

AN ACT

To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, so as to substantially revise the general provisions applicable to adoptions; to change the requirements for adopting children; to provide for a nonresident to allow an adoption of his or her child; to provide for adoption of foreign-born children; to provide for a waiver to revoke a surrender of parental rights under certain circumstances; to change the age for individuals to access the Adoption Reunion Registry; to revise and provide for forms; to amend Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination of parental rights, so as to correct a cross-reference; to provide for the creation, authorization, procedure, revocation, recision, and termination of a power of attorney from a parent to an agent for the temporary delegation of certain power and authority for the care and custody of his or her child; to repeal the "Power of Attorney for the Care of a Minor Child Act"; to provide for definitions; to provide for procedure; to grandfather certain provisions relating to a power of attorney given to a grandparent; to provide a short title; to provide for legislative findings; to amend Part 4 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to sick, personal, and maternity leave for teachers and other school personnel, so as to require local boards of education to provide employees who are adoptive parents the same duration of maternity leave, leave options, and other benefits as are provided to employees who are biological parents; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

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

"ARTICLE 1

19-8-1.

For purposes of this article, the term:

H. B. 159

- (1) 'Alaskan native' means a member of the Alaska Native Regional Corporations formed under the Alaska Native Claims Settlement Act of 1971 (ANCSA).
- (2) 'Biological father' means a male who impregnated the biological mother resulting in the birth of the child.
- (3) 'Biological parent' means a biological mother or biological father.
- (4) 'Child' means an individual who is under 18 years of age and who is sought to be adopted.
- (5) 'Child-placing agency' means an agency licensed as a child-placing agency pursuant to Chapter 5 of Title 49.
- (6) 'Department' means the Department of Human Services.
- (7) 'Evaluator' means a person or agency that conducts a home study. An evaluator shall be a child-placing agency, the department, or a licensed professional with at least two years of adoption related professional experience, including a licensed clinical social worker, licensed master social worker, licensed marriage and family therapist, or licensed professional counselor; provided, however, that when none of the foregoing evaluators are available, the court may appoint a guardian ad litem or court appointed special advocate to conduct a home study.
- (8) 'Guardian' means an individual appointed as a:
 - (A) Guardian or temporary guardian of a child as provided in Title 29;
 - (B) Guardian of a child pursuant to Code Section 15-11-13; or
 - (C) Permanent guardian of a child as provided in Part 13 of Article 3 of Chapter 11 of Title 15.
- (9) 'Home study' means an evaluation by an evaluator of a petitioner's home environment for the purpose of determining the suitability of such environment as a prospective adoptive home for a child. Such evaluation shall consider a petitioner's physical health, emotional maturity, financial circumstances, family, and social background and shall conform to the rules and regulations established by the department for child-placing agencies for adoption home studies.
- (10) 'Home study report' means the written report generated as a result of the home study.
- (11) 'Legal father' means a male who has not surrendered or had terminated his rights to a child and who:
 - (A) Has legally adopted such child;
 - (B) Was married to the biological mother of such child at the time such child was born or within the usual period of gestation, unless paternity was disproved by a final order of a court of competent jurisdiction;

- (C) Married a legal mother of such child after such child was born and recognized such child as his own, unless paternity was disproved by a final order of a court of competent jurisdiction; or
 - (D) Has legitimated such child by a final order pursuant to Code Section 19-7-22.
- (12) 'Legal mother' means a female who is the biological or adoptive mother of the child and who has not surrendered or had terminated her rights to the child.
- (13) 'Native American heritage' means any individual who is:
- (A) A member of a federally recognized American Indian tribe; or
 - (B) An Alaskan native.
- (14) 'Out-of-state licensed agency' means an agency or entity that is licensed in another state or country to place children for adoption.
- (15) 'Parent' means a legal father or a legal mother of the child.
- (16) 'Petitioner' means an individual who petitions to adopt or terminate rights to a child pursuant to this article.
- (17) 'Putative father registry' means the registry established and maintained pursuant to subsections (d) and (e) of Code Section 19-11-9.

19-8-2.

- (a) The superior courts of the several counties shall have exclusive jurisdiction in all matters of adoption.
- (b) All petitions for adoption under this article shall be filed in the county in which any petitioner resides, except that:
 - (1) Upon good cause being shown, the court may, in its discretion, allow such petition to be filed in the court of the county:
 - (A) Of the child's domicile;
 - (B) In which is located any child-placing agency having legal custody of the child;
 - (C) Where the child was born if such petition is filed within one year of the child's birth; or
 - (D) In which is located the office of the department having legal custody of the child;
 - (2) Any individual who is a resident of any United States army post or military reservation within this state may file such petition in any county adjacent to the United States army post or military reservation; and
 - (3) When a child has been placed for adoption with an individual who is a resident of another state in compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children, such petition shall be filed in:
 - (A) The court of the county where the child was born;

- (B) The court of the county in which is located any child-placing agency having legal custody of the child; or
- (C) Superior Court of Fulton County.

19-8-3.

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

- (1) Is at least 25 years of age or is married and living with his or her spouse, or is at least 21 years of age and is a relative of the child;
- (2) Is at least ten years older than the child, except such ten-year requirement shall not apply when the petitioner is a stepparent or relative and the petition is filed pursuant to Code Section 19-8-6 or 19-8-7;
- (3) Is a bona fide resident of this state at the filing of the petition for adoption or is a bona fide resident of the receiving state when the adoptee was born in this state and was placed in compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children; and
- (4) Is financially, physically, and mentally able to have permanent custody of the child.

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

19-8-4.

(a) A child may be adopted through the department, any child-placing agency, or any out-of-state licensed agency only if each living parent and guardian of such child:

- (1) Has voluntarily and in writing surrendered all of his or her rights to the child to the department, a child-placing agency, or an out-of-state licensed agency as provided in this Code section and such department, child-placing agency, or out-of-state licensed agency thereafter consents to the adoption; or
- (2) Has had all of his or her rights to the child terminated by order of a court of competent jurisdiction, the child has been committed by the court to the department, a child-placing agency, or an out-of-state licensed agency for placement for adoption, and such department, child-placing agency, or out-of-state licensed agency thereafter consents to the adoption.

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

(c) The surrender of rights to the department, a child-placing agency, or an out-of-state licensed agency specified in paragraphs (1) and (2) of subsection (e) of this Code section shall be executed following the birth of the child, and the pre-birth surrender to the

department, a child-placing agency, or an out-of-state licensed agency specified in paragraph (3) of subsection (e) of this Code section shall be executed prior to the birth of the child. Each surrender shall be executed under oath and in the presence of a notary public and an adult witness. A copy of the surrender shall be provided to the individual signing the surrender at the time of the execution thereof.

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

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

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

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

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

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

(D) The pre-birth surrender shall not be valid for use by a legal father.

- (E) The pre-birth surrender may be executed at any time after the biological mother executes a sworn statement identifying such individual as an alleged biological father of the biological mother's unborn child meeting the requirements of subsection (m) of Code Section 19-8-26.
- (F) The pre-birth surrender shall meet the requirements of subsection (f) of Code Section 19-8-26 and shall be signed under oath and in the presence of a notary public and an adult witness.
- (f) A surrender of rights shall be acknowledged by the individual who surrenders those rights by also signing an acknowledgment meeting the requirements of subsection (g) of Code Section 19-8-26. Such acknowledgment shall be signed under oath and in the presence of a notary public and an adult witness.
- (g)(1) A legal mother who surrenders her parental rights pursuant to this Code section shall execute an affidavit meeting the requirements of subsection (h) of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence of a notary public.
- (2) A legal mother who is the adoptive mother of the child and who surrenders her parental rights pursuant to this Code section shall execute an affidavit meeting the requirements of subsection (i) of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence of a notary public.
- (h) Whenever rights are surrendered to the department, a child-placing agency, or an out-of-state licensed agency, the department or agency representative before whom the surrender of rights is signed shall execute an affidavit meeting the requirements of subsection (j) of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence of a notary public.
- (i) A surrender of rights pursuant to this Code section may be given by any parent or biological father who is not a legal father of the child regardless of whether such individual is a citizen of the United States, a resident of this state, or has reached the age of 18 years. Such surrender given by such individual shall be binding upon him or her as if the individual were in all respects sui juris and shall include a consent to the jurisdiction of the courts of this state for any action filed under this article. Such surrender shall state that such individual agrees to be bound by a decree of adoption.
- (j) In any surrender of rights pursuant to this Code section, Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children, if applicable, shall be complied with.
- (k) A biological father or a legal father who signs a surrender of rights may execute an affidavit regarding his Native American heritage and military service meeting the requirements of subsection (n) of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence of a notary public.

19-8-5.

(a) A child may be adopted by a third party who is neither the stepparent nor relative of that child, as such individuals are described in subsection (a) of Code Sections 19-8-6 and 19-8-7, only if each living parent and guardian of such child has voluntarily and in writing surrendered all of his or her rights to such child to that third party for the purpose of enabling that third party to adopt such child. A third party to whom such child is voluntarily surrendered shall be financially responsible for such child as of the date of surrender by the parent. Except as provided in subsection (1) of this Code section, no child shall be placed with a third party for purposes of adoption unless prior to the date of placement a home study shall have been completed, and the home study report recommends placement of a child in such third party's home.

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

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

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

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

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

(3)(A) A biological father who is not a legal father of a child may execute a surrender of his rights to the child prior to the birth of the child for the purpose of an adoption pursuant to this Code section. A pre-birth surrender shall serve to relinquish an alleged

biological father's rights to the child and to waive an alleged biological father's right to notice of any proceeding with respect to the child's adoption, custody, or guardianship. The court in any adoption proceeding shall have jurisdiction to enter a final order of adoption of the child based upon the pre-birth surrender and in other proceedings to determine the child's legal custody or guardianship shall have jurisdiction to enter an order for those purposes.

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

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

(D) The pre-birth surrender shall not be valid for use by a legal father.

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

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

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

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

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

(h) Whenever rights are surrendered pursuant to this Code section, the representative of each petitioner or the representative of the individual signing such surrender shall execute

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

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

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

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

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

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

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

(l) If the home study for a third-party adoption has not occurred prior to the date of placement, then the third party shall, within the petition for adoption or in a separate motion, seek an order authorizing placement of such child prior to the completion of the home study. Such petition or such motion shall identify the evaluator that the petitioner has selected to perform the home study. The court may waive the requirement of a preplacement home study in cases when a child already resides in the prospective adoptive

home either as a child of one of the residents of such home or pursuant to a court order of guardianship, testamentary guardianship, or custody.

(m) The court may authorize the placement prior to the completion of a home study if the court finds that such placement is in the best interests of the child.

(n) If the court authorizes the placement prior to the completion of a home study, then:

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

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

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

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

19-8-6.

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

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

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

(c) The surrender of rights specified in this Code section shall be executed following the birth of the child under oath and in the presence of a notary public and an adult witness.

A copy of the surrender shall be provided to the individual signing the surrender at the time of the execution thereof.

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

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

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

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

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

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

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

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

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

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

19-8-7.

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

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

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

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

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

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

(3)(A) A biological father who is not a legal father of a child may execute a surrender of his rights to the child prior to the birth of the child for the purpose of an adoption pursuant to this Code section. A pre-birth surrender shall serve to relinquish an alleged

biological father's rights to the child and to waive an alleged biological father's right to notice of any proceeding with respect to the child's adoption, custody, or guardianship. The court in any adoption proceeding shall have jurisdiction to enter a final order of adoption of the child based upon the pre-birth surrender and in other proceedings to determine the child's legal custody or guardianship shall have jurisdiction to enter an order for those purposes.

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

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

(D) The pre-birth surrender shall not be valid for use by a legal father.

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

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

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

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

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

(h) Whenever rights are surrendered pursuant to this Code section, the representative of each petitioner or the representative of the individual signing such surrender shall execute

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

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

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

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

19-8-8.

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

(2) Evidence of the issuance of an immediate relative immigrant visa or Hague Convention immigrant visa by the United States Department of State in the child's passport shall be prima-facie evidence that all parental rights have been terminated, that the child was legally available for adoption by each petitioner named in the foreign decree or order of adoption, that the adoption of the child by each petitioner named in the foreign decree or order of adoption was in the child's best interests, and that the child's adoption by each petitioner named in the foreign decree or order of adoption was finalized in full compliance with the laws of the foreign country and the court need not

make any inquiry into those proceedings but shall domesticate the foreign decree or order of adoption hereunder and issue a final decree of adoption pursuant to subsection (c) of Code Section 19-8-18.

(3) A child who qualifies for domestication of his or her foreign adoption under this subsection and whose adoption was full and final prior to entering the United States shall, upon entry of a final decree of domestication of adoption by the court, be entitled to have a Certificate of Foreign Birth issued to him or her by the State Office of Vital Records of the Georgia Department of Public Health pursuant to paragraph (2) of subsection (f) of Code Section 31-10-13.

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

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

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

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

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

19-8-9.

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

(b) If a legal mother has voluntarily and in writing surrendered all of her parental rights pursuant to Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 and has not revoked her surrender within the four-day period after signing as permitted by subsection (a) of this Code section, she shall have no right or authority to sign a voluntary acknowledgment of paternity pursuant to Code Section 19-7-46.1 or consent to the granting of a petition for legitimation filed pursuant to Code Section 19-7-22 regarding the same child.

19-8-10.

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

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

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

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

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

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

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

(2) To provide for the care and support of that child as required by law or judicial decree,

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

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

is the subject of the proceeding should not be terminated by that adoption. Notice shall be deemed to have been received on the earliest date:

(A) Personal service is perfected;

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

(C) Of the last publication.

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

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

19-8-11.

(a)(1) In those cases when the department, a child-placing agency, or an out-of-state licensed agency has obtained

the voluntary written surrender of all parental rights from one of the parents or the guardian of a child or

has obtained an order from a court of competent jurisdiction terminating all of the rights of one of the parents or the guardian of a child,

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

(2) In those cases when a child has been placed in compliance with Chapter 4 of Title 39, and the individual who is the resident of another state has obtained the voluntary written surrender of all parental rights from one of the parents or the guardian of a child, each such individual to whom the child has been surrendered may in contemplation of the

adoption of such child in such other state petition the superior court of the county where the child was born or of Fulton County to terminate the parental rights of the remaining parent pursuant to this Code section.

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

- (i) Child has been abandoned by that parent;
- (ii) Parent of the child cannot be found after a diligent search has been made;
- (iii) Parent is insane or otherwise incapacitated from surrendering such rights;
- (iv) Parent caused his child to be conceived as a result of having nonconsensual sexual intercourse with the biological mother of his child or when the biological mother is less than ten years of age; or
- (v) Parent, without justifiable cause, has failed to exercise proper parental care or control due to misconduct or inability, as set out in paragraph (3), (4), or (5) of subsection (a) of Code Section 15-11-310.

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

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

in the pending termination of parental rights proceeding and show cause why such parent's rights to the child who is the subject of the proceeding should not be terminated. Notice shall be deemed to have been received on the earliest date:

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

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

19-8-12.

(a) The General Assembly finds that:

- (1) The state has a compelling interest in promptly providing stable and permanent homes for adoptive children, and in preventing the disruption of adoptive placements;
- (2) Adoptive children have a right to permanence and stability in adoptive placements;
- (3) Adoptive parents have a constitutionally protected liberty and privacy interest in retaining custody of children placed with them for adoption;
- (4) A biological father who is not a legal father may have an interest in his biological child. This inchoate interest is lost by failure to develop a familial bond with the child and acquires constitutional protection only if a biological father who is not a legal father develops a familial bond with the child;
- (5) The subjective intent of a biological father who is not a legal father, whether expressed or otherwise, unsupported by evidence of acts manifesting such intent, shall not preclude a determination that a biological father who is not a legal father has failed to develop a familial bond with the child; and
- (6) A man who has engaged in a nonmarital sexual relationship with a woman is deemed to be on notice that a pregnancy and adoption proceeding regarding a child may occur and has a duty to protect his own rights and interests in that child. He is therefore entitled to notice of an adoption proceeding only as provided in this Code section.

(b) If there is a biological father who is not a legal father of a child and he has not executed a surrender of rights as specified in paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 or paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or 19-8-7, he shall be notified of adoption proceedings regarding the child in the following circumstances:

- (1) If his identity is known to the petitioner, department, child-placing agency, or out-of-state licensed agency or to the attorney for such individual or entity;
 - (2) If he is a registrant on the putative father registry who has acknowledged paternity of the child in accordance with subparagraph (d)(2)(A) of Code Section 19-11-9; or
 - (3) If he is a registrant on the putative father registry who has indicated possible paternity of the child during a period beginning two years immediately prior to the child's date of birth in accordance with subparagraph (d)(2)(B) of Code Section 19-11-9
- (c)(1) Notification provided for in subsection (b) of this Code section shall be given to a biological father who is not a legal father by the following methods:
- (A) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the use of certified mail, registered mail, return receipt requested, or statutory overnight delivery, one-day service not required, at his last known address, which notice shall be deemed received upon the date of delivery shown on the return or delivery receipt;
 - (B) Personal service, which notice shall be deemed received when personal service is perfected; or
 - (C) Publication once a week for three weeks in the official organ of the county where the adoption petition has been filed and of the county of his last known address, which notice shall be deemed received upon the date of the last publication.
- (2) If feasible, the methods specified in subparagraph (A) or (B) of paragraph (1) of this subsection shall be used before publication; provided, however, that in the interest of time, publication may be initiated simultaneously with efforts to perfect service personally, by registered mail, or by statutory overnight delivery.
- (3) No prior order of court shall be required to publish notice pursuant to this Code section; provided, however, that before publication may be relied upon as a means of service, it shall be averred that, after diligent efforts, service could not be perfected personally, by registered mail, or by statutory overnight delivery.
- (d)(1) When the rights of a parent or guardian of a child have been surrendered or terminated in accordance with subsection (a) of Code Section 19-8-4 or the child does not have a living parent or guardian, the department, child-placing agency, or out-of-state licensed agency may file, under the authority of this paragraph, a petition to terminate a biological father's rights to the child with the superior court of the county of the child's domicile, of the county where the child was born, of the county in which is located the principal office of the child-placing agency having legal custody of the child, or of the county in which is located the office of the department having legal custody of the child.
- (2) When the rights of a parent or guardian of a child have been surrendered in accordance with subsection (a) of Code Section 19-8-5, 19-8-6, or 19-8-7, the child does not have a living parent or guardian, a consent to adopt has been executed pursuant to

paragraph (2) of subsection (a) of Code Section 19-8-6, or the petitioner is seeking to involuntarily terminate parental rights pursuant to Code Section 19-8-10, the petitioner shall file, under the authority of this paragraph, with the superior court of the county of the child's domicile or of the county where the child was born a motion, if a petition for adoption of the child has previously been filed with the court, or a petition to terminate a biological father's rights to the child.

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

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

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

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

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

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

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

- (1) Does not file a legitimation petition and give notice as required in subsection (e) of this Code section;
 - (2) Files a legitimation petition which is subsequently dismissed for failure to prosecute;
 - or
 - (3) Files a legitimation petition and the action is subsequently concluded without a court order granting such petition and declaring that he is a legal father of the child.
- (g) If an alleged biological father who is not a legal father files a legitimation petition after the mother of such child has surrendered her parental rights, the court shall be authorized to consider the affidavit of the mother specified in subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as applicable. If the court finds from the evidence that such biological father has not lived with the child, contributed to the child's support, or provided support or medical care during the mother's pregnancy or hospitalization for the birth of such child, there shall be a rebuttable presumption that the biological father abandoned his opportunity interest to legitimate such child and may deny his petition for legitimation. Such biological father shall not thereafter be allowed to object to the adoption nor be entitled to receive further notice of the adoption proceedings.
- (h) If the child is legitimated by his or her biological father, the adoption shall not be permitted except as provided in Code Sections 19-8-4 through 19-8-7.
- (i) If the child is legitimated by his or her biological father and in the adoption proceeding the petition for adoption is revoked with prejudice or denied by the court, then a SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION executed by a legal mother pursuant to subsection (a) of Code Section 19-8-4, 19-8-5, or 19-8-7 shall be dissolved by operation of law and her parental rights shall be restored to her. The fact that a legal mother executed a SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION, now dissolved, shall not be admissible as evidence against a legal mother in any proceeding against her.

19-8-13.

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

- (1) The petition for adoption shall set forth:
 - (A) The name, age, date and place of birth, marital status, and place of residence of each petitioner;
 - (B) The name by which the child is to be known should the adoption ultimately be completed;

- (C) The sex, date and place of birth, and citizenship or immigration status of the child, and if the child is neither a United States citizen nor a lawful permanent resident of the United States on the date such petition is filed, the petitioner shall explain how such child will be able to obtain lawful permanent resident status;
 - (D) The date and circumstances of the placement of the child with each petitioner;
 - (E) Whether the child is possessed of any property and, if so, a full and complete description thereof;
 - (F) Whether the child has one or both parents or his or her biological father who is not a legal father living;
 - (G) Whether the child has a guardian and, if so, the name of the guardian and the name of the court that appointed such guardian;
 - (H) Whether the child has a legal custodian and, if so, the name of the legal custodian and the name of the court that appointed such custodian; and
 - (I) Whether each petitioner or his or her attorney is aware of any other adoption proceeding pending to date, in this or any other state or country, regarding the child who is the subject of the proceeding that is not fully disclosed in such petition and whether each petitioner or his or her attorney is aware of any individual who has or claims to have physical custody of or visitation rights with the child who is the subject of the proceeding whose name and address and whose custody or visitation rights are not fully disclosed in such petition. Each petitioner and his or her attorney shall have a continuing duty to inform the court of any proceeding in this or any other state or country that could affect the adoption proceeding or the legal custody of or visitation with the child who is the subject of the proceeding;
- (2) When the adoption is pursuant to subsection (a) of Code Section 19-8-4, the following shall be provided or attached to the petition for adoption or its absence explained when the petition for adoption is filed:
- (A) If the adoption is pursuant to:
 - (i) Paragraph (1) of such Code section, a copy of the written voluntary surrender of rights of each parent or guardian specified in subsection (e) of Code Section 19-8-4 and a copy of the written acknowledgment of surrender of rights specified in subsection (f) of Code Section 19-8-4; or
 - (ii) Paragraph (2) of such Code section, a certified copy of the order entered by a court of competent jurisdiction terminating parental rights of the parent and committing the child to the department, child-placing agency, or out-of-state licensed agency;
 - (B) A copy of the affidavits specified in subsections (g) and (h) of Code Section 19-8-4;

- (C) An original affidavit from the department or a child-placing agency stating that all of the requirements of Code Sections 19-8-4 and 19-8-12 have been complied with and that the child is legally available for adoption or, in the case of a placement by an out-of-state licensed agency, that the comparable provisions dealing with the termination of parental rights of the parents and of a biological father who is not a legal father of the child have been complied with under the laws of the state or country in which the out-of-state licensed agency is licensed and that the child is legally available for adoption thereunder;
 - (D) The original written consent of the department, child-placing agency, or out-of-state licensed agency to the adoption;
 - (E) Uncertified copies of appropriate certificates or forms verifying the allegations contained in such petition as to guardianship of the child, including, but not limited to, the marriage of each petitioner, the death of each parent in lieu of a surrender of his or her parental rights, and compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children; and
 - (F) A completed form containing background information regarding the child, as required by the adoption unit of the department, or an equivalent medical and social history background form;
- (3) When the adoption is pursuant to subsection (a) of Code Section 19-8-5, the following shall be provided or attached to the petition for adoption or its absence explained when the petition for adoption is filed:
- (A) The original written voluntary surrender of rights of each parent, biological father who is not a legal father, or guardian specified in subsection (e) of Code Section 19-8-5;
 - (B) The original written acknowledgment of surrender of rights specified in subsection (f) of Code Section 19-8-5;
 - (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-5;
 - (D) A copy of the appropriate form verifying the allegation of compliance with Code Section 19-8-12 and the original certification evidencing the search of the putative father registry;
 - (E) The original accounting required by subsection (c) of this Code section;
 - (F) Uncertified copies of appropriate certificates or forms verifying the allegations contained in such petition as to guardianship of the child, including, but not limited to, the marriage of each petitioner, the death of each parent in lieu of a surrender of his or her parental rights, and compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children;

- (G) A completed form containing background information regarding the child, as required by the adoption unit of the department, or an equivalent medical and social history background form; and
 - (H) A copy of the home study report;
- (4) When the adoption is pursuant to subsection (a) of Code Section 19-8-6, the following shall be provided or attached to the petition for adoption or its absence explained when the petition for adoption is filed:
- (A) The original written voluntary surrender of rights of each parent, biological father who is not a legal father, or guardian specified in subsection (e) of Code Section 19-8-6;
 - (B) The original written acknowledgment of surrender of rights specified in subsection (f) of Code Section 19-8-6;
 - (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;
 - (D) The original consent specified in subsection (j) of Code Section 19-8-6;
 - (E) A copy of the appropriate form verifying the allegation of compliance with Code Section 19-8-12 and the original certification evidencing the search of the putative father registry;
 - (F) Uncertified copies of appropriate certificates or forms verifying the allegations contained in such petition as to guardianship of the child, including, but not limited to, the birth of the child, the marriage of each petitioner, and the death of each parent in lieu of a surrender of his or her parental rights; and
 - (G) A completed form containing background information regarding the child, as required by the adoption unit of the department, or an equivalent medical and social history background form;
- (5) When the adoption is pursuant to subsection (a) of Code Section 19-8-7, the following shall be provided or attached to the petition for adoption or its absence explained when the petition for adoption is filed:
- (A) The original written voluntary surrender of rights of each parent or biological father who is not a legal father specified in subsection (e) of Code Section 19-8-7;
 - (B) The original written acknowledgment of surrender of rights specified in subsection (f) of Code Section 19-8-7;
 - (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;
 - (D) A copy of the appropriate form verifying the allegation of compliance with Code Section 19-8-12 and the original certification evidencing the search of the putative father registry;
 - (E) Uncertified copies of appropriate certificates or forms verifying allegations contained in the petition as to guardianship or custody of the child and the birth of the

child, including but not limited to, the marriage of each petitioner, the death of each parent in lieu of a surrender of his or her parental rights, and compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the Placement of Children;

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

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

- (i) A copy of the child's passport page showing an immediate relative immigrant visa or Hague Convention immigrant visa obtained to grant the child entry into the United States as a result of a full and final adoption in the foreign country; and
- (ii) A copy along with an English translation of the child's birth certificate or registration.

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

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

- (i) A copy along with an English translation of the final decree or order of guardianship from the foreign country;
- (ii) Copies of all postplacement reports, if required by the foreign country that entered the guardianship decree or order;
- (iii) Authorization to proceed with adoption if specifically required by the decree or order entered by the court or administrative agency in the foreign country;
- (iv) A copy of the child's passport page showing an immediate relative immigrant visa or Hague Convention immigrant visa obtained to grant the child entry into the United States in order to finalize his or her adoption; and
- (v) A copy along with an English translation of the child's birth certificate or registration;

- (7) When Code Section 19-8-10 is applicable, parental rights need not be surrendered or terminated prior to the filing of the petition for adoption; but the petitioner shall, in lieu of obtaining and attaching those otherwise required surrenders of rights, acknowledgments, and affidavits, allege facts in the petition for adoption demonstrating the applicability of subsection (a) or (b), or both, of Code Section 19-8-10 and shall also allege compliance with subsection (c) of Code Section 19-8-10; and
- (8) If the petition for adoption is filed in a county other than that of the petitioner's residence, the reason therefor shall be set forth in such petition.
- (b) At the time of filing the petition for adoption, the petitioner shall deposit with the clerk the deposit required by Code Section 9-15-4; the fees shall be those established by Code Sections 15-6-77, 15-6-77.1, and 15-6-77.2.
- (c) Each petitioner for adoption in any proceeding for the adoption of a child pursuant to Code Section 19-8-5 shall file with the petition for adoption, in a manner acceptable to the court, a report fully accounting for all disbursements of anything of value made or agreed to be made, directly or indirectly, by, on behalf of, or for the benefit of the petitioner in connection with the adoption, including, but not limited to, any expenses incurred in connection with:
- (1) The birth of the child;
 - (2) Placement of the child with the petitioner;
 - (3) Counseling services or legal services for a legal mother;
 - (4) Reasonable expenses for the biological mother as set forth in subparagraph (c)(1)(C) or (c)(1)(D) of Code Section 19-8-24;
 - (5) Medical or hospital care received by the biological mother or by the child during such mother's prenatal care and confinement; and
 - (6) Services relating to the adoption or to the placement of the child for adoption which were received by or on behalf of the petitioner, either biological parent of the child, or any other individual.
- (d) Every attorney for a petitioner in any proceeding for the adoption of a child pursuant to Code Section 19-8-5 shall file, in a manner acceptable to the court, before the decree of adoption is entered, an affidavit detailing all sums paid or promised to that attorney, directly or indirectly, from whatever source, for all services of any nature rendered or to be rendered in connection with the adoption; provided, however, that, if the attorney received or is to receive less than \$500.00, the affidavit need only state that fact.
- (e) Any report made under this Code section shall be signed under oath and in the presence of a notary public by the individual making the report.
- (f)(1) As used in this subsection, the term 'family member' shall have the same meaning as set forth in Code Section 19-7-3.

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

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

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

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

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

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

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

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

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

19-8-14.

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

(b) Upon the filing of the petition for adoption, accompanied by the filing fee unless such fee is waived, it shall be the responsibility of the clerk to accept such petition as filed. Such petition shall not be subject to court approval before it is filed.

(c) Upon the filing of the petition for adoption, the court shall fix a date upon which such petition shall be considered, which date shall be not less than 45 days from the date of the filing of such petition and shall not be less than 30 days following the last date a parent or biological father is deemed to have received service of notice as required in those cases when Code Section 19-8-10 or 19-8-12, or both, is applicable.

(d) Notwithstanding subsections (a) and (c) of this Code section, it shall be the petitioner's responsibility to request that the court hear the petition for adoption on a date that allows sufficient time for fulfillment of the notice requirements of Code Sections 19-8-10 and 19-8-12, when applicable.

(e) In the best interests of the child, the court may hear the petition for adoption less than 45 days from the date of its filing upon a showing by the petitioner that no further notice is required or any statutory requirement of notice to any individual will be fulfilled at an earlier date, and provided that any report required by Code Section 19-8-16 has been completed or will be completed at an earlier date.

(f) The court in the child's best interests may grant such expedited hearings or continuances as may be necessary for completion of applicable notice requirements, investigations, a home study, and reports or for other good cause shown.

(g) Copies of the petition for adoption and all documents filed in connection therewith, including, but not limited to, the order fixing the date upon which such petition shall be

considered, motions, other pleadings filed, all orders entered in connection with such petition, and all exhibits, surrenders of rights, or certificates required by this article, shall be forwarded by the clerk to the department within 15 days after the date of such filing for retention by the State Adoption Unit of the department.

(h) Copies of the petition for adoption, the order fixing the date upon which such petition shall be considered, and all exhibits, surrenders of rights, or certificates required by this article shall be forwarded by the clerk to the agent appointed by the court pursuant to Code Section 19-8-16 within 15 days after the filing of the petition for adoption, together with a request that a report and investigation be made as required by Code Section 19-8-16.

(i) The clerk of court shall provide the petitioner or his or her attorney with a copy of the petition for adoption and of each amendment, motion, and other pleading filed with a stamp confirming the date each pleading was filed with the court and shall also provide the petitioner or his or her attorney with a copy of each order entered by the court in the adoption proceeding, confirming the date the order was filed of record by the court.

19-8-15.

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

(b) If a legal mother and biological father, whether he was a legal father or not, of the child who is the subject of the proceeding are both deceased, regardless of whether either individual had surrendered his or her parental rights or had his or her rights terminated, it shall be the privilege of any individual related by blood to such child to file objections to the petition for adoption.

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

19-8-16.

(a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be the duty of the agent appointed by the court to verify the allegations in the petition for adoption, to make a complete and thorough investigation of the entire matter, including any specific issue the court requests to be investigated, and to report its findings and

recommendations in writing to the court where the petition for adoption was filed. The agent may be the department, a child-placing agency, an evaluator, or an individual who the court determines is qualified to conduct the required investigation. The agent appointed by the court shall also provide the petitioner or his or her attorney with a copy of its report. If for any reason the agent appointed by the court finds itself unable to make or arrange for the proper investigation and report, it shall be the duty of the agent to notify the court immediately, or at least within 20 days after receipt of the request for investigation service, that it is unable to make the report and investigation, so that the court may take such other steps as in its discretion are necessary to have the investigation and report prepared. The investigation required by this Code section shall be in addition to the requirement of a home study in the case of a petition for adoption filed pursuant to subsection (a) of Code Section 19-8-5.

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

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

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

(d) The court shall require the petitioner to submit to a criminal history records check. The petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with the appropriate fee. The center shall promptly transmit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and shall obtain an appropriate report. The Georgia Crime Information Center shall also promptly conduct a search of its records and any records to which it has access. The center shall notify the court in writing of the presence or absence of any criminal record from the state fingerprint records check. In those cases when the petitioner has submitted a fingerprint based criminal history report that includes the results of a records search of both the Georgia Crime Information Center and the Federal Bureau of Investigation to the department, child-placing agency, or evaluator as part of the home study and such results are dated within 12 months of filing of the petition for adoption and are included in the home study report filed with or otherwise made available to the court, such results shall satisfy the requirements of this subsection. Because the court shall not be authorized to share the results of the fingerprint

records check with the agent appointed by the court pursuant to subsection (a) or (e) of this Code section, the court shall determine the acceptability of the petitioner's criminal history, inform the petitioner or his or her attorney at least five days prior to the final hearing on the petition for adoption if the court will require additional evidence with respect to the petitioner's criminal history or if the court is inclined to deny such petition because of such criminal history, and afford the petitioner or his or her attorney an opportunity to present evidence as to why the petitioner's criminal history should not be grounds for denial of such petition.

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

19-8-17.

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

- (1) Verification of allegations contained in the petition for adoption;
- (2) Circumstances under which the child came to be placed for adoption;
- (3) Whether each prospective adoptive parent is financially, physically, and mentally able to have the permanent custody of the child; in considering financial ability any adoption supplement approved by the department shall be taken into account;
- (4) The physical and mental condition of the child, insofar as this can be determined by the aid of competent medical authority;
- (5) Whether or not the adoption is in the best interests of the child, including his or her general care;
- (6) Suitability of the home to the child;
- (7) If applicable, whether the identity and location of a biological father who is not a legal father are known or ascertainable and whether the requirements of Code Section 19-8-12 were complied with;

- (8) Any other information that might be disclosed by the investigation that in the agent's opinion would be of value or interest to the court in deciding the case; and
 - (9) Any other information that might be disclosed by the investigation in response to any specific issue that the court requested be investigated in its order appointing such agent.
- (b) If the report of the investigating agent disapproves of the adoption of the child, motion may be made by the investigating agent to the court to dismiss the petition for adoption and the court after hearing such motion shall be authorized to dismiss such petition. If the court denies the motion to dismiss, the court shall appoint a guardian ad litem who may appeal the ruling to the Court of Appeals or Supreme Court, as in other cases, as provided by law.
- (c) If at any time it appears to the court that the interests of the child may conflict with those of any petitioner, the court may, in its discretion, appoint a guardian ad litem to represent the child and the cost thereof shall be a charge upon the funds of the county.

19-8-18.

(a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or as soon thereafter as the matter may be reached for a hearing, the court shall proceed to a full hearing on such petition and the examination of the parties at interest in chambers, under oath, with the right of continuing the hearing and examinations from time to time as the nature of the case may require. The court at such times shall give consideration to the investigation report to the court provided for in Code Section 19-8-16 and the recommendations contained in such report. The court may in its discretion allow the petitioner or any witness to appear via electronic means in lieu of requiring his or her physical presence before the court.

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

- (A) Determine that an appropriate order has previously been entered;
- (B) Enter an order consistent with Code Section 19-8-12; or
- (C) Continue the hearing until Code Section 19-8-12 is complied with.

(3) If the adoption petition is filed pursuant to subsection (a) of Code Section 19-8-5, the court shall examine the financial disclosures required under subsections (c) and (d) of Code Section 19-8-13 and make such further examination of each petitioner and his or her attorney as the court deems appropriate in order to make a determination as to whether there is cause to believe that Code Section 19-8-24 has been violated with regard to the inducement, as such term is defined in Code Section 19-8-24, of the placement of the child for adoption. Should the court determine that further inquiry is in order, the

court shall direct the district attorney for the county to review the matter further and to take such appropriate action as the district attorney in his or her discretion deems appropriate.

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

- (A) Each living parent or guardian of the child has surrendered or had terminated all of his or her rights to the child in the manner provided by law or that each petitioner has complied with the notice requirements of subsection (c) of Code Section 19-8-10 and satisfied his or her burden of proof under Code Section 19-8-10 or that the spouse has consented to the petitioner's adoption of the child as required by Code Section 19-8-6;
- (B) Each petitioner is capable of assuming responsibility for the care, supervision, training, and education of the child;
- (C) The child is suitable for adoption in a private family home; and
- (D) The adoption requested is in the best interests of the child.

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

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

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

(c) If the petition for adoption was filed pursuant to subsection (a) of Code Section 19-8-8 and if the court is satisfied that the petitioner has fully complied with the requirements of Code Section 19-8-13 and has established that he or she finalized his or her adoption of the child in the foreign country, then the court shall enter a decree of adoption naming the child as prayed for in such petition; domesticating the foreign decree of adoption; granting the

permanent custody of the child to each petitioner; changing the date of birth of the child if so requested, provided that evidence was presented justifying such change; and declaring the child to be the adopted child of each petitioner. Notwithstanding the requirements of subsection (a) of this Code section, the court may domesticate the foreign decree of adoption upon the pleadings without a hearing.

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

- (1) Each petitioner in his or her capacity as guardian of the child has surrendered all of his or her rights to the child in the manner provided by law;
- (2) Each petitioner is capable of assuming responsibility for the care, supervision, training, and education of the child;
- (3) The child is suitable for adoption in a private family home; and
- (4) The adoption requested is in the best interests of the child.

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

- (1) The ability of each petitioner and, if applicable, each respondent to provide for the physical safety and welfare of the child, including food, shelter, health, and clothing;
- (2) The love, affection, bonding, and emotional ties existing between the child and each petitioner and, if applicable, each respondent;
- (3) The child's need for permanence, including the child's need for stability and continuity of relationships with his or her siblings;
- (4) The capacity and disposition of each petitioner and, if applicable, each respondent to give the child his or her love, affection, and guidance and to continue the education and rearing of the child;
- (5) The home environment of each petitioner and, if applicable, each respondent, considering the promotion of the child's nurturance and safety rather than superficial or material factors;
- (6) The stability of the family unit and the presence or absence of support systems within the community to benefit the child;
- (7) The mental and physical health of all individuals involved;
- (8) The home, school, and community record and history of the child, as well as any health or educational special needs of the child;

- (9) The child's background and ties, including familial, cultural, and religious;
 - (10) The uniqueness of every family and child;
 - (11) The child's wishes and long-term goals;
 - (12) Any evidence of family violence, substance abuse, criminal history, or sexual, mental, or physical child abuse in the petitioner's home and, if applicable, each respondent's home;
 - (13) Any recommendation by a court appointed agent or guardian ad litem; and
 - (14) Any other factors considered by the court to be relevant and proper to its determination.
- (f) If the court determines that any petitioner has not complied with this article, it may dismiss the petition for adoption without prejudice or it may continue the case. Should the court find that any notice required to be given by any petitioner under this article has not been given or has not been properly given or that the petition for adoption has not been properly filed, the court shall be authorized to enter an order providing for corrective action and an additional hearing.
- (g) If the court is not satisfied that the adoption is in the best interests of the child, it shall deny the petition for adoption. If such petition is denied because the court determines that the adoption requested is not in the best interests of the child or for any other reason under law, the court shall set forth specific findings of fact explaining its decision in its order denying the adoption and shall commit the child to the custody of the department, a child-placing agency, or an out-of-state licensed agency if such petition was filed pursuant to Code Section 19-8-4. If such petition was filed pursuant to Code Section 19-8-5, the court shall commit the child to the third party named by the parent in the written surrender of rights pursuant to subsection (a) of Code Section 19-8-5; and if there is no surrender of rights, the court shall place the child with the department for the purpose of determining whether or not a petition should be initiated under Chapter 11 of Title 15. If such petition was filed pursuant to Code Section 19-8-6, 19-8-7, or 19-8-8, the child shall remain in the custody of each petitioner if each petitioner is fit to have custody or the court may place the child with the department for the purpose of determining whether or not a petition should be initiated under Chapter 11 of Title 15. If the petition for adoption is denied, each surrender of rights executed in support of the adoption, whether by a parent, biological father who is not a legal father, or guardian, shall be dissolved by operation of law and the individual's rights shall be restored. The fact that the individual executed a surrender of his or her rights in support of the adoption shall not be admissible as evidence against him or her in any subsequent proceeding.
- (h) A decree of adoption issued pursuant to subsection (b) of this Code section shall not be subject to any judicial challenge filed more than six months after the date of entry of

such decree. Notwithstanding Code Section 9-3-31, any action for damages against an adoptee or the adoptive parents for fraud in obtaining a consent or surrender of rights shall be brought within six months of the time the fraud is or ought to reasonably have been discovered.

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

19-8-19.

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

- (1) Except with respect to a spouse of the petitioner and relatives of the spouse, a decree of adoption shall terminate all legal relationships between the adopted individual and his or her relatives, including his or her parent, so that the adopted individual thereafter shall be a stranger to his or her former relatives for all purposes, including inheritance and the interpretation or construction of documents, statutes, and instruments, whether executed before or after the adoption is decreed, which do not expressly include the individual by name or by some designation not based on a parent and child or blood relationship; and
- (2) A decree of adoption shall create the relationship of parent and child between each petitioner and the adopted individual, as if the adopted individual were a child of biological issue of that petitioner. The adopted individual shall enjoy every right and privilege of a biological child of that petitioner; shall be deemed a biological child of that petitioner, to inherit under the laws of descent and distribution in the absence of a will, and to take under any instrument of testamentary gift, bequest, devise, or legacy, whether executed before or after the adoption is decreed, unless expressly excluded therefrom; shall take by inheritance from relatives of that petitioner; and shall also take as a child of that petitioner under a class gift made by the will of a third person.

(b) Notwithstanding subsection (a) of this Code section, if a parent of a child dies without the relationship of parent and child having been previously terminated by court order, the child's right of inheritance from or through the deceased parent shall not be affected by the adoption.

19-8-20.

(a) Upon the entry of the decree of adoption, the clerk of the court granting the same shall forward a copy of the decree, together with the original of the investigation report and

background information filed with the court, to the department. If there is any subsequent order or revocation of the adoption, a copy of same in like manner shall be forwarded by the clerk to the department.

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

(c) The adoption certificate shall conform substantially to the following form:

'This is to certify that _____ (names of each adopting parent) have obtained a decree of adoption for _____ (full name of adoptee and date of birth of adoptee) in the Superior Court of _____ County, Georgia, on the _____ day of _____, as shown by the court's records _____ (adoption file number).
Given under the hand and seal of said court, this the _____ day of _____, _____.

Clerk'

19-8-21.

(a) Adult individuals may be adopted on giving written consent to the adoption. In such cases, adoption shall be by a petition duly verified and filed, together with one conformed copy, in the superior court in the county in which any petitioner or the adult to be adopted resides, setting forth the name, age, and residence of each petitioner and of the adult to be adopted, the name by which the adult is to be known, and his or her written consent to the adoption. The court may assign the petition for adoption for hearing at any time. The petition for adoption shall state whether one or both parents of the adult to be adopted will be replaced by the grant of such petition, and if only one parent is to be replaced, then the decree of adoption shall make clear which parent is to be replaced by adoption. After examining each petitioner and the adult to be adopted, the court, if satisfied that there is no reason why the adoption should not be granted, shall enter a decree of adoption and, if requested, shall change the name of the adopted adult. Thereafter, the relation between each petitioner and the adopted adult shall be, as to their legal rights and liabilities, the same as the relation of a parent and adult child.

(b) Code Sections 19-8-19 and 19-8-20 shall also apply to the adoption of adults.

19-8-22.

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

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

19-8-23.

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

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

(3) Notwithstanding paragraph (2) of this subsection, if the adoptee who is the subject of the records sought to be examined is less than 18 years of age at the time the petition for examination is filed and such petitioner is someone other than one of the adoptive parents of the adoptee, then the department shall provide written notice of such proceedings to the adoptive parents by certified mail, return receipt requested, or statutory overnight delivery at the last address the department has for such adoptive parents, and the court shall continue any hearing on such petition until not less than 60 days after the date the notice to the adoptive parents was sent. Each such adoptive parent shall have the right to appear in person or through counsel and show cause why such records should not be examined. Adoptive parents may provide the department with their current address for purposes of receiving notice under this subsection by mailing that address to:

State Adoption Unit
Department of Human Services
Atlanta, Georgia 30303

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

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

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

(d)(1) Upon the request of a party at interest in the adoption, a child, legal guardian, or health care agent of an adopted individual or a provider of medical services to such a party, child, legal guardian, or health care agent when certain information would assist in the provision of medical care, a medical emergency, or medical diagnosis or treatment, the department or child-placing agency shall access its own records on finalized adoptions for the purpose of adding subsequently obtained medical information or releasing nonidentifying medical and health history information contained in its records pertaining to an adopted individual or the biological parents or relatives of the biological

parents of the adopted individual. For purposes of this paragraph, the term 'health care agent' shall have the meaning provided by Code Section 31-32-2.

(2) Upon receipt by the State Adoption Unit of the department or by a child-placing agency of documented medical information relevant to an adoptee, the department or child-placing agency shall use reasonable efforts to contact the adoptive parents of the adoptee if the adoptee is under 18 years of age or the adoptee if he or she is 18 years of age or older and provide such documented medical information to the adoptive parents or the adult adoptee. The department or child-placing agency shall be entitled to reimbursement of reasonable costs for postage and photocopying incurred in the delivery of such documented medical information to the adoptive parents or adult adoptee.

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

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

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

(B) 'Commissioner' means the commissioner of human services or his or her designee.

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

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

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

(3)(A) The department or a placement agency, upon the written request of an adopted individual who has reached 18 years of age, shall release to such adopted individual the name of such individual's biological parent, together with a detailed summary of all

information the department or placement agency has concerning the adoptee's birth, foster care, placement for adoption, and finalization of his or her adoption, if:

- (i) A biological parent whose name is to be released has submitted unrevoked written permission to the department or placement agency for the release of that parent's name to the adopted individual;
- (ii) The identity of a biological parent submitting permission for the release of that parent's name has been verified by the department or placement agency; and
- (iii) The department or placement agency has records pertaining to the finalized adoption and to the identity of a biological parent whose name is to be released.

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

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

- (i) The nature of the information requested by the adopted individual;
- (ii) The date of the request of the adopted individual;
- (iii) The right of each biological parent to file an affidavit with the placement agency or the department stating that such parent's identity should not be disclosed;
- (iv) The right of each biological parent to file a consent to disclosure with the placement agency or the department; and
- (v) The effect of a failure of each biological parent to file a consent to disclosure or an affidavit stating that the information in the sealed adoption file should not be disclosed.

(B) If a biological parent files an unrevoked consent to the disclosure of that parent's identity, such parent's name, together with a detailed summary of all information the department or placement agency has concerning the adoptee's birth, foster care,

placement for adoption, and finalization of his or her adoption, shall be released to the adopted individual who has requested such information as authorized by this paragraph.

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

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

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

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

(5)(A) Upon written request of an adopted individual who has reached 18 years of age or an individual who has reached 18 years of age and who is the sibling of an adopted individual, the department or placement agency shall attempt to identify and notify the siblings of the requesting party, if such siblings are at least 18 years of age. Upon locating the requesting party's sibling, the department or placement agency shall notify the sibling of the inquiry. Upon the written consent of a sibling so notified, the department or placement agency shall forward the requesting party's name and address to the sibling and, upon further written consent of the sibling, shall divulge to the requesting party the present name and address of the sibling. If a sibling cannot be

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

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

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

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

(6)(A) Upon written request of a biological parent of an adopted individual who has reached 18 years of age, the department or placement agency shall attempt to identify and notify the adopted individual. Upon locating the adopted individual, the department or placement agency shall notify the adopted individual of the inquiry. Upon the written consent of the adopted individual so notified, the department or placement agency shall forward such biological parent's name and address to the adopted individual, together with a detailed summary of all information the department or placement agency has concerning the adoptee's birth, foster care, placement for

adoption, and finalization of his or her adoption, and, upon further written consent of the adopted individual, shall divulge to such requesting biological parent the present name and address of the adopted individual. If the adopted individual is deceased, the department or placement agency shall be authorized to disclose the name and place of burial of the deceased adopted individual, if known, to such requesting biological parent without the necessity of obtaining a court order.

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

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

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

(7) If an adoptive parent or the sibling of an adopted individual notifies the department or placement agency of the death of an adopted individual, the department or placement agency shall add information regarding the date and circumstances of the death to its records so as to enable it to share such information with a biological parent or sibling of the adopted individual if they make an inquiry pursuant to this Code section.

(8) If a biological parent or his or her parent or sibling notifies the department or placement agency of the death of a biological parent or a sibling of an adopted individual, the department or placement agency shall add information regarding the date and circumstances of the death to its records so as to enable it to share such information with

an adopted individual or sibling of the adopted individual if they make an inquiry pursuant to this Code section.

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

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

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

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

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

(14) A placement agency which demonstrates to the department by clear and convincing evidence that the requirement that such agency search for or notify any biological parent, sibling, or adopted individual under subparagraph (A) of paragraph (4), (5), or (6) of this subsection will impose an undue hardship upon that agency shall be relieved from that responsibility, and the department shall assume that responsibility upon such finding by the department of undue hardship. The department's determination under this subsection shall be a contested case within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

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

19-8-24.

(a)(1) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or association of any kind whatsoever which is not a child-placing agency, a prospective adoptive parent who has a valid, approved preplacement home study report, or an attorney who is a member of the State Bar of Georgia representing a prospective adoptive parent who has a valid, approved preplacement home study report to advertise, whether in a periodical, by television, by radio, or by any other public medium or by any private means, including, but not limited to, letters, circulars, handbills, Internet postings including social media, and oral statements, that the person, organization, corporation, hospital, facilitator, or association will adopt children or will arrange for or cause children to be adopted or placed for adoption

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Any person who violates this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine not to exceed \$10,000.00, imprisonment for not less than one nor more than ten years, or both.

(f)(1) Subsection (a) of this Code section shall not apply to communication by private means, including written or oral statements, by an individual seeking to:

(A) Adopt a child or children; or

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

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

(2) Subsection (a) of this Code section shall not apply to any communication described in paragraph (1) of this subsection which contains the name of an attorney who is a

member of the State Bar of Georgia, his or her address, his or her telephone number, or any combination of such information and which requests that the attorney named in such communication be contacted to facilitate the carrying out of the purpose, as described in subparagraph (A) or (B) of paragraph (1) of this subsection, of the individual making such personal communication.

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

19-8-25.

(a) A written consent or surrender of rights, executed on or before August 31, 2018, shall, for purposes of an adoption proceeding commenced on or after September 1, 2018, be deemed to satisfy the surrender requirements of this article and it shall not be necessary to have any parent or guardian execute the documents required by Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7; however, all other applicable provisions of this article shall be complied with.

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

19-8-26.

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

'SURRENDER OF RIGHTS

FINAL RELEASE FOR ADOPTION

NOTICE TO PARENT OR GUARDIAN:

This is an important legal document and by signing it, you are surrendering all of your rights to the child identified in this document, so as to place the child for adoption. Understand that you are signing this document under oath and that if you knowingly and willfully make a false statement in this document you will be guilty of the crime of false

swearing. As explained below in paragraph 5, you have the right to revoke this surrender within four days from the date you sign it.

STATE OF GEORGIA

COUNTY OF _____

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

1.

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

2.

I, the undersigned, _____ (relationship to child) of the aforesaid child, do hereby surrender my rights to the child to _____ (name of child-placing agency, out-of-state licensed agency, or Department of Human Services, as applicable) and promise not to interfere in the management of the child in any respect whatever; and, in consideration of the benefits guaranteed by _____ (name of child-placing agency, out-of-state licensed agency, or Department of Human Services, as applicable) in providing for the child, I do relinquish all rights to the child named in this document, it being my wish, intent, and purpose to relinquish absolutely all parental control over the child. Furthermore, I hereby agree that the _____ (name of child-placing agency, out-of-state licensed agency, or Department of Human Services, as applicable) may seek for the child a legal adoption by such individual or individuals as may be chosen by the _____ (name of child-placing agency, out-of-state licensed agency, or Department of Human Services, as applicable) or its authorized agents, without further notice to me. I do, furthermore, expressly waive any other notice or service in any of the legal proceedings for the adoption of the child.

3.

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

4.

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

5.

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

I understand I may only revoke this surrender by giving written notice, delivered in person or mailed by registered mail or statutory overnight delivery, to _____ (name and address of child-placing agency, out-of-state licensed agency, or Department of Human Services, as applicable) within four days from the date of signing this document. I understand that certified mail cannot be used for mail delivery of the notice to revoke this surrender. I understand that the four days will be counted consecutively beginning with the day immediately following the date I sign this document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the notice to revoke this surrender in person, it must be delivered to _____ (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on the fourth day. I understand that I CANNOT revoke this surrender after that time.

6.

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

7.

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

This _____ day of _____, ____.

(Parent or guardian)

Adult witness

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

Notary public (SEAL)

My commission expires: _____.'

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

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

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

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

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

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

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

OR

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

This _____ day of _____, _____.

(Parent, guardian, or alleged biological father)

Printed name

Adult witness'

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

'SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION

NOTICE TO PARENT OR GUARDIAN:

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

STATE OF GEORGIA

COUNTY OF _____

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

1.

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

2.

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

3.

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

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

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

OR

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

OR

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

4.

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

5.

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

6.

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

7.

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

8.

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

I understand I may only revoke this surrender by giving written notice, delivered in person or mailed by registered mail or statutory overnight delivery, to _____ (name and address of each individual to whom surrender is made or his or her agent) within four days from the date of signing this document. I understand that certified mail cannot be used for mail delivery of the notice to revoke this surrender. I understand that the four days will be counted consecutively beginning with the day immediately following the date I sign this document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this surrender may be revoked will be the

next day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the notice to revoke this surrender in person, it must be delivered to _____ (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on the fourth day. I understand that I CANNOT revoke this surrender after that time.

9.

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

10.

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

This _____ day of _____, ____.

(Parent or guardian)

Adult witness

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

Notary public (SEAL)

My commission expires: _____.'

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

'SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION

NOTICE TO ALLEGED BIOLOGICAL FATHER:

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

STATE OF GEORGIA

COUNTY OF _____

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

1.

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

2.

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

3.

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

4.

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

I understand I may only revoke this surrender by giving written notice, delivered in person or mailed by registered mail or statutory overnight delivery, to _____ (name and address of child-placing agency representative, out-of-state licensed agency representative, Department of Human Services representative, individual to whom surrender is made or his or her agent, or petitioner's representative, as applicable) within four days from the date of signing this document. I understand that certified mail cannot be used for mail delivery of the notice to revoke this surrender. I understand that the four days will be counted consecutively beginning with the day immediately following the date I sign this document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the notice to revoke this surrender in person, it must be delivered to _____ (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on the fourth day. I understand that I CANNOT revoke this surrender after that time.

5.

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

6.

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

This _____ day of _____, _____.

(Alleged biological father)

Adult witness

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

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

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

'SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION

NOTICE TO PARENT OR GUARDIAN:

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

STATE OF GEORGIA
COUNTY OF _____

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

1.

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

2.

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

3.

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

4.

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

5.

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

6.

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

I understand I may only revoke this surrender by giving written notice, delivered in person or mailed by registered mail or statutory overnight delivery, to _____ (name and address of each individual to whom surrender is made or petitioner's representative, as applicable) within four days from the date of signing this document. I understand that certified mail cannot be used for mail delivery of the notice to revoke this surrender. I understand that the four days will be counted consecutively beginning with the day immediately following the date I sign this document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the notice to revoke my surrender in person, it must be delivered to _____ (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on the fourth day. I understand that I CANNOT revoke this surrender after that time.

7.

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

8.

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

This _____ day of _____, ____.

(Parent or guardian)

Adult witness

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

Notary public (SEAL)

My commission expires: _____.'

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

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

NOTICE TO ALLEGED BIOLOGICAL FATHER:

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

STATE OF GEORGIA

COUNTY OF _____

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

1.

I, the undersigned, understand that I have been named by _____,
the biological mother of the child expected to be born in
_____(city)_____(county)_____(state)
on or about the _____day of _____(month), _____(year), as the

biological father or possible biological father of her child. I further understand that the biological mother wishes to place this child for adoption.

2.

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

3.

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

4.

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

5.

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

6.

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

I understand that I may only revoke this pre-birth surrender by giving written notice, delivered in person or mailed by registered mail or statutory overnight delivery, to _____ (name and address of child-placing agency representative, out-of-state licensed agency representative, Department of Human Services representative, individual to whom surrender is made or his or her agent, or petitioner's representative, as applicable) within four days from the date of signing this document. I understand that certified mail cannot be used for mail delivery of the notice to revoke this pre-birth surrender. I understand that the four days will be counted consecutively beginning with the day immediately following the date I sign this document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the notice to revoke this surrender in person, it must be delivered to _____ (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on the fourth day. I understand that I CANNOT revoke this surrender after that time.

7.

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

8.

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

9.

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

This _____ day of _____, _____.

(Alleged biological father)

Adult witness

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

Notary public (SEAL)

My commission expires: _____.'

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

'ACKNOWLEDGMENT OF SURRENDER
OF RIGHTS

STATE OF GEORGIA
COUNTY OF _____

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

(A) That I have read the accompanying (PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION) (SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION) [circle one] relating to the child born _____ (name of child), a (male) (female) [circle one] on _____ (birthdate of child);

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

(C) That I have chosen to retain the unconditional right to revoke the surrender by giving written notice, delivered in person or mailed by registered mail or statutory overnight delivery, to _____ (name and address of child-placing agency or its representative, out-of-state licensed agency or its representative, Department of Human Services or its representative, individual to whom

surrender is made or his or her agent, or petitioner's representative, as applicable) within four days from the date of signing the surrender and that after such four-day revocation period I shall have no right to revoke the surrender.

I understand that certified mail cannot be used for mail delivery of the notice to revoke the surrender of my rights. I understand that, if I deliver the notice to revoke my surrender in person, it must be delivered to _____ (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on the fourth day. I understand that the four days will be counted consecutively beginning with the day immediately following the date I signed the surrender; provided, however, that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which the surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

- (D) That I have read the accompanying surrender of rights and received a copy thereof;
- (E) That any and all questions regarding the effect of such surrender and its provisions have been satisfactorily explained to me;
- (F) That I have been given an opportunity to consult with an attorney of my choice before signing the surrender of my rights; and
- (G) That the surrender of my rights has been knowingly, intentionally, freely, and voluntarily made by me.

This _____ day of _____, ____.

(Parent, guardian, or alleged biological father)

Adult witness

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

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

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

(1) The affidavit shall set forth:

- (A) Her name;
- (B) Her relationship to the child;
- (C) Her age;
- (D) Her marital status at the time of conception and of the birth of the child;
- (E) The identity and last known address of her spouse or former spouse and whether any such spouse is the biological father of the child;
- (F) The identity, last known address, and relationship to the legal mother of the biological father of the child, provided that she shall have the right not to disclose the name and address of the biological father of the child should she so desire;
- (G) Whether or not she has consented to the appointment of a temporary guardian for the child and, if so, provide the name and address of the temporary guardian and the probate court in which the petition for temporary guardianship was filed;
- (H) Whether custody of the child has been awarded to another individual and, if so, provide the name of the child's custodian and the court in which custody was awarded;
- (I) Whether or not the biological father of the child is or was in a branch of the United States armed forces and, if so, provide details as to his military service;
- (J) Whether or not the biological mother or any member of her family is or was an enrolled member of a federally recognized American Indian tribe, is or was a resident of an American Indian reservation, or is or was an Alaskan native;
- (K) Whether or not the biological father of the child or any member of his family is or was an enrolled member of a federally recognized American Indian tribe, is or was a resident of an American Indian reservation, or is or was an Alaskan native; and
- (L) All financial assistance received by or promised her either directly or indirectly, from whatever source, in connection with her pregnancy, the birth of the child, or the placement or arranging for the placement of the child for adoption (including the date, amount or value, description, payor, and payee), provided that financial assistance provided directly by her husband, mother, father, sister, brother, aunt, uncle, grandfather, or grandmother need not be detailed and instead she need only state the nature of the assistance received; and

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

'LEGAL MOTHER'S AFFIDAVIT

NOTICE TO LEGAL MOTHER:

This is an important legal document which deals with the child's right to have his or her biological father's rights properly determined. You have the right not to disclose the name and address of the biological father of the child. Understand that you are providing this affidavit under oath and that if you knowingly and willfully make a false statement in this affidavit you will be guilty of the crime of false swearing. The information you provide will be held in strict confidence and will be used only in connection with the adoption of the child.

STATE OF GEORGIA

COUNTY OF _____

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

That my name is _____.

That I am the legal mother of a (male) (female) [circle one] child born _____ (name of child) in the State of _____, County of _____ on _____ (birthdate of child) at ____:____ (A.M.) (P.M.) [circle one].

That I am _____ years of age, having been born in the State of _____, County of _____ on _____.

That my social security number is _____.

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

() Single, never having been married.

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

() Divorced; the name of my former spouse is _____; we were married in the State of _____, County of _____ on _____; we last had sexual relations on _____ (date); my former spouse's last known address is _____; divorce granted in the State of _____, County of _____ on _____; my former spouse (is) (is not) [circle one] the biological father of said child.

() Legally married; the name of my spouse (was) (is) [circle one] _____; we were married in the State of _____, County of _____ on _____; and my spouse's last known address is _____; my spouse (is) (is not) [circle one] the biological father of said child.

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

() Widowed; the name of my deceased spouse was _____; we were married in the State of _____, County of _____ on _____; my spouse died on _____ in the County of _____, State of _____.

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

Name _____.

() Single, never having been married.

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

() Divorced; the name of my former spouse is _____; we were married in the State of _____, County of _____ on _____; we last had sexual relations on _____ (date); my spouse's last known address is _____; divorce granted in the State of _____, County of _____; my former spouse (is) (is not) [circle one] the biological father of said child.

() Legally married; the name of my spouse (was) (is) [circle one] _____; we were married in the State of _____, County of _____ on _____; my spouse's last known address is _____; my spouse (is) (is not) [circle one] the biological father of said child.

() Married through common-law relationship prior to January 1, 1997; the name of my spouse (was) (is) [circle one] _____; my spouse's last known address is _____; our relationship began in the State

of _____, County of _____ on _____; my spouse (is) (is not) [circle one] the biological father of said child.

() Widowed; the name of my deceased spouse was _____; we were married in the State of _____, County of _____ on _____; my spouse died on _____ in the County of _____, State of _____; he (was) (was not) [circle one] the biological father of said child.

That the name of the biological father of the child is (complete appropriate response):

Known to me and is (_____);

Known to me but I expressly decline to identify him because _____
_____; or

Unknown to me because _____
_____.

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

Known to me and is _____;

Known to me but I expressly decline to provide his address because _____; or

Unknown to me because _____
_____.

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

(A) The name of my American Indian tribe is _____.

(B) The percentage of my American Indian blood is _____ percent.

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

(A) The name of the American Indian tribe is _____.

(B) The percentage of my American Indian blood is _____percent.

(C) My relatives with American Indian or Alaskan native blood are_____

_____.

(D) The name of the American Indian tribe is _____.

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

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

(A) The name of his American Indian tribe is _____.

(B) The percentage of his American Indian blood is _____ percent.

(C) His relatives with American Indian or Alaskan native blood are _____

_____.

(D) The name of each enrolled member is _____, and his or her corresponding registration or identification number is _____.

That the date of birth of the biological father (is _____, ____) (is not known to me) [circle one].

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

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

(B) His rank is _____.

(C) His duty station is _____.

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

_____.

That the biological father of the child, whether or not identified in this document (circle the appropriate phrase):

(Was) (Was not) married to me at the time this child was conceived;

(Was) (Was not) married to me at any time during my pregnancy with this child;

(Was) (Was not) married to me at the time that this child was born;

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

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

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

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

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

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

(Has) (Has not) provided for my medical care during my pregnancy or hospitalization for the birth of the child

.

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

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

That I have received or been promised the following financial assistance, either directly or indirectly, from whatever source, in connection with my pregnancy, the birth of the child, and the child's placement for adoption: _____.

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

(Legal mother)

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

Notary public (SEAL)

My commission expires: _____.'

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

(1) The affidavit shall set forth:

(A) Her name;

(B) Her relationship to the child;

(C) Her age;

(D) Her marital status;

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

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

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

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

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

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

'ADOPTIVE MOTHER'S AFFIDAVIT

NOTICE TO ADOPTIVE MOTHER:

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

STATE OF GEORGIA

COUNTY OF _____

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

That my name is _____.

That I am the adoptive mother of a (male) (female) [circle one] child born _____ (name of child) in the State of _____, County of _____ on _____ (birthdate of child) at ____:____ (A.M.) (P.M.) [circle one].

That I am _____ years of age, having been born in the State of _____, County of _____ on _____.

That my social security number is _____.

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

() Single, never having been married.

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

() Divorced; the name of my former spouse is _____; we were married in the State of _____, County of _____ on _____; we last had sexual relations on _____ (date); my former spouse's last known address is _____; divorce granted in the State of _____, County of _____ on _____; my former spouse (did) (did not) [circle one] also adopt said child; my former spouse (is) (is not) [circle one] the biological father of said child.

() Legally married; the name of my spouse (was) (is) [circle one] _____; we were married in the State of _____, County of _____ on _____; my spouse's last known address is _____; my spouse (did) (did not) [circle one] also adopt said child; my spouse (is) (is not) [circle one] the biological father of said child.

() Married through common-law marriage relationship prior to January 1, 1997; the name of my spouse (was) (is) [circle one] _____; my spouse's last known address is _____; our relationship began in the State of _____.

_____, County of _____ on _____; my spouse (did) (did not) [circle one] also adopt said child; my spouse (is) (is not) [circle one] the biological father of said child.

() Widowed; the name of my deceased spouse was _____; we were married in the State of _____, County of _____ on _____; my spouse died on _____ in the County of _____, State of _____; he (did) (did not) [circle one] also adopt said child; he (was) (was not) [circle one] the biological father of said child.

That I adopted the child in the State of _____, County of _____.

That the final order of adoption was entered on _____.

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

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

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

That I have received or been promised the following financial assistance, either directly or indirectly, from whatever source, in connection with the child's placement for adoption: _____.

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

(Adoptive mother)

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

Notary public (SEAL)

My commission expires: _____.'

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

'AFFIDAVIT OF CHILD-PLACING AGENCY,
OUT-OF-STATE LICENSED AGENCY, OR
DEPARTMENT REPRESENTATIVE

STATE OF GEORGIA
COUNTY OF _____

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

That I am _____ (position) of _____ (name of department, child-placing agency, or out-of-state licensed agency).

That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION by _____, releasing and surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] child born _____ (name of child) on _____ (birthdate of child) at ____:____ (A.M.) (P.M.) [circle one], I reviewed with and explained to such individual all of the provisions of the surrender of rights, and particularly the provisions which provide that the surrender is a full surrender of all rights to the child.

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

(Representative)

(Department or agency name)

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

Notary public (SEAL)

My commission expires: _____.'

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

'AFFIDAVIT OF REPRESENTATIVE

STATE OF GEORGIA

COUNTY OF _____

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

That my name is _____.

That my address is _____.

That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION by _____, releasing and surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] child born _____ (name of child) on _____ (birthdate of child) at ____:____ (A.M.) (P.M.) [circle one], I reviewed with and explained to such individual all of the provisions of the surrender of rights, and particularly the provisions which provide that the surrender is a full surrender of all rights to the child.

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

(Petitioner's representative or the
representative of the individual
signing the surrender)

Sworn to and subscribed

before me this _____

day of _____, ____.

Notary public (SEAL)

My commission expires: _____.'

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

PARENTAL CONSENT TO STEPPARENT ADOPTION

STATE OF GEORGIA
COUNTY OF _____

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

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

This _____ day of _____, ____.

(Parent)

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

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

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

'NOTICE TO BIOLOGICAL MOTHER:

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

STATE OF GEORGIA

COUNTY OF _____

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

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

That my name is _____.

That I am _____ years of age, having been born in the State of _____, County of _____ on _____.

That my social security number is _____.

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

That the name of any alleged biological father is _____,
and his last known address is _____.

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

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

(Biological mother)

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

Notary public (SEAL)

My commission expires: _____.'

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

'NOTICE TO BIOLOGICAL OR LEGAL FATHER:

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

**AFFIDAVIT REGARDING NATIVE AMERICAN HERITAGE
AND MILITARY SERVICE**

STATE OF GEORGIA

COUNTY OF _____

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

1. That my name is _____.
2. That I am the (biological) (legal) [circle one] father of a (male) (female) (sex unknown) [circle one] child (born) (yet to be born) [circle one] in the State of _____, County of _____ on _____.
3. That I am _____ years of age, having been born in the State of _____, County of _____ on _____.
4. That my social security number is _____.
5. That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native. If so:
 - (A) The name of my American Indian tribe is _____.
 - (B) My registration or identification number is _____.
 - (C) The percentage of my American Indian blood is _____ percent.

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

- (A) The name of the American Indian tribe is _____.
- (B) The percentage of my American Indian blood is _____ percent.
- (C) My relatives with American Indian or Alaskan native blood are _____

_____.

- (D) The name of the American Indian tribe is _____.
- (E) The name of each enrolled member is _____, and his or her corresponding registration or identification number is _____.

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

- (A) The branch of my service is (Army) (Navy) (Marine) (Air Force) (Coast Guard) [circle one].
- (B) My rank is _____.
- (C) My duty station is _____.
- (D) Additional information regarding my military service is _____

_____.

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

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

(Biological or legal father)

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

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

19-8-27.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19-8-28.

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

SECTION 1-2.

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

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

PART II

SECTION 2-1.

The General Assembly finds that:

- (1) From time to time, parents experience short-term difficulties that impair their ability to perform the regular and expected functions to provide care and support to their children;
- (2) Parents need a means to confer to a relative or other approved person the temporary authority to act on behalf of a child without the time and expense of a court proceeding or the involvement of the Division of Family and Children Services of the Department of Human Services; and
- (3) Providing a statutory mechanism for granting such authority enhances family preservation and stability.

SECTION 2-2.

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

"ARTICLE 4

19-9-120.

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

19-9-121.

As used in this article, the term:

- (1) 'Child' means an unemancipated individual who is under 18 years of age.
- (2) 'Child-placing agency' means an agency licensed as such pursuant to Chapter 5 of Title 49.
- (3) 'Criminal background check' means the results of an unrestricted search of the criminal records maintained by the Georgia Crime Information Center and the Federal Bureau of Investigation pursuant to Code Section 35-3-34.
- (4) 'Department' means the Department of Human Services.
- (5) 'Nonprofit entity or faith based organization' means a business that provides child or family services and that is in good standing with the Internal Revenue Service, if applicable.
- (6) 'Parent' shall have the same meaning as provided in Code Section 19-3-37.

19-9-122.

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

19-9-123.

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

- (1) Its legal name, address, telephone number, e-mail address, and any other contact information;
- (2) The name of its director;
- (3) The names and addresses of the officers and members of its governing body;
- (4) The total number of approved volunteer families with which it works; and
- (5) The total number of children served in the previous calendar year.

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

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

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

19-9-124.

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

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

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

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

his or her association with a child-placing agency or nonprofit entity or faith based organization.

(d) An agent shall certify that he or she is not currently on the state sexual offender registry or child abuse registry of this state or the sexual offender registry or child abuse registry for any other state, a United States territory, the District of Columbia, or any American Indian tribe nor has he or she ever been required to register for any such registry.

(e) The individual executing a power of attorney shall require a prospective agent to provide him or her with a criminal background check if such agent is a nonrelative. At the time of executing such power of attorney, the individual executing it shall acknowledge having read and reviewed the prospective agent's criminal background check or shall waive such requirement if the prospective agent is the grandparent, great-grandparent, stepparent, former stepparent, step-grandparent, aunt, uncle, great aunt, great uncle, cousin, or sibling of such child.

(f) The agent under a power of attorney shall act in the best interests of the child. Such agent shall not be liable to the individual executing the power of attorney for consenting or refusing to consent to medical, dental, or mental health care for a child when such decision is made in good faith and is exercised in the best interests of the child.

(g) Each child-placing agency and nonprofit entity or faith based organization that assists with the execution of a power of attorney under this article shall maintain a record of all powers of attorney executed by agents approved by such agency, entity, or organization for at least five years after the expiration of such powers of attorney.

19-9-125.

(a) An individual with sole custody of a child who executes a power of attorney authorized under this article shall provide written notice of such execution to the noncustodial parent by certified mail, return receipt requested, or statutory overnight delivery within 15 days after the date upon which such power of attorney was executed.

(b) A noncustodial parent receiving the notice as set forth in subsection (a) of this Code section may object to the execution of such power of attorney within 21 days of the delivery of such notice and shall serve his or her objection on the individual who executed such power of attorney by certified mail, return receipt requested, or statutory overnight delivery. An objection shall prohibit the action of a power of attorney under this article and the child shall be returned to the individual with sole custody.

(c) In addition to the notice provided for in subsection (a) of this Code section, an individual with sole custody of a child who executes a power of attorney under this article shall comply with any applicable relocation notice requirements under subsection (f) of Code Section 19-9-3.

19-9-126.

(a) The execution of a power of attorney under this article shall, in the absence of other evidence, not constitute abandonment, abuse, neglect, or any indication of unfitness as a parent.

(b) An individual shall not execute a power of attorney under this article with the intention of divesting or negating another individual's legal responsibility for the care of a child.

(c) The parental obligations set forth in Chapter 7 of Title 19 to his or her child shall not be extinguished or serve as a defense when a parent executes a power of attorney. Any individual giving a power of attorney to a nonrelative shall carefully consider such agent's criminal background check, and such consideration shall not absolve the signer from liability.

(d) Nothing in this article shall prevent the Division of Family and Children Services of the department or law enforcement from investigating and taking appropriate action regarding allegations of abuse, neglect, abandonment, desertion, or other mistreatment of a child.

19-9-127.

Nothing in this article shall preclude a parent or agent from granting temporary written permission to seek emergency medical treatment or other services for a child while such child is in the custody of an adult who is not the parent or agent and who is temporarily supervising the child at the request of such parent or agent.

19-9-128.

An individual shall not execute a power of attorney under this article for the purpose of subverting an investigation of the child's welfare initiated by the Division of Family and Children Services of the department and shall not execute such power of attorney so long as the Division of Family and Children Services has an open child welfare and youth services case with regard to the child, his or her parent, or another child of the parent. Nothing in this article shall be construed to diminish or limit any rights, power, or authority of or by the Division of Family and Children Services for the protection of any child.

19-9-129.

(a) A power of attorney executed under this article shall be:

(1) Signed under oath and acknowledged before a notary public by the individual executing such power of attorney and by the agent accepting such delegation; and

(2) A copy of it shall be filed by the individual executing the power of attorney, or his or her designee, within ten days of the power of attorney being executed, in the probate

court of the county in which the child resides. If the residence of the child changes to a different county during the term of the power of attorney, the agent shall file the power of attorney in the probate court of the county of the new residence and notify the original court in writing of such change.

(b) Each probate court shall maintain a docket in which a power of attorney will be registered. The docket shall include the name of the agent, the name of the child, the date the power of attorney was deposited with the court, and the date the power of attorney expires, if applicable. The power of attorney shall be confidential; provided, however, that the individual who executed the power of attorney or his or her legal representative shall have access to such power of attorney and the department and any local, state, or federal authority that is conducting an investigation involving the agent or the individual who executed such power of attorney may be granted access upon good cause shown to the court. The docket shall be publicly accessible as are other dockets for the probate court. Notwithstanding Article 3 of Chapter 9 of Title 15, the probate court shall not impose any filing fee for the depositing of a power of attorney under this Code section.

(c) Nothing in this Code section shall be construed so as to prohibit an individual from revoking a power of attorney or executing a subsequent power of attorney.

19-9-130.

(a)(1) An agent shall have the authority to act on behalf of the child on a continuous basis, without compensation:

(A) For the duration of the power of attorney so long as the duration does not exceed one year or the time period authorized in Code Section 19-9-132; or

(B) Until the individual who executed the power of attorney revokes the power of attorney in writing and provides notice of the revocation to the agent by certified mail, return receipt requested, or statutory overnight delivery. Upon receipt of such revocation, the agent shall cease to act as agent.

(2) The individual revoking the power of attorney shall send a copy of the revocation of the power of attorney to the agent within five days of executing such revocation. If an individual revokes a power of attorney, the child shall be returned to the custody of such individual who executed the power of attorney within 48 hours of receiving such revocation.

(3) The revoking individual shall notify schools, health care providers, the probate court where the power of attorney is filed, and others known to the revoking individual to have relied upon such power of attorney within 48 hours of submitting such resignation to the agent.

- (b) A power of attorney executed under this article may be terminated by an order of a court of competent jurisdiction.
- (c) Upon receipt of a revocation of a power of attorney, an agent shall notify schools, health care providers, and others known to the agent to have relied upon such power of attorney within 48 hours of receiving such revocation.
- (d) An agent may resign by notifying the individual who appointed the agent in writing by certified mail, return receipt requested, or statutory overnight delivery and he or she shall notify schools, health care providers, the probate court where the power of attorney is filed, and others known to the agent to have relied upon such power of attorney within 48 hours of submitting such notification.
- (e) Upon the death of an individual who executed a power of attorney, the agent shall notify the surviving parent of the child, if known, as soon as practicable.
- (f) The authority to designate an agent to act on behalf of a child shall be in addition to any other lawful action a parent may take for the benefit of such child.
- (g) A parent shall continue to have the right to receive medical, dental, mental health, and educational records pertaining to his or her child, even when a power of attorney has been executed under this article.

19-9-131.

- (a) A child subject to a power of attorney executed under this article shall not be considered placed in foster care under Chapter 5 of Title 49, and the parties to the power of attorney shall not be subject to any of the requirements or licensing regulations for foster care or other regulations relating to community care for children.
- (b) Caregiving authority delegated under this article shall not constitute an out-of-home child placement.
- (c) The execution of a power of attorney under this article shall not delegate caregiving authority for more than one child unless such power of attorney delegates caregiving authority for children who are siblings or stepsiblings.

19-9-132.

- (a) When a power of attorney delegates caregiving authority to a grandparent of a child, it may have an unlimited duration.
- (b) Except as limited by or in conflict with federal law regarding the armed forces of the United States, a parent who is a member of the armed forces of the United States, including any reserve component thereof, or the commissioned corps of the National Oceanic and Atmospheric Administration or the Public Health Service of the United States Department of Health and Human Services detailed by proper authority for duty with the armed forces

of the United States, or who is required to enter or serve in the active military service of the United States under a call or order of the President of the United States or to serve on state active duty, may delegate caregiving authority for a period longer than one year if such parent is deployed as defined in Code Section 19-9-6. Such term of delegation, however, shall not exceed the term of deployment plus 30 days.

19-9-133.

This article shall not affect a power of attorney given to a grandparent prior to September 1, 2018, to which the provisions of former Code Sections 19-9-120 through 19-9-129, as such existed on August 30, 2018, shall continue to apply.

19-9-134.

- (a) The power of attorney contained in this Code section may be used for the temporary delegation of caregiving authority to an agent. The form contained in this Code section shall be sufficient for the purpose of creating a power of attorney under this article, provided that nothing in this Code section shall be construed to require the use of this particular form.
- (b) A power of attorney shall be legally sufficient if the form is properly completed and the signatures of the parties are notarized.
- (c) The power of attorney delegating caregiving authority of a child shall be in substantially the following form:

'FORM FOR POWER OF ATTORNEY TO DELEGATE
THE POWER AND AUTHORITY FOR THE CARE OF A CHILD

NOTICE:

(1) THE PURPOSE OF THIS POWER OF ATTORNEY IS TO GIVE THE INDIVIDUAL WHOM YOU DESIGNATE (THE AGENT) POWERS TO CARE FOR YOUR CHILD, INCLUDING THE POWER TO: HAVE ACCESS TO EDUCATIONAL RECORDS AND DISCLOSE THE CONTENTS TO OTHERS; ARRANGE FOR AND CONSENT TO MEDICAL, DENTAL, AND MENTAL HEALTH TREATMENT FOR THE CHILD; HAVE ACCESS TO RECORDS RELATED TO SUCH TREATMENT OF THE CHILD AND DISCLOSE THE CONTENTS OF THOSE RECORDS TO OTHERS; PROVIDE FOR THE CHILD'S FOOD, LODGING, RECREATION, AND TRAVEL; AND HAVE ANY ADDITIONAL POWERS AS SPECIFIED BY THE INDIVIDUAL EXECUTING THIS POWER OF ATTORNEY.

(2) THE AGENT IS REQUIRED TO EXERCISE DUE CARE TO ACT IN THE CHILD'S BEST INTERESTS AND IN ACCORDANCE WITH THE GRANT OF AUTHORITY SPECIFIED IN THIS FORM.

(3) A COURT OF COMPETENT JURISDICTION MAY REVOKE THE POWERS OF THE AGENT.

(4) THE AGENT MAY EXERCISE THE POWERS GIVEN IN THIS POWER OF ATTORNEY FOR THE CARE OF A CHILD FOR THE PERIOD SET FORTH IN THIS FORM UNLESS THE INDIVIDUAL EXECUTING THIS POWER OF ATTORNEY REVOKES THIS POWER OF ATTORNEY AND PROVIDES NOTICE OF THE REVOCATION TO THE AGENT OR A COURT OF COMPETENT JURISDICTION TERMINATES THIS POWER OF ATTORNEY.

(5) THE AGENT MAY RESIGN AS AGENT AND MUST IMMEDIATELY COMMUNICATE SUCH RESIGNATION TO THE INDIVIDUAL EXECUTING THIS POWER OF ATTORNEY AND TO SCHOOLS, HEALTH CARE PROVIDERS, AND OTHERS KNOWN TO THE AGENT TO HAVE RELIED UPON SUCH POWER OF ATTORNEY.

(6) THIS POWER OF ATTORNEY MAY BE REVOKED IN WRITING. IF THIS POWER OF ATTORNEY IS REVOKED, THE REVOKING INDIVIDUAL SHALL NOTIFY THE AGENT, SCHOOLS, HEALTH CARE PROVIDERS, AND OTHERS KNOWN TO THE INDIVIDUAL EXECUTING THIS POWER OF ATTORNEY TO HAVE RELIED UPON SUCH POWER OF ATTORNEY.

(7) IF THERE IS ANYTHING ABOUT THIS FORM THAT YOU DO NOT UNDERSTAND, YOU SHOULD ASK AN ATTORNEY TO EXPLAIN IT TO YOU.

STATE OF GEORGIA

COUNTY OF _____

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

1. I certify that I am the parent of:

(Full name of child)

(Date of birth)

2. I designate: _____,

(Full name of agent)

(Street address, city, state, and ZIP Code of agent)

(Personal and work telephone numbers of agent)

as the agent of the child named above.

3. The agent named above is related or known to me as follows (*write in your relationship to the agent; for example, aunt of the child, maternal grandparent of the child, sibling of the child, godparent of the child, associated with a nonprofit or faith based organization*): _____

4. Sign by the statement you wish to choose (*you may only choose one*):

(A) _____ (Signature) The agent named above is related to me by blood or marriage and I have elected not to have him or her obtain a criminal background check.

OR

(B) _____ (Signature) The agent named above is not related to me and I have reviewed his or her criminal background check. (*If the agent has a criminal conviction, complete the rest of this paragraph.*) I know that the agent has a conviction but I want him or her to be the agent because (*write in*): _____

5. Sign by the statement you wish to choose (*you may only choose one*):

(A) _____ (Signature) I delegate to the agent all my power and authority regarding the care and custody of the child named above, including but not limited to the right to inspect and obtain copies of educational records and other records concerning the child, attend school activities and other functions concerning the child, and give or withhold any consent or waiver with respect to school activities, medical and dental treatment, and any other activity, function, or treatment that may concern the child. This delegation shall not include the power or authority to consent to the marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child.

OR

(B) _____ (Signature) I delegate to the agent the following specific powers and responsibilities (*write in*): _____

This delegation shall not include the power or authority to consent to the marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child.

6. Initial by the statement you wish to choose (*you may only choose one of the three options*) and complete the information in the paragraph:

(A) _____ (Initials) This power of attorney is effective for a period not to exceed one year, beginning _____, 2____, and ending _____, 2____. I reserve the right to revoke this power and authority at any time.

OR

(B) _____ (Initials) This power of attorney is being given to a grandparent of my child and is effective until I revoke this power of attorney.

OR

(C) _____ (Initials) I am a parent as described in O.C.G.A. § 19-9-130(b). My deployment is scheduled to begin on _____, 2____, and is estimated to end on _____, 2____. I acknowledge that in no event shall this delegation of power and authority last more than one year or the term of my deployment plus 30 days, whichever is longer. I reserve the right to revoke this power and authority at any time.

7. I hereby swear or affirm under penalty of law that I provided the notice required by O.C.G.A. § 19-9-125 and received no objection in the required time period.

By: _____

(Parent signature)

(Printed name)

(Street address, city, state, and ZIP Code of parent)

(Personal and work telephone numbers of parent)

Sworn to and subscribed

before me this _____

day of _____, ____.

Notary public (SEAL)

My commission expires: _____.

STATE OF GEORGIA

COUNTY OF _____

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

8. I hereby accept my designation as agent for the child specified in this power of attorney and by doing so acknowledge my acceptance of the responsibility for caring for such child for the duration of this power of attorney. Furthermore, I hereby certify that:

(A)(i) I am related to the individual giving me this power of attorney by blood or marriage as follows (*write in your relationship to the individual designating you as agent; for example, sister, mother, father, etc.*): _____

OR

(ii) I am not related to the individual giving me this power of attorney but was referred to him or her by: _____ (*write in the name of the child-placing agency, nonprofit entity, or faith based organization*).

(B) I am not currently on the state sexual offender registry or child abuse registry of this state or the sexual offender registry or child abuse registry for any other state, a United States territory, the District of Columbia, or any American Indian tribe nor have I ever been required to register for any such registry;

(C) I have provided a criminal background check to the individual designating me as an agent, if it was required;

(D) I understand that I have the authority to act on behalf of the child:

- For the period of time set forth in this form;
- Until the power of attorney is revoked in writing and notice is provided to me as required by O.C.G.A. § 19-9-130; or
- Until the power of attorney is terminated by order of a court;

(E) I understand that if I am made aware of the death of the individual who executed the power of attorney, I must notify the surviving parent of the child, if known, as soon as practicable; and

(F) I understand that I may resign as agent by notifying the individual who executed the power of attorney in writing by certified mail, return receipt requested, or statutory overnight delivery and I must also notify any schools, health care providers, and others to whom I give a copy of this power of attorney.

(Agent signature)

(Printed name)

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

Notary public (SEAL)
My commission expires: _____.

(Organization signature, if applicable)

(Printed name and title)''

PART III
SECTION 3-1.

Part 4 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to sick, personal, and maternity leave for teachers and other school personnel, is amended by adding a new Code section to read as follows:

"20-2-852.1.

A local board of education that permits paternity or maternity time off for biological parents following the birth of a child shall, upon request, make such time off available for individuals adopting a child, in the same manner and utilizing the same type of leave. If the local board of education has established a policy providing time off for biological parents, that period of time shall be the minimum period of leave available for adoptive parents. Requests for additional leave due to the adoption of an ill child or a child with a disability shall be considered on the same basis as comparable cases of such complications accompanying the birth of such a child to an employee or employee's spouse. Any other benefits provided by the local board of education, such as job guarantee or pay, shall be available to both adoptive and biological parents on an equal basis. A local board of education shall not penalize an employee for exercising the rights provided by this Code section. The provisions of this Code section shall not apply to an adoption by the spouse of a custodial parent."

PART IV
SECTION 4-1.

This Act shall become effective on September 1, 2018.

SECTION 4-2.

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