of his family (is or was) (is not or was not) [circle one]  
 2786 an enrolled member of a federally recognized American Indian tribe, (is or was) (is  
 2787 not or was not) [circle one] a resident of an American Indian reservation, or (is or  
 2788 was) (is not or was not) [circle one] an Alaskan native. If so:

2789 (A) The name of his American Indian tribe is \_\_\_\_\_ and the  
 2790 (B) The percentage of his American Indian blood is \_\_\_\_\_ percent.

2791 ~~(B)~~(C) His relatives with American Indian or Alaskan native blood are: \_\_\_\_\_  
 2792 \_\_\_\_\_  
 2793 \_\_\_\_\_.

2794 (C) ~~He (is) (is not)~~ a member of an American Indian tribe. If so, the name of the  
 2795 tribe is: \_\_\_\_\_.

2796 (D) ~~He (is) (is not)~~ registered with an American Indian tribal registry. If so, the  
 2797 American Indian tribal registry is: \_\_\_\_\_  
 2798 and his registration or identification number is: \_\_\_\_\_  
 2799 The name of each enrolled member is \_\_\_\_\_,  
 2800 and his or her corresponding registration or identification number is  
 2801 \_\_\_\_\_.

2802 That the date of birth of the biological father (~~was is~~ \_\_\_\_\_, \_\_\_\_\_) ~~or~~ (is not  
 2803 known to me) [circle one].

2804 That the biological father (is) (is not) [circle one] on active duty in a branch of the  
 2805 United States armed forces. If so:

2806 (A) The branch of his service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)  
 2807 [circle one].

2808 (B) His rank is \_\_\_\_\_.

2809 (C) His duty station is \_\_\_\_\_.

2810 If applicable, please provide any additional available information regarding his  
 2811 military service.

2812 \_\_\_\_\_  
 2813 \_\_\_\_\_  
 2814 \_\_\_\_\_.

2815 That the biological father of ~~my~~ the child, whether or not identified herein (~~strike each~~  
 2816 ~~inappropriate phrase~~) in this document (circle the appropriate phrase):

- 2817 (Was) (Was not) married to me at the time this child was conceived;
- 2818 (Was) (Was not) married to me at any time during my pregnancy with this child;
- 2819 (Was) (Was not) married to me at the time that this child was born;

2820 (Did) (Did not) marry me after the child was born and recognize the child as his  
2821 own;

2822 (Has) (Has not) been determined to be the child's father by a final paternity order  
2823 of a court;

2824 (Has) (Has not) legitimated the child by a final court order;

2825 (Has) (Has not) lived with the child;

2826 (Has) (Has not) contributed to its support;

2827 (Has) (Has not) provided for my support during my pregnancy or hospitalization for  
2828 the birth of the child; and

2829 (Has) (Has not) provided for my medical care during my pregnancy or  
2830 hospitalization for the birth of the child; ~~and~~

2831 ~~(Has) (Has not) made any attempt to legitimate the child.~~

2832 That I (have) (have not) [circle one] consented to the appointment of a temporary  
2833 guardian for the child. If so, the name of the temporary guardian is  
2834 \_\_\_\_\_ , and the probate court in which the petition for temporary  
2835 guardianship was filed is \_\_\_\_\_ .

2836 That custody of the child has been awarded to  
2837 \_\_\_\_\_ (name and address of custodian) by order  
2838 of the \_\_\_\_\_ Court of \_\_\_\_\_ County, State of  
2839 \_\_\_\_\_ , entered on \_\_\_\_\_ (date).

2840 That I have received or been promised the following financial assistance, either  
2841 directly or indirectly, from whatever source, in connection with my pregnancy, the  
2842 birth of ~~my~~ the child, and ~~it's~~ the child's placement for adoption:  
2843 \_\_\_\_\_.

2844 That I recognize that if I knowingly and willfully make a false statement in this  
2845 affidavit, I will be guilty of the crime of false swearing.

2846 \_\_\_\_\_  
2847 ~~(Biological mother's signature)~~  
2848 (Legal mother)

2849 Sworn to and subscribed  
2850 before me this \_\_\_\_\_  
2851 day of \_\_\_\_\_, \_\_\_\_.

2852 \_\_\_\_\_  
2853 Notary public (SEAL)

2854 My ~~Commission Expires~~ commission expires: \_\_\_\_\_.

2855 (i) The affidavit of an adoptive mother required by ~~subsection (a) of Code Section 19-8-9~~  
 2856 paragraph (2) of subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the  
 2857 surrender of her rights shall meet the following requirements:

2858 (1) The affidavit shall set forth:

2859 (A) Her name;

2860 (B) Her relationship to the child;

2861 (C) Her age;

2862 (D) Her marital status;

2863 (E) The name and last known address of any spouse or former spouse at the time the  
 2864 child was adopted and whether any such spouse also adopted the child or ~~was~~ is the  
 2865 biological father of the child;

2866 (F) The circumstances surrounding her adoption of ~~her~~ the child, including the date the  
 2867 adoption was finalized, the state and county where finalized, and the name and address  
 2868 of the adoption agency, if any; ~~and~~

2869 (G) Whether or not she has consented to the appointment of a temporary guardian for  
 2870 the child and, if so, provide the name of the temporary guardian and the probate court  
 2871 in which the petition for temporary guardianship was filed;

2872 (H) Whether custody of the child has been awarded to another individual and, if so,  
 2873 provide the name of the child's custodian and the court in which custody was awarded;  
 2874 and

2875 ~~(G)~~(I) All financial assistance received by or promised her either directly or indirectly,  
 2876 from whatever source, in connection with the placement or arranging for the placement  
 2877 of ~~her~~ the child for adoption (including the date, amount or value, description, payor,  
 2878 and payee), provided that financial assistance provided directly by ~~the adoptive~~  
 2879 ~~mother's~~ her husband, mother, father, sister, brother, aunt, uncle, grandfather, or  
 2880 grandmother need not be detailed and instead ~~the adoptive mother~~ she need only state  
 2881 the nature of the assistance received.

2882 (2) The affidavit shall be in substantially the following form:

2883 'ADOPTIVE MOTHER'S AFFIDAVIT

2884 NOTICE TO ADOPTIVE MOTHER:

2885 This is an important legal document which deals with ~~your~~ the adopted child's right to  
 2886 have ~~its~~ his or her legal father's rights properly ~~terminated~~ determined. Understand that  
 2887 you are providing this affidavit under oath and that ~~the~~ if you knowingly and willfully  
 2888 make a false statement in this affidavit you will be guilty of the crime of false swearing.  
 2889 The information ~~provided~~ you provide will be held in strict confidence and will be used  
 2890 only in connection with the adoption of ~~your~~ the child.

2891 STATE OF GEORGIA  
2892 COUNTY OF \_\_\_\_\_

2893 Personally appeared before me, the undersigned officer duly authorized to administer  
2894 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as follows:

2895 That my name is \_\_\_\_\_.

2896 That I am the adoptive mother of a (male) (female) [circle one] child born  
2897 \_\_\_\_\_ (name of child) (~~insert name of child~~) in the State of  
2898 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_ (birthdate of child)  
2899 at \_\_\_\_\_: \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

2900 That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_, County  
2901 of \_\_\_\_\_ on \_\_\_\_\_.

2902 That my social security number is \_\_\_\_\_.

2903 That my marital status is (check the status and complete the appropriate information):

2904 ( ) Single, never having been married.

2905 ( ) Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle  
2906 one] \_\_\_\_\_; ~~his~~ my spouse's last known address is \_\_\_\_\_; we  
2907 were married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on  
2908 \_\_\_\_\_; we have been separated since \_\_\_\_\_; ~~we last had~~  
2909 ~~sexual relations~~ on \_\_\_\_\_ (date); my spouse (did) (did not) [circle  
2910 one] also adopt said child; my spouse (is) (is not) [circle one] the biological father  
2911 of said child.

2912 ( ) Divorced; the name of my ~~previous~~ former spouse is \_\_\_\_\_; we were  
2913 married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; ~~we~~  
2914 ~~last had sexual relations~~ on \_\_\_\_\_ (date); my former spouse's ~~his~~ last  
2915 known address is \_\_\_\_\_; divorce granted in the State of \_\_\_\_\_,  
2916 County of \_\_\_\_\_ on \_\_\_\_\_; my ~~previous~~ former spouse (did) (did  
2917 not) [circle one] also adopt said child; my ~~previous~~ former spouse (is) (is not) [circle  
2918 one] the biological father of said child.

2919 ( ) Legally married; the name of my spouse ~~is~~ (was) (is) [circle one]  
2920 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of \_\_\_\_\_  
2921 on \_\_\_\_\_; ~~his~~ my spouse's last known address is \_\_\_\_\_; my  
2922 spouse (did) (did not) [circle one] also adopt said child; my spouse (is) (is not)  
2923 [circle one] the biological father of said child.

2924 ( ) Married through common-law marriage relationship prior to January 1, 1997;  
2925 the name of my spouse ~~is~~ (was) (is) [circle one] \_\_\_\_\_; ~~his~~ my spouse's  
2926 ~~last known~~ address is \_\_\_\_\_; ~~the date and place~~ our relationship began

2927 is (~~date, county, state~~) in the State of \_\_\_\_\_, County of \_\_\_\_\_  
 2928 on \_\_\_\_\_; my spouse (did) (did not) [circle one] also adopt said child;  
 2929 my spouse (is) (is not) [circle one] the biological father of said child.

2930 ( ) Widowed; the name of my deceased spouse is was \_\_\_\_\_; we were  
 2931 married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; ~~he~~ my  
 2932 spouse died on \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_;  
 2933 he (did) (did not) [circle one] also adopt said child; ~~and~~ he (was) (was not) [circle  
 2934 one] the biological father of said child.

2935 That I adopted ~~my~~ the child in the State of \_\_\_\_\_, County of \_\_\_\_\_.

2936 That the final order of adoption was entered on \_\_\_\_\_.

2937 That there (was) (was not) [circle one] an adoption agency involved in the placement  
 2938 of ~~my~~ the child with me for adoption; and if so its name was \_\_\_\_\_,  
 2939 and its address is \_\_\_\_\_.

2940 That I (have) (have not) [circle one] consented to the appointment of a temporary  
 2941 guardian for the child. If so, the name of the temporary guardian is:  
 2942 \_\_\_\_\_, and the probate court in which the petition for  
 2943 temporary guardianship was filed is \_\_\_\_\_.

2944 That custody of the child has been awarded to \_\_\_\_\_ (name and  
 2945 address of custodian) by order of the \_\_\_\_\_ Court of \_\_\_\_\_  
 2946 County, State of \_\_\_\_\_, entered on \_\_\_\_\_ (date).

2947 That I have received or been promised the following financial assistance, either  
 2948 directly or indirectly, from whatever source, in connection with ~~my~~ the child's  
 2949 placement for adoption: \_\_\_\_\_.

2950 That I recognize that if I knowingly and willfully make a false statement in this  
 2951 affidavit; I will be guilty of the crime of false swearing.

2952 \_\_\_\_\_  
 2953 (Adoptive mother)

2954 Sworn to and subscribed  
 2955 before me this \_\_\_\_\_  
 2956 day of \_\_\_\_\_, \_\_\_\_.

2957 \_\_\_\_\_  
 2958 Notary public (SEAL)  
 2959 My commission expires: \_\_\_\_\_.

2960 (j) The affidavit of ~~an~~ a child-placing agency, out-of-state licensed agency, or department  
 2961 representative required by subsection (h) of Code Section 19-8-4 shall conform  
 2962 substantially to the following form:



2996 (k) The affidavit of a petitioner's representative or of the representative of the individual  
2997 signing the surrender of rights required by subsection (h) of Code Section 19-8-5, 19-8-6,  
2998 or 19-8-7 shall conform substantially to the following form:

2999 'AFFIDAVIT OF PETITIONER'S REPRESENTATIVE

3000 STATE OF GEORGIA

3001 COUNTY OF \_\_\_\_\_

3002 Personally appeared before me, the undersigned officer duly authorized to administer  
3003 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as  
3004 follows:

3005 That my name is \_\_\_\_\_.

3006 That my address is \_\_\_\_\_.

3007 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL  
3008 RELEASE FOR ADOPTION by \_\_\_\_\_, releasing and  
3009 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor  
3010 child born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
3011 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert  
3012 birthdate of child~~), I reviewed with and explained to ~~said~~ such individual all of the  
3013 provisions of the surrender of rights, and particularly the provisions which provide that  
3014 the surrender is a full surrender of all rights to the child.

3015 That based on my review and explanation to ~~said~~ such individual, it is my opinion that  
3016 ~~said~~ such individual knowingly, intentionally, freely, and voluntarily executed the  
3017 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3018 \_\_\_\_\_  
3019 (Petitioner's representative)  
3020 (Petitioner's representative or the  
3021 representative of the individual  
3022 signing the surrender)

3023 Sworn to and subscribed  
3024 before me this \_\_\_\_\_  
3025 day of \_\_\_\_\_, \_\_\_\_.

3026 \_\_\_\_\_  
3027 Notary public (SEAL)

3028 My commission expires: \_\_\_\_\_!

3029 (l) The parental consent to a stepparent adoption required by subsection (j) of Code  
3030 Section 19-8-6 shall conform substantially to the following form:

3031 PARENTAL CONSENT TO STEPPARENT ADOPTION

3032 STATE OF GEORGIA

3033 COUNTY OF \_\_\_\_\_

3034 Personally appeared before me, the undersigned officer duly authorized to administer  
3035 oaths, \_\_\_\_\_ (name of parent) who, after having been  
3036 sworn, deposes and says as follows:

3037 I, the undersigned, hereby consent that my spouse \_\_\_\_\_ (name of  
3038 spouse) (~~insert name of spouse~~) adopt my (son) (daughter) [circle one],  
3039 \_\_\_\_\_ (name of child) (~~insert name of child~~), whose date of birth is  
3040 \_\_\_\_\_, and in so doing I in no way relinquish or surrender my parental rights  
3041 to the child. I further acknowledge service of a copy of the petition for adoption of the  
3042 child as filed on behalf of my spouse, and I hereby consent to the granting of the  
3043 prayers of the petition for adoption. I also waive all other and further service and notice  
3044 of any kind and nature in connection with the proceedings.

3045 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

3046 \_\_\_\_\_  
3047 (Parent)

3048 \_\_\_\_\_  
3049 Unofficial witness

3050 Sworn to and subscribed  
3051 before me this \_\_\_\_\_  
3052 day of \_\_\_\_\_, \_\_\_\_\_.

3053 \_\_\_\_\_  
3054 Notary public (SEAL)

3055 My commission expires: \_\_\_\_\_.'

3056 (m) The sworn statement executed by the biological mother identifying an alleged  
3057 biological father of her unborn child authorized and required by subparagraph (e)(3)(E) of  
3058 Code Section 19-8-4, 19-8-5, or 19-8-7 shall conform substantially to the following form:



3059 NOTICE TO BIOLOGICAL MOTHER:

3060 This is an important legal document which will enable the individual you identify as the  
3061 biological father of your unborn child to sign a pre-birth surrender of his rights so as to  
3062 place your child for adoption. Understand that you are signing this affidavit under oath  
3063 and that the information you provide will be held in strict confidence and will be used  
3064 only in connection with the adoption of your unborn child.

3065 STATE OF GEORGIA  
3066 COUNTY OF \_\_\_\_\_

3067 BIOLOGICAL MOTHER'S AFFIDAVIT IDENTIFYING  
3068 BIOLOGICAL FATHER OF HER UNBORN CHILD

3069 Personally appeared before me, the undersigned officer duly authorized to administer  
3070 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as  
3071 follows:

3072 That my name is \_\_\_\_\_.

3073 That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_, County of  
3074 \_\_\_\_\_ on \_\_\_\_\_.

3075 That my social security number is \_\_\_\_\_.

3076 That I am currently pregnant with a (male) (female) (sex unknown) [circle one] child  
3077 who is expected to be born on \_\_\_\_\_ (due date of child).

3078 That the name of any alleged biological father is \_\_\_\_\_,  
3079 and his last known address is \_\_\_\_\_.

3080 That I execute this affidavit so that any alleged biological father I have identified above  
3081 can be asked to sign a pre-birth surrender of his rights to assist me in placing the child  
3082 for adoption once the child is born.

3083 That I recognize that if I knowingly and willfully make a false statement in this  
3084 affidavit I will be guilty of the crime of false swearing.

3085 \_\_\_\_\_  
3086 (Biological mother)

3087 Sworn to and subscribed  
3088 before me this \_\_\_\_\_  
3089 day of \_\_\_\_\_, \_\_\_\_\_.

3090 \_\_\_\_\_  
3091 Notary public (SEAL)

3092 My commission expires: \_\_\_\_\_.

3093 (n) The affidavit regarding Native American heritage and military service authorized and  
3094 required by subsection (k) of Code Sections 19-8-4, 19-8-6, and 19-8-7 and subsection (o)  
3095 of Code Section 19-8-5 shall conform substantially to the following form:

3096 NOTICE TO BIOLOGICAL OR LEGAL FATHER:

3097 This is an important legal document. Understand that you are providing this affidavit  
3098 under oath and that if you knowingly and willfully make a false statement in this affidavit  
3099 you will be guilty of the crime of false swearing.

3100 \_\_\_\_\_

3101 AFFIDAVIT REGARDING NATIVE AMERICAN HERITAGE  
3102 AND MILITARY SERVICE

3103 STATE OF GEORGIA

3104 COUNTY OF \_\_\_\_\_

3105 Personally appeared before me, the undersigned officer duly authorized to administer  
3106 oaths, \_\_\_\_\_ (name of affiant) who, after having been  
3107 sworn, deposes and says as follows:

3108 1. That my name is \_\_\_\_\_.

3109 2. That I am the (biological) (legal) [circle one] father of a (male) (female) (sex  
3110 unknown) [circle one] child (born) (yet to be born) [circle one] in the State of  
3111 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_.

3112 3. That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_,  
3113 County of \_\_\_\_\_ on \_\_\_\_\_.

3114 4. That my social security number is \_\_\_\_\_.

3115 5. That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member  
3116 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident  
3117 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native. If  
3118 so:

3119 (A) The name of my American Indian tribe is \_\_\_\_\_.

3120 (B) My registration or identification number is \_\_\_\_\_.

3121 (C) The percentage of my American Indian blood is \_\_\_\_\_ percent.

3122 6. That, to the best of my knowledge, a member of my family (is or was) (is not or was  
 3123 not) [circle one] an enrolled member of a federally recognized American Indian tribe,  
 3124 (is or was) (is not or was not) [circle one] a resident of an American Indian reservation,  
 3125 or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

3126 (A) The name of the American Indian tribe is \_\_\_\_\_.

3127 (B) The percentage of my American Indian blood is \_\_\_\_\_ percent.

3128 (C) My relatives with American Indian or Alaskan native blood are \_\_\_\_\_

3129 \_\_\_\_\_

3130 \_\_\_\_\_

3131 (D) The name of the American Indian tribe is \_\_\_\_\_.

3132 (E) The name of each enrolled member is \_\_\_\_\_, and

3133 his or her corresponding registration or identification number is \_\_\_\_\_.

3134 7. That I (am) (am not) [circle one] on active duty in a branch of the United States  
 3135 armed forces. If so:

3136 (A) The branch of my service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)  
 3137 [circle one].

3138 (B) My rank is \_\_\_\_\_.

3139 (C) My duty station is \_\_\_\_\_.

3140 (D) Additional information regarding my military service is \_\_\_\_\_

3141 \_\_\_\_\_

3142 \_\_\_\_\_

3143 \_\_\_\_\_.

3144 8. That I have received or been promised the following financial assistance, either  
 3145 directly or indirectly, from whatever source, in connection with the birth of the child  
 3146 and the child's placement for adoption: \_\_\_\_\_.

3147 9. That I recognize that if I knowingly and willfully make a false statement in this  
 3148 affidavit I will be guilty of the crime of false swearing.

3149 \_\_\_\_\_  
 3150 (Biological or legal father)

3151 Sworn to and subscribed

3152 before me this \_\_\_\_\_

3153 day of \_\_\_\_\_, \_\_\_\_\_.

3154 \_\_\_\_\_

3155 Notary public (SEAL)

3156 My commission expires: \_\_\_\_\_.'

3157 19-8-27.

3158 (a) As used in this Code section, the term 'birth relative' means:

3159 (1) A parent, biological father who is not ~~the~~ a legal father, grandparent, brother, sister,  
3160 half-brother, or half-sister who is related by blood or marriage to a child who is being  
3161 adopted or who has been adopted; or

3162 (2) A grandparent, brother, sister, half-brother, or half-sister who is related by adoption  
3163 to a child who is being adopted or who has been adopted.

3164 (b)(1) An adopting parent or parents and birth relatives or an adopting parent or parents,  
3165 birth relatives, and a child who is 14 years of age or older who is being adopted or who  
3166 has been adopted may voluntarily enter into a written postadoption contact agreement to  
3167 permit continuing contact between such birth relatives and such child. A child who is 14  
3168 years of age or older shall be considered a party to a postadoption contact agreement.

3169 (2) A postadoption contact agreement may provide for privileges regarding a child who  
3170 is being adopted or who has been adopted, including, but not limited to, visitation with  
3171 such child, contact with such child, sharing of information about such child, or sharing  
3172 of information about birth relatives.

3173 (3) In order to be an enforceable postadoption contact agreement, such agreement shall  
3174 be in writing and signed by all of the parties to such agreement acknowledging their  
3175 consent to its terms and conditions.

3176 (4) Enforcement, modification, or termination of a postadoption contact agreement shall  
3177 be under the continuing jurisdiction of the court that granted the petition ~~of~~ for adoption;  
3178 provided, however, that the parties to a postadoption contact agreement may expressly  
3179 waive the right to enforce, modify, or terminate such agreement under this Code section.

3180 (5) Any party to the postadoption contact agreement may, at any time, file the original  
3181 postadoption contact agreement with the court that has or had jurisdiction over the  
3182 adoption if such agreement provides for the court to enforce such agreement or such  
3183 agreement is silent as to the issue of enforcement.

3184 (c) A postadoption contact agreement shall contain the following warnings in at least 14  
3185 point boldface type:

3186 (1) After the entry of a decree for adoption, an adoption cannot be set aside due to the  
3187 failure of an adopting parent, a ~~birth~~ biological parent, a birth relative, or the child to  
3188 follow the terms of this agreement or a later change to this agreement; and

3189 (2) A disagreement between the parties or litigation brought to enforce, terminate, or  
3190 modify this agreement shall not affect the validity of the adoption and shall not serve as  
3191 a basis for orders affecting the custody of the child.

3192 (d)(1) As used in this subsection, the term 'parties' means the individuals who signed the  
3193 postadoption contact agreement currently in effect, including the child if he or she is 14

3194 years of age or older at the time of the action regarding such agreement, but such term  
3195 shall exclude any third-party beneficiary to such agreement.

3196 (2) A postadoption contact agreement may always be modified or terminated if the  
3197 parties have voluntarily signed a written modified postadoption contact agreement or  
3198 termination of a postadoption contact agreement. A modified postadoption contact  
3199 agreement may be filed with the court if such agreement provides for the court to enforce  
3200 such agreement or such agreement is silent as to the issue of enforcement.

3201 (e) With respect to postadoption contact agreements that provide for court enforcement or  
3202 termination or are silent as to such matters, any party, as defined in paragraph (1) of  
3203 subsection (d) of this Code section, may file a petition to enforce or terminate such  
3204 agreement with the court that granted the petition ~~of~~ for adoption, and the court shall  
3205 enforce the terms of such agreement or terminate such agreement if such court finds by a  
3206 preponderance of the evidence that the enforcement or termination is necessary to serve the  
3207 best interests of the child.

3208 (f) With respect to postadoption contact agreements that provide for court modification or  
3209 are silent as to modification, only the adopting parent or parents may file a petition seeking  
3210 modification. Such petition shall be filed with the court that granted the petition ~~of~~ for  
3211 adoption, and the court shall modify such agreement if such court finds by a preponderance  
3212 of the evidence that the modification is necessary to serve the best interests of the child and  
3213 there has been a material change of circumstances since the current postadoption contact  
3214 agreement was executed.

3215 (g) A court may require the party seeking modification, termination, or enforcement of a  
3216 postadoption contact agreement to participate in mediation or other appropriate alternative  
3217 dispute resolution.

3218 (h) All reasonable costs and expenses of mediation, alternative dispute resolution, and  
3219 litigation shall be borne by the party, other than the child, filing the action to enforce,  
3220 modify, or terminate a postadoption contact agreement when no party has been found by  
3221 the court as failing to comply with an existing postadoption contact agreement. Otherwise,  
3222 a party, other than the child, found by the court as failing to comply without good cause  
3223 with an existing postadoption contact agreement shall bear all the costs and expenses of  
3224 mediation, alternative dispute resolution, and litigation of the other party.

3225 (i) A court shall not set aside a decree of adoption, rescind a surrender of rights, or modify  
3226 an order to terminate parental rights or any other prior court order because of the failure of  
3227 an adoptive parent, a birth relative, or the child to comply with any or all of the original  
3228 terms of, or subsequent modifications to, a postadoption contact agreement.

3229 19-8-28.

3230 When a child is an orphan, the petitioner shall not be required to have a guardian appointed  
 3231 for such child in order for a guardian to execute a surrender of rights. Such child shall be  
 3232 adoptable without a surrender of rights."

3233 **SECTION 1-2.**

3234 Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination  
 3235 of parental rights, is amended by revising subsection (d) as follows:

3236 "(d) The court shall transmit a copy of every final order terminating the parental rights of  
 3237 a parent to the ~~Office of Adoptions~~ State Adoption Unit of the department within 15 days  
 3238 of the filing of such order."

3239 **PART II**

3240 **SECTION 2-1.**

3241 The General Assembly finds that:

3242 (1) From time to time, parents experience short-term difficulties that impair their ability  
 3243 to perform the regular and expected functions to provide care and support to their  
 3244 children;

3245 (2) Parents need a means to confer to a relative or other approved person the temporary  
 3246 authority to act on behalf of a child without the time and expense of a court proceeding  
 3247 or the involvement of the Division of Family and Children Services of the Department  
 3248 of Human Services; and

3249 (3) Providing a statutory mechanism for granting such authority enhances family  
 3250 preservation and stability.

3251 **SECTION 2-2.**

3252 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
 3253 amended by repealing Article 4 of Chapter 9, relating to the power of attorney for the care  
 3254 of a minor child, and enacting a new Article 4 to read as follows:

3255 "ARTICLE 4

3256 19-9-120.

3257 This article shall be known and may be cited as the 'Supporting and Strengthening Families  
 3258 Act.'

3259 19-9-121.

3260 As used in this article, the term:

3261 (1) 'Child' means an unemancipated individual who is under 18 years of age.

3262 (2) 'Child-placing agency' means an agency licensed as such pursuant to Chapter 5 of  
 3263 Title 49.

3264 (3) 'Criminal background check' means the results of an unrestricted search of the  
 3265 criminal records maintained by the Georgia Crime Information Center and the Federal  
 3266 Bureau of Investigation pursuant to Code Section 35-3-34.

3267 (4) 'Department' means the Department of Human Services.

3268 (5) 'Nonprofit entity or faith based organization' means a business that provides child or  
 3269 family services and that is in good standing with the Internal Revenue Service, if  
 3270 applicable.

3271 (6) 'Parent' shall have the same meaning as provided in Code Section 19-3-37.

3272 19-9-122.

3273 A parent of a child may delegate caregiving authority regarding such child to an individual  
 3274 who is an adult, who resides in this state, and who is the grandparent, great-grandparent,  
 3275 stepparent, former stepparent, step-grandparent, aunt, uncle, great aunt, great uncle, cousin,  
 3276 or sibling of such child or is a nonrelative who is approved as an agent by a child-placing  
 3277 agency or a nonprofit entity or faith based organization for a period not to exceed one year,  
 3278 except as provided in Code Section 19-9-132, by executing a power of attorney that  
 3279 substantially complies with this article.

3280 19-9-123.

3281 (a) A nonprofit entity or faith based organization that is not licensed by the department but  
 3282 is providing services under this article shall annually provide the department with the  
 3283 following information:

3284 (1) Its legal name, address, telephone number, e-mail address, and any other contact  
 3285 information;

3286 (2) The name of its director;

3287 (3) The names and addresses of the officers and members of its governing body;

3288 (4) The total number of approved volunteer families with which it works; and

3289 (5) The total number of children served in the previous calendar year.

3290 (b) The department shall maintain a list of nonprofit entities or faith based organizations  
 3291 for which it has been provided the information required by subsection (a) of this Code  
 3292 section.

3293 (c) The department may refer an individual who is seeking to execute a power of attorney  
 3294 under this article to a nonprofit entity or faith based organization if the information  
 3295 required by subsection (a) of this Code section has been provided. The department shall  
 3296 not be liable for civil damages or be subject to any claim, demand, cause of action, or  
 3297 proceeding of any nature as a result of referring such individual to a nonprofit entity or  
 3298 faith based organization.

3299 (d) The department shall promulgate rules and regulations in order to implement this Code  
 3300 section.

3301 19-9-124.

3302 (a)(1) A parent of a child may delegate to an agent in a power of attorney any power and  
 3303 authority regarding the care and custody of such child, except the power to consent to the  
 3304 marriage or adoption of such child, the performance or inducement of an abortion on or  
 3305 for such child, or the termination of parental rights to such child. Such power and  
 3306 authority may be delegated without the approval of a court, provided that such delegation  
 3307 of power and authority shall not operate to change or modify any parental or legal rights,  
 3308 obligations, or authority established by an existing court order, including a standing  
 3309 order, or deprive a parent of a child of any parental or legal rights, obligations, or  
 3310 authority regarding the custody, parenting time, visitation, or support of such child. Such  
 3311 delegation of power and authority shall not deprive or limit any support for a child that  
 3312 should be received by such child pursuant to a court order or for any other reason. When  
 3313 support is being collected for the child by the Child Support Enforcement Agency of the  
 3314 department, such agency shall be authorized to redirect support payments to the agent for  
 3315 the duration of the power of attorney or until the power of attorney is revoked or  
 3316 superseded by a court order.

3317 (2) A power of attorney executed under this article during the pendency of a divorce or  
 3318 custody action shall be void ab initio unless executed or agreed upon by both parties to  
 3319 such action, if both parties have custodial rights to the child or the court presiding over  
 3320 such divorce or custody action enters an order allowing the execution of the power of  
 3321 attorney as being in the best interests of such child.

3322 (b) Except as limited by federal law, this article, or the direction of a parent of a child as  
 3323 expressed in the power of attorney, an agent shall have the same rights, duties, and  
 3324 responsibilities that would otherwise be exercised by such parent of a child pursuant to the  
 3325 laws of this state.

3326 (c) An agent shall acknowledge in writing his or her acceptance of the responsibility for  
 3327 caring for a child for the duration of the power of attorney and, if applicable, shall identify



3328 his or her association with a child-placing agency or nonprofit entity or faith based  
 3329 organization.

3330 (d) An agent shall certify that he or she is not currently on the state sexual offender  
 3331 registry or child abuse registry of this state or the sexual offender registry or child abuse  
 3332 registry for any other state, a United States territory, the District of Columbia, or any  
 3333 American Indian tribe nor has he or she ever been required to register for any such registry.

3334 (e) The individual executing a power of attorney shall require a prospective agent to  
 3335 provide him or her with a criminal background check if such agent is a nonrelative. At the  
 3336 time of executing such power of attorney, the individual executing it shall acknowledge  
 3337 having read and reviewed the prospective agent's criminal background check or shall waive  
 3338 such requirement if the prospective agent is the grandparent, great-grandparent, stepparent,  
 3339 former stepparent, step-grandparent, aunt, uncle, great aunt, great uncle, cousin, or sibling  
 3340 of such child.

3341 (f) The agent under a power of attorney shall act in the best interests of the child. Such  
 3342 agent shall not be liable to the individual executing the power of attorney for consenting  
 3343 or refusing to consent to medical, dental, or mental health care for a child when such  
 3344 decision is made in good faith and is exercised in the best interests of the child.

3345 (g) Each child-placing agency and nonprofit entity or faith based organization that assists  
 3346 with the execution of a power of attorney under this article shall maintain a record of all  
 3347 powers of attorney executed by agents approved by such agency, entity, or organization for  
 3348 at least five years after the expiration of such powers of attorney.

3349 19-9-125.

3350 (a) An individual with sole custody of a child who executes a power of attorney authorized  
 3351 under this article shall provide written notice of such execution to the noncustodial parent  
 3352 by certified mail, return receipt requested, or statutory overnight delivery within 15 days  
 3353 after the date upon which such power of attorney was executed.

3354 (b) A noncustodial parent receiving the notice as set forth in subsection (a) of this Code  
 3355 section may object to the execution of such power of attorney within 21 days of the  
 3356 delivery of such notice and shall serve his or her objection on the individual who executed  
 3357 such power of attorney by certified mail, return receipt requested, or statutory overnight  
 3358 delivery. An objection shall prohibit the action of a power of attorney under this article and  
 3359 the child shall be returned to the individual with sole custody.

3360 (c) In addition to the notice provided for in subsection (a) of this Code section, an  
 3361 individual with sole custody of a child who executes a power of attorney under this article  
 3362 shall comply with any applicable relocation notice requirements under subsection (f) of  
 3363 Code Section 19-9-3.

3364 19-9-126.

3365 (a) The execution of a power of attorney under this article shall, in the absence of other  
 3366 evidence, not constitute abandonment, abuse, neglect, or any indication of unfitness as a  
 3367 parent.

3368 (b) An individual shall not execute a power of attorney under this article with the intention  
 3369 of divesting or negating another individual's legal responsibility for the care of a child.

3370 (c) The parental obligations set forth in Chapter 7 of Title 19 to his or her child shall not  
 3371 be extinguished or serve as a defense when a parent executes a power of attorney. Any  
 3372 individual giving a power of attorney to a nonrelative shall carefully consider such agent's  
 3373 criminal background check, and such consideration shall not absolve the signer from  
 3374 liability.

3375 (d) Nothing in this article shall prevent the Division of Family and Children Services of  
 3376 the department or law enforcement from investigating and taking appropriate action  
 3377 regarding allegations of abuse, neglect, abandonment, desertion, or other mistreatment of  
 3378 a child.

3379 19-9-127.

3380 Nothing in this article shall preclude a parent or agent from granting temporary written  
 3381 permission to seek emergency medical treatment or other services for a child while such  
 3382 child is in the custody of an adult who is not the parent or agent and who is temporarily  
 3383 supervising the child at the request of such parent or agent.

3384 19-9-128.

3385 An individual shall not execute a power of attorney under this article for the purpose of  
 3386 subverting an investigation of the child's welfare initiated by the Division of Family and  
 3387 Children Services of the department and shall not execute such power of attorney so long  
 3388 as the Division of Family and Children Services has an open child welfare and youth  
 3389 services case with regard to the child, his or her parent, or another child of the parent.  
 3390 Nothing in this article shall be construed to diminish or limit any rights, power, or authority  
 3391 of or by the Division of Family and Children Services for the protection of any child.

3392 19-9-129.

3393 (a) A power of attorney executed under this article shall be:

3394 (1) Signed under oath and acknowledged before a notary public by the individual  
 3395 executing such power of attorney and by the agent accepting such delegation; and

3396 (2) A copy of it shall be filed by the individual executing the power of attorney, or his  
 3397 or her designee, within ten days of the power of attorney being executed, in the probate

3398 court of the county in which the child resides. If the residence of the child changes to a  
 3399 different county during the term of the power of attorney, the agent shall file the power  
 3400 of attorney in the probate court of the county of the new residence and notify the original  
 3401 court in writing of such change.

3402 (b) Each probate court shall maintain a docket in which a power of attorney will be  
 3403 registered. The docket shall include the name of the agent, the name of the child, the date  
 3404 the power of attorney was deposited with the court, and the date the power of attorney  
 3405 expires, if applicable. The power of attorney shall be confidential; provided, however, that  
 3406 the individual who executed the power of attorney or his or her legal representative shall  
 3407 have access to such power of attorney and the department and any local, state, or federal  
 3408 authority that is conducting an investigation involving the agent or the individual who  
 3409 executed such power of attorney may be granted access upon good cause shown to the  
 3410 court. The docket shall be publicly accessible as are other dockets for the probate court.  
 3411 Notwithstanding Article 3 of Chapter 9 of Title 15, the probate court shall not impose any  
 3412 filing fee for the depositing of a power of attorney under this Code section.

3413 (c) Nothing in this Code section shall be construed so as to prohibit an individual from  
 3414 revoking a power of attorney or executing a subsequent power of attorney.

3415 19-9-130.

3416 (a)(1) An agent shall have the authority to act on behalf of the child on a continuous  
 3417 basis, without compensation:

3418 (A) For the duration of the power of attorney so long as the duration does not exceed  
 3419 one year or the time period authorized in Code Section 19-9-132; or

3420 (B) Until the individual who executed the power of attorney revokes the power of  
 3421 attorney in writing and provides notice of the revocation to the agent by certified mail,  
 3422 return receipt requested, or statutory overnight delivery. Upon receipt of such  
 3423 revocation, the agent shall cease to act as agent.

3424 (2) The individual revoking the power of attorney shall send a copy of the revocation of  
 3425 the power of attorney to the agent within five days of executing such revocation. If an  
 3426 individual revokes a power of attorney, the child shall be returned to the custody of such  
 3427 individual who executed the power of attorney within 48 hours of receiving such  
 3428 revocation.

3429 (3) The revoking individual shall notify schools, health care providers, the probate court  
 3430 where the power of attorney is filed, and others known to the revoking individual to have  
 3431 relied upon such power of attorney within 48 hours of submitting such resignation to the  
 3432 agent.

3433 (b) A power of attorney executed under this article may be terminated by an order of a  
3434 court of competent jurisdiction.

3435 (c) Upon receipt of a revocation of a power of attorney, an agent shall notify schools,  
3436 health care providers, and others known to the agent to have relied upon such power of  
3437 attorney within 48 hours of receiving such revocation.

3438 (d) An agent may resign by notifying the individual who appointed the agent in writing by  
3439 certified mail, return receipt requested, or statutory overnight delivery and he or she shall  
3440 notify schools, health care providers, the probate court where the power of attorney is filed,  
3441 and others known to the agent to have relied upon such power of attorney within 48 hours  
3442 of submitting such notification.

3443 (e) Upon the death of an individual who executed a power of attorney, the agent shall  
3444 notify the surviving parent of the child, if known, as soon as practicable.

3445 (f) The authority to designate an agent to act on behalf of a child shall be in addition to any  
3446 other lawful action a parent may take for the benefit of such child.

3447 (g) A parent shall continue to have the right to receive medical, dental, mental health, and  
3448 educational records pertaining to his or her child, even when a power of attorney has been  
3449 executed under this article.

3450 19-9-131.

3451 (a) A child subject to a power of attorney executed under this article shall not be  
3452 considered placed in foster care under Chapter 5 of Title 49, and the parties to the power  
3453 of attorney shall not be subject to any of the requirements or licensing regulations for foster  
3454 care or other regulations relating to community care for children.

3455 (b) Caregiving authority delegated under this article shall not constitute an out-of-home  
3456 child placement.

3457 (c) The execution of a power of attorney under this article shall not delegate caregiving  
3458 authority for more than one child unless such power of attorney delegates caregiving  
3459 authority for children who are siblings or stepsiblings.

3460 19-9-132.

3461 (a) When a power of attorney delegates caregiving authority to a grandparent of a child,  
3462 it may have an unlimited duration.

3463 (b) Except as limited by or in conflict with federal law regarding the armed forces of the  
3464 United States, a parent who is a member of the armed forces of the United States, including  
3465 any reserve component thereof, or the commissioned corps of the National Oceanic and  
3466 Atmospheric Administration or the Public Health Service of the United States Department  
3467 of Health and Human Services detailed by proper authority for duty with the armed forces

3468 of the United States, or who is required to enter or serve in the active military service of  
 3469 the United States under a call or order of the President of the United States or to serve on  
 3470 state active duty, may delegate caregiving authority for a period longer than one year if  
 3471 such parent is deployed as defined in Code Section 19-9-6. Such term of delegation,  
 3472 however, shall not exceed the term of deployment plus 30 days.

3473 19-9-133.

3474 This article shall not affect a power of attorney given to a grandparent prior to September 1,  
 3475 2018, to which the provisions of former Code Sections 19-9-120 through 19-9-129, as such  
 3476 existed on August 30, 2018, shall continue to apply.

3477 19-9-134.

3478 (a) The power of attorney contained in this Code section may be used for the temporary  
 3479 delegation of caregiving authority to an agent. The form contained in this Code section  
 3480 shall be sufficient for the purpose of creating a power of attorney under this article,  
 3481 provided that nothing in this Code section shall be construed to require the use of this  
 3482 particular form.

3483 (b) A power of attorney shall be legally sufficient if the form is properly completed and  
 3484 the signatures of the parties are notarized.

3485 (c) The power of attorney delegating caregiving authority of a child shall be in  
 3486 substantially the following form:

3487 FORM FOR POWER OF ATTORNEY TO DELEGATE  
 3488 THE POWER AND AUTHORITY FOR THE CARE OF A CHILD

3489 NOTICE:

3490 (1) THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE  
 3491 INDIVIDUAL WHOM YOU DESIGNATE (THE AGENT) POWERS TO CARE FOR  
 3492 YOUR CHILD, INCLUDING THE POWER TO: HAVE ACCESS TO EDUCATIONAL  
 3493 RECORDS AND DISCLOSE THE CONTENTS TO OTHERS; ARRANGE FOR AND  
 3494 CONSENT TO MEDICAL, DENTAL, AND MENTAL HEALTH TREATMENT FOR  
 3495 THE CHILD; HAVE ACCESS TO RECORDS RELATED TO SUCH TREATMENT  
 3496 OF THE CHILD AND DISCLOSE THE CONTENTS OF THOSE RECORDS TO  
 3497 OTHERS; PROVIDE FOR THE CHILD'S FOOD, LODGING, RECREATION, AND  
 3498 TRAVEL; AND HAVE ANY ADDITIONAL POWERS AS SPECIFIED BY THE  
 3499 INDIVIDUAL EXECUTING THIS POWER OF ATTORNEY.

3500 (2) THE AGENT IS REQUIRED TO EXERCISE DUE CARE TO ACT IN THE  
 3501 CHILD'S BEST INTERESTS AND IN ACCORDANCE WITH THE GRANT OF  
 3502 AUTHORITY SPECIFIED IN THIS FORM.

3503 (3) A COURT OF COMPETENT JURISDICTION MAY REVOKE THE POWERS OF  
 3504 THE AGENT.

3505 (4) THE AGENT MAY EXERCISE THE POWERS GIVEN IN THIS POWER OF  
 3506 ATTORNEY FOR THE CARE OF A CHILD FOR THE PERIOD SET FORTH IN  
 3507 THIS FORM UNLESS THE INDIVIDUAL EXECUTING THIS POWER OF  
 3508 ATTORNEY REVOKES THIS POWER OF ATTORNEY AND PROVIDES NOTICE  
 3509 OF THE REVOCATION TO THE AGENT OR A COURT OF COMPETENT  
 3510 JURISDICTION TERMINATES THIS POWER OF ATTORNEY.

3511 (5) THE AGENT MAY RESIGN AS AGENT AND MUST IMMEDIATELY  
 3512 COMMUNICATE SUCH RESIGNATION TO THE INDIVIDUAL EXECUTING THIS  
 3513 POWER OF ATTORNEY AND TO SCHOOLS, HEALTH CARE PROVIDERS, AND  
 3514 OTHERS KNOWN TO THE AGENT TO HAVE RELIED UPON SUCH POWER OF  
 3515 ATTORNEY.

3516 (6) THIS POWER OF ATTORNEY MAY BE REVOKED IN WRITING. IF THIS  
 3517 POWER OF ATTORNEY IS REVOKED, THE REVOKING INDIVIDUAL SHALL  
 3518 NOTIFY THE AGENT, SCHOOLS, HEALTH CARE PROVIDERS, AND OTHERS  
 3519 KNOWN TO THE INDIVIDUAL EXECUTING THIS POWER OF ATTORNEY TO  
 3520 HAVE RELIED UPON SUCH POWER OF ATTORNEY.

3521 (7) IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT  
 3522 UNDERSTAND, YOU SHOULD ASK AN ATTORNEY TO EXPLAIN IT TO YOU.

3523 STATE OF GEORGIA

3524 COUNTY OF \_\_\_\_\_

3525 Personally appeared before me, the undersigned officer duly authorized to administer  
 3526 oaths, \_\_\_\_\_ (name of parent) who, after having been sworn, deposes  
 3527 and says as follows:

3528 1. I certify that I am the parent of:

3529 \_\_\_\_\_

3530 (Full name of child) (Date of birth)

3531 2. I designate: \_\_\_\_\_.

3532 (Full name of agent)

3533 \_\_\_\_\_

3534 (Street address, city, state, and ZIP Code of agent)

3535 \_\_\_\_\_

3536 (Personal and work telephone numbers of agent)

3537 as the agent of the child named above.

3538 3. The agent named above is related or known to me as follows *(write in your*  
3539 *relationship to the agent; for example, aunt of the child, maternal grandparent of the*  
3540 *child, sibling of the child, godparent of the child, associated with a nonprofit or faith*  
3541 *based organization):* \_\_\_\_\_

3542 4. Sign by the statement you wish to choose *(you may only choose one):*

3543 (A) \_\_\_\_\_ (Signature) The agent named above is related  
3544 to me by blood or marriage and I have elected not to have him or her obtain a criminal  
3545 background check.

3546 **OR**

3547 (B) \_\_\_\_\_ (Signature) The agent named above is not related  
3548 to me and I have reviewed his or her criminal background check. *(If the agent has a*  
3549 *criminal conviction, complete the rest of this paragraph.)* I know that the agent has a  
3550 conviction but I want him or her to be the agent because *(write in):* \_\_\_\_\_

3551 \_\_\_\_\_

3552 \_\_\_\_\_

3553 5. Sign by the statement you wish to choose (you may only choose one):

3554 (A) \_\_\_\_\_ (Signature) I delegate to the agent all my power  
 3555 and authority regarding the care and custody of the child named above, including but  
 3556 not limited to the right to inspect and obtain copies of educational records and other  
 3557 records concerning the child, attend school activities and other functions concerning the  
 3558 child, and give or withhold any consent or waiver with respect to school activities,  
 3559 medical and dental treatment, and any other activity, function, or treatment that may  
 3560 concern the child. This delegation shall not include the power or authority to consent  
 3561 to the marriage or adoption of the child, the performance or inducement of an abortion  
 3562 on or for the child, or the termination of parental rights to the child.

3563 **OR**

3564 (B) \_\_\_\_\_ (Signature) I delegate to the agent the following  
 3565 specific powers and responsibilities (*write in*):  
 3566 \_\_\_\_\_

3567 This delegation shall not include the power or authority to consent to the marriage or  
 3568 adoption of the child, the performance or inducement of an abortion on or for the child,  
 3569 or the termination of parental rights to the child.

3570 6. Initial by the statement you wish to choose (you may only choose one of the three  
 3571 options) and complete the information in the paragraph:

3572 (A) \_\_\_\_\_ (Initials) This power of attorney is effective for a period not to exceed  
 3573 one year, beginning \_\_\_\_\_, 2\_\_\_\_\_, and ending \_\_\_\_\_, 2\_\_\_\_\_. I  
 3574 reserve the right to revoke this power and authority at any time.

3575 **OR**

3576 (B) \_\_\_\_\_ (Initials) This power of attorney is being given to a grandparent of my  
 3577 child and is effective until I revoke this power of attorney.

3578 **OR**



3579 (C) \_\_\_\_\_ (Initials) I am a parent as described in O.C.G.A. § 19-9-130(b). My  
 3580 deployment is scheduled to begin on \_\_\_\_\_, 2\_\_\_\_\_, and is estimated to end  
 3581 on \_\_\_\_\_, 2\_\_\_\_\_. I acknowledge that in no event shall this delegation of  
 3582 power and authority last more than one year or the term of my deployment plus 30  
 3583 days, whichever is longer. I reserve the right to revoke this power and authority at any  
 3584 time.

3585 7. I hereby swear or affirm under penalty of law that I provided the notice required by  
 3586 O.C.G.A. § 19-9-125 and received no objection in the required time period.

3587 By: \_\_\_\_\_  
 3588 (Parent signature)

3589 \_\_\_\_\_  
 3590 (Printed name)

3591 \_\_\_\_\_  
 3592 (Street address, city, state, and ZIP Code of parent)

3593 \_\_\_\_\_  
 3594 (Personal and work telephone numbers of parent)

3595 Sworn to and subscribed  
 3596 before me this \_\_\_\_\_  
 3597 day of \_\_\_\_\_, \_\_\_\_\_.

3598 \_\_\_\_\_  
 3599 Notary public (SEAL)  
 3600 My commission expires: \_\_\_\_\_.

3601 STATE OF GEORGIA  
 3602 COUNTY OF \_\_\_\_\_

3603 Personally appeared before me, the undersigned officer duly authorized to administer  
 3604 oaths, \_\_\_\_\_ (name of agent) who, after having been  
 3605 sworn, deposes and says as follows:

3606 8. I hereby accept my designation as agent for the child specified in this power of  
3607 attorney and by doing so acknowledge my acceptance of the responsibility for caring for  
3608 such child for the duration of this power of attorney. Furthermore, I hereby certify that:

3609 (A)(i) I am related to the individual giving me this power of attorney by blood or  
3610 marriage as follows (write in your relationship to the individual designating you as  
3611 agent; for example, sister, mother, father, etc.): \_\_\_\_\_

3612 **OR**

3613 (ii) I am not related to the individual giving me this power of attorney but was referred  
3614 to him or her by: \_\_\_\_\_ (write  
3615 in the name of the child-placing agency, nonprofit entity, or faith based organization).

3616 (B) I am not currently on the state sexual offender registry or child abuse registry of  
3617 this state or the sexual offender registry or child abuse registry for any other state, a  
3618 United States territory, the District of Columbia, or any American Indian tribe nor have  
3619 I ever been required to register for any such registry;

3620 (C) I have provided a criminal background check to the individual designating me as  
3621 an agent, if it was required;

3622 (D) I understand that I have the authority to act on behalf of the child:

- 3623 •For the period of time set forth in this form;
- 3624 •Until the power of attorney is revoked in writing and notice is provided to me as  
3625 required by O.C.G.A. § 19-9-130; or
- 3626 •Until the power of attorney is terminated by order of a court;

3627 (E) I understand that if I am made aware of the death of the individual who executed  
3628 the power of attorney, I must notify the surviving parent of the child, if known, as soon  
3629 as practicable; and

3630 (F) I understand that I may resign as agent by notifying the individual who executed  
3631 the power of attorney in writing by certified mail, return receipt requested, or statutory  
3632 overnight delivery and I must also notify any schools, health care providers, and others  
3633 to whom I give a copy of this power of attorney.

3634 \_\_\_\_\_  
3635 (Agent signature)

3636 \_\_\_\_\_  
3637 (Printed name)

3638 Sworn to and subscribed  
 3639 before me this \_\_\_\_\_  
 3640 day of \_\_\_\_\_, \_\_\_\_\_.

3641 \_\_\_\_\_  
 3642 Notary public (SEAL)  
 3643 My commission expires: \_\_\_\_\_.

3644 \_\_\_\_\_  
 3645 (Organization signature, if applicable)

3646 \_\_\_\_\_  
 3647 (Printed name and title)"

3648 **PART III**  
 3649 **SECTION 3-1.**

3650 Part 4 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
 3651 relating to sick, personal, and maternity leave for teachers and other school personnel, is  
 3652 amended by adding a new Code section to read as follows:

3653 "20-2-852.1.  
 3654 A local board of education that permits paternity or maternity time off for biological  
 3655 parents following the birth of a child shall, upon request, make such time off available for  
 3656 individuals adopting a child, in the same manner and utilizing the same type of leave. If  
 3657 the local board of education has established a policy providing time off for biological  
 3658 parents, that period of time shall be the minimum period of leave available for adoptive  
 3659 parents. Requests for additional leave due to the adoption of an ill child or a child with a  
 3660 disability shall be considered on the same basis as comparable cases of such complications  
 3661 accompanying the birth of such a child to an employee or employee's spouse. Any other  
 3662 benefits provided by the local board of education, such as job guarantee or pay, shall be  
 3663 available to both adoptive and biological parents on an equal basis. A local board of  
 3664 education shall not penalize an employee for exercising the rights provided by this Code  
 3665 section. The provisions of this Code section shall not apply to an adoption by the spouse  
 3666 of a custodial parent."

3667

**PART IV**

3668

**SECTION 4-1.**

3669 This Act shall become effective on September 1, 2018.

3670

**SECTION 4-2.**

3671 All laws and parts of laws in conflict with this Act are repealed.