

House Bill 1415

By: Representatives Hutchinson of the 107<sup>th</sup>, Hugley of the 136<sup>th</sup>, Thomas of the 39<sup>th</sup>, Paris of the 142<sup>nd</sup>, and Schofield of the 60<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding adoption, so as to provide that a legally separated  
3 spouse can petition for adoption of a child; to provide for related matters; to repeal  
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to  
8 general provisions regarding adoption, is amended by revising Code Section 19-8-3, relating  
9 to who may petition to adopt a child, as follows:

10 "19-8-3.

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

12 (1) Is at least 21 years of age or is married and living with his or her spouse;

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

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

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

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

25 (b) If an individual seeking to adopt a child is married, the petition for adoption shall be  
26 filed in the name of both spouses; provided, however, that, when the child is or was the  
27 stepchild of the party seeking to adopt, such petition shall be filed by the stepparent alone;  
28 provided, further, that this shall not apply if the spouses are legally separated."

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## SECTION 2.

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