

House Bill 154

By: Representatives Reeves of the 34th, Efstration of the 104th, Oliver of the 82nd, Rich of the 97th, Wiedower of the 119th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 19 of the Official Code of Georgia Annotated, relating to domestic relations,
2 so as to strengthen, clarify, and update provisions relating to the protection of children,
3 including foster children and adopted children; to allow for notice by certified mail in certain
4 adoption proceedings; to revise a provision relating to the surrender of a mother's parental
5 rights; to revise a provision relating to the results of a search of the putative father registry;
6 to include certain provisions in adoption petitions; to revise provisions relating to
7 appointment of an agent for a petitioner; to revise provisions relating to required criminal
8 history records checks of petitioners; to revise provisions relating to petitioners who are
9 nonresidents of Georgia; to provide for an additional unlawful inducement with respect to
10 adoptions; to prohibit certain adoption facilitators; to revise various adoption related forms
11 with respect to revocation periods; to provide for related matters; to repeal conflicting laws;
12 and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14

SECTION 1.

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

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

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

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

26 (C) Superior Court of Fulton County."

27

SECTION 2.

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

30 "19-8-3.

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

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

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

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

38 (B) ~~Is~~ is a bona fide resident of the receiving state when the adoptee was either born
 39 in this state or is a resident of this state at the time of his or her placement for adoption,

40 and was placed in compliance with Chapter 4 of Title 39, relating to the Interstate
 41 Compact on the Placement of Children. For purposes of this paragraph, a nonresident
 42 of Georgia is deemed to have complied with the Interstate Compact on the Placement
 43 of Children if the compact does not apply as defined in Article VIII of the Compact or
 44 if the individual is a resident of another country; and

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

49 **SECTION 3.**

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

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

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

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

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

71 **SECTION 4.**

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

75 "19-8-9.

76 (a) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the use of
77 certified mail, an individual signing a surrender of rights pursuant to Code Section 19-8-4,
78 19-8-5, 19-8-6, or 19-8-7 shall have the right to revoke such surrender by written notice
79 delivered in person or mailed by registered mail or statutory overnight delivery within four
80 days after signing such surrender; and such surrender document shall not be valid unless
81 it so states. The four-day revocation period shall be counted consecutively beginning with
82 the day immediately following the date the surrender of rights is executed; provided,
83 however, that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last
84 day on which such surrender may be revoked shall be the next day that is not a Saturday,
85 Sunday, or legal holiday. After the four-day period, a surrender of rights cannot be
86 revoked. Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the use
87 of certified mail, the notice of revocation of a surrender of rights shall be delivered in
88 person or mailed by registered mail or statutory overnight delivery to the address
89 designated in the surrender document. If delivered in person, it shall be delivered to the
90 address shown in the surrender document not later than 5:00 P.M. eastern standard time or
91 eastern daylight time, whichever is applicable, on the fourth day. If mailed by registered

92 mail or delivered by statutory overnight delivery, it shall be addressed to the address shown
93 in the surrender document and submitted to the United States Postal Service or to the
94 statutory overnight delivery carrier not later than 12:00 Midnight eastern standard time or
95 eastern daylight time, whichever is applicable, on the fourth day.

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

105 **SECTION 5.**

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

109 "(c)(1) Whenever it is alleged by any petitioner that surrender or termination of rights of
110 a living parent is not a prerequisite to the granting of a petition for adoption of a child of
111 such parent in accordance with subsection (a) or (b) of this Code section, such parent
112 shall be personally served with a conformed copy of the adoption petition, together with
113 a copy of the court's order thereon specified in Code Section 19-8-14, or, if personal
114 service cannot be perfected, ~~notwithstanding subsection (a) of Code Section 9-10-12~~
115 ~~which authorizes the use of certified mail~~, by certified mail or registered mail, return
116 receipt requested, or statutory overnight delivery, one-day service not required, at his or
117 her last known address. If service cannot be made by these methods, such parent shall

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

129 (A) Personal service is perfected;

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

132 (C) Of the last publication.

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

137 **SECTION 6.**

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

141 "(b)(1) Whenever a petition to terminate parental rights is filed pursuant to subsection
142 (a) of this Code section, the parent whose rights the petitioner is seeking to terminate
143 shall be personally served with a conformed copy of the petition to terminate parental

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

160 (A) Personal service is perfected;

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

163 (C) Of the last publication.

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

168

SECTION 7.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

233

SECTION 8.

234 Said title is further amended by revising subsections (a), (g), and (h) of Code Section
235 19-8-13, relating to petition, filing and contents, financial disclosures, attorney's affidavit,
236 and redaction of certain information unnecessary, and by adding a new subsection to read as
237 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

272 (A) If the adoption is pursuant to:

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

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

281 (B) A copy of the affidavits specified in subsections (g) and (h) of Code Section
282 19-8-4;

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

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

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

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

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

304 (A) The original written voluntary surrender of rights of each parent, biological father
305 who is not a legal father, or guardian specified in subsection (e) of Code Section
306 19-8-5;

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

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

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

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

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

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

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

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

- 326 (A) The original written voluntary surrender of rights of each parent, biological father
327 who is not a legal father, or guardian specified in subsection (e) of Code Section
328 19-8-6;
- 329 (B) The original written acknowledgment of surrender of rights specified in subsection
330 (f) of Code Section 19-8-6;
- 331 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;
- 332 (D) The original consent specified in subsection (j) of Code Section 19-8-6;
- 333 (E) A copy of the appropriate form verifying the allegation of compliance with Code
334 Section 19-8-12 and the original certification evidencing the search of the putative
335 father registry;
- 336 (F) Uncertified copies of appropriate certificates or forms verifying the allegations
337 contained in such petition as to guardianship of the child, including, but not limited to,
338 the birth of the child, the marriage of each petitioner, and the death of each parent in
339 lieu of a surrender of his or her parental rights; and
- 340 (G) A completed form containing background information regarding the child, as
341 required by the adoption unit of the department, or an equivalent medical and social
342 history background form;
- 343 (5) When the adoption is pursuant to ~~subsection (a)~~ of Code Section 19-8-7, the
344 following shall be provided or attached to the petition for adoption or its absence
345 explained when the petition for adoption is filed:
- 346 (A) The original written voluntary surrender of rights of each parent or biological
347 father who is not a legal father specified in subsection (e) of Code Section 19-8-7;
- 348 (B) The original written acknowledgment of surrender of rights specified in subsection
349 (f) of Code Section 19-8-7;
- 350 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;

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

354 (E) Uncertified copies of appropriate certificates or forms verifying allegations
355 contained in the petition as to guardianship or custody of the child and the birth of the
356 child, including, but not limited to, the marriage of each petitioner, the death of each
357 parent in lieu of a surrender of his or her parental rights, and compliance with Chapter
358 4 of Title 39, relating to the Interstate Compact on the Placement of Children; and

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

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

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

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

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

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

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

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

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

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

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

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

398 (8) When Code Section 19-8-11 is applicable, the petitioner shall allege facts in the
399 petition demonstrating the applicability of paragraph (3) of subsection (a) of Code
400 Section 19-8-11 and shall also allege compliance with subsection (b) of Code Section
401 19-8-11; and

402 ~~(8)~~(9) If the petition for adoption is filed in a county other than that of the petitioner's
403 residence, the reason therefor shall be set forth in such petition."

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

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

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

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

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

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

443 **SECTION 9.**

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

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

454

SECTION 10.

455 Said title is further amended by revising Code Section 19-8-16, relating to investigation by
456 court-appointed agent and criminal history records check for adoption petitioners, as follows:
457 "19-8-16.

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

475 (b) If the petition for adoption has been filed pursuant to ~~subsection (a)~~ of Code Section
476 19-8-6 or 19-8-7, the court shall be authorized but shall not be required to appoint an agent
477 to make an investigation pursuant to subsection (a) of this Code section; provided,
478 however, that a home study shall not be required.

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

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

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

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

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

520 **SECTION 11.**

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

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

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

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

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

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

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

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

555 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,
556 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed
557 for in such petition; terminating all of the rights of each living parent, guardian, and legal
558 custodian of the child, other than the spouse of the petitioner in the case of a stepparent

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

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

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

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

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

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

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

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

585

SECTION 12.

586 Said title is further amended by revising subsections (d), (e), (f), and (g) of Code Section
587 19-8-24, relating to advertising restrictions and requirements, "inducements" defined,
588 unlawful inducements, penalties, exemption for personal communications, and civil actions,
589 as follows:

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

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

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

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

610 (e) It shall be unlawful for an individual who is not an expectant parent or the natural or
611 adoptive parent of the child, the legal guardian of the child, or a child-placing agency to

612 serve as an intermediary between a prospective adoptive parent and an expectant parent or
613 parent of a minor child to identify or introduce the parties to each other. It shall not be
614 unlawful under this subsection for a medical or legal professional licensed to practice in
615 this state to provide medical or legal services to either:

616 (1) A parent who places his or her child for adoption with the assistance of the
617 professional; or

618 (2) A prospective adoptive parent who receives placement of a child for adoption with
619 the assistance of the professional.

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

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

625 (A) Adopt a child or children; or

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

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

628 (2) Subsection (a) of this Code section shall not apply to any communication described
629 in paragraph (1) of this subsection which contains the name of an attorney who is a
630 member of the State Bar of Georgia, his or her address, his or her telephone number, or
631 any combination of such information and which requests that the attorney named in such
632 communication be contacted to facilitate the carrying out of the purpose, as described in
633 subparagraph (A) or (B) of paragraph (1) of this subsection, of the individual making
634 such personal communication.

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

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

642 **SECTION 13.**

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

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

647 'SURRENDER OF RIGHTS
 648 FINAL RELEASE FOR ADOPTION

649 NOTICE TO PARENT OR GUARDIAN:

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

656 _____

657 STATE OF GEORGIA

658 COUNTY OF _____

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

662 1.
 663 I, the undersigned, being mindful that my (male) (female) [circle one] child, born
 664 _____ (name of child) on _____ (birthdate of
 665 child) at ____:____ (A.M.) (P.M.) [circle one], should receive the benefits and
 666 advantages of a good home, to the end that (she) (he) [circle one] may be fitted for the
 667 requirements of life, consent to this surrender of my parental rights.

668 2.
 669 I, the undersigned, _____ (relationship to child)
 670 of the aforesaid child, do hereby surrender my rights to the child to
 671 _____ (name of child-placing agency,
 672 out-of-state licensed agency, or Department of Human Services, as applicable) and
 673 promise not to interfere in the management of the child in any respect whatever; and,
 674 in consideration of the benefits guaranteed by _____
 675 (name of child-placing agency, out-of-state licensed agency, or Department of Human
 676 Services, as applicable) in providing for the child, I do relinquish all rights to the child
 677 named in this document, it being my wish, intent, and purpose to relinquish absolutely
 678 all parental control over the child. Furthermore, I hereby agree that the
 679 _____ (name of child-placing agency,
 680 out-of-state licensed agency, or Department of Human Services, as applicable) may
 681 seek for the child a legal adoption by such individual or individuals as may be chosen
 682 by the _____ (name of child-placing agency, out-of-state
 683 licensed agency, or Department of Human Services, as applicable) or its authorized

684 agents, without further notice to me. I do, furthermore, expressly waive any other
685 notice or service in any of the legal proceedings for the adoption of the child.

686 3.

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

691 4.

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

694 5.

695 I understand that under Georgia law I have the unconditional right to a four-day
696 revocation period. I understand I may only revoke this surrender by giving written
697 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
698 to _____ (name and address
699 of child-placing agency, out-of-state licensed agency, or Department of Human
700 Services, as applicable) within four days from the date of signing this document. I
701 understand that certified mail cannot be used for mail delivery of the notice to revoke
702 this surrender. I understand that the four days will be counted consecutively beginning
703 with the day immediately following the date I sign this document; provided, however,
704 that, if the fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on
705 which this surrender may be revoked will be the next day that is not a Saturday,
706 Sunday, or legal holiday. I understand that, if I deliver the notice to revoke this
707 surrender in person, it must be delivered to _____

708 (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight
 709 time, whichever is applicable, on the fourth day; provided, however, that if I mail the
 710 notice by registered mail or have it delivered by statutory overnight delivery, I must
 711 address it to the address shown in the surrender document and submit it to the United
 712 States Postal Service or to the statutory overnight delivery carrier not later than 12:00
 713 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
 714 fourth day. I understand that I CANNOT revoke this surrender after that time.

715 6.
 716 I understand that if I am not a resident of this state that I am agreeing to be subject to
 717 the jurisdiction of the courts of Georgia for any action filed in connection with the
 718 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 719 of this surrender of my parental rights.

720 7.
 721 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 722 pressure in the execution of this document and I am signing it freely and voluntarily.

723 This _____ day of _____, _____.

724 _____
 725 (Parent or guardian)

726 _____
 727 Adult witness

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

731 _____

732 Notary Public (SEAL)

733 My commission expires: _____.'

734 (b) The notice to revoke a surrender of rights pursuant to subsection (a) of Code Section
 735 19-8-9 shall conform substantially to the following form:

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

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

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

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

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

748 A. Deliver the original of this document in person to the address designated in the
 749 surrender of rights document no later than 5:00 P.M. eastern standard time or eastern

750 daylight time, whichever is applicable, on the fourth day of the revocation period
751 specified in the surrender of rights document;

752 **OR**

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

757 This _____ day of _____, _____.

758 _____
759 (Parent, guardian, or alleged biological father)

760 _____
761 (Printed name)

762 _____
763 Adult witness'

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

766
767

'SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION

768

NOTICE TO PARENT OR GUARDIAN:

769
770
771
772
773
774

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.

775

776
777

STATE OF GEORGIA
COUNTY OF _____

778
779
780

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:

781

1.

782
783
784
785
786

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.

787

2.

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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.

800

3.

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803

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805

806

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:

807

808

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

809

810

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

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

817 **OR**

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

827 **OR**

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

832

4.

833

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

834

or by any other individual as may be chosen by _____

835

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

836

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

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proceedings for the adoption of the child.

838

5.

839

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

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

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

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circumstances of placement of the child for adoption.

843

6.

844

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

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

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

847

with such agent in the conduct of its investigation.

848

7.

849

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

850

signed it and it has been notarized.

851

8.

852

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

853

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

854

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

855 to _____ (name and address of each individual to whom
856 surrender is made or his or her agent) within four days from the date of signing this
857 document. I understand that certified mail cannot be used for mail delivery of the
858 notice to revoke this surrender. I understand that the four days will be counted
859 consecutively beginning with the day immediately following the date I sign this
860 document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or
861 legal holiday, then the last day on which this surrender may be revoked will be the next
862 day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the
863 notice to revoke this surrender in person, it must be delivered to
864 _____ (name and address) not later than 5:00
865 P.M. eastern standard time or eastern daylight time, whichever is applicable, on the
866 fourth day; provided, however, that if I mail the notice by registered mail or have it
867 delivered by statutory overnight delivery, I must address it to the address shown in the
868 surrender document and submit it to the United States Postal Service or to the statutory
869 overnight delivery carrier not later than 12:00 Midnight eastern standard time or eastern
870 daylight time, whichever is applicable, on the fourth day. I understand that I CANNOT
871 revoke this surrender after that time.

872 9.

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

877 10.

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

880 This _____ day of _____, ____.

881 _____
882 (Parent or guardian)

883 _____
884 Adult witness

885 Sworn to and subscribed
886 before me this _____
887 day of _____, ____.
888 _____

889 Notary Public (SEAL)
890 My commission expires: _____.'

891 (d) The surrender of rights by a biological father who is not a legal father of the child
892 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or
893 19-8-7 shall conform substantially to the following form:

894 'SURRENDER OF RIGHTS
895 FINAL RELEASE FOR ADOPTION

896 NOTICE TO ALLEGED BIOLOGICAL FATHER:

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

903 _____

904 STATE OF GEORGIA

905 COUNTY OF _____

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

909 1.

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

920 2.

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

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

927 3.

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

930 4.

931 I understand that under Georgia law I have the unconditional right to a four-day
932 revocation period. I understand I may only revoke this surrender by giving written
933 notice, delivered in person or mailed by registered mail or statutory overnight delivery,
934 to _____ (name and address of child-placing
935 agency representative, out-of-state licensed agency representative, Department of
936 Human Services representative, individual to whom surrender is made or his or her
937 agent, or petitioner's representative, as applicable) within four days from the date of
938 signing this document. I understand that certified mail cannot be used for mail delivery
939 of the notice to revoke this surrender. I understand that the four days will be counted
940 consecutively beginning with the day immediately following the date I sign this
941 document; provided, however, that, if the fourth day falls on a Saturday, Sunday, or
942 legal holiday, then the last day on which this surrender may be revoked will be the next
943 day that is not a Saturday, Sunday, or legal holiday. I understand that, if I deliver the
944 notice to revoke this surrender in person, it must be delivered to
945 _____ (name and address) not later than
946 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
947 the fourth day; provided, however, that if I mail the notice by registered mail or have
948 it delivered by statutory overnight delivery, I must address it to the address shown in
949 the surrender document and submit it to the United States Postal Service or to the

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

953 5.
 954 I understand that if I am not a resident of this state that I am agreeing to be subject to
 955 the jurisdiction of the courts of Georgia for any action filed in connection with the
 956 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 957 of this surrender of my parental rights.

958 6.
 959 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 960 pressure in the execution of this document and I am signing it freely and voluntarily.

961 This _____ day of _____, _____.

962 _____
 963 (Alleged biological father)

964 _____
 965 Adult witness

966 Sworn to and subscribed
 967 before me this _____
 968 day of _____, _____.
 969 _____
 970 Notary public (SEAL)

971 My commission expires: _____.'

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

975 'SURRENDER OF RIGHTS
976 FINAL RELEASE FOR ADOPTION

977 NOTICE TO PARENT OR GUARDIAN:

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

984 _____

985 STATE OF GEORGIA
986 COUNTY OF _____

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

990 1.
991 I, the undersigned, being mindful that my (male) (female) [circle one] child, born
992 _____ (name of child) on _____ (birthdate of

993 child) at ____:____ (A.M.) (P.M.) [circle one], should receive the benefits and
994 advantages of a good home, to the end that (she) (he) [circle one] may be fitted for the
995 requirements of life, consent to this surrender of my parental rights.

996 2.

997 I, the undersigned, _____ (relationship to child) of
998 the aforesaid child, do hereby surrender my rights to the child to
999 _____ (name of each individual to whom
1000 surrender is made) and promise not to interfere in the management of the child in any
1001 respect whatever; and, in consideration of the benefits guaranteed by
1002 _____ (name of each individual to whom
1003 surrender is made) in providing for the child, I do relinquish all rights to the child
1004 named in this document, it being my wish, intent, and purpose to relinquish absolutely
1005 all parental control over the child.

1006 3.

1007 I hereby agree that _____ (name of each individual to whom
1008 surrender is made) may initiate legal proceedings for the legal adoption of the child
1009 without further notice to me. I do, furthermore, expressly waive any other notice or
1010 service in any of the legal proceedings for the adoption of the child.

1011 4.

1012 I understand that under Georgia law an agent may be appointed by the court to conduct
1013 an investigation and render a report to the court in connection with the legal proceeding
1014 for the legal adoption of the child, and I hereby agree to cooperate fully with such agent
1015 in the conduct of its investigation.

5.

1016

1017

1018

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.

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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; provided, however, that if I mail the notice by registered mail or have it delivered by statutory overnight delivery, I must address it to the address shown in the surrender document and submit it to the United States Postal Service or to the statutory overnight delivery carrier not later than 12:00 Midnight 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.

1040 7.

1041 I understand that if I am not a resident of this state that I am agreeing to be subject to
1042 the jurisdiction of the courts of Georgia for any action filed in connection with the
1043 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
1044 of this surrender of my parental rights.

1045 8.

1046 Furthermore, I hereby certify that I have not been subjected to any duress or undue
1047 pressure in the execution of this document and I am signing it freely and voluntarily.

1048 This _____ day of _____, ____.

1049 _____
1050 (Parent or guardian)

1051 _____
1052 Adult witness

1053 Sworn to and subscribed
1054 before me this _____
1055 day of _____, ____.
1056 _____

1057 Notary public (SEAL)
1058 My commission expires: _____.'

1059 (f) The pre-birth surrender of rights by a biological father who is not a legal father of the
1060 child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or 19-8-7
1061 shall conform substantially to the following form:

1062 PRE-BIRTH SURRENDER OF RIGHTS
1063 FINAL RELEASE FOR ADOPTION

1064 NOTICE TO ALLEGED BIOLOGICAL FATHER:

1065 This is an important legal document and by signing it, you are surrendering any and all
1066 of your rights to the child identified in this document, so as to place the child for
1067 adoption. You have the right to wait to execute a PRE-BIRTH SURRENDER OF
1068 RIGHTS/FINAL RELEASE FOR ADOPTION after the child is born, but by signing this
1069 document, you are electing to surrender your rights prior to the birth of this child.
1070 Understand that you are signing this document under oath and that if you knowingly and
1071 willfully make a false statement in this document you will be guilty of the crime of false
1072 swearing. As explained below in paragraph 6, you have the right to revoke this pre-birth
1073 surrender within four days from the date you sign it.

1074 _____

1075 STATE OF GEORGIA
1076 COUNTY OF _____

1077 Personally appeared before me, the undersigned officer duly authorized to administer
1078 oaths, _____ (name of alleged biological father) who, after having
1079 been sworn, deposes and says as follows:

1080 1.
1081 I, the undersigned, understand that I have been named by _____,
1082 the biological mother of the child expected to be born in _____
1083 (city) _____ (county) _____ (state) on or about the _____ day

1084 of _____ (month), _____ (year), as the biological father or possible
1085 biological father of her child. I further understand that the biological mother wishes to
1086 place this child for adoption.

1087 2.

1088 To the best of my knowledge and belief, the child has not been born as of the date I am
1089 signing this pre-birth surrender; however, if in fact the child has been born, this
1090 surrender shall have the same effect as if it were a surrender executed following the
1091 birth of the child.

1092 3.

1093 I understand that by signing this document I am not admitting that I am the biological
1094 father of this child, but if I am, I hereby agree that adoption is in this child's best
1095 interest. I consent to adoption of this child by any individual chosen by the child's legal
1096 mother or by any public or private agency that places children without further notice
1097 to me. I expressly waive any other notice or service in any of the legal proceedings for
1098 the adoption of the child. I understand that I have the option to wait until after the child
1099 is born to execute a surrender of my rights (with a corresponding four-day right of
1100 revocation) and, further, that by executing this document I am electing instead to
1101 surrender my rights before the child's birth.

1102 4.

1103 I understand that signing this document does not fully and finally terminate my rights
1104 and responsibilities until an order from a court of competent jurisdiction terminating my
1105 rights or a final order of adoption is entered. I understand that if the child is not
1106 adopted after I sign this document, legal proceedings can be brought to establish

1107 paternity, and I may become liable for financial obligations related to the birth and
1108 support of this child.

1109 5.

1110 I understand that I will receive a copy of this document after the witness and I have
1111 signed it and it has been notarized.

1112 6.

1113 I understand that under Georgia law I have the unconditional right to a four-day
1114 revocation period. I understand that I may only revoke this pre-birth surrender by
1115 giving written notice, delivered in person or mailed by registered mail or statutory
1116 overnight delivery, to _____ (name
1117 and address of child-placing agency representative, out-of-state licensed agency
1118 representative, Department of Human Services representative, individual to whom
1119 surrender is made or his or her agent, or petitioner's representative, as applicable) within
1120 four days from the date of signing this document. I understand that certified mail
1121 cannot be used for mail delivery of the notice to revoke this pre-birth surrender. I
1122 understand that the four days will be counted consecutively beginning with the day
1123 immediately following the date I sign this document; provided, however, that, if the
1124 fourth day falls on a Saturday, Sunday, or legal holiday, then the last day on which this
1125 surrender may be revoked will be the next day that is not a Saturday, Sunday, or legal
1126 holiday. I understand that, if I deliver the notice to revoke this surrender in person, it
1127 must be delivered to _____ (name and
1128 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
1129 whichever is applicable, on the fourth day; provided, however, that if I mail the notice
1130 by registered mail or have it delivered by statutory overnight delivery, I must address
1131 it to the address shown in the surrender document and submit it to the United States

1132 Postal Service or to the statutory overnight delivery carrier not later than 12:00
1133 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the
1134 fourth day. I understand that I CANNOT revoke this surrender after that time.

1135 7.

1136 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
1137 father registry then, if I do not revoke this surrender within the time permitted, I waive
1138 the notice I would be entitled to receive pursuant to Code Section 19-8-12 of the
1139 Official Code of Georgia Annotated because of my registration on the putative father
1140 registry.

1141 8.

1142 I understand that if I am not a resident of this state that I am agreeing to be subject to
1143 the jurisdiction of the courts of Georgia for any action filed in connection with the
1144 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
1145 of this surrender of my parental rights.

1146 9.

1147 Furthermore, I hereby certify that I have not been subjected to any duress or undue
1148 pressure in the execution of this document and I am signing it freely and voluntarily.

1149 This _____ day of _____, _____.

1150 _____
1151 (Alleged biological father)

1152 _____

1153 Adult witness

1154 Sworn to and subscribed

1155 before me this _____

1156 day of _____, ____.

1157 _____

1158 Notary public (SEAL)

1159 My commission expires: _____.'

1160 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section
1161 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

1162 'ACKNOWLEDGMENT OF SURRENDER
1163 OF RIGHTS

1164 STATE OF GEORGIA

1165 COUNTY OF _____

1166 Personally appeared before me, the undersigned officer duly authorized to administer
1167 oaths, _____ (name of parent, guardian, or
1168 alleged biological father) who, after having been sworn, deposes and says as follows:

1169 (A) That I have read the accompanying (PRE-BIRTH SURRENDER OF
1170 RIGHTS/FINAL RELEASE FOR ADOPTION) (SURRENDER OF RIGHTS/FINAL
1171 RELEASE FOR ADOPTION) [circle one] relating to the child born
1172 _____ (name of child), a (male) (female) [circle one] on
1173 _____ (birthdate of child);

1174 (B) That I understand that this is a full, final, and complete surrender, release, and
1175 termination of all of my rights to the child;

1176 (C) That I have ~~chosen to retain~~ the unconditional right to revoke the surrender by
1177 giving written notice, delivered in person or mailed by registered mail or statutory
1178 overnight delivery, to _____ (name and
1179 address of child-placing agency or its representative, out-of-state licensed agency or its
1180 representative, Department of Human Services or its representative, individual to whom
1181 surrender is made or his or her agent, or petitioner's representative, as applicable) within
1182 four days from the date of signing the surrender and that after such four-day revocation
1183 period I shall have no right to revoke the surrender. I understand that certified mail
1184 cannot be used for mail delivery of the notice to revoke the surrender of my rights. I
1185 understand that, if I deliver the notice to revoke my surrender in person, it must be
1186 delivered to _____ (name and address) not
1187 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
1188 applicable, on the fourth day; provided, however, that if I mail the notice by registered
1189 mail or have it delivered by statutory overnight delivery, I must address it to the address
1190 shown in the surrender document and submit it to the United States Postal Service or
1191 to the statutory overnight delivery carrier not later than 12:00 Midnight eastern standard
1192 time or eastern daylight time, whichever is applicable, on the fourth day. I understand
1193 that the four days will be counted consecutively beginning with the day immediately
1194 following the date I signed the surrender; provided, however, that, if the fourth day falls
1195 on a Saturday, Sunday, or legal holiday, then the last day on which the surrender may
1196 be revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

1197 (D) That I have read the accompanying surrender of rights and received a copy thereof;

1198 (E) That any and all questions regarding the effect of such surrender and its provisions
1199 have been satisfactorily explained to me;

1200 (F) That I have been given an opportunity to consult with an attorney of my choice
 1201 before signing the surrender of my rights; and
 1202 (G) That the surrender of my rights has been knowingly, intentionally, freely, and
 1203 voluntarily made by me.

1204 This _____ day of _____, _____.

1205 _____
 1206 (Parent, guardian, or alleged biological father)

1207 _____
 1208 Adult witness

1209 Sworn to and subscribed
 1210 before me this _____
 1211 day of _____, _____.

1212 _____

1213 Notary public (SEAL)

1214 My commission expires: _____."

1215 **SECTION 14.**

1216 All laws and parts of laws in conflict with this Act are repealed.