

House Bill 159

By: Representatives Reeves of the 34th, Willard of the 51st, Evans of the 42nd, Fleming of the 121st, Oliver of the 82nd, and others

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 for adoption, so as to substantially revise the general provisions
3 applicable to adoptions; to change the requirements for adopting children; to provide for a
4 nonresident to allow an adoption of his or her child; to provide for adoption of foreign-born
5 children; to provide for a waiver to revoke a surrender of parental rights; to change the age
6 for individuals to access the Adoption Reunion Registry; to revise and provide for forms; to
7 provide for the annulment of an adoption under certain circumstances; to amend Code
8 Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination of
9 parental rights, so as to correct a cross-reference; to provide for related matters; to repeal
10 conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

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

15 style="text-align:center">"ARTICLE 1

16 19-8-1.

17 For purposes of this ~~chapter~~ article, the term:

18 (1) 'Alaskan native' means a member of the Alaska Native Regional Corporations formed
19 under the Alaska Native Claims Settlement Act of 1971 (ANCSA).

20 ~~(1)(2)~~ (2) 'Biological father' means ~~the~~ a male who impregnated the biological mother
21 resulting in the birth of the child.

22 (3) 'Biological parent' means a biological mother or biological father.

23 ~~(2)(4)~~ (4) 'Child' means a ~~person~~ an individual who is under 18 years of age and who is
24 sought to be adopted.

25 ~~(3)~~(5) 'Child-placing agency' means an agency licensed as a child-placing agency
 26 pursuant to Chapter 5 of Title 49.

27 ~~(4)~~(6) 'Department' means the Department of Human Services.

28 ~~(4.1)~~(7) 'Evaluator' means ~~the~~ a person or agency that conducts a home study. An
 29 evaluator shall be a ~~licensed~~ child-placing agency, the department, or a licensed
 30 professional with at least two years of adoption related professional experience, including
 31 a licensed clinical social worker, licensed master social worker, licensed marriage and
 32 family therapist, or licensed professional counselor; provided, however, that ~~where~~ when
 33 none of the foregoing evaluators are available, the court may appoint a guardian ad litem
 34 or court appointed special advocate to conduct ~~the~~ a home study.

35 ~~(5)~~(8) 'Guardian' means ~~a legal guardian of the person of a child~~ an individual appointed
 36 as a:

37 (A) Guardian or temporary guardian of a child as provided in Title 29;

38 (B) Guardian of a child pursuant to Code Section 15-11-13; or

39 (C) Permanent guardian of a child as provided in Part 13 of Article 3 of Chapter 11 of
 40 Title 15.

41 ~~(5.1)~~(9) 'Home study' means an evaluation by an evaluator of ~~the~~ a petitioner's home
 42 environment for the purpose of determining the suitability of ~~the~~ such environment as a
 43 prospective adoptive home for a child. Such evaluation shall consider ~~the~~ a petitioner's
 44 physical health, emotional maturity, financial circumstances, family, and social
 45 background and shall conform to the rules and regulations established by the department
 46 for child-placing agencies for adoption home studies.

47 ~~(5.2)~~(10) 'Home study report' means the written report generated as a result of the home
 48 study.

49 ~~(6)~~(11) 'Legal father' means a male who has not surrendered or had terminated his rights
 50 to a child and who:

51 (A) Has legally adopted such child;

52 (B) Was married to the biological mother of such child at the time such child was born
 53 or within the usual period of gestation, unless paternity was disproved by a final order
 54 ~~pursuant to Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction;

55 (C) Married ~~the~~ a legal mother of such child after such child was born and recognized
 56 such child as his own, unless paternity was disproved by a final order ~~pursuant to~~
 57 ~~Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction; or

58 (D) Has legitimated such child by a final order pursuant to Code Section 19-7-22.

59 ~~(7)~~(12) 'Legal mother' means ~~the~~ a female who is the biological or adoptive mother of
 60 the child and who has not surrendered or had terminated her rights to the child.

61 (13) 'Native American heritage' means any individual who is:

62 (A) A member of a federally recognized American Indian tribe; or

63 (B) An Alaskan native.

64 (14) 'Out-of-state licensed agency' means an agency or entity that is licensed in another
 65 state or country to place children for adoption.

66 ~~(8)~~(15) 'Parent' means either the a legal father or the a legal mother of the child.

67 ~~(9)~~(16) 'Petitioner' means a person an individual who petitions to adopt or terminate
 68 rights to a child pursuant to this chapter article.

69 ~~(10)~~(17) 'Putative father registry' means the registry established and maintained pursuant
 70 to subsections (d) and (e) of Code Section 19-11-9.

71 19-8-2.

72 (a) The superior courts of the several counties shall have exclusive jurisdiction in all
 73 matters of adoption, ~~except such jurisdiction as may be granted to the juvenile courts.~~

74 (b) All petitions for adoption under this chapter article shall be filed in the county in which
 75 any petitioner resides, except that:

76 (1) Upon good cause being shown, the court may, in its discretion, allow such petition
 77 to be filed in the court of the county of:

78 (A) Of the child's domicile or of the county in;

79 (B) In which is located any child-placing agency having legal custody of the child;
 80 sought to be adopted may, in its discretion, allow the petition to be filed in that court;
 81 and

82 (C) Where the child was born if such petition is filed within one year of the child's
 83 birth; or

84 (D) In which is located the office of the department having legal custody of the child;

85 (2) Any ~~person~~ individual who ~~has been~~ is a resident of any United States ~~Army~~ army
 86 post or military reservation within this state for six months next preceding the filing of
 87 the petition for adoption may file the such petition in any county adjacent to the United
 88 States Army army post or military reservation; and

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

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

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

95 (C) Superior Court of Fulton County.

96 19-8-3.

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

98 (1) Is at least ~~25~~ 21 years of age or is married and living with his or her spouse;

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

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

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

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

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

116 19-8-4.

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

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

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

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

132 (c) The surrender of rights to the department, ~~or to a child-placing agency, or an~~
 133 out-of-state licensed agency specified in paragraphs (1) and (2) of subsection (e) of this
 134 Code section shall be executed following the birth of the child, and the pre-birth surrender
 135 to the department, ~~or to a child-placing agency, or an out-of-state licensed agency~~ specified
 136 in paragraph (3) of subsection (e) of this Code section shall be executed prior to the birth
 137 of the child. Each surrender shall be executed under oath and in the presence of a
 138 ~~representative of the department or the agency and~~ a notary public and an adult witness.
 139 A copy of the surrender shall be ~~delivered~~ provided to the individual signing the surrender
 140 at the time of the execution thereof.

141 (d) ~~An individual~~ A person signing a surrender of rights pursuant to this Code section shall
 142 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided
 143 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,
 144 shall also have the right to waive the ten-day revocation period by executing a separate
 145 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at
 146 least 24 hours after the birth of the child.

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

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

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

166 (B) The rights and responsibilities of an alleged biological father ~~are~~ shall be
 167 permanently terminated only upon an order from a court of competent jurisdiction
 168 terminating such rights or the entry of a final order of adoption. ~~An individual~~ A person

169 executing a pre-birth surrender pursuant to this Code section shall have the right to
 170 ~~withdraw the~~ revoke such surrender within ten days from the date of execution thereof,
 171 notwithstanding the date of birth of the child.

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

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

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

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

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

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

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

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

204 (i) A surrender of rights pursuant to this Code section may be given by any parent or
 205 biological father who is not ~~the~~ a legal father of the child irrespective regardless of whether

206 ~~such parent or biological father has arrived at the age of majority. The individual is a~~
 207 citizen of the United States, a resident of this state, or has reached the age of 18 years.
 208 Such surrender given by any such minor such individual shall be binding upon him or her
 209 as if the individual were in all respects sui juris and shall include a consent to the
 210 jurisdiction of the courts of this state for any action filed under this article. Such surrender
 211 shall state that such individual agrees to be bound by a decree of adoption.

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

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

219 19-8-5.

220 (a) A child ~~Except as otherwise authorized in this chapter, a child who has any living~~
 221 ~~parent or guardian~~ may be adopted by a third party who is neither the stepparent nor
 222 relative of that child, as such individuals are described in subsection (a) of Code Sections
 223 19-8-6 and 19-8-7, only if each ~~such~~ living parent and ~~each such~~ guardian of such child has
 224 voluntarily and in writing surrendered all of his or her rights to such child to that third party
 225 for the purpose of enabling that third party to adopt such child. A third party to whom such
 226 child is voluntarily surrendered shall be financially responsible for such child as of the date
 227 of surrender by the parent. Except as provided in subsection ~~(m)~~ (l) of this Code section,
 228 no child shall be placed with a third party for purposes of adoption unless prior to the date
 229 of placement a home study shall have been completed, and the home study report
 230 recommends placement of a child in such third party's home.

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

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

241 of the surrender shall be delivered provided to the individual signing the surrender at the
 242 time of the execution thereof.

243 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall
 244 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided
 245 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,
 246 shall also have the right to waive the ten-day revocation period by executing a separate
 247 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at
 248 least 24 hours after the birth of the child.

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

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

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

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

274 (C) If a final order of adoption is not entered after the execution of a pre-birth
 275 surrender and paternity is established by acknowledgment, by administrative order, or
 276 by judicial order, then ~~the~~ an alleged biological father shall be responsible for child

277 support or other financial obligations to the child or to ~~the child's~~ a legal mother, or to
278 both.

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

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

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

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

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

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

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

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

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

318 ~~Office of Adoptions~~

319 ~~Georgia Department of Human Services~~

320 ~~Atlanta, Georgia~~

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

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

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

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

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

343 ~~(l)(k)~~ In any surrender of rights pursuant to this Code section, ~~the provisions of~~ Chapter
 344 4 of Title 39, relating to the Interstate Compact on the Placement of Children, if applicable,
 345 shall be complied with.

346 ~~(m)(l)~~ If the home study for a third-party adoption has not occurred prior to the date of
 347 placement, then the third party shall, ~~at the time of the filing of~~ within the petition for
 348 adoption or in a separate motion, ~~file a motion with the court seeking~~ seek an order
 349 authorizing placement of such child prior to the completion of the home study. Such

350 petition or such motion shall identify the evaluator that the petitioner has selected to
 351 perform the home study. The court may waive the requirement of a preplacement home
 352 study in cases when a child ~~to be adopted~~ already resides in the prospective adoptive home
 353 either as a child of one of the residents of such home or pursuant to a court order of
 354 guardianship, testamentary guardianship, or custody.

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

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

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

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

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

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

374 19-8-6.

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

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

383 (2) A child who has only one parent still living may be adopted by the spouse of that
 384 parent only if that parent consents to the adoption and, ~~where~~ when there is any guardian

385 of that child, each such guardian has voluntarily and in writing surrendered to such
 386 spouse all of his or her rights to the child for the purpose of such adoption.

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

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

393 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall
 394 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided
 395 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,
 396 shall also have the right to waive the ten-day revocation period by executing a separate
 397 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at
 398 least 24 hours after the birth of the child.

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

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

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

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

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

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

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

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

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

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

441 19-8-7.

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

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

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

456 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall
 457 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided

458 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,
 459 shall also have the right to waive the ten-day revocation period by executing a separate
 460 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at
 461 least 24 hours after the birth of the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

533 19-8-8.

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

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

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

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

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

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

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

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

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

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

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

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

599 19-8-9.

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

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

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

621 ~~(c)(b) If a legal mother has voluntarily and in writing surrendered all of her parental rights~~
622 ~~pursuant to the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or~~
623 ~~19-8-7 and has not withdrawn~~ revoked her surrender within the ten-day period after signing
624 as permitted by ~~the provisions of subsection (b)~~ subsection (a) of this Code section, she
625 shall have no right or authority to sign a voluntary acknowledgment of paternity pursuant
626 to ~~the provisions of Code Section 19-7-46.1~~ or consent to the granting of a petition for
627 legitimation filed pursuant to Code Section 19-7-22 regarding the same child.

628 (c) Provided that the individual signing a surrender of rights pursuant to Code Section
629 19-8-4, 19-8-5, 19-8-6, or 19-8-7 is at least 18 years of age at the time he or she signs such
630 surrender, he or she shall have the right to waive the ten-day revocation period only if such
631 waiver is referenced in the surrender document and set forth in a separate document that
632 is executed at least 24 hours after the birth of the child identified in the surrender, under
633 oath, and in the presence of a notary public and an adult witness. The waiver of the right
634 to revoke a surrender shall meet the requirements of subsection (n) of Code Section
635 19-8-26. A copy of such waiver shall be provided to the individual signing it at the time
636 of the execution thereof.

637 19-8-10.

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

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

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

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

- 660 (1) To communicate or to make a bona fide attempt to communicate with that child in
661 a meaningful, supportive, parental manner; or
- 662 (2) To provide for the care and support of that child as required by law or judicial decree,
663 and the court is of the opinion that the adoption is for in the best interests of that child, after
664 considering the physical, mental, emotional, and moral condition and needs of the child
665 who is the subject of the proceeding, including the need for a secure and stable home.

666 (c)(1) Whenever it is alleged by any petitioner that surrender or termination of rights of
667 a living parent is not a prerequisite to the filing granting of a petition for adoption of a
668 child of ~~that~~ such parent in accordance with subsection (a) or (b) of this Code section, ~~that~~
669 such parent shall be personally served with a conformed copy of the adoption petition,
670 together with a copy of the court's order thereon specified in Code Section 19-8-14, or,
671 if personal service cannot be perfected, notwithstanding subsection (a) of Code Section
672 9-10-12 which authorizes the use of certified mail, by registered or certified mail or
673 statutory overnight delivery, return receipt requested, or statutory overnight delivery.

674 one-day service not required, at his or her last known address. If service cannot be made
 675 by ~~either~~ of these methods, ~~that~~ such parent shall be given notice by publication once a
 676 week for three weeks in the official organ of the county where ~~the~~ such petition has been
 677 filed and of the county of his or her last known address. In the interest of time,
 678 publication may be initiated simultaneously with efforts to perfect service personally, by
 679 registered mail, or by statutory overnight delivery. The court shall continue to have the
 680 inherent authority to determine the sufficiency of service. A parent who receives
 681 notification pursuant to this paragraph ~~may~~ shall not be a party to the adoption and shall
 682 have no obligation to file an answer, but shall have the right to appear in the pending
 683 adoption action proceeding and show cause why such parent's rights to the child ~~sought~~
 684 ~~to be adopted in that action~~ who is the subject of the proceeding should not be terminated
 685 by that adoption. Notice shall be deemed to have been received ~~the~~ on the earliest date:

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

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

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

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

694 (d) Consistent with the requirement of paragraph (7) of subsection (a) of Code Section
 695 19-8-13, when the petitioner is seeking to involuntarily terminate the rights of a parent as
 696 a prerequisite to the granting of the petition for adoption, the petitioner shall, in lieu of
 697 obtaining and attaching those otherwise required surrenders of rights, acknowledgments,
 698 and affidavits, allege facts in the petition seeking to involuntarily terminate parental rights
 699 that demonstrate the applicability of the grounds set forth in subsection (a) or (b), or both,
 700 of this Code section and shall also allege compliance with subsection (c) of this Code
 701 section.

702 19-8-11.

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

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

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

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

716 (2) In those cases ~~where a person~~ when a child has been placed in compliance with
 717 Chapter 4 of Title 39, and the individual who is the resident of another state has obtained
 718 the voluntary written surrender of all parental rights from one of the parents or the
 719 guardian of a child, each such ~~person~~ individual to whom the child has been surrendered
 720 may in contemplation of the adoption of such child in such other state petition the
 721 superior court of the county where the child ~~resides~~ was born or of Fulton County to
 722 terminate the parental rights of the remaining parent pursuant to this Code section.

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

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

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

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

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

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

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

742 (b)(1) Whenever a petition to terminate parental rights is filed pursuant to subsection (a)
 743 of this Code section, the parent whose rights the petitioner is seeking to terminate shall
 744 be personally served with a conformed copy of the petition; to terminate parental rights
 745 and a copy of the court's order setting forth the date upon which ~~the~~ such petition shall

746 be considered or, if personal service cannot be perfected, notwithstanding subsection (a)
 747 of Code Section 9-10-12 which authorizes the use of certified mail, by registered or
 748 certified mail or statutory overnight delivery, return receipt requested, or statutory
 749 overnight delivery, one-day service not required, at his or her last known address. If
 750 service cannot be made by either of these methods, that such parent shall be given notice
 751 by publication once a week for three weeks in the official organ of the county where the
 752 such petition has been filed and of the county of his or her last known address. In the
 753 interest of time, publication may be initiated simultaneously with efforts to perfect
 754 service personally, by registered mail, or by statutory overnight delivery. The court shall
 755 continue to have the inherent authority to determine the sufficiency of service. A parent
 756 who receives notification pursuant to this subsection may appear paragraph shall not be
 757 a party to the adoption and shall have no obligation to file an answer, but shall have the
 758 right to appear in the pending termination of parental rights proceeding and show cause
 759 why such parent's rights to the child sought to be placed for adoption who is the subject
 760 of the proceeding should not be terminated. Notice shall be deemed to have been
 761 received the on the earliest date:

762 (1)(A) Personal service is perfected;

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

765 (3)(C) Of the last publication.

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

770 19-8-12.

771 (a) The General Assembly finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

814 ~~(1)(A) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the~~
 815 use of certified mail, registered mail ~~Registered or certified mail or statutory overnight~~
 816 delivery, return receipt requested, or statutory overnight delivery, one-day service not

817 required, at his last known address, which notice shall be deemed received upon the
818 date of delivery shown on the return or delivery receipt;

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

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

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

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

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

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

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

854 ~~The court shall be authorized to consider the affidavit of the mother specified in~~
 855 ~~subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as applicable, in making~~
 856 ~~its determination pursuant to this paragraph. If the court finds from the evidence that~~
 857 ~~such biological father has not performed any of the following acts:~~

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

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

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

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

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

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

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

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

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

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

- 890 (1) Does not file a legitimation petition and give notice as required in subsection (e) of
 891 this Code section;
- 892 (2) Files a legitimation petition which is subsequently dismissed for failure to prosecute;
 893 or
- 894 (3) Files a legitimation petition and the action is subsequently concluded without a court
 895 order granting such petition and declaring a finding that he is ~~the~~ a legal father of the
 896 child.
- 897 (g) If the child is legitimated by his or her biological father, the adoption shall not be
 898 permitted except as provided in Code Sections 19-8-4 through 19-8-7.
- 899 (h) If the child is legitimated by his or her biological father and in the ~~subsequent~~ adoption
 900 proceeding the petition for adoption is ~~either withdrawn~~ revoked with prejudice or denied
 901 by the court, then a ~~surrender of parental rights final release for adoption~~ SURRENDER
 902 OF RIGHTS/FINAL RELEASE FOR ADOPTION executed by ~~the~~ a legal mother pursuant
 903 to ~~the provisions of~~ subsection (a) of Code Section 19-8-4, 19-8-5, or 19-8-7 shall be
 904 dissolved by operation of law and her parental rights shall be restored to her. The fact that
 905 ~~the~~ a legal mother executed a ~~surrender of parental rights final release for adoption~~
 906 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION, now dissolved, shall
 907 not be admissible as evidence in any proceedings against ~~the~~ a legal mother in any
 908 proceeding against her.

909 19-8-13.

- 910 (a) The petition for adoption, duly verified, together with one conformed copy thereof,
 911 ~~must~~ shall be filed with the clerk of the superior court having jurisdiction and shall conform
 912 to the following guidelines:
- 913 (1) The petition for adoption shall set forth:
- 914 (A) The name, age, date and place of birth, marital status, and place of residence of
 915 each petitioner;
- 916 (B) The name by which the child is to be known should the adoption ultimately be
 917 completed;
- 918 (C) The sex, date and place of birth, and citizenship or immigration status of the child,
 919 and the sex of if the child is neither a United States citizen nor a lawful permanent
 920 resident of the United States on the date such petition is filed, the petitioner shall
 921 explain how such child will be able to obtain lawful permanent resident status;
- 922 (D) The date and circumstances of the placement of the child with each petitioner;
- 923 (E) Whether the child is possessed of any property and, if so, a full and complete
 924 description thereof;

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

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

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

931 (I) Whether each petitioner or his or her attorney is aware of any other adoption
 932 proceeding pending to date, in this or any other state or country, regarding the child
 933 who is the subject of the proceeding that is not fully disclosed in such petition and
 934 whether each petitioner or his or her attorney is aware of any individual who has or
 935 claims to have physical custody of or visitation rights with the child who is the subject
 936 of the proceeding whose name and address and whose custody or visitation rights are
 937 not fully disclosed in such petition. Each petitioner and his or her attorney shall have
 938 a continuing duty to inform the court of any proceeding in this or any other state or
 939 country that could affect the adoption proceeding or the legal custody of or visitation
 940 with the child who is the subject of the proceeding;

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

944 (A) If the adoption is pursuant to:

945 (i) Paragraph (1) of such Code section, a copy of the written voluntary surrender of
 946 rights of each parent or guardian specified in subsection (e) of Code Section 19-8-4
 947 and a copy of the written acknowledgment of surrender of rights specified in
 948 subsection (f) of Code Section 19-8-4; or

949 (ii) Paragraph (2) of such Code section, a certified copy of the order entered by a
 950 court of competent jurisdiction terminating parental rights of the parent and
 951 committing the child to the department, child-placing agency, or out-of-state licensed
 952 agency;

953 (B) A copy of the affidavits specified in subsections (g) and (h) of Code Section
 954 19-8-4;

955 ~~(A)~~(C) An original affidavit from the department or a child-placing agency stating that
 956 all of the requirements of Code Sections 19-8-4 and 19-8-12 have been complied with
 957 and that the child is legally available for adoption or, in the case of a placement by an
 958 out-of-state licensed agency, that the comparable provisions dealing with the
 959 termination of parental rights of the parents and of a biological father who is not a legal
 960 father of the child have been complied with under the laws of the state or country in

961 which the out-of-state licensed agency is licensed and that the child is legally available
 962 for adoption thereunder;
 963 ~~(B)~~(D) The original written consent of the department, child-placing agency, or
 964 out-of-state licensed agency to the adoption;
 965 ~~(C)~~(E) Uncertified copies of appropriate certificates or forms verifying the allegations
 966 contained in such petition as to guardianship of the child, including, but not limited to,
 967 the marriage of each petitioner, the death of each parent in lieu of a surrender of his or
 968 her parental rights, and ~~A copy of the appropriate form verifying the allegation of~~
 969 ~~compliance with the requirements of Chapter 4 of Title 39, relating to the Interstate~~
 970 ~~Compact on the Placement of Children; and~~
 971 ~~(D)~~(F) A completed form containing background information regarding the child ~~to be~~
 972 ~~adopted,~~ as required by the adoption unit of the department, or an equivalent medical
 973 and social history background form; and
 974 (G) The original waiver of the right to revoke a surrender of rights specified in
 975 subsection (c) of Code Section 19-8-9;
 976 (3) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-5, the
 977 following shall be provided or attached to the petition for adoption or its absence
 978 explained when the petition for adoption is filed:
 979 (A) The original written voluntary surrender of rights of each parent, biological father
 980 who is not a legal father, or guardian specified in subsection (e) of Code Section
 981 19-8-5;
 982 (B) The original written acknowledgment of surrender of rights specified in subsection
 983 (f) of Code Section 19-8-5;
 984 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-5;
 985 (D) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
 986 with Code Section 19-8-12 and the original certification evidencing the search of the
 987 putative father registry;
 988 ~~(E) Allegations of compliance with Chapter 4 of Title 39, relating to the Interstate~~
 989 ~~Compact on the Placement of Children;~~
 990 ~~(F)~~(E) The original accounting required by subsection (c) of this Code section;
 991 ~~(G)~~(F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the
 992 allegations contained in the such petition as to guardianship ~~or custody~~ of the child,
 993 including, but not limited to, the marriage of each petitioner, the ~~divorce~~ ~~or~~ death of
 994 each parent ~~of the child~~ in lieu of a surrender of his or her parental rights, and
 995 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the
 996 Placement of Children;

- 997 ~~(H)~~(G) A completed form containing background information regarding the child to
 998 ~~be adopted~~, as required by the adoption unit of the department, or an equivalent medical
 999 and social history background form; and
- 1000 ~~(I)~~(H) A copy of the home study report; and
- 1001 (I) The original waiver of the right to revoke a surrender of rights specified in
 1002 subsection (c) of Code Section 19-8-9;
- 1003 (4) ~~When~~ ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-6, the
 1004 following shall be provided or attached to the petition for adoption or its absence
 1005 explained when the petition for adoption is filed:
- 1006 (A) The original written voluntary surrender of ~~the parent~~ rights of each parent,
 1007 biological father who is not a legal father, or guardian specified in subsection (e) of
 1008 Code Section 19-8-6;
- 1009 (B) The original written acknowledgment of surrender of rights specified in subsection
 1010 (f) of Code Section 19-8-6;
- 1011 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;
- 1012 (D) The original consent specified in subsection (j) of Code Section 19-8-6;
- 1013 (E) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
 1014 with Code Section 19-8-12 and the original certification evidencing the search of the
 1015 putative father registry;
- 1016 (F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the
 1017 allegations contained in the such petition as to guardianship of the child ~~sought to be~~
 1018 ~~adopted~~, including, but not limited to, the birth of the child ~~sought to be adopted~~, the
 1019 marriage of each petitioner, and the ~~divorce or death of each parent of the child sought~~
 1020 ~~to be adopted~~; and in lieu of a surrender of his or her parental rights;
- 1021 (G) A completed form containing background information regarding the child ~~to be~~
 1022 ~~adopted~~, as required by the adoption unit of the department, or an equivalent medical
 1023 and social history background form; and
- 1024 (H) The original waiver of the right to revoke a surrender of rights specified in
 1025 subsection (c) of Code Section 19-8-9;
- 1026 (5) ~~When~~ ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-7, the
 1027 following shall be provided or attached to the petition for adoption or its absence
 1028 explained when the petition for adoption is filed:
- 1029 (A) The original written voluntary surrender of rights of each parent or biological
 1030 father who is not a legal father specified in subsection (e) of Code Section 19-8-7;
- 1031 (B) The original written acknowledgment of surrender of rights specified in subsection
 1032 (f) of Code Section 19-8-7;
- 1033 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;

- 1034 (D) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
 1035 with Code Section 19-8-12 and the original certification evidencing the search of the
 1036 putative father registry;
- 1037 (E) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying allegations
 1038 contained in the petition as to guardianship or custody of the child ~~sought to be adopted,~~
 1039 and the birth of the child ~~sought to be adopted,~~ including but not limited to, the
 1040 marriage of each petitioner, ~~and the divorce or the~~ death of each parent ~~of the child~~
 1041 ~~sought to be adopted;~~ and in lieu of a surrender of his or her parental rights, and
 1042 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the
 1043 Placement of Children;
- 1044 (F) A completed form containing background information regarding the child ~~to be~~
 1045 ~~adopted,~~ as required by the adoption unit of the department, or an equivalent medical
 1046 and social history background form; and
- 1047 (G) The original waiver of the right to revoke a surrender of rights specified in
 1048 subsection (c) of Code Section 19-8-9;
- 1049 (6)(A) When ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-8,
 1050 the following shall be provided or attached ~~or its absence explained~~ to the petition for
 1051 adoption when the petition for adoption is filed:
- 1052 (i) ~~A certified copy of the final decree of adoption from the foreign country along~~
 1053 ~~with a verified English translation. The translator shall provide a statement regarding~~
 1054 ~~his qualification to render the translation, his complete name, and his current address.~~
 1055 ~~Should the current address be a temporary one, his permanent address shall also be~~
 1056 ~~provided;~~
- 1057 (ii) ~~A verified copy of the visa granting the child entry to the United States;~~
- 1058 (iii) ~~A certified copy along with a verified translation of the child's amended birth~~
 1059 ~~certificate or registration showing each petitioner as parent; and~~
- 1060 (iv) ~~A copy of the home study which was completed for United States Immigration~~
 1061 ~~and Naturalization Service.~~
- 1062 (i) A copy of the child's passport page showing an immediate relative immigrant visa
 1063 or Hague Convention immigrant visa obtained to grant the child entry into the United
 1064 States as a result of a full and final adoption in the foreign country; and
- 1065 (ii) A copy along with an English translation of the child's birth certificate or
 1066 registration.
- 1067 (B) ~~It is not necessary to file copies of surrenders or termination on any parent or~~
 1068 ~~biological father who is not the legal father when the petition is filed pursuant to~~
 1069 ~~paragraph (1) of Code Section 19-8-8.~~

1070 (B) Because the issuance of an immediate relative immigrant visa or Hague
 1071 Convention immigrant visa by the United States Department of State in the child's
 1072 passport is prima-facie evidence that all parental rights have been terminated and that
 1073 the child is legally available for adoption, it shall not be necessary to file any
 1074 documents related to the surrender or termination of the parental rights of the child's
 1075 parents or comply with Code Section 19-8-12 regarding the rights of a biological father
 1076 who is not a legal father when the petition for adoption is filed pursuant to
 1077 subsection (a) of Code Section 19-8-8.

1078 (C) When the adoption is pursuant to subsection (b) of Code Section 19-8-8, the
 1079 following shall be provided or attached to the petition for adoption when the petition
 1080 for adoption is filed:

1081 (i) A copy along with an English translation of the final decree or order of
 1082 guardianship from the foreign country;

1083 (ii) Copies of all postplacement reports, if required by the foreign country that
 1084 entered the guardianship decree or order;

1085 (iii) Authorization to proceed with adoption if specifically required by the decree or
 1086 order entered by the court or administrative agency in the foreign country;

1087 (iv) A copy of the child's passport page showing an immediate relative immigrant
 1088 visa or Hague Convention immigrant visa obtained to grant the child entry into the
 1089 United States in order to finalize his or her adoption; and

1090 (v) A copy along with an English translation of the child's birth certificate or
 1091 registration;

1092 (7) When ~~Where~~ Code Section 19-8-10 is applicable, parental rights need not be
 1093 surrendered or terminated prior to the filing of the petition for adoption; but any the
 1094 petitioner shall, in lieu of obtaining and attaching those otherwise required surrenders of
 1095 rights, acknowledgments, and affidavits, allege facts in the petition for adoption
 1096 demonstrating the applicability of subsection (a) or (b), or both, of Code Section 19-8-10
 1097 and shall also allege compliance with subsection (c) of Code Section 19-8-10; and

1098 (8) If the petition for adoption is filed in a county other than that of the petitioners'
 1099 petitioner's residence, the reason therefor ~~must also~~ shall be set forth in the such petition.

1100 (b) At the time of filing the petition for adoption, the petitioner shall deposit with the clerk
 1101 the deposit required by Code Section 9-15-4; the fees shall be those established by Code
 1102 Sections 15-6-77, and 15-6-77.1, and 15-6-77.2.

1103 (c) Each petitioner for adoption in any proceeding for the adoption of a minor child
 1104 pursuant to the provisions of Code Section 19-8-5 shall file with the petition for adoption,
 1105 in a manner acceptable to the court, a report fully accounting for all disbursements of
 1106 anything of value made or agreed to be made, directly or indirectly, by, on behalf of, or for

- 1107 the benefit of the petitioner in connection with the adoption, including, but not limited to,
 1108 any expenses incurred in connection with:
- 1109 (1) The birth of the minor child;
 - 1110 (2) Placement of the minor child with the petitioner;
 - 1111 (3) Counseling services or legal services for a legal mother;
 - 1112 (4) Reasonable living expenses for the biological mother during the last three months of
 1113 her pregnancy and for six weeks postpartum;
 - 1114 ~~(3)~~(5) Medical or hospital care received by the biological mother or by the minor child
 1115 during the such mother's prenatal care and confinement;
 - 1116 (6) Any additional reasonable and necessary expenses authorized by the court pursuant
 1117 to subsection (c) of Code Section 19-8-24; and
 - 1118 ~~(4)~~(7) Services relating to the adoption or to the placement of the minor child for
 1119 adoption which were received by or on behalf of the petitioner, either natural biological
 1120 parent of the minor child, or any other person individual.
- 1121 (d) Every attorney for a petitioner in any proceeding for the adoption of a minor child
 1122 pursuant to ~~the provisions of~~ Code Section 19-8-5 shall file, in a manner acceptable to the
 1123 court, before the decree of adoption is entered, an affidavit detailing all sums paid or
 1124 promised to that attorney, directly or indirectly, from whatever source, for all services of
 1125 any nature rendered or to be rendered in connection with the adoption, including an
 1126 accounting for all funds disbursed through the attorney's trust account in accordance with
 1127 subsection (c) of Code Section 19-8-24; provided, however, that, if the attorney received
 1128 or is to receive less than \$500.00, the affidavit need only state that fact.
- 1129 (e) Any report made under this Code section ~~must~~ shall be signed ~~and verified~~ under oath
 1130 and in the presence of a notary public by the individual making the report.
- 1131 (f)(1) As used in this subsection, the term 'family member' shall have the same meaning
 1132 as set forth in Code Section 19-7-3.
 - 1133 (2) Whenever a petitioner is a blood relative or stepparent of the child ~~to be adopted~~ and
 1134 a family member other than the petitioner has visitation rights to ~~the such~~ child granted
 1135 pursuant to Code Section 19-7-3, the petitioner shall cause a copy of the petition for
 1136 adoption to be served upon the family member with the visitation rights or upon such
 1137 person's family member's counsel of record at least 30 days prior to the date upon which
 1138 the petition for adoption will be considered as such time frames are set forth in Code
 1139 Section 19-8-14.
- 1140 (g) Notwithstanding ~~the provisions of~~ Code Sections 19-8-5 and 19-8-7 and this Code
 1141 section which require obtaining and attaching a written voluntary surrender of rights and
 1142 acknowledgment thereof and affidavits of ~~the a~~ legal mother and a representative of the
 1143 petitioner or of the individual signing such surrender, when the adoption is sought under

1144 subsection (a) of Code Section 19-8-5 or 19-8-7 following the termination of parental rights
 1145 and the placement of the child by the juvenile court pursuant to Code Section 15-11-321,
 1146 obtaining and attaching to the petition for adoption a certified copy of the order terminating
 1147 parental rights of the parent shall take the place of obtaining and attaching those otherwise
 1148 required surrenders of rights, acknowledgments, and affidavits.

1149 (h)(1) A petition for adoption regarding a child ~~or children~~ who ~~have~~ has a living
 1150 biological father who is not ~~the~~ a legal father and who has not surrendered his rights to
 1151 the child ~~or children~~ shall include a certificate from the putative father registry disclosing
 1152 the name, address, and social security number of any registrant acknowledging paternity
 1153 of the child ~~or children~~ pursuant to subparagraph (d)(2)(A) of Code Section 19-11-9 or
 1154 indicating the possibility of paternity of ~~a child of the child's mother~~ such child pursuant
 1155 to subparagraph (d)(2)(B) of Code Section 19-11-9 for a period beginning no later than
 1156 two years immediately prior to the child's date of birth. Such certificate shall indicate the
 1157 results of a search of the registry on or after the earliest of the following:

1158 ~~(1)(A)~~ (A) The date of ~~the~~ a legal mother's surrender of parental rights;

1159 ~~(2)(B)~~ (B) The date of entry of the court order terminating ~~the~~ a legal mother's parental
 1160 rights; or

1161 ~~(3)(C)~~ (C) The date of ~~the~~ a legal mother's consent to adoption pursuant to Code Section
 1162 19-8-6; ~~or~~

1163 ~~(4) The date of the filing of the petition for adoption, in which case the certificate may~~
 1164 ~~be filed as an amendment to the petition for adoption.~~

1165 (2) Such certificate shall include a statement that the registry is current as of the earliest
 1166 date listed in paragraphs (1) through (4) subparagraphs (A) through (D) of paragraph (1)
 1167 of this subsection, or as of a specified date that is later than the earliest such date.

1168 (3) When a legal mother of the child who is the subject of the proceeding identifies her
 1169 husband as the biological father of the child and he has executed a surrender of his
 1170 parental rights in favor of the petitioner, the petitioner shall obtain a certificate from the
 1171 putative father registry and submit it with the petition for adoption to confirm that no
 1172 male other than the legal mother's husband has expressed an interest in the child or to
 1173 identify a registrant other than the legal mother's husband who shall be notified pursuant
 1174 to Code Section 19-8-12.

1175 (i) Because adoption records are sealed pursuant to subsection (a) of Code Section
 1176 19-8-23, it shall not be necessary to redact social security numbers, taxpayer identification
 1177 numbers, financial account numbers, or dates of birth from pleadings and all documents
 1178 filed therewith that are filed pursuant to this article as they are deemed to be a filing under
 1179 seal under subsection (d) of Code Section 9-11-7.1.

1180 19-8-14.

1181 (a) It is the policy of this state that, in the best ~~interest~~ interests of the child, uncontested
1182 adoption petitions ~~should~~ shall be heard as soon as possible but not later than 120 days after
1183 the date of filing, unless the petitioner has failed to arrange for the court to receive the
1184 report required by ~~the provisions of~~ Code Section 19-8-16 or has otherwise failed to
1185 provide the court with all exhibits, surrenders of rights, or certificates required by this
1186 ~~chapter~~ article within that time period. It is the policy of this state that, in contested
1187 adoption petitions, the parties shall make every effort to have the petition considered by the
1188 court as soon as practical after the date of filing, taking into account the circumstances of
1189 the petition and the best ~~interest~~ interests of the child.

1190 (b) Upon the filing of the petition for adoption, accompanied by the filing fee unless such
1191 fee is waived, it shall be the responsibility of the clerk to accept ~~the~~ such petition as filed.
1192 Such petition shall not be subject to court approval before it is filed.

1193 (c) Upon the filing of the petition for adoption, the court shall fix a date upon which ~~the~~
1194 such petition shall be considered, which date shall be not less than 45 days from the date
1195 of the filing of ~~the~~ such petition and shall not be less than 30 days following the last date
1196 a parent or biological father is deemed to have received service of notice as required in
1197 those cases when Code Section 19-8-10 or 19-8-12, or both, is applicable.

1198 (d) Notwithstanding ~~the provisions of~~ subsections (a) and (c) of this Code section, it shall
1199 be the petitioner's responsibility to request that the court hear the petition for adoption on
1200 a date that allows sufficient time for fulfillment of ~~the~~ notice requirements of ~~Code Section~~
1201 ~~19-8-10 and Code Section 19-8-12, where~~ Code Sections 19-8-10 and 19-8-12, when
1202 applicable.

1203 (e) In the best ~~interest~~ interests of the child, the court may hear the petition for adoption
1204 less than 45 days from the date of its filing upon a showing by the petitioner that ~~either~~ no
1205 further notice is required or ~~that~~ any statutory requirement of notice to any ~~person~~
1206 individual will be fulfilled at an earlier date, and provided that any report required by Code
1207 Section 19-8-16 has been completed or will be completed at an earlier date.

1208 (f) The court in the child's best ~~interest~~ interests may grant such expedited hearings or
1209 continuances as may be necessary for completion of applicable notice requirements,
1210 investigations, a home study, and reports or for other good cause shown.

1211 (g) Copies of the petition for adoption and all documents filed in connection therewith,
1212 including, but not limited to, the order fixing the date upon which ~~the~~ such petition shall
1213 be considered, motions, other pleadings filed, all orders entered in connection with such
1214 petition, and all exhibits, surrenders of rights, or certificates required by this ~~chapter~~ article,
1215 shall be forwarded by the clerk to the department within 15 days after the date of ~~the~~ such
1216 filing of the petition for adoption for retention in the Adoption Reunion Registry.

1217 (h) Copies of the petition for adoption, the order fixing the date upon which ~~the such~~
 1218 petition shall be considered, and all exhibits, surrenders of rights, or certificates required
 1219 by this ~~chapter article~~ shall be forwarded by the clerk to the ~~child-placing agency or other~~
 1220 agent appointed by the court pursuant to ~~the provisions of~~ Code Section 19-8-16 within 15
 1221 days after the filing of the petition for adoption, together with a request that a report and
 1222 investigation be made as required by ~~law~~ Code Section 19-8-16.

1223 (i) The clerk of court shall provide the petitioner or his or her attorney with a copy of the
 1224 petition for adoption and of each amendment, motion, and other pleading filed with a stamp
 1225 confirming the date each pleading was filed with the court and shall also provide the
 1226 petitioner or his or her attorney with a copy of each order entered by the court in the
 1227 adoption proceeding, confirming the date the order was filed of record by the court. Copies
 1228 of all motions, amendments, and other pleadings filed and of all orders entered in
 1229 connection with the petition for adoption shall be forwarded by the clerk to the department
 1230 within 15 days after such filing or entry.

1231 19-8-15.

1232 ~~(1)~~(a) As used in this Code section, the term 'family member' shall have the same meaning
 1233 as set forth in Code Section 19-7-3.

1234 ~~(2)~~(b) If a legal mother and biological father, whether he was a legal father or not, of the
 1235 child who is the subject of the proceeding are both deceased, regardless of whether either
 1236 individual had surrendered his or her parental rights or had his or her rights terminated ~~if~~
 1237 ~~the child sought to be adopted has no legal father or legal mother living~~, it shall be the
 1238 privilege of any ~~person~~ individual related by blood to ~~the such~~ child to file objections to the
 1239 petition for adoption.

1240 (c) A family member with visitation rights to a child granted pursuant to Code Section
 1241 19-7-3 shall have the privilege to file objections to the petition ~~of~~ for adoption if neither
 1242 parent has any further rights to the child and if the petition for adoption has been filed by
 1243 a blood relative of the child. The court, after hearing such objections, shall determine, in
 1244 its discretion, whether or not ~~the same~~ such objections constitute a good reason for denying
 1245 the petition for adoption and the court shall have the authority to grant or continue such
 1246 visitation rights of the family member of the child in the adoption order in the event the
 1247 adoption by the blood relative is approved by the court.

1248 19-8-16.

1249 (a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be
 1250 the duty of a ~~child-placing agency~~ the agent appointed by the court ~~or any other~~
 1251 ~~independent agent appointed by the court~~ to verify the allegations in the petition for

1252 adoption, to make a complete and thorough investigation of the entire matter, including a
 1253 ~~criminal records check of each petitioner~~ any specific issue the court requests to be
 1254 investigated, and to report its findings and recommendations in writing to the court where
 1255 the petition for adoption was filed. The agent may be the department, a child-placing
 1256 agency, an evaluator, or an individual who the court determines is qualified to conduct the
 1257 required investigation. ~~The department, child-placing agency, or other independent agent~~
 1258 appointed by the court shall also provide the petitioner or his or her attorney for petitioner
 1259 with a copy of ~~the its report to the court~~. If for any reason the ~~child-placing agency or other~~
 1260 agent appointed by the court finds itself unable to make or arrange for the proper
 1261 investigation and report, it shall be the duty of the ~~agency or agent~~ to notify the court
 1262 immediately, or at least within 20 days after receipt of the request for investigation service,
 1263 that it is unable to make the report and investigation, so that the court may take such other
 1264 steps as in its discretion are necessary to have the ~~entire matter investigated~~ investigation
 1265 and report prepared. The investigation required by this Code section shall be in addition
 1266 to the requirement of a home study in the case of a petition for adoption filed pursuant to
 1267 subsection (a) of Code Section 19-8-5.

1268 (b) If the petition for adoption has been filed pursuant to subsection (a) of Code Section
 1269 19-8-6 or 19-8-7, the court ~~is~~ shall be authorized but shall not be required to appoint a
 1270 ~~child-placing agency or other independent~~ an agent to make an investigation in ~~whatever~~
 1271 ~~form the court specifies~~ pursuant to subsection (a) of this Code section; provided, however,
 1272 that a home study shall not be required.

1273 (c)(1) If the petition for adoption has been filed pursuant to Code Section 19-8-8, ~~or if~~
 1274 ~~the department has conducted an investigation and has consented to the adoption, an~~
 1275 ~~investigation~~ the appointment of an agent to make an investigation and render a report
 1276 pursuant to subsection (a) of this Code section shall not be required.

1277 (2) If the petition for adoption has been filed pursuant to Code Section 19-8-4 and the
 1278 department or child-placing agency has consented to the adoption, the appointment of an
 1279 agent to make an investigation and render a report pursuant to subsection (a) of this Code
 1280 section shall not be required.

1281 (d) The court shall require the petitioner to submit to a criminal history records check. The
 1282 petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with
 1283 the appropriate fee. The center shall promptly transmit the fingerprints to the Federal
 1284 Bureau of Investigation for a search of bureau records and shall obtain an appropriate
 1285 report. The Georgia Crime Information Center shall also promptly conduct a search of its
 1286 records and any records to which it has access. The center shall notify the court in writing
 1287 of the presence or absence of any ~~derogatory finding, including but not limited to any~~
 1288 ~~conviction data, regarding the~~ criminal record from the state fingerprint records check. In

1289 those cases when the petitioner has submitted a fingerprint based criminal history report
1290 that includes the results of a records search of both the Georgia Crime Information Center
1291 and the Federal Bureau of Investigation to the department, child-placing agency, or
1292 evaluator as part of the home study and such results are dated within 12 months of filing
1293 of the petition for adoption and are included in the home study report filed with or
1294 otherwise made available to the court, such results shall satisfy the requirements of this
1295 subsection. Because the court shall not be authorized to share the results of the fingerprint
1296 records check with the agent appointed by the court pursuant to subsection (a) or (e) of this
1297 Code section, the court shall determine the acceptability of the petitioner's criminal history,
1298 inform the petitioner or his or her attorney at least five days prior to the final hearing on the
1299 petition for adoption if the court will require additional evidence with respect to the
1300 petitioner's criminal history or if the court is inclined to deny such petition because of such
1301 criminal history, and afford the petitioner or his or her attorney an opportunity to present
1302 evidence as to why the petitioner's criminal history should not be grounds for denial of such
1303 petition.

1304 ~~(e) The court may appoint the department to serve as its agent to conduct the investigation~~
1305 ~~required by this Code section if an appropriate child-placing agency or independent agent~~
1306 ~~is not available. If for any reason the department finds itself unable to make or arrange for~~
1307 ~~the proper investigation and report, it shall be the duty of the commissioner of human~~
1308 ~~services to notify the court immediately, or at least within 20 days after receipt of the~~
1309 ~~request for investigation service, that it is unable to make the report and investigation, so~~
1310 ~~that the court may take such other steps as in its discretion are necessary to have the entire~~
1311 ~~matter investigated.~~

1312 ~~(f)~~(e) The court shall require the petitioner to reimburse the child-placing agency or other
1313 independent agent appointed by the court, including the department, for the full cost of
1314 conducting the investigation and preparing the its report. Such cost shall not exceed
1315 \$250.00 unless specifically authorized by the court, provided that the court shall furnish
1316 the petitioner or his or her attorney with written notice of the name of the agent that the
1317 court intends to appoint and the amount of any increased costs, together with a request to
1318 agree to pay such increased costs. If the petitioner does not agree to pay the increased
1319 costs, then the petitioner shall have an opportunity to present to the court information
1320 regarding other persons that are qualified to conduct the investigation and render the report
1321 to the court and the cost of their services, and the court shall appoint the person that is
1322 qualified to conduct the investigation and render the report to the court at the lowest cost
1323 to the petitioner.

1324 19-8-17.

1325 (a) The report and findings of the investigating ~~agency~~ agent appointed by the court
 1326 pursuant to Code Section 19-8-16 shall include, among other things, the following:

1327 (1) Verification of allegations contained in the petition for adoption;

1328 (2) Circumstances under which the child came to be placed for adoption;

1329 (3) Whether each ~~proposed~~ prospective adoptive parent is financially, physically, and
 1330 mentally able to have the permanent custody of the child; in considering financial ability
 1331 any adoption supplement approved by the department shall be taken into account;

1332 (4) The physical and mental condition of the child, insofar as this can be determined by
 1333 the aid of competent medical authority;

1334 (5) Whether or not the adoption is in the best interests of the child, including his or her
 1335 general care;

1336 (6) Suitability of the home to the child;

1337 (7) If applicable, whether the identity and location of ~~the~~ a biological father who is not
 1338 ~~the~~ a legal father are known or ascertainable and whether the requirements of Code
 1339 Section 19-8-12 were complied with; ~~and~~

1340 (8) Any other information that might be disclosed by the investigation that in the agent's
 1341 opinion would be of ~~any~~ value or interest to the court in deciding the case; and

1342 (9) Any other information that might be disclosed by the investigation in response to any
 1343 specific issue that the court requested be investigated in its order appointing such agent.

1344 (b) If the report of the investigating ~~agency or independent~~ agent disapproves of the
 1345 adoption of the child, motion may be made by the investigating ~~agency or independent~~
 1346 agent to the court to dismiss the petition for adoption and the court after hearing is such
 1347 motion shall be authorized to do so dismiss such petition. If the court denies the motion
 1348 to dismiss, the court shall appoint a guardian ad litem who may appeal the ruling to the
 1349 ~~Georgia~~ Court of Appeals or Supreme Court, as in other cases, as provided by law.

1350 (c) If at any time it appears to the court that the interests of the child may conflict with
 1351 those of any petitioner, the court may, in its discretion, appoint a guardian ad litem to
 1352 represent the child and the cost thereof shall be a charge upon the funds of the county.

1353 19-8-18.

1354 (a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or
 1355 as soon thereafter as the matter may be reached for a hearing, the court shall proceed to
 1356 a full hearing on ~~the~~ such petition and the examination of the parties at interest in
 1357 chambers, under oath, with the right of continuing the hearing and examinations from
 1358 time to time as the nature of the case may require. The court at such times shall give
 1359 consideration to the investigation report to the court provided for in Code Section 19-8-16

1360 and the recommendations contained ~~therein~~ in such report. The court may in its
 1361 discretion allow the petitioner or any witness to appear via electronic means in lieu of
 1362 requiring his or her physical presence before the court.

1363 (2) The court shall examine the petition for adoption and the affidavit specified in
 1364 subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as appropriate, to
 1365 determine whether Code Section 19-8-12 is applicable. If the court determines that Code
 1366 Section 19-8-12 is applicable to the petition for adoption, it shall:

1367 (A) Determine that an appropriate order has previously been entered;

1368 (B) Enter an order consistent with Code Section 19-8-12; or

1369 (C) Continue the hearing until Code Section 19-8-12 is complied with.

1370 (3) If the adoption petition is filed pursuant to subsection (a) of Code Section 19-8-5, the
 1371 court shall examine the financial disclosures required under subsections (c) and (d) of
 1372 Code Section 19-8-13 and make such further examination of each petitioner and his or
 1373 her attorney as the court deems appropriate in order to make a determination as to
 1374 whether there is cause to believe that Code Section 19-8-24 has been violated with regard
 1375 to the ~~'inducement'~~ inducement, as such term is defined in Code Section 19-8-24, of the
 1376 placement of the child for adoption. Should the court determine that further inquiry is in
 1377 order, the court shall direct the district attorney for the county to review the matter further
 1378 and to take such appropriate action as the district attorney in his or her discretion deems
 1379 appropriate.

1380 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,
 1381 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed
 1382 for in such petition; terminating all of the rights of each living parent, guardian, and legal
 1383 custodian of the child, other than the spouse of the petitioner in the case of a stepparent
 1384 adoption pursuant to Code Section 19-8-6; granting the permanent custody of the child
 1385 to each petitioner; and declaring the child to be the adopted child of each petitioner if the
 1386 court is satisfied that ~~each~~:

1387 (A) Each living parent or guardian of the child has surrendered or had terminated all
 1388 of his or her rights to the child in the manner provided by law ~~prior to the filing of the~~
 1389 ~~petition for adoption~~ or that each petitioner has complied with the notice requirements
 1390 of subsection (c) of Code Section 19-8-10 and satisfied his or her burden of proof under
 1391 Code Section 19-8-10, ~~that such~~ or that the spouse has consented to the petitioner's
 1392 adoption of the child as required by Code Section 19-8-6;

1393 (B) Each petitioner is capable of assuming responsibility for the care, supervision,
 1394 training, and education of the child, ~~that the~~;

1395 (C) The child is suitable for adoption in a private family home, ~~and that the~~; and

1396 ~~(D) The adoption requested is for in the best interest interests of the child; it shall enter~~
 1397 ~~a decree of adoption, terminating all the rights of each parent and guardian to the child,~~
 1398 ~~granting the permanent custody of the child to each petitioner, naming the child as~~
 1399 ~~prayed for in the petition, and declaring the child to be the adopted child of each~~
 1400 ~~petitioner. In all cases wherein Code Section 19-8-10 is relied upon by any petitioner~~
 1401 ~~as a basis for the termination of parental rights, the,~~

1402 (2) When Code Section 19-8-10 has been relied upon by any petitioner for the
 1403 termination of rights of a living parent, the court shall include in the decree of adoption
 1404 appropriate findings of fact and conclusions of law relating to the applicability of Code
 1405 Section 19-8-10 termination of rights of such living parent and the court's determination
 1406 that the adoption is in the child's best interests.

1407 (3) When the child was born in a country other than the United States, the court shall
 1408 examine the evidence submitted and determine that sufficient evidence has been
 1409 proffered to show that the child will be able to obtain lawful permanent resident status,
 1410 if not already obtained, before the court shall have authority to determine if it is in the
 1411 best interests of the child to grant the petition for adoption.

1412 (4) If there is an existing visitation order pursuant to Code Section 19-7-3 in favor of a
 1413 family member other than the petitioner and such family member has not intervened in
 1414 the adoption, then the court shall have the authority to continue or discontinue such
 1415 visitation rights in the adoption order as it deems is in the best interests of the child.

1416 (c) If the petition for adoption was filed pursuant to subsection (a) of Code Section 19-8-8
 1417 and if the court is satisfied that the petitioner has fully complied with the requirements of
 1418 Code Section 19-8-13 and has established that he or she finalized his or her adoption of the
 1419 child in the foreign country, then the court shall enter a decree of adoption naming the child
 1420 as prayed for in such petition; domesticating the foreign decree of adoption; granting the
 1421 permanent custody of the child to each petitioner; changing the date of birth of the child
 1422 if so requested, provided that evidence was presented justifying such change; and declaring
 1423 the child to be the adopted child of each petitioner. Notwithstanding the requirements of
 1424 subsection (a) of this Code section, the court may domesticate the foreign decree of
 1425 adoption upon the pleadings without a hearing.

1426 (d) If the petition for adoption was filed pursuant to subsection (b) of Code Section 19-8-8,
 1427 the court shall enter a decree of adoption naming the child as prayed for in such petition;
 1428 terminating the guardianship; granting the permanent custody of the child to each
 1429 petitioner; changing the date of birth of the child if so requested, provided that evidence
 1430 was presented justifying such change; and declaring the child to be the adopted child of
 1431 each petitioner if the court is satisfied that the petitioner has fully complied with the
 1432 requirements of Code Section 19-8-13 and that:

- 1433 (1) Each petitioner in his or her capacity as guardian of the child has surrendered all of
 1434 his or her rights to the child in the manner provided by law;
- 1435 (2) Each petitioner is capable of assuming responsibility for the care, supervision,
 1436 training, and education of the child;
- 1437 (3) The child is suitable for adoption in a private family home; and
- 1438 (4) The adoption requested is in the best interests of the child.
- 1439 (e) In exercising its discretion to determine whether the adoption requested is in the best
 1440 interests of the child, the court shall consider the following factors:
- 1441 (1) The ability of each petitioner and, if applicable, each respondent to provide for the
 1442 physical safety and welfare of the child, including food, shelter, health, and clothing;
- 1443 (2) The love, affection, bonding, and emotional ties existing between the child and each
 1444 petitioner and, if applicable, each respondent;
- 1445 (3) The child's need for permanence, including the child's need for stability and
 1446 continuity of relationships with his or her siblings;
- 1447 (4) The capacity and disposition of each petitioner and, if applicable, each respondent
 1448 to give the child his or her love, affection, and guidance and to continue the education and
 1449 rearing of the child;
- 1450 (5) The home environment of each petitioner and, if applicable, each respondent,
 1451 considering the promotion of the child's nurturance and safety rather than superficial or
 1452 material factors;
- 1453 (6) The stability of the family unit and the presence or absence of support systems within
 1454 the community to benefit the child;
- 1455 (7) The mental and physical health of all individuals involved;
- 1456 (8) The home, school, and community record and history of the child, as well as any
 1457 health or educational special needs of the child;
- 1458 (9) The child's background and ties, including familial, cultural, and religious;
- 1459 (10) The uniqueness of every family and child;
- 1460 (11) The child's wishes and long-term goals;
- 1461 (12) Any evidence of family violence, substance abuse, criminal history, or sexual,
 1462 mental, or physical child abuse in the petitioner's home and, if applicable, each
 1463 respondent's home;
- 1464 (13) Any recommendation by a court appointed agent or guardian ad litem; and
- 1465 (14) Any other factors considered by the court to be relevant and proper to its
 1466 determination.
- 1467 ~~(e)~~(f) If the court determines that any petitioner has not complied with this ~~chapter~~ article,
 1468 it may dismiss the petition for adoption without prejudice or it may continue the case.
 1469 Should the court find that any notice required to be given by any petitioner under this

1470 ~~chapter article~~ has not been given or has not been properly given or that the petition for
 1471 adoption has not been properly filed, the court ~~is~~ shall be authorized to enter an order
 1472 providing for corrective action and an additional hearing.

1473 ~~(d)~~(g) If the court is not satisfied that the adoption is in the best interests of the child, it
 1474 shall deny the petition for adoption. ~~If the~~ such petition is denied because ~~of such reason~~
 1475 the court determines that the adoption requested is not in the best interests of the child or
 1476 for any other reason under law, the court shall set forth specific findings of fact explaining
 1477 its decision in its order denying the adoption and shall commit the child to the custody of
 1478 the department, ~~or to~~ a child-placing agency, ~~if the~~ or an out-of-state licensed agency if
 1479 such petition was filed pursuant to Code Section 19-8-4 ~~or 19-8-5~~. If such petition was
 1480 filed pursuant to Code Section 19-8-5, the court shall commit the child to the third party
 1481 named by the parent in the written surrender of rights pursuant to subsection (a) of Code
 1482 Section 19-8-5; and if there is no surrender of rights, the child shall remain in the custody
 1483 of each petitioner if each petitioner is fit to have custody or the court may place the child
 1484 with the department for the purpose of determining whether or not a petition should be
 1485 initiated under Chapter 11 of Title 15. If such ~~the~~ petition was filed pursuant to Code
 1486 Section 19-8-6, 19-8-7, or 19-8-8, the child shall remain in the custody of each petitioner
 1487 if ~~that~~ each petitioner is fit to have custody or the court may place the child with the
 1488 department for the purpose of determining whether or not a petition should be initiated
 1489 under Chapter 11 of Title 15. If the petition for adoption is denied, each surrender of rights
 1490 executed in support of the adoption, whether by a parent, biological father who is not a
 1491 legal father, or guardian, shall be dissolved by operation of law and the individual's rights
 1492 shall be restored. The fact that the individual executed a surrender of his or her rights in
 1493 support of the adoption shall not be admissible as evidence against him or her in any
 1494 subsequent proceeding.

1495 ~~(e)~~(h) A decree of adoption issued pursuant to subsection (b) of this Code section shall not
 1496 be subject to any judicial challenge filed more than six months after the date of entry of
 1497 such decree; provided, however, that a parent whose consent or surrender of rights was
 1498 obtained by fraud may, within six months of the time the fraud is or ought to reasonably
 1499 have been discovered, move to have the decree of adoption set aside and the consent or
 1500 surrender of rights declared void. Notwithstanding Code Section 9-3-31, any action for
 1501 damages against an adoptee or the adoptive parents for fraud in obtaining a consent or
 1502 surrender of rights shall be brought within six months of the time the fraud is or ought to
 1503 reasonably have been discovered.

1504 ~~(f) Any decree of adoption issued prior to the effective date of this action shall not be~~
 1505 ~~subject to any judicial challenge more than six months after July 1, 1995.~~

1506 (i) Notwithstanding subsection (a) of Code Section 19-8-23, the decree of adoption issued
 1507 pursuant to subsection (b) of this Code section shall authorize the clerk of the court to issue
 1508 one or more certified copies of the decree of adoption to the petitioner or his or her attorney
 1509 at the time of entry of the final decree without further order of the court and without cost.

1510 19-8-19.

1511 (a) A decree of adoption, whether issued by a court of this state or by a court of any other
 1512 jurisdiction, shall have the following effect as to matters within the jurisdiction of or before
 1513 a court in this state:

1514 (1) Except with respect to a spouse of the petitioner and relatives of the spouse, a decree
 1515 of adoption ~~terminates~~ shall terminate all legal relationships between the adopted
 1516 individual and his or her relatives, including his or her parent, so that the adopted
 1517 individual thereafter ~~is~~ shall be a stranger to his or her former relatives for all purposes,
 1518 including inheritance and the interpretation or construction of documents, statutes, and
 1519 instruments, whether executed before or after the adoption is decreed, which do not
 1520 expressly include the individual by name or by some designation not based on a parent
 1521 and child or blood relationship; and

1522 (2) A decree of adoption ~~creates~~ shall create the relationship of parent and child between
 1523 each petitioner and the adopted individual, as if the adopted individual were a child of
 1524 biological issue of that petitioner. The adopted individual shall enjoy every right and
 1525 privilege of a biological child of that petitioner; shall be deemed a biological child of that
 1526 petitioner, to inherit under the laws of descent and distribution in the absence of a will,
 1527 and to take under ~~the provisions of~~ any instrument of testamentary gift, bequest, devise,
 1528 or legacy, whether executed before or after the adoption is decreed, unless expressly
 1529 excluded therefrom; shall take by inheritance from relatives of that petitioner; and shall
 1530 also take as a 'child' of that petitioner under a class gift made by the will of a third person.

1531 (b) Notwithstanding ~~the provisions of~~ subsection (a) of this Code section, if a parent of a
 1532 child dies without the relationship of parent and child having been previously terminated
 1533 by court order ~~or unrevoked surrender of parental rights to the child~~, the child's right of
 1534 inheritance from or through the deceased parent shall not be affected by the adoption.

1535 19-8-20.

1536 (a) Upon the entry of the decree of adoption, the clerk of the court granting the same shall
 1537 forward a copy of the decree, together with the original of the investigation report and
 1538 background information filed with the court, to the department. If there is any subsequent
 1539 order or revocation of the adoption, a copy of same in like manner shall be forwarded by
 1540 the clerk to the department.

1541 (b) At any time after the entry of the decree of adoption, upon the request of an adopted
 1542 ~~person~~ individual who has reached 18 years of age or upon the request of any adopting
 1543 parent, the clerk of the court granting the decree shall issue to that requesting adopted
 1544 ~~person~~ individual or adopting parent a certificate of adoption, under the seal of the court,
 1545 upon payment to the clerk of the fee prescribed in paragraph (4) of subsection (g) of Code
 1546 Section 15-6-77, which adoption certificate shall be received as evidence in any court or
 1547 proceeding as primary evidence of the facts contained in the certificate.

1548 (c) The adoption certificate shall ~~be in~~ conform substantially to the following form:

1549 This is to certify that _____ (names of each adopting parent) have
 1550 obtained a decree of adoption for _____ (full name of ~~adopted~~
 1551 ~~child~~ adoptee and date of birth of adoptee) in the Superior Court of _____ County,
 1552 Georgia, on the _____ day of _____, as shown by the court's
 1553 records _____ (adoption file number).

1554 Given under the hand and seal of said court, this the _____ day of _____,
 1555 _____.

1556 _____
 1557 Clerk'

1558 19-8-21.

1559 (a) Adult ~~persons~~ individuals may be adopted on giving written consent to the adoption.
 1560 In such cases, adoption shall be by a petition duly verified and filed, together with ~~two~~
 1561 ~~conformed copies~~ one conformed copy, in the superior court in the county in which ~~either~~
 1562 any petitioner or the adult to be adopted resides, setting forth the name, age, and residence
 1563 of each petitioner and of the adult to be adopted, the name by which the adult is to be
 1564 known, and his or her written consent to the adoption. The court may assign the petition
 1565 for adoption for hearing at any time. The petition for adoption shall state whether one or
 1566 both parents of the adult to be adopted will be replaced by the grant of such petition, and
 1567 if only one parent is to be replaced, then the decree of adoption shall make clear which
 1568 parent is to be replaced by adoption. After examining each petitioner and the adult ~~sought~~
 1569 to be adopted, the court, if satisfied that there is no reason why the adoption should not be
 1570 granted, shall enter a decree of adoption and, if requested, shall change the name of the
 1571 adopted adult. Thereafter, the relation between each petitioner and the adopted adult shall
 1572 be, as to their legal rights and liabilities, the same as the relation of a parent and adult child.

1573 (b) ~~Code Section 19-8-19, relating to the effect of a decree of adoption, and Code Section~~
 1574 ~~19-8-20, relating to notice of adoption,~~ Sections 19-8-19 and 19-8-20 shall also apply to
 1575 the adoption of adults.

1576 19-8-22.

1577 (a) A decree of a court or an administrative proceeding terminating the relationship of
 1578 parent and child, establishing the relationship of guardian and ward, or establishing the
 1579 relationship of parent and child by adoption, issued pursuant to due process of law by a
 1580 court or administrative body of any other jurisdiction within or outside the United States,
 1581 or the clear and irrevocable release or consent to adoption by the guardian of a child ~~where~~
 1582 when the appointment of the guardian has been certified by the appropriate and legally
 1583 authorized court or agency of the government of the foreign country, shall be recognized
 1584 in this state; and the rights and obligations of the parties as to matters within the
 1585 jurisdiction of this state shall be determined as though any such decree were issued by a
 1586 court of this state and any such consent or release shall be deemed to satisfy the
 1587 requirements of Code Sections 19-8-4, 19-8-5, 19-8-6, 19-8-7, 19-8-8, and 19-8-12.

1588 (b) Any adoption proceeding in this state in which a final order of adoption was entered
 1589 by the court prior to April 1, 1986, and to which subsection (a) of this Code section would
 1590 have been applicable if said subsection, ~~as amended~~, had been effective at the time such
 1591 proceeding was filed or concluded shall be governed by ~~the provisions of~~ subsection (a) of
 1592 this Code section, ~~as amended~~.

1593 ~~(c) Any adoption proceeding pending in a court of competent jurisdiction in this state in~~
 1594 ~~which no final order of adoption has been entered as of April 1, 1986, to which the~~
 1595 ~~provisions of subsection (a) of this Code section are applicable shall be governed by the~~
 1596 ~~provisions of subsection (a) of this Code section, as amended.~~

1597 19-8-23.

1598 (a)(1) The original petition for adoption, all amendments, attachments, and exhibits
 1599 thereto, all motions, documents, affidavits, records, and testimony filed in connection
 1600 therewith, and all decrees or orders of any kind whatsoever, except the original
 1601 investigation report and background information referred to in Code Section 19-8-20,
 1602 shall be recorded in a book kept for that such purpose and properly indexed; and ~~the such~~
 1603 book shall be part of the records of the court in each county which has jurisdiction over
 1604 matters of adoption in that county. All of ~~the such court~~ records, including the docket
 1605 book, ~~of the court granting the adoption, of the department, and of the child-placing~~
 1606 ~~agency~~ that relate in any manner to the adoption shall be kept sealed and locked.

1607 (2) The court records may be examined by the parties at interest in the adoption and their
 1608 attorneys when, after written petition, which shall be filed under seal, has been presented
 1609 to the court having jurisdiction and after the department and the appropriate child-placing
 1610 agency or out-of-state licensed agency, if any, have received at least 30 days' prior written
 1611 notice of the filing of such petition, the matter has come on before the court in chambers

1612 and, ~~good cause having been shown to the court~~, the court has entered an order permitting
1613 such examination.

1614 (3) Notwithstanding the foregoing paragraph (2) of this subsection, if the adoptee who
1615 is the subject of the records sought to be examined is less than 18 years of age at the time
1616 the petition for examination is filed and ~~the~~ such petitioner is someone other than one of
1617 the adoptive parents of the adoptee, then the department shall provide written notice of
1618 such proceedings to the adoptive parents by certified mail ~~or statutory overnight delivery~~,
1619 return receipt requested, or statutory overnight delivery at the last address the department
1620 has for such adoptive parents, and the court shall continue any hearing on ~~the~~ such
1621 petition until not less than 60 days after the date the notice to the adoptive parents was
1622 sent. Each such adoptive parent shall have the right to appear in person or through
1623 counsel and show cause why such records should not be examined. Adoptive parents
1624 may provide the department with their current address for purposes of receiving notice
1625 under this subsection by mailing that address to:

1626 Office of Adoptions

1627 State Adoption Unit

1628 Department of Human Services

1629 Atlanta, Georgia 30303

1630 (b) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any
1631 information contained in the records of the respective department or child-placing agency
1632 relating to the adoptive parents in connection with a subsequent adoption matter involving
1633 the same adoptive parents or to provide notice when required by subsection (a) of this Code
1634 section.

1635 (b.1) The department may, in its sole discretion, make use of any information contained
1636 in the records of the department concerning an adopted child and the adopted child's
1637 biological parents in connection with the placement of another child in the home of the
1638 adoptive parents of the child or in connection with the investigation of a report of child
1639 abuse or neglect made concerning the adopted child's biological parents.

1640 (c) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any
1641 information contained in its records on a child when an adoption disrupts after finalization
1642 and when such records are required for the permanent placement of such child, or when the
1643 information is required by federal law.

1644 (d)(1) Upon the request of a party at interest in the adoption, a child, legal guardian, or
1645 health care agent of an adopted ~~person~~ individual or a provider of medical services to
1646 such a party, child, legal guardian, or health care agent when certain information would
1647 assist in the provision of medical care, a medical emergency, or medical diagnosis or
1648 treatment, the department or child-placing agency shall access its own records on

1649 finalized adoptions for the purpose of adding subsequently obtained medical information
 1650 or releasing nonidentifying medical and health history information contained in its
 1651 records pertaining to an adopted person individual or the biological parents or relatives
 1652 of the biological parents of the adopted person individual. For purposes of this
 1653 paragraph, the term 'health care agent' ~~has~~ shall have the meaning provided by Code
 1654 Section 31-32-2.

1655 (2) Upon receipt by the State Adoption Unit of the Division of Family and Children
 1656 Services of the department or by a child-placing agency of documented medical
 1657 information relevant to an adoptee, the ~~office~~ department or child-placing agency shall
 1658 use reasonable efforts to contact the adoptive parents of the adoptee if the adoptee is
 1659 under 18 years of age or the adoptee if he or she is 18 years of age or older and provide
 1660 such documented medical information to the adoptive parents or the adult adoptee. The
 1661 ~~office~~ department or child-placing agency shall be entitled to reimbursement of
 1662 reasonable costs for postage and photocopying incurred in the delivery of such
 1663 documented medical information to the adoptive parents or adult adoptee.

1664 (e) Records relating in any manner to adoption shall not be open to the general public for
 1665 inspection.

1666 (f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:

1667 (A) 'Biological parent' means the biological mother or biological father who
 1668 surrendered ~~that person's~~ such individual's rights or had such rights terminated by court
 1669 order giving rise to the adoption of the child.

1670 (B) 'Commissioner' means the commissioner of human services or ~~that person's~~ his or
 1671 her designee.

1672 (C) 'Department' means the Department of Human Services or, when the Department
 1673 of Human Services so designates, the county ~~department~~ division of family and children
 1674 services which placed for adoption the person individual seeking, or on whose behalf
 1675 is sought, information under this subsection.

1676 (D) 'Placement agency' means the child-placing agency, as defined in paragraph ~~(3)~~ (5)
 1677 of Code Section 19-8-1, which placed for adoption the person individual seeking, or on
 1678 whose behalf is sought, information under this subsection.

1679 (2) The department or a placement agency, upon the written request of an adopted person
 1680 individual who has reached 18 years of age or upon the written request of an adoptive
 1681 parent on behalf of that parent's adopted child, shall release to such adopted person
 1682 individual or to the adoptive parent on the child's behalf nonidentifying information
 1683 regarding such adopted person's individual's biological parents and information regarding
 1684 such adopted person's individual's birth. Such information may include the date and
 1685 place of birth of the adopted person individual and the genetic, social, and health history

1686 of the biological parents. No information released pursuant to this paragraph shall
 1687 include the name or address of either biological parent or the name or address of any
 1688 relative by birth or marriage of either biological parent.

1689 (3)(A) The department or a placement agency, upon the written request of an adopted
 1690 person individual who has reached ~~21~~ 18 years of age, shall release to such adopted
 1691 person individual the name of such person's individual's biological parent, together with
 1692 a complete copy of all information the department or placement agency has concerning
 1693 the adoptee's birth, foster care, placement for adoption, and finalization of his or her
 1694 adoption, if:

1695 (i) ~~A The~~ biological parent whose name is to be released has submitted unrevoked
 1696 written permission to the department or ~~the~~ placement agency for the release of that
 1697 parent's name to the adopted person individual;

1698 (ii) The identity of ~~the a~~ biological parent submitting permission for the release of
 1699 that parent's name has been verified by the department or ~~the~~ placement agency; and

1700 (iii) The department or ~~the~~ placement agency has records pertaining to the finalized
 1701 adoption and to the identity of ~~the a~~ biological parent whose name is to be released.

1702 (B) If the adopted person individual is deceased and leaves a child, such child, upon
 1703 reaching ~~21~~ 18 years of age, may seek the name and other identifying information
 1704 concerning his or her grandparents in the same manner as the deceased adopted person
 1705 individual and subject to the same procedures contained in this Code section.

1706 (4)(A) If a biological parent has not filed written unrevoked permission for the release
 1707 of that parent's name to the adopted child, the department or ~~the~~ placement agency,
 1708 within six months of receipt of the written request of the adopted person individual who
 1709 has reached ~~21~~ 18 years of age, shall make diligent effort to notify each living
 1710 biological parent identified in the original adoption proceedings or in other records of
 1711 the department or ~~the~~ placement agency relative to the adopted person individual. For
 1712 purposes of this subparagraph, the term 'notify' means a personal and confidential
 1713 contact with each biological parent of the adopted person individual. The contact shall
 1714 be by an employee or agent of the placement agency which processed the pertinent
 1715 adoption or by other agents or employees of the department. The contact shall be
 1716 evidenced by the person individual who notified each biological parent, certifying to
 1717 the department or placement agency that each biological parent was given the following
 1718 information:

1719 (i) The nature of the information requested by the adopted person individual;

1720 (ii) The date of the request of the adopted person individual;

1721 (iii) The right of each biological parent to file an affidavit with the placement agency
 1722 or the department stating that such parent's identity should not be disclosed;

- 1723 (iv) The right of each biological parent to file a consent to disclosure with the
 1724 placement agency or the department; and
- 1725 (v) The effect of a failure of each biological parent to file ~~either~~ a consent to
 1726 disclosure or an affidavit stating that the information in the sealed adoption file should
 1727 not be disclosed.
- 1728 (B) If a biological parent files an unrevoked consent to the disclosure of that parent's
 1729 identity, such parent's name, together with a complete copy of all information the
 1730 department or placement agency has concerning the adoptee's birth, foster care,
 1731 placement for adoption, and finalization of his or her adoption, shall be released to the
 1732 adopted ~~person~~ individual who has requested such information as authorized by this
 1733 paragraph.
- 1734 (C) If, within 60 days of being notified by the department or ~~the~~ placement agency
 1735 pursuant to subparagraph (A) of this paragraph, a biological parent has filed with the
 1736 department or placement agency an affidavit objecting to such release, information
 1737 regarding the identity of that biological parent shall not be released.
- 1738 (D)(i) If six months after receipt of the adopted ~~person's~~ individual's written request
 1739 the placement agency or the department has ~~either~~ been unable to notify a biological
 1740 parent identified in the original adoption record or has been able to notify a biological
 1741 parent identified in the original adoption record but has not obtained a consent to
 1742 disclosure from the notified biological parent, then the identity of a biological parent
 1743 may only be disclosed as provided in division (ii) or (iii) of this subparagraph.
- 1744 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age may petition
 1745 the Superior Court of Fulton County to seek the release of the identity of each of ~~that~~
 1746 ~~person's~~ his or her biological parents from the department or placement agency. The
 1747 court shall grant the petition if the court finds that the department or placement
 1748 agency has made diligent efforts to locate each biological parent pursuant to this
 1749 subparagraph ~~either~~ without success or upon locating a biological parent has not
 1750 obtained a consent to disclosure from the notified biological parent and that failure
 1751 to release the identity of each biological parent would have an adverse impact upon
 1752 the physical, mental, or emotional health of the adopted ~~person~~ individual.
- 1753 (iii) If it is verified that a biological parent of the adopted ~~person~~ individual is
 1754 deceased, the department or placement agency shall be authorized to disclose the
 1755 name and place of burial of the deceased biological parent, if known, together with
 1756 a complete copy of all information the department or placement agency has
 1757 concerning the adoptee's birth, foster care, placement for adoption, and finalization
 1758 of his or her adoption, to the adopted ~~person~~ individual seeking such information
 1759 without the necessity of obtaining a court order.

1760 (5)(A) Upon written request of an adopted ~~person~~ individual who has reached ~~21~~ 18
 1761 years of age or a ~~person~~ an individual who has reached ~~21~~ 18 years of age and who is
 1762 the sibling of an adopted ~~person~~ individual, the department or a placement agency shall
 1763 attempt to identify and notify the siblings of the requesting party, if such siblings are
 1764 at least 18 years of age. Upon locating the requesting party's sibling, the department
 1765 or ~~the~~ placement agency shall notify the sibling of the inquiry. Upon the written
 1766 consent of a sibling so notified, the department or ~~the~~ placement agency shall forward
 1767 the requesting party's name and address to the sibling and, upon further written consent
 1768 of the sibling, shall divulge to the requesting party the present name and address of the
 1769 sibling. If a sibling cannot be identified or located, the department or placement agency
 1770 shall notify the requesting party of such circumstances but shall not disclose any names
 1771 or other information which would tend to identify the sibling. If a sibling is deceased,
 1772 the department or placement agency shall be authorized to disclose the name and place
 1773 of burial of the deceased sibling, if known, to the requesting party without the necessity
 1774 of obtaining a court order.

1775 (B)(i) If six months after receipt of the written request from an adopted ~~person~~
 1776 individual who has reached ~~21~~ 18 years of age or a ~~person~~ an individual who has
 1777 reached ~~21~~ 18 years of age and who is the sibling of an adopted ~~person~~ individual, the
 1778 ~~placement agency or the department~~ has either department or placement agency has
 1779 been unable to notify one or more of the siblings of the requesting party or has been
 1780 able to notify a sibling of the requesting party but has not obtained a consent to
 1781 disclosure from the notified sibling, then the identity of the siblings may only be
 1782 disclosed as provided in division (ii) of this subparagraph.

1783 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age or a ~~person~~
 1784 an individual who has reached ~~21~~ 18 years of age and who is the sibling of an adopted
 1785 ~~person~~ individual may petition the Superior Court of Fulton County to seek the
 1786 release of the last known name and address of each of the siblings of the petitioning
 1787 sibling, ~~that~~ who are at least 18 years of age, from the department or placement
 1788 agency. The court shall grant the petition if the court finds that the department or
 1789 placement agency has made diligent efforts to locate such siblings pursuant to
 1790 subparagraph (A) of this paragraph ~~either~~ without success or upon locating one or
 1791 more of the siblings has not obtained a consent to disclosure from all the notified
 1792 siblings and that failure to release the identity and last known address of said siblings
 1793 would have an adverse impact upon the physical, mental, or emotional health of the
 1794 petitioning sibling.

1795 (C) If the adopted ~~person~~ individual is deceased and leaves a child, such child, upon
 1796 reaching ~~21~~ 18 years of age, may obtain the name and other identifying information

1797 concerning the siblings of his or her deceased parent in the same manner that the
 1798 deceased adopted person individual would be entitled to obtain such information
 1799 pursuant to the procedures contained in this Code section.

1800 (6)(A) Upon written request of a biological parent of an adopted person individual who
 1801 has reached ~~21~~ 18 years of age, the department or a placement agency shall attempt to
 1802 identify and notify the adopted person individual. Upon locating the adopted person
 1803 individual, the department or ~~the~~ placement agency shall notify the adopted person
 1804 individual of the inquiry. Upon the written consent of the adopted person individual
 1805 so notified, the department or ~~the~~ placement agency shall forward ~~the~~ such biological
 1806 parent's name and address to the adopted person individual, together with a complete
 1807 copy of all information the department or placement agency has concerning the
 1808 adoptee's birth, foster care, placement for adoption, and finalization of his or her
 1809 adoption, and, upon further written consent of the adopted person individual, shall
 1810 divulge to ~~the~~ such requesting biological parent the present name and address of the
 1811 adopted person individual. If the adopted person individual is deceased, the department
 1812 or placement agency shall be authorized to disclose the name and place of burial of the
 1813 deceased adopted person individual, if known, to ~~the~~ such requesting biological parent
 1814 without the necessity of obtaining a court order.

1815 (B)(i) If six months after receipt of the written request from a biological parent of an
 1816 adopted person individual who has reached ~~21~~ 18 years of age, the ~~placement agency~~
 1817 ~~or the department has either~~ department or placement agency has been unable to
 1818 notify the adopted person individual or has been able to notify the adopted person
 1819 individual but has not obtained a consent to disclosure from the notified adopted
 1820 person individual, then the identity of the adopted person individual may only be
 1821 disclosed as provided in division (ii) of this subparagraph.

1822 (ii) ~~A~~ The biological parent of an adopted person individual who has reached ~~21~~ 18
 1823 years of age may petition the Superior Court of Fulton County to seek the release of
 1824 the last known name and address of the adopted person individual from the
 1825 department or placement agency. The court shall grant the petition if the court finds
 1826 that the department or placement agency has made diligent efforts to locate such
 1827 adopted person individual pursuant to subparagraph (A) of this paragraph ~~either~~
 1828 without success or upon locating the adopted person individual has not obtained a
 1829 consent to disclosure from the adopted person individual and that failure to release the
 1830 identity and last known address of said adopted person individual would have an
 1831 adverse impact upon the physical, mental, or emotional health of the petitioning
 1832 biological parent.

1833 (C) If ~~the~~ a biological parent is deceased, a parent or sibling of the deceased biological
 1834 parent, or both, may obtain the name and other identifying information concerning the
 1835 adopted person individual in the same manner that the deceased biological parent would
 1836 be entitled to obtain such information pursuant to the procedures contained in this Code
 1837 section.

1838 (7) If an adoptive parent or the sibling of an adopted person individual notifies the
 1839 department or placement agency of the death of an adopted person individual, the
 1840 department or placement agency shall add information regarding the date and
 1841 circumstances of the death to its records so as to enable it to share such information with
 1842 a biological parent or sibling of the adopted person individual if they make an inquiry
 1843 pursuant to ~~the provisions of~~ this Code section.

1844 (8) If a biological parent or his or her parent or sibling ~~of a biological parent~~ notifies the
 1845 department or placement agency of the death of a biological parent or a sibling of an
 1846 adopted person individual, the department or placement agency shall add information
 1847 regarding the date and circumstances of the death to its records so as to enable it to share
 1848 such information with an adopted person individual or sibling of the adopted person ~~if he~~
 1849 ~~or she makes~~ individual if they make an inquiry pursuant to ~~the provisions of~~ this Code
 1850 section.

1851 (9) ~~The Office of Adoptions~~ State Adoption Unit within the department shall maintain
 1852 a registry for the recording of requests by adopted persons individuals for the name of
 1853 any biological parent, for the recording of the written consent or the written objections
 1854 of any biological parent to the release of that parent's identity to an adopted person
 1855 individual upon the adopted person's individual's request, and for nonidentifying
 1856 information regarding any biological parent which may be released pursuant to
 1857 paragraph (2) of this subsection. The department and any placement agency which
 1858 receives such requests, consents, or objections shall file a copy thereof with ~~that office~~
 1859 the State Adoption Unit.

1860 (10) The department or placement agency may charge a reasonable fee to be determined
 1861 by the department for the cost of conducting any search pursuant to this subsection.

1862 (11) Nothing in this subsection shall be construed to require the department or placement
 1863 agency to disclose to any party at interest, including but not limited to an adopted person
 1864 individual who has reached ~~21~~ 18 years of age, any information which is not kept by the
 1865 department or ~~the~~ placement agency in its normal course of operations relating to
 1866 adoption.

1867 (12) Any department employee or employee of any placement agency who releases
 1868 information or makes authorized contacts in good faith and in compliance with this

1869 subsection shall be immune from civil ~~or criminal~~ liability or criminal responsibility for
1870 such release of information or authorized contacts.

1871 (13) Information authorized to be released pursuant to this subsection may be released
1872 under the conditions specified in this subsection, notwithstanding any other provisions
1873 of law to the contrary.

1874 (14) A placement agency which demonstrates to the department by clear and convincing
1875 evidence that the requirement that such agency search for or notify any biological parent,
1876 sibling, or adopted ~~person~~ individual under subparagraph (A) ~~of paragraph (4) of this~~
1877 ~~subsection or subparagraph (A) of paragraph (5) of this subsection or subparagraph (A)~~
1878 ~~of paragraph (4), (5), or (6) of this subsection~~ will impose an undue hardship upon that
1879 agency shall be relieved from that responsibility, and the department shall assume that
1880 responsibility upon such finding by the department of undue hardship. The department's
1881 determination under this subsection shall be a contested case within the meaning of
1882 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1883 (15) Whenever this subsection authorizes both the department and a placement agency
1884 to perform any function or requires the placement agency to perform any function which
1885 the department is also required to perform, the department or agency may designate an
1886 agent to perform that function and in so performing it the agent shall have the same
1887 authority, powers, duties, and immunities as an employee of the department or placement
1888 agency has with respect to performing that function.

1889 19-8-24.

1890 (a)~~(1)~~ It shall be unlawful for any person, organization, corporation, hospital, facilitator,
1891 or association of any kind whatsoever which ~~has not been established as~~ is not a
1892 child-placing agency ~~by the department to~~, a prospective adoptive parent who has a
1893 valid, approved preplacement home study report, or an attorney who is a member of the
1894 State Bar of Georgia representing a prospective adoptive parent who has a valid,
1895 approved preplacement home study report to advertise,

1896 ~~(1) Advertise,~~ whether in a periodical, by television, by radio, or by any other public
1897 medium or by any private means, including, but not limited to, letters, circulars,
1898 handbills, Internet postings including social media, and oral statements, that the person,
1899 organization, corporation, hospital, facilitator, or association will adopt children or will
1900 arrange for or cause children to be adopted or placed for adoption; ~~or~~

1901 ~~(2) Directly or indirectly hold out inducements to parents to part with their children.~~
1902 ~~As used in this subsection, 'inducements' shall include any financial assistance, either direct~~
1903 ~~or indirect, from whatever source, except payment or reimbursement of the medical~~

1904 ~~expenses directly related to the mother's pregnancy and hospitalization for the birth of the~~
 1905 ~~child and medical care for the child.~~

1906 (2)(A) Any person, organization, corporation, hospital, facilitator, or association of any
 1907 kind which is not a child-placing agency that places an advertisement concerning
 1908 adoption or prospective adoption shall include in such advertisement its license number
 1909 issued by the department;

1910 (B) Any attorney representing a prospective adoptive parent who has a valid, approved
 1911 preplacement home study report who places an advertisement concerning adoption or
 1912 prospective adoption shall include in such advertisement his or her Georgia State Bar
 1913 license number; and

1914 (C) Any individual who places an advertisement concerning being an adoptive parent
 1915 shall include in such advertisement that he or she has a valid, approved preplacement
 1916 home study report.

1917 (b) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1918 association of any kind whatsoever to sell, offer to sell, or conspire with another to sell or
 1919 offer to sell a child for money or anything of value, except as otherwise provided in this
 1920 chapter article.

1921 (c)(1) As used in this subsection, the term 'inducements' means any financial assistance,
 1922 either direct or indirect, from whatever source, but shall expressly not include:

1923 (A) The payment or reimbursement of the medical expenses directly related to the
 1924 biological mother's pregnancy and hospitalization for the birth of the child and medical
 1925 care for such child;

1926 (B) The payment or reimbursement of expenses for counseling services or legal
 1927 services for a biological parent that are directly related to the placement by such parent
 1928 of her or his child for adoption; or

1929 (C) The payment or reimbursement of reasonable living expenses for the biological
 1930 mother during the last three months of her pregnancy and for six weeks postpartum.

1931 (2) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1932 association of any kind to offer or provide inducements to a biological parent to part with
 1933 his or her child or to conspire with another to offer or provide inducements to such parent
 1934 to part with his or her child.

1935 (3) It shall be unlawful for an individual to knowingly make false representations in
 1936 order to obtain inducements.

1937 (4) When the adoption is pursuant to Code Section 19-8-5 or 19-8-7, the petitioner may
 1938 file his or her pre-birth petition for adoption and file a motion pursuant to this subsection
 1939 for an order approving the payment of any reasonable and necessary expenses as the court
 1940 may authorize, in addition to the expenses authorized in this subsection. If the court

1941 allows for the payment of expenses, such expenses shall be paid from the trust account
 1942 of an attorney who is a member of the State Bar of Georgia who represents a biological
 1943 parent or the petitioner and, when possible, such expenses shall be paid directly to the
 1944 provider of the services. Any payment to or for the benefit of a biological parent that is
 1945 made by a petitioner without the assistance of an attorney shall be deemed an
 1946 inducement.

1947 (5) The reports filed pursuant to subsections (c) and (d) of Code Section 19-8-13 shall
 1948 include an itemized accounting of all expenses paid or reimbursed pursuant to this
 1949 subsection.

1950 (d)(1) It shall be unlawful for an individual to knowingly accept living expenses for the
 1951 adoption of her child or unborn child if she knows or should have known that she is not
 1952 pregnant or is not a legal mother.

1953 (2) It shall be unlawful for an individual to knowingly accept living expenses from a
 1954 prospective adoptive parent or an adoption agency without disclosing that he or she is
 1955 receiving living expenses from another prospective adoptive parent or adoption agency
 1956 in an effort to allow for the adoption of the same child or unborn child.

1957 (3) It shall be unlawful for an individual to knowingly make false representations in
 1958 order to obtain living expenses.

1959 ~~(e)(e)~~ Any person who violates ~~subsection (a) or (b)~~ of this Code section shall be guilty
 1960 of a felony and, upon conviction thereof, shall be punished by a fine not to exceed
 1961 \$10,000.00, ~~or imprisonment for not less than one nor more than ten years, or both, in the~~
 1962 ~~discretion of the court.~~

1963 ~~(d)(f)(1)~~ Subsection Paragraph (1) of subsection (a) of this Code section shall not apply
 1964 to communication by private means, including only written letters or oral statements, by
 1965 an individual seeking to:

1966 (A) Adopt a child or children; or

1967 (B) Place that individual's child or children for adoption,

1968 whether the communication occurs before or after the birth of such child or children.

1969 (2) Subsection Paragraph (1) of subsection (a) of this Code section shall not apply to any
 1970 communication described in paragraph (1) of this subsection which contains any
 1971 attorney's name, address, the name of an attorney who is a member of the State Bar of
 1972 Georgia, his or her address, his or her telephone number, or any combination of such
 1973 information and which requests any that the attorney named in such communication to
 1974 be contacted to facilitate the carrying out of the purpose, as described in subparagraph
 1975 (A) or (B) of paragraph (1) of this subsection, of the individual making such personal
 1976 communication.

1977 (g) Any child-placing agency or individual who is seeking to adopt or seeking to place a
 1978 child for adoption who is damaged by a violation of this Code section may file a civil
 1979 action to recover damages, treble damages, reasonable attorney's fees, and expenses of
 1980 litigation.

1981 19-8-25.

1982 (a) A written consent or surrender of rights, executed on or before June 30, ~~1990~~ 2017,
 1983 shall, for purposes of an adoption proceeding commenced on or after July 1, ~~1990~~ 2017,
 1984 be deemed to satisfy the surrender requirements of this ~~chapter~~ article and it shall not be
 1985 necessary to have any parent or guardian execute the documents required by Code Section
 1986 19-8-4, 19-8-5, 19-8-6, or 19-8-7; however, all other applicable provisions of this ~~chapter~~
 1987 must article shall be complied with.

1988 (b) It is the legislative intent of this subsection to clarify and not to change the applicability
 1989 of certain previously existing provisions of this ~~chapter~~ article to adoption proceedings
 1990 pending on ~~July 1, 1990~~ June 30, 2017. Any decree of adoption issued in an adoption
 1991 proceeding in which the adoption petition was filed in a superior court of this state prior
 1992 to July 1, ~~1990~~ 2017, shall be valid if the adoption conformed to the requirements of this
 1993 ~~chapter~~ article either as they existed on June 30, ~~1990~~ 2017, or on July 1, ~~1990~~ 2017, and
 1994 each such adoption decree is hereby ratified and confirmed.

1995 19-8-26.

1996 (a) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
 1997 subsection (e) of Code Section 19-8-4 shall conform substantially to the following form:

1998 'SURRENDER OF RIGHTS

1999 FINAL RELEASE FOR ADOPTION

2000 NOTICE TO PARENT OR GUARDIAN:

2001 This is an important legal document and by signing it, you are surrendering all of your
 2002 right, title, and claim rights to the child identified herein in this document, so as to
 2003 facilitate the child's placement place the child for adoption. Understand that you are
 2004 signing this document under oath and that if you knowingly and willfully make a false
 2005 statement in this document you will be guilty of the crime of false swearing. As
 2006 explained below in paragraph 5, you have the right to revoke this ~~You are to receive a~~
 2007 ~~copy of this document and as explained below have the right to withdraw your~~ surrender
 2008 within ten days from the date you sign it. If you are at least 18 years of age, you may
 2009 choose to waive that right so that this surrender will become effective immediately upon
 2010 signing such a waiver. If you choose to waive the right to a ten-day revocation period,

2011 you must make that choice in paragraph 5 below and execute a separate WAIVER OF
2012 RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24 hours after the birth of the
2013 child.

2014 _____

2015 STATE OF GEORGIA
2016 COUNTY OF _____

2017 Personally appeared before me, the undersigned officer duly authorized to administer
2018 oaths, _____ (name of parent or guardian) who, after
2019 having been sworn, deposes and says as follows:

2020 1.

2021 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,
2022 born _____ (name of child) on _____ (birthdate
2023 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert~~
2024 ~~birthdate of child~~), should receive the benefits and advantages of a good home, to the
2025 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this
2026 surrender of my parental rights.

2027 2.

2028 I, the undersigned, _____ (relationship to child) (~~insert relationship~~
2029 ~~to child~~) of the aforesaid child, do hereby surrender my rights to the child to
2030 _____ (name of child-placing agency,
2031 out-of-state licensed agency, or Department of Human Services, as applicable) (~~insert~~
2032 ~~name of child-placing agency or Department of Human Services, as applicable~~) and
2033 promise not to interfere in the management of the child in any respect whatever; and,
2034 in consideration of the benefits guaranteed by _____
2035 (name of child-placing agency, out-of-state licensed agency, or Department of Human
2036 Services, as applicable) (~~insert name of child-placing agency or Department of Human~~
2037 ~~Services, as applicable~~) in thus providing for the child, I do relinquish all right, title,
2038 and claim rights to the child herein named in this document, it being my wish, intent,
2039 and purpose to relinquish absolutely all parental control over the child. Furthermore,
2040 I hereby agree that the _____ (name of
2041 child-placing agency, out-of-state licensed agency, or Department of Human Services,
2042 as applicable) (~~insert name of child-placing agency or Department of Human Services,~~

2043 ~~as applicable~~) may seek for the child a legal adoption by such ~~person or persons~~
 2044 ~~individual or individuals~~ as may be chosen by the _____
 2045 ~~(name of child-placing agency, out-of-state licensed agency, or Department of Human~~
 2046 ~~Services, as applicable) (insert name of child-placing agency or Department of Human~~
 2047 ~~Services, as applicable)~~ or its authorized agents, without further notice to me. I do,
 2048 furthermore, expressly waive any other notice or service in any of the legal proceedings
 2049 for the adoption of the child.

2050 3.
 2051 ~~Furthermore, I understand that under Georgia law the Department of Human Services~~
 2052 ~~or the child-placing agency~~ an agent appointed by the court is required to conduct an
 2053 investigation and render a report to the court in connection with the legal proceeding
 2054 for the legal adoption of the child, and I hereby agree to cooperate fully with such
 2055 ~~department or agency~~ agent in the conduct of its investigation.

2056 4.
 2057 I understand that I will receive a copy of this document after the witness and I have
 2058 signed it and it has been notarized.

2059 5.
 2060 I understand that under Georgia law I have the unconditional right to a ten-day
 2061 revocation period. I understand that if I am at least 18 years of age I also have the
 2062 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2063 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2064 SURRENDER OF RIGHTS.

2065 Indicate your choice by signing ONE of the following statements (you may choose
 2066 statement A or B):

2067 A. _____ (Signature) I choose to RETAIN the unconditional right
 2068 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2069 I have received a copy of this document and that I understand I may only withdraw
 2070 revoke this surrender by giving written notice, delivered in person or mailed by
 2071 registered mail or statutory overnight delivery, to
 2072 _____ (name and address of child-placing agency,
 2073 out-of-state licensed agency, or Department of Human Services, as applicable) (insert
 2074 name and address of child-placing agency or Department of Human Services, as

2075 applicable) within ten days from the date hereof; of signing this document. I
 2076 understand that certified mail cannot be used for mail delivery of the notice to revoke
 2077 this surrender. I understand that the ten days shall will be counted consecutively
 2078 beginning with the day immediately following the date hereof; I sign this document;
 2079 provided, however, that, if the tenth day falls on a Saturday, Sunday, or legal holiday,
 2080 then the last day on which the this surrender may be withdrawn shall revoked will be
 2081 the next day that is not a Saturday, Sunday, or legal holiday; and I understand that it
 2082 may NOT be withdrawn thereafter. I understand that, if I deliver the notice to revoke
 2083 this surrender in person, it must be delivered to
 2084 _____ (name and address)
 2085 not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
 2086 applicable, on the tenth day. I understand that I CANNOT revoke this surrender after
 2087 that time.

2088 **OR**

2089 B. _____ (Signature) I am at least 18 years of age and I choose to
 2090 WAIVE the right to a ten-day revocation period under Georgia law. I will sign a
 2091 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2092 hours after the birth of the child and, by signing said waiver, I understand and intend
 2093 to give up the unconditional right to revoke this surrender. I fully understand that by
 2094 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the
 2095 surrender of my rights will become final immediately upon signing it and that
 2096 thereafter this surrender cannot be revoked.

2097 6.
 2098 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2099 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2100 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2101 of this surrender of my parental rights.

2102 7.
 2103 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2104 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2105 and voluntarily.

2106 ~~Witness my hand and seal this~~

2107 ~~This _____ day of _____, ____.~~

2108 _____
2109 (SEAL)
2110 (Parent or guardian)

2111 _____
2112 ~~Unofficial witness~~
2113 ~~Adult witness~~

2114 Sworn to and subscribed
2115 before me this _____
2116 day of _____.

2117 _____
2118 Notary public (SEAL)

2119 My commission expires: _____.

2120 (b) The notice to revoke a surrender of rights pursuant to subsection (a) of Code Section
2121 19-8-9 shall conform substantially to the following form:

2122 NOTICE TO REVOKE SURRENDER OF RIGHTS/
2123 FINAL RELEASE FOR ADOPTION

2124 I, the undersigned, executed a (SURRENDER OF RIGHTS/FINAL RELEASE FOR
2125 ADOPTION) (PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR
2126 ADOPTION) [circle one] as to the child identified in the surrender of rights document on
2127 _____ (date). My relationship to the (child) (unborn child) [circle one] is that
2128 I am the (mother) (father) (alleged biological father) (guardian) [circle one].

2129 (Complete this paragraph if the child has been born.) This notice to revoke my surrender
2130 of rights applies to the (female) (male) [circle one] child born _____ (name
2131 of child) on _____ (birthdate of child).

2132 I now wish to exercise my right to revoke my surrender of rights.

2133 I understand that for my revocation of surrender to be effective I must:

2134 A. Deliver the original of this document in person to the address designated in the
2135 surrender of rights document no later than 5:00 P.M. eastern standard time or eastern

2136 daylight time, whichever is applicable, on the tenth day of the revocation period specified
2137 in the surrender of rights document;

2138 **OR**

2139 B. Mail the original of this document by registered mail or by statutory overnight
2140 delivery to the address designated in the surrender of rights document no later than the
2141 tenth day of the revocation period specified in the surrender of rights document.

2142 This _____ day of _____, _____.

2143 _____
2144 (Parent, guardian, or alleged biological father)

2145 _____
2146 Printed name

2147 _____
2148 Adult witness'

2149 ~~Reserved.~~

2150 (c) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
2151 subsection (e) of Code Section 19-8-5 shall conform substantially to the following form:

2152 'SURRENDER OF RIGHTS

2153 FINAL RELEASE FOR ADOPTION

2154 NOTICE TO PARENT OR GUARDIAN:

2155 This is an important legal document and by signing it, you are surrendering all of your
2156 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to
2157 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are
2158 signing this document under oath and that if you knowingly and willfully make a false
2159 statement in this document you will be guilty of the crime of false swearing. As
2160 explained below in paragraph 8, you have the right to revoke this ~~You are to receive a~~
2161 ~~copy of this document and as explained below have the right to withdraw your surrender~~
2162 within ten days from the date you sign it. If you are at least 18 years of age, you may
2163 choose to waive that right so that this surrender will become effective immediately upon
2164 signing such a waiver. If you choose to waive the right to a ten-day revocation period,
2165 you must make that choice in paragraph 8 below and execute a separate WAIVER OF

2166 RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24 hours after the birth of the
2167 child.

2168 _____

2169 STATE OF GEORGIA
2170 COUNTY OF _____

2171 Personally appeared before me, the undersigned officer duly authorized to administer
2172 oaths, _____ (name of parent or guardian) who, after having been
2173 sworn, deposes and says as follows:

2174 1.
2175 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,
2176 born _____ (name of child) on _____ (birthdate
2177 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert~~
2178 ~~birthdate of child~~), should receive the benefits and advantages of a good home, to the
2179 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this
2180 surrender of my parental rights.

2181 2.
2182 I, the undersigned, _____ (relationship to child) (~~insert relationship~~
2183 ~~to child~~) of the aforesaid child, do hereby surrender my rights to the child to
2184 _____ (name, surname not required, of each
2185 individual to whom surrender is made) (~~insert name, surname not required, of each~~
2186 ~~person to whom surrender is made~~), PROVIDED that each such person individual is
2187 named as petitioner in a petition for adoption of the child filed in accordance with
2188 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated within 60
2189 days from the date hereof that I sign this document. Furthermore, I promise not to
2190 interfere in the management of the child in any respect whatever; and, in consideration
2191 of the benefits guaranteed by _____ (name,
2192 surname not required, of each individual to whom surrender is made) (~~insert name,~~
2193 ~~surname not required, of each person to whom surrender is made~~) in thus providing for
2194 the child, I do relinquish all right, title, and claim rights to the child herein named in
2195 this document, it being my wish, intent, and purpose to relinquish absolutely all
2196 parental control over the child.

3.

2197
 2198 It is also my wish, intent, and purpose that if each such ~~person~~ individual identified in
 2199 paragraph 2 is not named as petitioner in a petition for adoption ~~as provided for above~~
 2200 within the 60 day period, other than for ~~excusable neglect~~ justifiable good cause, or, if
 2201 said petition for adoption is filed within 60 days but the adoption ~~action~~ proceeding is
 2202 dismissed with prejudice or otherwise concluded without an order declaring the child
 2203 to be the adopted child of each such ~~person~~ individual, then I do hereby surrender my
 2204 rights to the child as follows:

2205 ~~(Mark one of the following as chosen)~~

2206 Indicate your choice by signing ONE of the following statements (you may choose
 2207 statement A, B, or C):

2208 A. _____ (Signature) — I wish the child returned to me, as
 2209 provided by subsection (j) of Code Section 19-8-5, and I expressly acknowledge that
 2210 this provision applies only to the limited circumstance that the child is not adopted by
 2211 the ~~person or persons~~ individual or individuals designated ~~herein~~ in this document and
 2212 further that this provision does not impair the validity, absolute finality, or totality of
 2213 this surrender under any circumstance other than the failure of the designated ~~person~~
 2214 ~~or persons~~ individual or individuals to adopt the child and that no other provision of
 2215 this surrender impairs the validity, absolute finality, or totality of this surrender once
 2216 the ten-day revocation period has elapsed; ~~or~~

2217 **OR**

2218 B. _____ (Signature) — I surrender the child to
 2219 _____ (name of child-placing agency or out-of-state licensed
 2220 agency), as provided in subsection (j) of Code Section 19-8-5 (insert name of
 2221 ~~designated licensed child-placing agency~~), a ~~licensed child-placing agency~~, for
 2222 placement for adoption. I understand that if the child-placing agency or out-of-state
 2223 licensed agency declines to accept the child for placement for adoption, this surrender
 2224 will be in favor of the Department of Human Services for placement for adoption and
 2225 _____ (name of child-placing agency or out-of-state
 2226 licensed agency) or the Department of Human Services may petition the superior
 2227 court for custody of the child in accordance with the terms of this surrender; ~~or~~

2228 **OR**

2229 C. _____ (Signature) _____ I surrender the child to the Department
 2230 of Human Services, as provided by subsection ~~(k)~~ (j) of Code Section 19-8-5, for
 2231 placement for adoption; and ~~(insert name of designated licensed child-placing agency)~~
 2232 ~~or~~ the Department of Human Services may petition the superior court for custody of
 2233 the child in accordance with the terms of this surrender.

2234 4.
 2235 ~~Furthermore,~~ I hereby agree that the child is to be adopted either by each person named
 2236 ~~above~~ individual named in paragraph 2 or by any other ~~such person~~ individual as may
 2237 be chosen by the _____ (name of
 2238 child-placing agency or out-of-state licensed agency) ~~(insert name of designated~~
 2239 licensed child-placing agency) or the Department of Human Services and I do expressly
 2240 waive any other notice or service in any of the legal proceedings for the adoption of the
 2241 child.

2242 5.
 2243 ~~Furthermore,~~ I understand that under Georgia law an evaluator is required to conduct
 2244 and provide to the court a home study and make recommendations to the court
 2245 regarding the qualification of each ~~person named above to adopt a~~ individual named in
 2246 paragraph 2 to adopt the child concerning the circumstances of placement of ~~my~~ the
 2247 child for adoption. ~~I hereby agree to cooperate fully with such investigations.~~

2248 6.
 2249 ~~Furthermore,~~ I understand that under Georgia law, an agent appointed by the court is
 2250 required to conduct an investigation and render a report to the court in connection with
 2251 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate
 2252 fully with such agent in the conduct of ~~this~~ its investigation.

2253 7.
 2254 I understand that I will receive a copy of this document after the witness and I have
 2255 signed it and it has been notarized.

2256 8.
 2257 I understand that under Georgia law I have the unconditional right to a ten-day
 2258 revocation period. I understand that if I am at least 18 years of age I also have the
 2259 choice to waive the ten-day revocation period, thereby causing the surrender of my

2260 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2261 SURRENDER OF RIGHTS.

2262 Indicate your choice by signing ONE of the following statements (you may choose
 2263 statement A or B):

2264 A. _____ (Signature) I choose to RETAIN the unconditional right
 2265 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2266 I have received a copy of this document and that I understand I may only withdraw
 2267 revoke this surrender by giving written notice, delivered in person or mailed by
 2268 registered mail or statutory overnight delivery, to
 2269 _____ (name and address of each individual to whom
 2270 surrender is made or his or her agent) (~~insert name and address of agent of each~~
 2271 person to whom surrender is made) within ten days from the date hereof; of signing
 2272 this document. I understand that certified mail cannot be used for mail delivery of the
 2273 notice to revoke this surrender. I understand that the ten days ~~shall~~ will be counted
 2274 consecutively beginning with the day immediately following the date hereof I sign
 2275 this document; provided, however, that, if the tenth day falls on a Saturday, Sunday,
 2276 or legal holiday, then the last day on which the this surrender may be ~~withdrawn~~ shall
 2277 revoked will be the next day that is not a Saturday, Sunday, or legal holiday; and I
 2278 understand that it may NOT be withdrawn thereafter. I understand that, if I deliver
 2279 the notice to revoke this surrender in person, it must be delivered to
 2280 _____ (name and address) not later than
 2281 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
 2282 the tenth day. I understand that I CANNOT revoke this surrender after that time.

2283 **OR**

2284 B. _____ (Signature) I am at least 18 years of age and I choose to
 2285 WAIVE the right to a ten-day revocation period under Georgia law. I will sign a
 2286 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2287 hours after the birth of the child and, by signing said waiver, I understand and intend
 2288 to give up the unconditional right to revoke this surrender. I fully understand that by
 2289 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the
 2290 surrender of my rights will become final immediately upon signing it and that
 2291 thereafter this surrender cannot be revoked.

9.

2292
2293 I understand that if I am not a resident of this state that I am agreeing to be subject to
2294 the jurisdiction of the courts of Georgia for any action filed in connection with the
2295 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
2296 of this surrender of my parental rights.

10.

2297
2298 Furthermore, I hereby certify that I have not been subjected to any duress or undue
2299 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
2300 and voluntarily.

2301 ~~Witness my hand and seal this~~

2302 This _____ day of _____, ____.

2303 _____
2304 (SEAL)
2305 (Parent or guardian)

2306 _____
2307 ~~Unofficial witness~~
2308 Adult witness

2309 Sworn to and subscribed
2310 before me this _____
2311 day of _____, ____.

2312 _____
2313 Notary public (SEAL)

2314 My commission expires: _____.

2315 (d) The surrender of rights by a biological father who is not ~~the~~ a legal father of the child
2316 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or
2317 19-8-7 shall conform substantially to the following form:

2318 SURRENDER OF RIGHTS
2319 FINAL RELEASE FOR ADOPTION

2320 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2321 This is an important legal document and by signing it you are surrendering all of your
2322 ~~right, title, and claim~~ rights to the child identified herein, ~~so as to facilitate the child's~~
2323 ~~placement for adoption. You are to receive a copy of this document and as explained~~
2324 ~~below have the right to withdraw your surrender within ten days from the date you sign~~

2325 it in this document. Understand that you are signing this document under oath and that
 2326 if you knowingly and willfully make a false statement in this document you will be guilty
 2327 of the crime of false swearing. As explained below in paragraph 4, you have the right to
 2328 revoke this surrender within ten days from the date you sign it. If you are at least 18
 2329 years of age, you may choose to waive that right so that this surrender will become
 2330 immediately effective upon signing such a waiver. If you choose to waive the right to a
 2331 ten-day revocation period, you must make that choice in paragraph 4 below and execute
 2332 a separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2333 hours after the birth of the child.

2334 _____

2335 STATE OF GEORGIA
 2336 COUNTY OF _____

2337 Personally appeared before me, the undersigned officer duly authorized to administer
 2338 oaths, _____ (name of alleged biological father) who, after having
 2339 been sworn, deposes and says as follows:

2340 1.
 2341 I, the undersigned, alleged biological father of a (male) (female) [circle one] child, born
 2342 _____ (name of child) to _____ (name of legal
 2343 mother) on _____ (birthdate of child) at _____ : _____ (A.M.) (P.M.)
 2344 [circle one], being mindful that the ~~(insert name of child)~~ to ~~(insert name of mother)~~ on
 2345 ~~(insert birthdate of child)~~, being solicitous that said child should receive the benefits
 2346 and advantages of a good home, to the end that (she) (he) [circle one] may be fitted for
 2347 the requirements of life, consent to this surrender of my rights. I, the undersigned, do
 2348 hereby surrender my rights to the child. I promise not to interfere in the management
 2349 of the child in any respect whatever; and, in consideration of the benefits provided to
 2350 the child through adoption, I do relinquish all ~~right, title, and claim~~ rights to the child
 2351 ~~herein~~ named in this document, it being my wish, intent, and purpose to relinquish
 2352 absolutely all control over the child.

2353 2.
 2354 ~~Furthermore~~, I hereby agree that the child is to be adopted and I do expressly waive any
 2355 other notice or service in any of the legal proceedings for the adoption of the child.
 2356 ~~Furthermore~~, I understand that under Georgia law an agent appointed by the court is

2357 required to conduct an investigation and render a report to the court in connection with
 2358 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate
 2359 fully with the such agent appointed by the court in the conduct of this its investigation.

2360 3.

2361 I understand that I will receive a copy of this document after the witness and I have
 2362 signed it and it has been notarized.

2363 4.

2364 I understand that under Georgia law I have the unconditional right to a ten-day
 2365 revocation period. I understand that if I am at least 18 years of age I also have the
 2366 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2367 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2368 SURRENDER OF RIGHTS.

2369 Indicate your choice by signing ONE of the following statements (you may choose
 2370 statement A or B):

2371 A. _____ (Signature) I choose to RETAIN the unconditional right
 2372 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2373 I have received a copy of this document and that I understand I may only withdraw
 2374 revoke this surrender by giving written notice, delivered in person or mailed by
 2375 registered mail or statutory overnight delivery, to
 2376 _____ (name and address of child-placing
 2377 agency representative, out-of-state licensed agency representative, Department of
 2378 Human Services representative, individual to whom surrender is made or his or her
 2379 agent, or petitioner's representative, as applicable) (insert name and address of
 2380 child-placing agency representative, Department of Human Services representative,
 2381 person to whom surrender is made, or petitioner's representative, as appropriate)
 2382 within ten days from the date hereof; of signing this document. I understand that
 2383 certified mail cannot be used for mail delivery of the notice to revoke this surrender.
 2384 I understand that the ten days shall will be counted consecutively beginning with the
 2385 day immediately following the date hereof; I sign this document; provided, however,
 2386 that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on
 2387 which the this surrender may be withdrawn shall revoked will be the next day that is
 2388 not a Saturday, Sunday, or legal holiday; and I understand that it may NOT be
 2389 withdrawn thereafter. I understand that, if I deliver the notice to revoke this surrender

2390 in person, it must be delivered to
 2391 (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight
 2392 time, whichever is applicable, on the tenth day. I understand that I CANNOT revoke
 2393 this surrender after that time.

2394 **OR**

2395 B. _____ (Signature) I am at least 18 years of age and I choose to
 2396 WAIVE the right to a ten-day revocation period under Georgia law. I will sign a
 2397 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2398 hours after the birth of the child and, by signing said waiver, I understand and intend
 2399 to give up the unconditional right to revoke this surrender. I fully understand that by
 2400 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the
 2401 surrender of my rights will become final immediately upon signing it and that
 2402 thereafter this surrender cannot be revoked.

2403 5.
 2404 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2405 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2406 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2407 of this surrender of my parental rights.

2408 6.
 2409 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2410 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2411 and voluntarily.

2412 Witness my hand and seal this
 2413 This _____ day of _____, _____.

2414 _____
 2415 (SEAL)
 2416 (Alleged biological father)

2417 _____
 2418 Unofficial witness
 2419 Adult witness

2420 Sworn to and subscribed

2421 before me this _____

2422 day of _____, ____.

2423 _____

2424 Notary public (SEAL)

2425 My commission expires: _____.'

2426 (e) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
2427 subsection (e) of Code Section 19-8-6 or 19-8-7 shall conform substantially to the
2428 following form:

2429 'SURRENDER OF RIGHTS

2430 FINAL RELEASE FOR ADOPTION

2431 NOTICE TO PARENT OR GUARDIAN:

2432 This is an important legal document and by signing it, you are surrendering all of your
2433 ~~right, title, and claim~~ rights to the child identified ~~herein in this document~~, so as to
2434 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are
2435 signing this document under oath and that if you knowingly and willfully make a false
2436 statement in this document you will be guilty of the crime of false swearing. As
2437 explained below in paragraph 6, you have the right to revoke this ~~You are to receive a~~
2438 ~~copy of this document and as explained below have the right to withdraw your surrender~~
2439 ~~within ten days from the date you sign it. If you are at least 18 years of age, you may~~
2440 choose to waive that right so that this surrender will become effective immediately upon
2441 signing such a waiver. If you choose to waive the right to a ten-day revocation period,
2442 you must make that choice in paragraph 6 below and execute a separate WAIVER OF
2443 RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24 hours after the birth of the
2444 child.

2445 _____

2446 STATE OF GEORGIA

2447 COUNTY OF _____

2448 Personally appeared before me, the undersigned officer duly authorized to administer
2449 oaths, _____ (name of parent or guardian) who, after having been
2450 sworn, deposes and says as follows:

1.

2451
 2452 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,
 2453 born _____ (name of child) on _____ (birthdate
 2454 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert
 2455 birthdate of child~~), should receive the benefits and advantages of a good home, to the
 2456 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this
 2457 surrender of my parental rights.

2.

2458
 2459 I, the undersigned, _____ (relationship to child) (~~insert relationship
 2460 to child~~) of the aforesaid child, do hereby surrender my rights to the child to
 2461 _____ (name of each individual to whom
 2462 surrender is made) (~~insert name of each person to whom surrender is made~~) and
 2463 promise not to interfere in the management of the child in any respect whatever; and,
 2464 in consideration of the benefits guaranteed by
 2465 _____ (name of each individual to whom
 2466 surrender is made) (~~insert name of each person to whom surrender is made~~) in thus
 2467 providing for the child, I do relinquish all right, title, and claim rights to the child herein
 2468 named in this document, it being my wish, intent, and purpose to relinquish absolutely
 2469 all parental control over the child.

3.

2470
 2471 ~~Furthermore~~, I hereby agree that _____ (name of each individual to
 2472 whom surrender is made) (~~insert name of each person to whom surrender is made~~) may
 2473 initiate legal proceedings for the legal adoption of the child without further notice to
 2474 me. I do, furthermore, expressly waive any other notice or service in any of the legal
 2475 proceedings for the adoption of the child.

4.

2476
 2477 ~~Furthermore~~, I understand that under Georgia law ~~the Department of Human Services~~
 2478 an agent may be ~~required~~ appointed by the court to conduct an investigation and render
 2479 a report to the court in connection with the legal proceeding for the legal adoption of
 2480 the child, and I hereby agree to cooperate fully with ~~the department~~ such agent in the
 2481 conduct of its investigation.

2482 5.

2483 I understand that I will receive a copy of this document after the witness and I have
 2484 signed it and it has been notarized.

2485 6.

2486 I understand that under Georgia law I have the unconditional right to a ten-day
 2487 revocation period. I understand that if I am at least 18 years of age I also have the
 2488 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2489 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2490 SURRENDER OF RIGHTS.

2491 Indicate your choice by signing ONE of the following statements (you may choose
 2492 statement A or B):

2493 A. _____ (Signature) I choose to RETAIN the unconditional right
 2494 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2495 I have received a copy of this document and that I understand I may only withdraw
 2496 revoke this surrender by giving written notice, delivered in person or mailed by
 2497 registered mail or statutory overnight delivery, to
 2498 _____ (name and address of each
 2499 individual to whom surrender is made or petitioner's representative, as applicable)
 2500 (~~insert name and address of each person to whom surrender is made~~) within ten days
 2501 from the date hereof; of signing this document. I understand that certified mail cannot
 2502 be used for mail delivery of the notice to revoke this surrender. I understand that the
 2503 ten days ~~shall~~ will be counted consecutively beginning with the day immediately
 2504 following the date hereof; I sign this document; provided, however, that, if the tenth
 2505 day falls on a Saturday, Sunday, or legal holiday, then the last day on which ~~the~~ this
 2506 surrender may be ~~withdrawn shall~~ revoked will be the next day that is not a Saturday,
 2507 Sunday, or legal holiday; and I understand that it may NOT be withdrawn thereafter.
 2508 I understand that, if I deliver the notice to revoke my surrender in person, it must be
 2509 delivered to _____ (name and address) not
 2510 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
 2511 applicable, on the tenth day. I understand that I CANNOT revoke this surrender after
 2512 that time.

2513 **OR**

2514 B. (Signature) I am at least 18 years of age and I choose to
 2515 WAIVE the right to a ten-day revocation period under Georgia law. I will sign a
 2516 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2517 hours after the birth of the child and, by signing said waiver, I understand and intend
 2518 to give up the unconditional right to revoke this surrender. I fully understand that by
 2519 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the
 2520 surrender of my rights will become final immediately upon signing it and that
 2521 thereafter this surrender cannot be revoked.

2522 7.
 2523 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2524 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2525 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2526 of this surrender of my parental rights.

2527 8.
 2528 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2529 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2530 and voluntarily.

2531 ~~Witness my hand and seal this~~
 2532 This _____ day of _____, _____.

2533 _____
 2534 (SEAL)
 2535 (Parent or guardian)

2536 _____
 2537 ~~Unofficial witness~~
 2538 Adult witness

2539 Sworn to and subscribed
 2540 before me this _____
 2541 day of _____, _____.

2542 _____
 2543 Notary public (SEAL)

2544 My commission expires: _____.

2545 (f) The pre-birth surrender of rights by a biological father who is not ~~the~~ a legal father of
2546 the child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or
2547 19-8-7 shall conform substantially to the following form:

2548 PRE-BIRTH SURRENDER OF RIGHTS
2549 FINAL RELEASE FOR ADOPTION

2550 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2551 This is an important legal document and by signing it, you are surrendering any and all
2552 of your ~~right, title, and claim rights~~ to the child identified ~~herein in this document~~, so as
2553 to ~~facilitate the child's placement~~ place the child for adoption. You have the right to wait
2554 to execute a ~~Surrender of Rights Final Release for Adoption~~ PRE-BIRTH SURRENDER
2555 OF RIGHTS/FINAL RELEASE FOR ADOPTION after the child is born, but by signing
2556 this document, you are electing to surrender your rights prior to the birth of this child.
2557 Understand that you are signing this document under oath and that if you knowingly and
2558 willfully make a false statement in this document you will be guilty of the crime of false
2559 swearing. As explained below in paragraph 6, you have the right to revoke this ~~You are~~
2560 ~~to receive a copy of this document and as explained below have the right to withdraw~~
2561 ~~your~~ pre-birth surrender within ten days from the date you sign it. If you are at least 18
2562 years of age, you may choose to waive that right so that this surrender will become
2563 effective immediately upon signing such a waiver. If you choose to waive the right to a
2564 ten-day revocation period, you must make that choice in paragraph 6 below and execute
2565 a separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
2566 hours after the birth of the child.

2567 _____

2568 STATE OF GEORGIA
2569 COUNTY OF _____

2570 Personally appeared before me, the undersigned officer duly authorized to administer
2571 oaths, _____ (name of alleged biological father) who, after having
2572 been sworn, deposes and says as follows:

2573 1.
2574 I, the undersigned, understand that I have been named by _____,
2575 the biological mother of the child expected to be born in
2576 _____(city) _____(county) _____(state)

2577 on or about the _____ day of _____ (month), _____ (year), as the
 2578 biological father or possible biological father of her child. I further understand that the
 2579 biological mother wishes to place this child for adoption.

2580 2.

2581 To the best of my knowledge and belief, the child has not been born as of the date I am
 2582 signing this pre-birth surrender; however, if in fact the child has been born, this
 2583 surrender shall have the same effect as if it were a surrender executed following the
 2584 birth of the child.

2585 3.

2586 I understand that by signing this document I am not admitting that I am the biological
 2587 father of this child, but if I am, I hereby agree that adoption is in this child's best
 2588 interest. I consent to adoption of this child by any ~~person~~ individual chosen by the
 2589 child's legal mother or by any public or private ~~child-placing~~ agency that places
 2590 children without further notice to me. I expressly waive any other notice or service in
 2591 any of the legal proceedings for the adoption of the child. I understand that I have the
 2592 option to wait until after the child is born to execute a surrender of my rights (with a
 2593 corresponding ten-day right of ~~withdrawal~~ revocation) and, further, that by executing
 2594 this document I am electing instead to surrender my rights before the child's birth.

2595 4.

2596 I ~~further~~ understand that ~~execution of signing~~ this document does not fully and finally
 2597 terminate my rights and responsibilities until an order from a court of competent
 2598 jurisdiction terminating my rights or a final order of adoption is entered. I understand
 2599 that if the child is not adopted after I sign this document, legal proceedings can be
 2600 brought to establish paternity, and I may become liable for financial obligations related
 2601 to the birth and support of this child.

2602 5.

2603 I understand that I will receive a copy of this document after the witness and I have
 2604 signed it and it has been notarized.

2605 6.

2606 I understand that under Georgia law I have the unconditional right to a ten-day
 2607 revocation period. I understand that if I am at least 18 years of age I also have the
 2608 choice to waive the ten-day revocation period, thereby causing the pre-birth surrender

2609 of my rights to become final immediately upon signing a WAIVER OF RIGHT TO
 2610 REVOKE SURRENDER OF RIGHTS.

2611 Indicate your choice by signing ONE of the following statements (you may choose
 2612 statement A or B):

2613 A. _____ (Signature) I choose to RETAIN the unconditional right
 2614 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2615 I have received a copy of this document and that I understand that I may only
 2616 withdraw ~~revoke~~ this pre-birth surrender by giving written notice, delivered in person
 2617 or ~~by statutory overnight delivery or registered mail, return receipt requested,~~ to
 2618 _____ within ten days from the date hereof; ~~mailed by~~
 2619 registered mail or statutory overnight delivery, to
 2620 _____ (name and address of
 2621 child-placing agency representative, out-of-state licensed agency representative,
 2622 Department of Human Services representative, individual to whom surrender is made
 2623 or his or her agent, or petitioner's representative, as applicable) within ten days from
 2624 the date of signing this document. I understand that certified mail cannot be used for
 2625 mail delivery of the notice to revoke this pre-birth surrender. I understand that the ten
 2626 days ~~shall~~ will be counted consecutively beginning with the day immediately
 2627 following the date hereof; ~~that, however, I sign this document; provided, however,~~
 2628 ~~that,~~ if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on
 2629 which ~~the~~ this surrender may be ~~withdrawn shall~~ revoked will be the next day that is
 2630 not a Saturday, Sunday, or legal holiday; ~~and that it may NOT be withdrawn~~
 2631 ~~thereafter.~~ I understand that, if I deliver the notice to revoke this surrender in person,
 2632 it must be delivered to _____ (name and
 2633 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
 2634 whichever is applicable, on the tenth day. I understand that I CANNOT revoke this
 2635 surrender after that time.

2636 **OR**

2637 B. _____ (Signature) I am at least 18 years of age and I choose to
 2638 WAIVE the right to a ten-day revocation period under Georgia law. I will sign a
 2639 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2640 hours after the birth of the child and, by signing said waiver, I understand and intend
 2641 to give up the unconditional right to revoke this pre-birth surrender. I fully

2642 understand that by signing the WAIVER OF RIGHT TO REVOKE SURRENDER
2643 OF RIGHTS the surrender of my rights will become final immediately upon signing
2644 it and that thereafter this surrender cannot be revoked.

2645 7.

2646 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
2647 father registry then, if I do not ~~withdraw~~ revoke this surrender within the time
2648 permitted, I waive the notice I would be entitled to receive pursuant to ~~the provisions~~
2649 ~~of~~ Code Section 19-8-12 of the Official Code of Georgia Annotated because of my
2650 registration on the putative father registry.

2651 8.

2652 I understand that if I am not a resident of this state that I am agreeing to be subject to
2653 the jurisdiction of the courts of Georgia for any action filed in connection with the
2654 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
2655 of this surrender of my parental rights.

2656 9.

2657 Furthermore, I hereby certify that I have not been subjected to any duress or undue
2658 pressure in the execution of this document and ~~do so~~ I am signing it freely and
2659 voluntarily.

2660 ~~Witness my hand and seal this~~

2661 This _____ day of _____, _____.

2662 _____
2663 (SEAL)
2664 (Alleged biological father)

2665 _____
2666 Unofficial Witness
2667 Adult witness

2668 Sworn to and subscribed
2669 before me ~~on~~ this _____
2670 day of _____, _____.

2671 _____
2672 Notary public (SEAL)

2673 ~~Notary Public Seal~~

2674 My commission expires: _____.

2675 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section
2676 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

2677 ACKNOWLEDGMENT OF SURRENDER
2678 OF RIGHTS

2679 STATE OF GEORGIA
2680 COUNTY OF _____

2681 Personally appeared before me, the undersigned officer duly authorized to administer
2682 oaths, _____ (name of parent, guardian, or
2683 alleged biological father) who, after having been sworn, deposes and says as follows ~~By~~
2684 execution of this paragraph, the undersigned expressly acknowledges:

2685 (A) That I have read the accompanying (PRE-BIRTH SURRENDER OF
2686 RIGHTS/FINAL RELEASE FOR ADOPTION) (SURRENDER OF RIGHTS/FINAL
2687 RELEASE FOR ADOPTION) [circle one] relating to ~~said minor~~ the child born
2688 _____ (name of child) ~~(insert name of child)~~, a (male) (female)
2689 [circle one] on _____ (birthdate of child) ~~(insert birthdate of child)~~;

2690 (B) That I understand that this is a full, final, and complete surrender, release, and
2691 termination of all of my rights to the child;

2692 (C) Indicate your choice by signing ONE of the following statements (you may choose
2693 statement A or B):

2694 A. _____ (Signature) That I have chosen to retain the unconditional
2695 right to revoke the surrender by giving written notice, delivered in person or mailed
2696 by registered mail or statutory overnight delivery, to
2697 _____ (name and address of child-placing
2698 agency or its representative, out-of-state licensed agency or its representative,
2699 Department of Human Services or its representative, individual to whom surrender
2700 is made or his or her agent, or petitioner's representative, as applicable) ~~(insert name~~
2701 and address of each person or entity to whom surrender is made) not later than within
2702 ten days from the date of signing the surrender and that after such ten-day revocation
2703 period I shall have no right to revoke the surrender;

2704 ~~(D)~~ That I understand that certified mail cannot be used for mail delivery of the
 2705 notice to revoke the surrender of my rights. I understand that, if I deliver the notice
 2706 to revoke my surrender in person, it must be delivered to
 2707 _____ (name and address) not later than
 2708 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
 2709 the tenth day. I understand that the ten days ~~shall~~ will be counted consecutively
 2710 beginning with the day immediately following the date I signed the surrender is
 2711 executed; provided, however, that, if the tenth day falls on a Saturday, Sunday, or
 2712 legal holiday, then the last day on which the surrender may be ~~withdrawn shall~~
 2713 revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

2714 **OR**

2715 B. _____ (Signature) That I am at least 18 years of age and I have
 2716 chosen to exercise my right to sign a separate WAIVER OF RIGHT TO REVOKE
 2717 SURRENDER OF RIGHTS at least 24 hours after the birth of the child and that, by
 2718 signing said waiver, I understand and intend to give up the unconditional right to
 2719 revoke my surrender. I fully understand that by signing the WAIVER OF RIGHT TO
 2720 REVOKE SURRENDER OF RIGHTS the surrender of my rights will become final
 2721 immediately upon signing it and that thereafter my surrender cannot be revoked;

2722 ~~(E)~~(D) That I have read the accompanying surrender of rights and received a copy
 2723 thereof;

2724 ~~(F)~~(E) That any and all questions regarding the effect of ~~said~~ such surrender and its
 2725 provisions have been satisfactorily explained to me;

2726 ~~(G)~~(F) That I have been ~~afforded~~ given an opportunity to consult with ~~counsel~~ an
 2727 attorney of my choice ~~prior to execution of~~ before signing the surrender of my rights;
 2728 and

2729 ~~(H)~~(G) That the surrender of my rights has been knowingly, intentionally, freely, and
 2730 voluntarily made by me.

2731 ~~Witness my hand and seal this~~
 2732 This _____ day of _____, _____.

2733 _____
 2734 (SEAL)
 2735 (Parent, guardian, or alleged biological father)

2736 _____
 2737 Unofficial witness
 2738 Adult witness

2739 Sworn to and subscribed
 2740 before me this _____
 2741 day of _____, _____.

2742 _____
 2743 Notary public (SEAL)

2744 My commission expires: _____.'

2745 (h) The affidavit of a legal mother required by paragraph (1) of subsection (g) of Code
 2746 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the surrender of her rights shall meet the
 2747 following requirements:

2748 (1) The affidavit shall set forth:

2749 (A) Her name;

2750 (B) Her relationship to the child;

2751 (C) Her age;

2752 (D) Her marital status at the time of conception and of the birth of the child;

2753 (E) The identity and last known address of ~~any~~ her spouse or former spouse and
 2754 whether any such spouse is the biological father of the child;

2755 (F) The identity, last known address, and relationship to the legal mother of the
 2756 biological father of ~~her~~ the child, provided that ~~the mother she~~ shall have the right not
 2757 to disclose the name and address of the biological father of ~~her~~ the child should she so
 2758 desire;

2759 (G) Whether or not she has consented to the appointment of a temporary guardian for
 2760 the child and, if so, provide the name and address of the temporary guardian and the
 2761 probate court in which the petition for temporary guardianship was filed;

2762 (H) Whether custody of the child has been awarded to another individual and, if so,
 2763 provide the name of the child's custodian and the court in which custody was awarded;

2764 ~~(G)(I) Whether or not the biological father of the child has lived with the child,~~
 2765 ~~contributed to its support, provided for the mother's support or medical care during her~~
 2766 ~~pregnancy or during her hospitalization for the birth of the child, or made an attempt~~
 2767 ~~to legitimate the child; and is or was in a branch of the United States armed forces and,~~
 2768 if so, provide details as to his military service;

2769 (J) Whether or not the biological mother or any member of her family is or was an
 2770 enrolled member of a federally recognized American Indian tribe, is or was a resident
 2771 of an American Indian reservation, or is or was an Alaskan native;

2772 (K) Whether or not the biological father of the child or any member of his family is or
2773 was an enrolled member of a federally recognized American Indian tribe, is or was a
2774 resident of an American Indian reservation, or is or was an Alaskan native; and

2775 ~~(H)~~(L) All financial assistance received by or promised her either directly or indirectly,
2776 from whatever source, in connection with her pregnancy, the birth of the child, or the
2777 placement or arranging for the placement of the child for adoption (including the date,
2778 amount or value, description, payor, and payee), provided that financial assistance
2779 provided directly by ~~the mother's~~ her husband, mother, father, sister, brother, aunt,
2780 uncle, grandfather, or grandmother need not be detailed and instead ~~the mother~~ she need
2781 only state the nature of the assistance received; and

2782 (2) The affidavit shall conform substantially to the following form:

2783 LEGAL MOTHER'S AFFIDAVIT

2784 NOTICE TO LEGAL MOTHER:

2785 This is an important legal document which deals with ~~your~~ the child's right to have its
2786 his or her biological father's rights properly determined. You have the right not ~~If you~~
2787 ~~decline~~ to disclose the name and address of the biological father of ~~your~~ the child;
2788 ~~understand that you may be required to appear in court to explain your refusal and that~~
2789 ~~your name may be used in connection with the publication of notice to the biological~~
2790 ~~father.~~ Understand that you are providing this affidavit under oath and that ~~the~~ if you
2791 knowingly and willfully make a false statement in this affidavit you will be guilty of
2792 the crime of false swearing. The information provided you provide will be held in strict
2793 confidence and will be used only in connection with the adoption of ~~your~~ the child.

2794 STATE OF GEORGIA
2795 COUNTY OF _____

2796 Personally appeared before me, the undersigned officer duly authorized to administer
2797 oaths, _____, who, after having been sworn, deposes and says
2798 as follows:

2799 That my name is _____.

2800 That I am the legal mother of a (male) (female) [circle one] child born
2801 _____ (name of child) (~~insert name of child~~) in the State of
2802 _____, County of _____ on _____ (birthdate of child) at
2803 _____: _____ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

2804 That I am _____ years of age, having been born in the State of _____, County
2805 of _____ on _____.

2806 That my social security ~~account~~ number is _____.

2807 That my marital status at the time of the conception of ~~my~~ the child was (check the
2808 status and complete the appropriate information):

2809 () Single, never having been married.

2810 () Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle
2811 one] _____; ~~his~~ my spouse's last known
2812 address is _____; we were married in the State of
2813 _____, County of _____ on _____; we have been separated since
2814 _____; we last had sexual relations on _____ (date);
2815 my spouse (is) (is not) [circle one] the biological father of said child.

2816 () Divorced; the name of my ~~previous~~ former spouse is
2817 _____; we were married in the State of _____, County of
2818 _____ on _____; we last had sexual relations on _____ (date);
2819 my former spouse's ~~his~~ last known address is _____; divorce granted in
2820 the State of _____, County of _____ on _____; my former
2821 spouse (is) (is not) [circle one] the biological father of said child.

2822 () Legally married; the name of my spouse (was) (is) [circle one]
2823 _____; we were married in the State of _____, County of _____
2824 on _____; and ~~his~~ my spouse's last known address is _____;
2825 my spouse (is) (is not) [circle one] the biological father of said child.

2826 () Married through common-law marriage relationship prior to January 1, 1997;
2827 the name of my spouse (was) (is) [circle one] _____; ~~his~~ my
2828 spouse's last known address is _____; our relationship began in the State
2829 of _____, County of _____ on _____; my spouse (is) (is not) [circle
2830 one] the biological father of said child.

2831 () Widowed; the name of my deceased spouse was _____;
2832 we were married in the State of _____, County of _____ on _____; ~~and~~
2833 ~~he~~ my spouse died on _____ in the County of _____, State of _____.

2834 That my name and marital status at the time of the birth of ~~my~~ the child was (check
2835 the status and complete the appropriate information):

2836 Name _____.

2837 () Single, never having been married.

2838 () Separated, but not legally divorced; the name of my spouse (was) (is) [circle
2839 one] _____; ~~his~~ my
2840 spouse's last known address is _____; we were married
2841 in the State of _____, County of _____ on _____; we
2842 have been separated since _____; we last had sexual relations on

2843 _____ (date); my spouse (is) (is not) [circle one] the biological
2844 father of said child.

2845 () Divorced; the name of my former spouse is _____; we were married
2846 in the State of _____, County of _____ on _____; we last had
2847 sexual relations on _____ (date); my spouse's ~~his~~ last known
2848 address is _____; divorce granted in the State of
2849 _____, County of _____; my former spouse (is) (is not) [circle
2850 one] the biological father of said child.

2851 () Legally ~~Married~~ married; the name of my spouse (was) (is) [circle one]
2852 _____; we were married in the State of _____, County of
2853 _____ on _____; ~~and his~~ my spouse's last known address is
2854 _____; my spouse (is) (is not) [circle one] the biological
2855 father of said child.

2856 () Married through common-law relationship prior to January 1, 1997; the name
2857 of my spouse (was) (is) [circle one] _____; ~~his~~ my
2858 spouse's last known address is _____; our relationship began in
2859 the State of _____, County of _____ on _____;
2860 my spouse (is) (is not) [circle one] the biological father of said child.

2861 () Widowed; the name of my deceased spouse was _____; we were
2862 married in the State of _____, County of _____ on _____;
2863 ~~and he~~ my spouse died on _____ in the County of _____,
2864 State of _____; he (was) (was not) [circle one] the biological father of
2865 said child.

2866 That the name of the biological father of my the child is (complete appropriate
2867 response):

- 2868 Known to me and is (_____);
- 2869 Known to me but I expressly decline to identify him because _____
- 2870 _____; or
- 2871 Unknown to me because _____
- 2872 _____.

2873 That the last known address of the biological father of my the child is (complete
2874 appropriate response):

- 2875 Known to me and is _____;
- 2876 Known to me but I expressly decline to provide his address because
- 2877 _____; or
- 2878 Unknown to me because _____
- 2879 _____.

2880 That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member
 2881 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident
 2882 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native
 2883 of American Indian heritage. If so:

2884 (A) The name of my American Indian tribe is _____ and the.

2885 (B) The percentage of my American Indian blood is _____ percent.

2886 That, to the best of my knowledge, a member of my family (is or was) (is not or was
 2887 not) [circle one] an enrolled member of a federally recognized American Indian tribe,
 2888 (is or was) (is not or was not) [circle one] a resident of an American Indian
 2889 reservation, or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

2890 (A) The name of the American Indian tribe is _____.

2891 (B) The percentage of my American Indian blood is _____ percent.

2892 ~~(B)~~(C) My relatives with American Indian or Alaskan native blood are: _____

2893 _____

2894 _____.

2895 ~~(C)~~(D) I (am) (am not) a member of an American Indian tribe. If so, the The name
 2896 of the American Indian tribe is _____.

2897 (E) The name of each enrolled member is _____, and his or
 2898 her corresponding registration or identification number is _____.

2899 ~~(D)~~ I (am) (am not) registered with an American Indian tribal registry. If so, the
 2900 American Indian tribal registry is: _____ and my registration
 2901 or identification number is: _____.

2902 ~~(E)~~ A member of my family (is) (is not) a member of an American Indian tribe. If
 2903 so, the name of each such family member is: _____ and the name
 2904 of the corresponding American Indian tribe is: _____.

2905 ~~(F)~~ A member of my family (is) (is not) registered with an American Indian tribal
 2906 registry. If so, the name of each such family member is: _____
 2907 and the name of the corresponding American Indian tribal registry is:
 2908 _____ and their corresponding registration or
 2909 identification numbers are: _____.

2910 That to the best of my knowledge, the biological father ~~(is) (is not)~~ of American
 2911 Indian heritage or a member of his family (is or was) (is not or was not) [circle one]
 2912 an enrolled member of a federally recognized American Indian tribe, (is or was) (is
 2913 not or was not) [circle one] a resident of an American Indian reservation, or (is or
 2914 was) (is not or was not) [circle one] an Alaskan native. If so:

2915 (A) The name of his American Indian tribe is _____ and the.

2916 (B) The percentage of his American Indian blood is _____ percent.

2917 ~~(B)~~(C) His relatives with American Indian or Alaskan native blood are: _____
 2918 _____
 2919 _____.

2920 (C) He (is) (is not) a member of an American Indian tribe. If so, the name of the
 2921 tribe is: _____.

2922 (D) He (is) (is not) registered with an American Indian tribal registry. If so, the
 2923 American Indian tribal registry is: _____
 2924 and his registration or identification number is: _____

2925 The name of each enrolled member is _____,
 2926 and his or her corresponding registration or identification number is
 2927 _____.

2928 That the date of birth of the biological father (~~was is~~ _____, _____) or (is not
 2929 known to me) circle one.

2930 That the biological father (is) (is not) circle one on active duty in a branch of the
 2931 United States armed forces. If so:

2932 (A) The branch of his service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)
 2933 circle one.

2934 (B) His rank is _____.

2935 (C) His duty station is _____.

2936 If applicable, please provide any additional available information regarding his
 2937 military service.

2938 _____
 2939 _____
 2940 _____.

2941 That the biological father of ~~my~~ the child, whether or not identified herein (~~strike each~~
 2942 ~~inappropriate phrase~~) in this document (circle the appropriate phrase):

2943 (Was) (Was not) married to me at the time this child was conceived;

2944 (Was) (Was not) married to me at any time during my pregnancy with this child;

2945 (Was) (Was not) married to me at the time that this child was born;

2946 (Did) (Did not) marry me after the child was born and recognize the child as his
 2947 own;

2948 (Has) (Has not) been determined to be the child's father by a final paternity order
 2949 of a court;

2950 (Has) (Has not) legitimated the child by a final court order;

2951 (Has) (Has not) lived with the child;

2952 (Has) (Has not) contributed to its support;

2953 (Has) (Has not) provided for my support during my pregnancy or hospitalization for
2954 the birth of the child; and

2955 (Has) (Has not) provided for my medical care during my pregnancy or
2956 hospitalization for the birth of the child; ~~and~~

2957 ~~(Has) (Has not) made any attempt to legitimate the child.~~

2958 That I (have) (have not) [circle one] consented to the appointment of a temporary
2959 guardian for the child. If so, the name of the temporary guardian is
2960 _____ , and the probate court in which the petition for temporary
2961 guardianship was filed is _____.

2962 That custody of the child has been awarded to
2963 _____ (name and address of custodian) by order
2964 of the _____ Court of _____ County, State of
2965 _____ , entered on _____ (date).

2966 That I have received or been promised the following financial assistance, either
2967 directly or indirectly, from whatever source, in connection with my pregnancy, the
2968 birth of ~~my~~ the child, and ~~it's~~ the child's placement for adoption:
2969 _____.

2970 That I recognize that if I knowingly and willfully make a false statement in this
2971 affidavit; I will be guilty of the crime of false swearing.

2972 _____
2973 ~~(Biological mother's signature)~~
2974 (Legal mother)

2975 Sworn to and subscribed
2976 before me this _____
2977 day of _____, ____.

2978 _____
2979 Notary public (SEAL)

2980 My ~~Commission Expires~~ commission expires: _____.!

2981 (i) ~~The affidavit of an adoptive mother required by subsection (a) of Code Section 19-8-9~~
2982 paragraph (2) of subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the
2983 surrender of her rights shall meet the following requirements:

- 2984 (1) The affidavit shall set forth:
2985 (A) Her name;
2986 (B) Her relationship to the child;
2987 (C) Her age;
2988 (D) Her marital status;

2989 (E) The name and last known address of any spouse or former spouse at the time the
 2990 child was adopted and whether any such spouse also adopted the child or ~~was~~ is the
 2991 biological father of the child;

2992 (F) The circumstances surrounding her adoption of ~~her~~ the child, including the date the
 2993 adoption was finalized, the state and county where finalized, and the name and address
 2994 of the adoption agency, if any; ~~and~~

2995 (G) Whether or not she has consented to the appointment of a temporary guardian for
 2996 the child and, if so, provide the name of the temporary guardian and the probate court
 2997 in which the petition for temporary guardianship was filed;

2998 (H) Whether custody of the child has been awarded to another individual and, if so,
 2999 provide the name of the child's custodian and the court in which custody was awarded;
 3000 and

3001 ~~(G)~~(I) All financial assistance received by or promised her either directly or indirectly,
 3002 from whatever source, in connection with the placement or arranging for the placement
 3003 of ~~her~~ the child for adoption (including the date, amount or value, description, payor,
 3004 and payee), provided that financial assistance provided directly by ~~the adoptive~~
 3005 ~~mother's~~ her husband, mother, father, sister, brother, aunt, uncle, grandfather, or
 3006 grandmother need not be detailed and instead ~~the adoptive mother~~ she need only state
 3007 the nature of the assistance received.

3008 (2) The affidavit shall be in substantially the following form:

3009 'ADOPTIVE MOTHER'S AFFIDAVIT

3010 NOTICE TO ADOPTIVE MOTHER:

3011 This is an important legal document which deals with ~~your~~ the adopted child's right to
 3012 have ~~its~~ his or her legal father's rights properly ~~terminated~~ determined. Understand that
 3013 you are providing this affidavit under oath and that ~~the~~ if you knowingly and willfully
 3014 make a false statement in this affidavit you will be guilty of the crime of false swearing.
 3015 The information ~~provided~~ you provide will be held in strict confidence and will be used
 3016 only in connection with the adoption of ~~your~~ the child.

3017 STATE OF GEORGIA

3018 COUNTY OF _____

3019 Personally appeared before me, the undersigned officer duly authorized to administer
 3020 oaths, _____, who, after having been sworn, deposes and says as follows:

3021 That my name is _____.

3022 That I am the adoptive mother of a (male) (female) [circle one] child born
 3023 _____ (name of child) (~~insert name of child~~) in the State of
 3024 _____, County of _____ on _____ (birthdate of child)
 3025 at _____: _____ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

3026 That I am _____ years of age, having been born in the State of _____, County
 3027 of _____ on _____.

3028 That my social security number is _____.

3029 That my marital status is (check the status and complete the appropriate information):

3030 () Single, never having been married.

3031 () Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle
 3032 one] _____; ~~his~~ my spouse's last known address is _____; we
 3033 were married in the State of _____, County of _____ on
 3034 _____; we have been separated since _____; we last had
 3035 sexual relations on _____ (date); my spouse (did) (did not) [circle
 3036 one] also adopt said child; my spouse (is) (is not) [circle one] the biological father
 3037 of said child.

3038 () Divorced; the name of my ~~previous~~ former spouse is _____; we were
 3039 married in the State of _____, County of _____ on _____; we
 3040 last had sexual relations on _____ (date); my former spouse's ~~his~~ last
 3041 known address is _____; divorce granted in the State of _____,
 3042 County of _____ on _____; my ~~previous~~ former spouse (did) (did
 3043 not) [circle one] also adopt said child; my ~~previous~~ former spouse (is) (is not) [circle
 3044 one] the biological father of said child.

3045 () Legally married; the name of my spouse ~~is~~ (was) (is) [circle one]
 3046 _____; we were married in the State of _____, County of _____
 3047 on _____; ~~his~~ my spouse's last known address is _____; my
 3048 spouse (did) (did not) [circle one] also adopt said child; my spouse (is) (is not)
 3049 [circle one] the biological father of said child.

3050 () Married through common-law marriage relationship prior to January 1, 1997;
 3051 the name of my spouse ~~is~~ (was) (is) [circle one] _____; ~~his~~ my spouse's
 3052 last known address is _____; ~~the date and place~~ our relationship began
 3053 ~~is~~ (~~date, county, state~~) in the State of _____, County of _____
 3054 on _____; my spouse (did) (did not) [circle one] also adopt said child;
 3055 my spouse (is) (is not) [circle one] the biological father of said child.

3056 () Widowed; the name of my deceased spouse ~~is~~ was _____; we were
 3057 married in the State of _____, County of _____ on _____; ~~he~~ my
 3058 spouse died on _____ in the County of _____, State of _____;

3059 he (did) (did not) [circle one] also adopt said child; ~~and~~ he (was) (was not) [circle
3060 one] the biological father of said child.

3061 That I adopted my the child in the State of _____, County of _____.

3062 That the final order of adoption was entered on _____.

3063 That there (was) (was not) [circle one] an adoption agency involved in the placement
3064 of my the child with me for adoption; and if so its name was _____,
3065 and its address is _____.

3066 That I (have) (have not) [circle one] consented to the appointment of a temporary
3067 guardian for the child. If so, the name of the temporary guardian is:
3068 _____, and the probate court in which the petition for
3069 temporary guardianship was filed is _____.

3070 That custody of the child has been awarded to _____ (name and
3071 address of custodian) by order of the _____ Court of _____
3072 County, State of _____, entered on _____ (date).

3073 That I have received or been promised the following financial assistance, either
3074 directly or indirectly, from whatever source, in connection with my the child's
3075 placement for adoption: _____.

3076 That I recognize that if I knowingly and willfully make a false statement in this
3077 affidavit, I will be guilty of the crime of false swearing.

3078 _____
3079 (Adoptive mother)

3080 Sworn to and subscribed
3081 before me this _____
3082 day of _____, ____.

3083 _____
3084 Notary public (SEAL)
3085 My commission expires: _____.

3086 (j) The affidavit of ~~an~~ a child-placing agency, out of state licensed agency, or department
3087 representative required by subsection (h) of Code Section 19-8-4 shall conform
3088 substantially to the following form:

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

3092 STATE OF GEORGIA
3093 COUNTY OF _____

3094 Personally appeared before me, the undersigned officer duly authorized to administer
3095 oaths, _____, who, after having been sworn, deposes and says as
3096 follows:

3097 That I am _____ (position) of _____ (name
3098 of department, child-placing agency, or out-of-state licensed agency) (~~department or~~
3099 ~~agency~~).

3100 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
3101 RELEASE FOR ADOPTION by _____, releasing and
3102 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor
3103 child born _____ (name of child) on _____ (birthdate
3104 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert~~
3105 ~~birthdate of child~~), I reviewed with and explained to ~~said~~ such individual all of the
3106 provisions of the surrender of rights, and particularly the provisions which provide that
3107 the surrender is a full surrender of all rights to the child.

3108 That based on my review and explanation to ~~said~~ such individual, it is my opinion that
3109 ~~said~~ such individual knowingly, intentionally, freely, and voluntarily executed the
3110 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3111 _____
3112 (Agency representative)
3113 (Representative)

3114 _____
3115 (Department or agency name)

3116 Sworn to and subscribed
3117 before me this _____
3118 day of _____, ____.

3119 _____
3120 Notary public (SEAL)
3121 My commission expires: _____.'

3122 (k) The affidavit of a petitioner's representative or of the representative of the individual
3123 signing the surrender of rights required by subsection (h) of Code Section 19-8-5, 19-8-6,
3124 or 19-8-7 shall conform substantially to the following form:

3125 'AFFIDAVIT OF PETITIONER'S REPRESENTATIVE

3126 STATE OF GEORGIA
3127 COUNTY OF _____

3128 Personally appeared before me, the undersigned officer duly authorized to administer
3129 oaths, _____, who, after having been sworn, deposes and says as
3130 follows:

3131 That my name is _____.

3132 That my address is _____.

3133 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
3134 RELEASE FOR ADOPTION by _____, releasing and
3135 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor
3136 child born _____ (name of child) on _____ (birthdate
3137 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert
3138 birthdate of child~~), I reviewed with and explained to said such individual all of the
3139 provisions of the surrender of rights, and particularly the provisions which provide that
3140 the surrender is a full surrender of all rights to the child.

3141 That based on my review and explanation to said such individual, it is my opinion that
3142 said such individual knowingly, intentionally, freely, and voluntarily executed the
3143 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3144 _____
3145 (Petitioner's representative)
3146 (Petitioner's representative or the
3147 representative of the individual
3148 signing the surrender)

3149 Sworn to and subscribed
3150 before me this _____
3151 day of _____, ____.

3152 _____
3153 Notary public (SEAL)

3154 My commission expires: _____.

3155 (l) The parental consent to a stepparent adoption required by subsection (j) of Code
3156 Section 19-8-6 shall conform substantially to the following form:

3157 PARENTAL CONSENT TO STEPPARENT ADOPTION

3158 STATE OF GEORGIA
3159 COUNTY OF _____

3160 Personally appeared before me, the undersigned officer duly authorized to administer
3161 oaths, _____ (name of parent) who, after having been
3162 sworn, deposes and says as follows:

3163 I, the undersigned, hereby consent that my spouse _____ (name of
 3164 spouse) (~~insert name of spouse~~) adopt my (son) (daughter) [circle one],
 3165 _____ (name of child) (~~insert name of child~~), whose date of birth is
 3166 _____, and in so doing I in no way relinquish or surrender my parental rights
 3167 to the child. I further acknowledge service of a copy of the petition for adoption of the
 3168 child as filed on behalf of my spouse, and I hereby consent to the granting of the
 3169 prayers of the petition for adoption. I also waive all other and further service and notice
 3170 of any kind and nature in connection with the proceedings.

3171 This _____ day of _____, _____.

3172 _____
 3173 (Parent)

3174 _____
 3175 ~~Unofficial witness~~

3176 Sworn to and subscribed
 3177 before me this _____
 3178 day of _____, _____.

3179 _____
 3180 Notary public (SEAL)

3181 My commission expires: _____.'

3182 (m) The sworn statement executed by the biological mother identifying an alleged
 3183 biological father of her unborn child authorized and required by subparagraph (e)(3)(E) of
 3184 Code Section 19-8-4, 19-8-5, or 19-8-7 shall conform substantially to the following form:

3185 NOTICE TO BIOLOGICAL MOTHER:

3186 This is an important legal document which will enable the individual you identify as the
 3187 biological father of your unborn child to sign a pre-birth surrender of his rights so as to
 3188 place your child for adoption. Understand that you are signing this affidavit under oath
 3189 and that the information you provide will be held in strict confidence and will be used
 3190 only in connection with the adoption of your unborn child.

3191 STATE OF GEORGIA
 3192 COUNTY OF _____

3193 BIOLOGICAL MOTHER'S AFFIDAVIT IDENTIFYING
3194 BIOLOGICAL FATHER OF HER UNBORN CHILD

3195 Personally appeared before me, the undersigned officer duly authorized to administer
3196 oaths, _____, who, after having been sworn, deposes and says as
3197 follows:

3198 That my name is _____.

3199 That I am _____ years of age, having been born in the State of _____, County of
3200 _____ on _____.

3201 That my social security number is _____.

3202 That I am currently pregnant with a (male) (female) (sex unknown) [circle one] child
3203 who is expected to be born on _____ (due date of child).

3204 That the name of any alleged biological father is _____,
3205 and his last known address is _____.

3206 That I execute this affidavit so that any alleged biological father I have identified above
3207 can be asked to sign a pre-birth surrender of his rights to assist me in placing the child
3208 for adoption once the child is born.

3209 That I recognize that if I knowingly and willfully make a false statement in this
3210 affidavit I will be guilty of the crime of false swearing.

3211 _____
3212 (Biological mother)

3213 Sworn to and subscribed
3214 before me this _____
3215 day of _____, _____.

3216 _____
3217 Notary public (SEAL)

3218 My commission expires: _____.'

3219 (n) The waiver of the right to revoke a surrender of rights authorized and required by
3220 subsection (c) of Code Section 19-8-9 shall conform substantially to the following form:

3221 'WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS

3222 This is an important legal document and it shall only be signed by an individual who is
3223 at least 18 years of age. By signing it, you are waiving the right to revoke the surrender
3224 of all of your rights to the child identified in the surrender of rights document so as to
3225 immediately place the child for adoption. Understand that you are providing this affidavit

3226 under oath and that if you knowingly and willfully make a false statement in this affidavit
 3227 you will be guilty of the crime of false swearing.

3228 STATE OF GEORGIA

3229 COUNTY OF _____

3230 Personally appeared before me, the undersigned officer duly authorized to administer
 3231 oaths, _____, who, after having been sworn, deposes and says as follows:

3232 I, the undersigned, have previously executed a SURRENDER OF RIGHTS/FINAL
 3233 RELEASE FOR ADOPTION as to the child identified in the surrender of rights
 3234 document so as to assist in (his)(her) adoption.

3235 I hereby certify that:

3236 (A) I am at least 18 years of age;

3237 (B) I have received a copy of my surrender document;

3238 (C) I understand I had the choice to retain the unconditional right to revoke my
 3239 surrender by giving written notice to the individual, department, or agency named in
 3240 the surrender document in the manner set forth in that document within ten days from
 3241 the date I signed the surrender and that thereafter my surrender could not be revoked;

3242 (D) I understand I may choose to waive the right to revoke my surrender during that
 3243 ten-day period immediately following the date I signed the surrender if I want my
 3244 surrender of rights to become final and irrevocable on the date I sign this waiver;

3245 (E) I choose that the adoption of the child proceed without any delay;

3246 (F) I freely and voluntarily waive the unconditional right to revoke my surrender of
 3247 rights as it is my intent that my surrender of rights become final and irrevocable
 3248 immediately upon my signing this waiver document;

3249 (G) I have been given an opportunity to consult with an attorney of my choice before
 3250 signing this waiver document;

3251 (H) This waiver is in connection with a child born on _____ (birthdate
 3252 of child) at _____ : _____ (A.M.) (P.M.) [circle one];

3253 (I) It has been at least 24 hours since the birth of the child;

3254 (J) I have received a copy of this document; and

3255 (K) I have not been subjected to any duress or undue pressure in the execution of this
 3256 document and I am signing it freely and voluntarily.

3257 This _____ day of _____, _____ at _____ : _____ (A.M.) (P.M.) [circle one].

3258
3259

(Parent or alleged biological father)

3260
3261

Adult witness

3262
3263
3264

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

3265
3266

Notary public (SEAL)

3267 My commission expires: _____.

3268 (o) The affidavit regarding Native American heritage and military service authorized and
3269 required by subsection (k) of Code Sections 19-8-4, 19-8-6, and 19-8-7 and subsection (o)
3270 of Code Section 19-8-5 shall conform substantially to the following form:

3271 NOTICE TO BIOLOGICAL OR LEGAL FATHER:

3272 This is an important legal document. Understand that you are providing this affidavit
3273 under oath and that if you knowingly and willfully make a false statement in this affidavit
3274 you will be guilty of the crime of false swearing.

3275 _____

3276 AFFIDAVIT REGARDING NATIVE AMERICAN HERITAGE
3277 AND MILITARY SERVICE

3278 STATE OF GEORGIA
3279 COUNTY OF _____

3280 Personally appeared before me, the undersigned officer duly authorized to administer
3281 oaths, _____ (name of affiant) who, after having been
3282 sworn, deposes and says as follows:

- 3283 1. That my name is _____.
3284 2. That I am the (biological) (legal) [circle one] father of a (male) (female) (sex
3285 unknown) [circle one] child (born) (yet to be born) [circle one] in the State of
3286 _____, County of _____ on _____.
3287 3. That I am _____ years of age, having been born in the State of _____,
3288 County of _____ on _____.
3289 4. That my social security number is _____.

3290 5. That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member
 3291 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident
 3292 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native. If
 3293 so:

3294 (A) The name of my American Indian tribe is _____.

3295 (B) My registration or identification number is _____.

3296 (C) The percentage of my American Indian blood is _____ percent.

3297 6. That, to the best of my knowledge, a member of my family (is or was) (is not or was
 3298 not) [circle one] an enrolled member of a federally recognized American Indian tribe,
 3299 (is or was) (is not or was not) [circle one] a resident of an American Indian reservation,
 3300 or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

3301 (A) The name of the American Indian tribe is _____.

3302 (B) The percentage of my American Indian blood is _____ percent.

3303 (C) My relatives with American Indian or Alaskan native blood are _____

3304 _____

3305 _____.

3306 (D) The name of the American Indian tribe is _____.

3307 (E) The name of each enrolled member is _____, and

3308 his or her corresponding registration or identification number is _____.

3309 7. That I (am) (am not) [circle one] on active duty in a branch of the United States
 3310 armed forces. If so:

3311 (A) The branch of my service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)
 3312 [circle one].

3313 (B) My rank is _____.

3314 (C) My duty station is _____.

3315 (D) Additional information regarding my military service is _____

3316 _____

3317 _____

3318 _____.

3319 8. That I have received or been promised the following financial assistance, either
 3320 directly or indirectly, from whatever source, in connection with the birth of the child
 3321 and the child's placement for adoption: _____.

3322 9. That I recognize that if I knowingly and willfully make a false statement in this
 3323 affidavit I will be guilty of the crime of false swearing.

3324 _____
 3325 (Biological or legal father)

3326 Sworn to and subscribed
 3327 before me this
 3328 day of _____.
 3329 _____
 3330 Notary public (SEAL)
 3331 My commission expires: _____.'

3332 19-8-27.

3333 (a) As used in this Code section, the term 'birth relative' means:

3334 (1) A parent, biological father who is not ~~the~~ a legal father, grandparent, brother, sister,
 3335 half-brother, or half-sister who is related by blood or marriage to a child who is being
 3336 adopted or who has been adopted; or

3337 (2) A grandparent, brother, sister, half-brother, or half-sister who is related by adoption
 3338 to a child who is being adopted or who has been adopted.

3339 (b)(1) An adopting parent or parents and birth relatives or an adopting parent or parents,
 3340 birth relatives, and a child who is 14 years of age or older who is being adopted or who
 3341 has been adopted may voluntarily enter into a written postadoption contact agreement to
 3342 permit continuing contact between such birth relatives and such child. A child who is 14
 3343 years of age or older shall be considered a party to a postadoption contact agreement.

3344 (2) A postadoption contact agreement may provide for privileges regarding a child who
 3345 is being adopted or who has been adopted, including, but not limited to, visitation with
 3346 such child, contact with such child, sharing of information about such child, or sharing
 3347 of information about birth relatives.

3348 (3) In order to be an enforceable postadoption contact agreement, such agreement shall
 3349 be in writing and signed by all of the parties to such agreement acknowledging their
 3350 consent to its terms and conditions.

3351 (4) Enforcement, modification, or termination of a postadoption contact agreement shall
 3352 be under the continuing jurisdiction of the court that granted the petition ~~of~~ for adoption;
 3353 provided, however, that the parties to a postadoption contact agreement may expressly
 3354 waive the right to enforce, modify, or terminate such agreement under this Code section.

3355 (5) Any party to the postadoption contact agreement may, at any time, file the original
 3356 postadoption contact agreement with the court that has or had jurisdiction over the
 3357 adoption if such agreement provides for the court to enforce such agreement or such
 3358 agreement is silent as to the issue of enforcement.

3359 (c) A postadoption contact agreement shall contain the following warnings in at least 14
 3360 point boldface type:

3361 (1) After the entry of a decree for adoption, an adoption cannot be set aside due to the
3362 failure of an adopting parent, a ~~birth~~ biological parent, a birth relative, or the child to
3363 follow the terms of this agreement or a later change to this agreement; and

3364 (2) A disagreement between the parties or litigation brought to enforce, terminate, or
3365 modify this agreement shall not affect the validity of the adoption and shall not serve as
3366 a basis for orders affecting the custody of the child.

3367 (d)(1) As used in this subsection, the term 'parties' means the individuals who signed the
3368 postadoption contact agreement currently in effect, including the child if he or she is 14
3369 years of age or older at the time of the action regarding such agreement, but such term
3370 shall exclude any third-party beneficiary to such agreement.

3371 (2) A postadoption contact agreement may always be modified or terminated if the
3372 parties have voluntarily signed a written modified postadoption contact agreement or
3373 termination of a postadoption contact agreement. A modified postadoption contact
3374 agreement may be filed with the court if such agreement provides for the court to enforce
3375 such agreement or such agreement is silent as to the issue of enforcement.

3376 (e) With respect to postadoption contact agreements that provide for court enforcement or
3377 termination or are silent as to such matters, any party, as defined in paragraph (1) of
3378 subsection (d) of this Code section, may file a petition to enforce or terminate such
3379 agreement with the court that granted the petition ~~of~~ for adoption, and the court shall
3380 enforce the terms of such agreement or terminate such agreement if such court finds by a
3381 preponderance of the evidence that the enforcement or termination is necessary to serve the
3382 best interests of the child.

3383 (f) With respect to postadoption contact agreements that provide for court modification or
3384 are silent as to modification, only the adopting parent or parents may file a petition seeking
3385 modification. Such petition shall be filed with the court that granted the petition ~~of~~ for
3386 adoption, and the court shall modify such agreement if such court finds by a preponderance
3387 of the evidence that the modification is necessary to serve the best interests of the child and
3388 there has been a material change of circumstances since the current postadoption contact
3389 agreement was executed.

3390 (g) A court may require the party seeking modification, termination, or enforcement of a
3391 postadoption contact agreement to participate in mediation or other appropriate alternative
3392 dispute resolution.

3393 (h) All reasonable costs and expenses of mediation, alternative dispute resolution, and
3394 litigation shall be borne by the party, other than the child, filing the action to enforce,
3395 modify, or terminate a postadoption contact agreement when no party has been found by
3396 the court as failing to comply with an existing postadoption contact agreement. Otherwise,
3397 a party, other than the child, found by the court as failing to comply without good cause

3398 with an existing postadoption contact agreement shall bear all the costs and expenses of
 3399 mediation, alternative dispute resolution, and litigation of the other party.

3400 (i) A court shall not set aside a decree of adoption, rescind a surrender of rights, or modify
 3401 an order to terminate parental rights or any other prior court order because of the failure of
 3402 an adoptive parent, a birth relative, or the child to comply with any or all of the original
 3403 terms of, or subsequent modifications to, a postadoption contact agreement.

3404 19-8-28.

3405 A petition for the annulment of an adoption previously granted by a court of this state shall
 3406 be filed in the court in which the adoption was originally granted by the original petitioner
 3407 or the adult adoptee seeking to annul the original adoption, and such petition shall set forth
 3408 all relevant details concerning the original adoption and the reason for the requested
 3409 annulment. The court shall have authority to enter an order annulling the adoption if all
 3410 parties agree or if the court determines that to do so is in the best interests of the adoptee.

3411 19-8-29.

3412 When a child is an orphan, the petitioner shall not be required to have a guardian appointed
 3413 for such child in order for a guardian to execute a surrender of rights. Such child shall be
 3414 adoptable without a surrender of rights."

3415 **SECTION 2.**

3416 Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination
 3417 of parental rights, is amended by revising subsection (d) as follows:

3418 "(d) The court shall transmit a copy of every final order terminating the parental rights of
 3419 a parent to the ~~Office of Adoptions~~ State Adoption Unit of the department within 15 days
 3420 of the filing of such order."

3421 **SECTION 3.**

3422 All laws and parts of laws in conflict with this Act are repealed.