

The House Committee on Judiciary offers the following substitute to HB 159:

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 amend Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to
8 termination of parental rights, so as to correct a cross-reference; to amend Part 4 of Article
9 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to sick,
10 personal, and maternity leave for teachers and other school personnel, so as to require local
11 boards of education to provide employees who are adoptive parents the same duration of
12 maternity leave, leave options, and other benefits as are provided to employees who are
13 biological parents; to provide for related matters; to repeal conflicting laws; and for other
14 purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

20 19-8-1.

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

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

24 ~~(1)~~(2) 'Biological father' means ~~the~~ a male who impregnated the biological mother
 25 resulting in the birth of the child.

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

27 ~~(2)~~(4) 'Child' means ~~a person~~ an individual who is under 18 years of age and who is
 28 sought to be adopted.

29 ~~(3)~~(5) 'Child-placing agency' means an agency licensed as a child-placing agency
 30 pursuant to Chapter 5 of Title 49.

31 ~~(4)~~(6) 'Department' means the Department of Human Services.

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

39 ~~(5)~~(8) 'Guardian' means ~~a legal guardian of the person of a child~~ an individual appointed
 40 as a:

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

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

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

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

51 ~~(5.2)~~(10) 'Home study report' means the written report generated as a result of the home
 52 study.

53 ~~(6)~~(11) 'Legal father' means a male who has not surrendered or had terminated his rights
 54 to a child and who:

55 (A) Has legally adopted such child;

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

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

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

63 ~~(7)~~(12) 'Legal mother' means ~~the~~ a female who is the biological or adoptive mother of
 64 the child and who has not surrendered or had terminated her rights to the child.

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

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

67 (B) An Alaskan native.

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

70 ~~(8)~~(15) 'Parent' means ~~either the~~ a legal father or ~~the~~ a legal mother of the child.

71 ~~(9)~~(16) 'Petitioner' means ~~a person~~ an individual who petitions to adopt or terminate
 72 rights to a child pursuant to this ~~chapter~~ article.

73 ~~(10)~~(17) 'Putative father registry' means the registry established and maintained pursuant
 74 to subsections (d) and (e) of Code Section 19-11-9.

75 19-8-2.

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

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

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

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

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

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

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

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

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

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

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

99 (C) Superior Court of Fulton County.

100 19-8-3.

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

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

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

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

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

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

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

120 19-8-4.

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

125 (1) Has voluntarily and in writing surrendered all of his or her rights to the child to the
 126 department, ~~or to a child-placing agency,~~ or an out-of-state licensed agency as provided

127 in this Code section and ~~the department or~~ such department, child-placing agency, or
 128 out-of-state licensed agency thereafter consents to the adoption; or

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

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

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

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

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

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

160 (3)(A) ~~A~~ The biological father who is not ~~the~~ a legal father of a child may execute a
 161 surrender of his rights to the child prior to the birth of the child for the purpose of an
 162 adoption pursuant to this Code section. A pre-birth surrender, ~~when signed under oath~~
 163 ~~by the alleged biological father,~~ shall serve to relinquish ~~the~~ an alleged biological

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

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

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

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

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

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

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

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

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

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

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

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

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

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

223 19-8-5.

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

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

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

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

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

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

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

272 (B) The rights and responsibilities of an alleged biological father ~~are~~ shall be
 273 permanently terminated only upon an order from a court of competent jurisdiction

274 terminating such rights or the entry of a final order of adoption. An individual ~~A person~~
 275 executing a pre-birth surrender pursuant to this Code section shall have the right to
 276 ~~withdraw the~~ revoke such surrender within ten days from the date of execution thereof,
 277 notwithstanding the date of birth of the child.

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

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

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

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

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

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

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

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

309 (i) A surrender of rights pursuant to this Code section may be given by any parent or
 310 biological father who is not ~~the~~ a legal father of the child ~~sought to be adopted~~ irrespective

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

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

322 Office of Adoptions

323 Georgia Department of Human Services

324 Atlanta, Georgia

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

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

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

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

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

347 ~~(h)(k)~~ In any surrender of rights pursuant to this Code section, ~~the provisions of Chapter~~
 348 4 of Title 39, relating to the Interstate Compact on the Placement of Children, if applicable,
 349 shall be complied with.

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

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

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

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

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

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

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

378 19-8-6.

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

380 ~~(a)(1)~~ A child whose legal father and legal mother are both living but are not still married
 381 to each other may be adopted by the spouse of either parent only when the other parent
 382 voluntarily and in writing surrenders all of his or her rights to the child to that spouse for

383 the purpose of enabling that spouse to adopt the child and the other parent consents to the
 384 adoption and, ~~where~~ when there is any guardian of that child, each such guardian has
 385 voluntarily and in writing surrendered to such spouse all of his or her rights to the child
 386 for ~~purposes~~ the purpose of such adoption; ~~or~~.

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

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

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

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

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

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

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

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

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

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

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

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

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

445 19-8-7.

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

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

454 (c) The surrender of rights specified in paragraphs (1) and (2) of subsection (e) of this
 455 Code section shall be executed following the birth of the child, and the pre-birth surrender

456 specified in paragraph (3) of subsection (e) of this Code section shall be executed prior to
 457 the birth of the child. Each surrender shall be executed under oath and in the presence of
 458 a notary public and an adult witness. A copy of the surrender shall be delivered provided
 459 to the individual signing the surrender at the time of the execution thereof.

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

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

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

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

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

491 (C) If a final order of adoption is not entered after the execution of a pre-birth
 492 surrender and paternity is established by acknowledgment, by administrative order, or

493 by judicial order, then ~~the~~ an alleged biological father shall be responsible for child
 494 support or other financial obligations to the child or to ~~the child's~~ a legal mother, or to
 495 both.

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

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

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

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

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

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

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

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

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

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

537 19-8-8.

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

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

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

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

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

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

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

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

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

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

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

603 19-8-9.

604 ~~(a) In those cases where the legal mother of the child being placed for adoption has herself~~
605 ~~previously adopted such child, said adoptive mother shall execute, in lieu of the affidavit~~
606 ~~specified in subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, an affidavit~~
607 ~~meeting the requirements of subsection (i) of Code Section 19-8-26.~~

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

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

632 (c) Provided that the individual signing a surrender of rights pursuant to Code Section
633 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
634 surrender, he or she shall have the right to waive the ten-day revocation period only if such
635 waiver is referenced in the surrender document and set forth in a separate document that
636 is executed at least 24 hours after the birth of the child identified in the surrender, under
637 oath, and in the presence of a notary public and an adult witness. The waiver of the right
638 to revoke a surrender shall meet the requirements of subsection (n) of Code Section

639 19-8-26. A copy of such waiver shall be provided to the individual signing it at the time
 640 of the execution thereof.

641 19-8-10.

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

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

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

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

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

670 (c)(1) Whenever it is alleged by any petitioner that surrender or termination of rights of
 671 a living parent is not a prerequisite to the ~~filing~~ granting of a petition for adoption of a
 672 child of ~~that~~ such parent in accordance with subsection (a) or (b) of this Code section, ~~that~~
 673 such parent shall be personally served with a conformed copy of the adoption petition,
 674 together with a copy of the court's order thereon specified in Code Section 19-8-14, or,

675 if personal service cannot be perfected, notwithstanding subsection (a) of Code Section
 676 9-10-12 which authorizes the use of certified mail, by registered or certified mail or
 677 statutory overnight delivery, return receipt requested, or statutory overnight delivery,
 678 one-day service not required, at his or her last known address. If service cannot be made
 679 by either of these methods, that such parent shall be given notice by publication once a
 680 week for three weeks in the official organ of the county where the such petition has been
 681 filed and of the county of his or her last known address. In the interest of time,
 682 publication may be initiated simultaneously with efforts to perfect service personally, by
 683 registered mail, or by statutory overnight delivery. The court shall continue to have the
 684 inherent authority to determine the sufficiency of service. A parent who receives
 685 notification pursuant to this paragraph may shall not be a party to the adoption and shall
 686 have no obligation to file an answer, but shall have the right to appear in the pending
 687 adoption action proceeding and show cause why such parent's rights to the child sought
 688 to be adopted in that action who is the subject of the proceeding should not be terminated
 689 by that adoption. Notice shall be deemed to have been received the on the earliest date:
 690 (1)(A) Personal service is perfected;
 691 (2)(B) Of delivery shown on the return receipt of registered or certified mail or proof
 692 of delivery by statutory overnight delivery; or
 693 (3)(C) Of the last publication.
 694 (2) No prior order of court shall be required to publish notice pursuant to this Code
 695 section; provided, however, that before publication may be relied upon as a means of
 696 service, it shall be averred that, after diligent efforts, service could not be perfected
 697 personally, by registered mail, or by statutory overnight delivery.
 698 (d) Consistent with the requirement of paragraph (7) of subsection (a) of Code Section
 699 19-8-13, when the petitioner is seeking to involuntarily terminate the rights of a parent as
 700 a prerequisite to the granting of the petition for adoption, the petitioner shall, in lieu of
 701 obtaining and attaching those otherwise required surrenders of rights, acknowledgments,
 702 and affidavits, allege facts in the petition seeking to involuntarily terminate parental rights
 703 that demonstrate the applicability of the grounds set forth in subsection (a) or (b), or both,
 704 of this Code section and shall also allege compliance with subsection (c) of this Code
 705 section.

706 19-8-11.

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

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

711 ~~(B) An order of has obtained an order from~~ a court of competent jurisdiction
 712 terminating all of the rights of one of the parents or the guardian of a child,
 713 ~~the such department, or child-placing agency, or out-of-state licensed agency~~ may in
 714 contemplation of the placement of such child for adoption petition the superior court of
 715 the county ~~where the child resides~~ of the child's domicile, of the county where the child
 716 was born, of the county in which is located the principal office of the child-placing
 717 agency having legal custody of the child, or of the county in which is located the office
 718 of the department having legal custody of the child to terminate the parental rights of the
 719 remaining parent pursuant to this Code section.

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

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

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

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

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

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

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

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

746 (b)(1) Whenever a petition to terminate parental rights is filed pursuant to subsection (a)
 747 of this Code section, the parent whose rights the petitioner is seeking to terminate shall

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

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

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

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

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

774 19-8-12.

775 (a) The General Assembly finds that:

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

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

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

781 (4) A biological father who is not ~~the~~ a legal father may have an interest in his biological
 782 child. This inchoate interest is lost by failure to develop a familial bond with the child

783 and acquires constitutional protection only if ~~the~~ a biological father who is not ~~the~~ a legal
784 father develops a familial bond with the child;

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

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

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

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

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

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

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

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

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

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

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

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

818 ~~(H)~~(A) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the
819 use of certified mail, registered mail ~~Registered or certified mail or statutory overnight~~

820 ~~delivery~~, return receipt requested, or statutory overnight delivery, one-day service not
 821 required, at his last known address, which notice shall be deemed received upon the
 822 date of delivery shown on the return or delivery receipt;

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

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

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

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

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

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

854 (3) ~~When~~ Where a petition or motion is filed pursuant to paragraph (1) or (2) of this
 855 subsection, the court shall, within 30 days from the date of receipt of the notice required
 856 by subsection (b) of this Code section or, when no notice is required to be given, from the

857 date of such filing, conduct a hearing in chambers to determine the facts in the matter.
 858 ~~The court shall be authorized to consider the affidavit of the mother specified in~~
 859 ~~subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as applicable, in making~~
 860 ~~its determination pursuant to this paragraph. If the court finds from the evidence that~~
 861 ~~such biological father has not performed any of the following acts:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

913 19-8-13.

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

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

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

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

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

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

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

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

965 which the out-of-state licensed agency is licensed and that the child is legally available
 966 for adoption thereunder;

967 ~~(B)~~(D) The original written consent of the department, child-placing agency, or
 968 out-of-state licensed agency to the adoption;

969 ~~(C)~~(E) Uncertified copies of appropriate certificates or forms verifying the allegations
 970 contained in such petition as to guardianship of the child, including, but not limited to,
 971 the marriage of each petitioner, the death of each parent in lieu of a surrender of his or
 972 her parental rights, and ~~A copy of the appropriate form verifying the allegation of~~
 973 ~~compliance with the requirements of Chapter 4 of Title 39, relating to the Interstate~~
 974 ~~Compact on the Placement of Children; and~~

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

978 (G) The original waiver of the right to revoke a surrender of rights specified in
 979 subsection (c) of Code Section 19-8-9;

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

983 (A) The original written voluntary surrender of rights of each parent, biological father
 984 who is not a legal father, or guardian specified in subsection (e) of Code Section
 985 19-8-5;

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

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

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

992 ~~(E) Allegations of compliance with Chapter 4 of Title 39, relating to the Interstate~~
 993 ~~Compact on the Placement of Children;~~

994 ~~(F)~~(E) The original accounting required by subsection (c) of this Code section;

995 ~~(G)~~(F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the
 996 allegations contained in the such petition as to guardianship ~~or custody~~ of the child,
 997 including, but not limited to, the marriage of each petitioner, the divorce or death of
 998 each parent of the child in lieu of a surrender of his or her parental rights, and
 999 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the
 1000 Placement of Children;

- 1001 ~~(H)~~(G) A completed form containing background information regarding the child to
 1002 ~~be adopted~~, as required by the adoption unit of the department, or an equivalent medical
 1003 and social history background form; and
- 1004 ~~(I)~~(H) A copy of the home study report; and
- 1005 (I) The original waiver of the right to revoke a surrender of rights specified in
 1006 subsection (c) of Code Section 19-8-9;
- 1007 (4) ~~When~~ ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-6, the
 1008 following shall be provided or attached to the petition for adoption or its absence
 1009 explained when the petition for adoption is filed:
- 1010 (A) The original written voluntary surrender of ~~the parent rights of each parent,~~
 1011 biological father who is not a legal father, or guardian specified in subsection (e) of
 1012 Code Section 19-8-6;
- 1013 (B) The original written acknowledgment of surrender of rights specified in subsection
 1014 (f) of Code Section 19-8-6;
- 1015 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;
- 1016 (D) The original consent specified in subsection (j) of Code Section 19-8-6;
- 1017 (E) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
 1018 with Code Section 19-8-12 and the original certification evidencing the search of the
 1019 putative father registry;
- 1020 (F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the
 1021 allegations contained in the such petition as to guardianship of the child ~~sought to be~~
 1022 ~~adopted~~, including, but not limited to, the birth of the child ~~sought to be adopted~~, the
 1023 marriage of each petitioner, and the ~~divorce or death of each parent of the child sought~~
 1024 ~~to be adopted~~; and in lieu of a surrender of his or her parental rights;
- 1025 (G) A completed form containing background information regarding the child ~~to be~~
 1026 ~~adopted~~, as required by the adoption unit of the department, or an equivalent medical
 1027 and social history background form; and
- 1028 (H) The original waiver of the right to revoke a surrender of rights specified in
 1029 subsection (c) of Code Section 19-8-9;
- 1030 (5) ~~When~~ ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-7, the
 1031 following shall be provided or attached to the petition for adoption or its absence
 1032 explained when the petition for adoption is filed:
- 1033 (A) The original written voluntary surrender of rights of each parent or biological
 1034 father who is not a legal father specified in subsection (e) of Code Section 19-8-7;
- 1035 (B) The original written acknowledgment of surrender of rights specified in subsection
 1036 (f) of Code Section 19-8-7;
- 1037 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;

- 1038 (D) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance
 1039 with Code Section 19-8-12 and the original certification evidencing the search of the
 1040 putative father registry;
- 1041 (E) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying allegations
 1042 contained in the petition as to guardianship or custody of the child ~~sought to be adopted,~~
 1043 and the birth of the child ~~sought to be adopted,~~ including but not limited to, the
 1044 marriage of each petitioner, ~~and the divorce or the~~ death of each parent ~~of the child~~
 1045 ~~sought to be adopted;~~ and in lieu of a surrender of his or her parental rights, and
 1046 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the
 1047 Placement of Children;
- 1048 (F) A completed form containing background information regarding the child ~~to be~~
 1049 ~~adopted,~~ as required by the adoption unit of the department, or an equivalent medical
 1050 and social history background form; and
- 1051 (G) The original waiver of the right to revoke a surrender of rights specified in
 1052 subsection (c) of Code Section 19-8-9;
- 1053 (6)(A) When ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-8,
 1054 the following shall be provided or attached ~~or its absence explained~~ to the petition for
 1055 adoption when the petition for adoption is filed:
- 1056 (i) ~~A certified copy of the final decree of adoption from the foreign country along~~
 1057 ~~with a verified English translation. The translator shall provide a statement regarding~~
 1058 ~~his qualification to render the translation, his complete name, and his current address.~~
 1059 ~~Should the current address be a temporary one, his permanent address shall also be~~
 1060 ~~provided;~~
- 1061 (ii) ~~A verified copy of the visa granting the child entry to the United States;~~
- 1062 (iii) ~~A certified copy along with a verified translation of the child's amended birth~~
 1063 ~~certificate or registration showing each petitioner as parent; and~~
- 1064 (iv) ~~A copy of the home study which was completed for United States Immigration~~
 1065 ~~and Naturalization Service.~~
- 1066 (i) A copy of the child's passport page showing an immediate relative immigrant visa
 1067 or Hague Convention immigrant visa obtained to grant the child entry into the United
 1068 States as a result of a full and final adoption in the foreign country; and
- 1069 (ii) A copy along with an English translation of the child's birth certificate or
 1070 registration.
- 1071 (B) ~~It is not necessary to file copies of surrenders or termination on any parent or~~
 1072 ~~biological father who is not the legal father when the petition is filed pursuant to~~
 1073 ~~paragraph (1) of Code Section 19-8-8.~~

1074 (B) Because the issuance of an immediate relative immigrant visa or Hague
 1075 Convention immigrant visa by the United States Department of State in the child's
 1076 passport is prima-facie evidence that all parental rights have been terminated and that
 1077 the child is legally available for adoption, it shall not be necessary to file any
 1078 documents related to the surrender or termination of the parental rights of the child's
 1079 parents or comply with Code Section 19-8-12 regarding the rights of a biological father
 1080 who is not a legal father when the petition for adoption is filed pursuant to
 1081 subsection (a) of Code Section 19-8-8.

1082 (C) When the adoption is pursuant to subsection (b) of Code Section 19-8-8, the
 1083 following shall be provided or attached to the petition for adoption when the petition
 1084 for adoption is filed:

1085 (i) A copy along with an English translation of the final decree or order of
 1086 guardianship from the foreign country;

1087 (ii) Copies of all postplacement reports, if required by the foreign country that
 1088 entered the guardianship decree or order;

1089 (iii) Authorization to proceed with adoption if specifically required by the decree or
 1090 order entered by the court or administrative agency in the foreign country;

1091 (iv) A copy of the child's passport page showing an immediate relative immigrant
 1092 visa or Hague Convention immigrant visa obtained to grant the child entry into the
 1093 United States in order to finalize his or her adoption; and

1094 (v) A copy along with an English translation of the child's birth certificate or
 1095 registration;

1096 (7) When ~~Where~~ Code Section 19-8-10 is applicable, parental rights need not be
 1097 surrendered or terminated prior to the filing of the petition for adoption; but any the
 1098 petitioner shall, in lieu of obtaining and attaching those otherwise required surrenders of
 1099 rights, acknowledgments, and affidavits, allege facts in the petition for adoption
 1100 demonstrating the applicability of subsection (a) or (b), or both, of Code Section 19-8-10
 1101 and shall also allege compliance with subsection (c) of Code Section 19-8-10; and

1102 (8) If the petition for adoption is filed in a county other than that of the petitioners'
 1103 petitioner's residence, the reason therefor ~~must also~~ shall be set forth in the such petition.

1104 (b) At the time of filing the petition for adoption, the petitioner shall deposit with the clerk
 1105 the deposit required by Code Section 9-15-4; the fees shall be those established by Code
 1106 Sections 15-6-77, and 15-6-77.1, and 15-6-77.2.

1107 (c) Each petitioner for adoption in any proceeding for the adoption of a minor child
 1108 pursuant to the provisions of Code Section 19-8-5 shall file with the petition for adoption,
 1109 in a manner acceptable to the court, a report fully accounting for all disbursements of
 1110 anything of value made or agreed to be made, directly or indirectly, by, on behalf of, or for

- 1111 the benefit of the petitioner in connection with the adoption, including, but not limited to,
 1112 any expenses incurred in connection with:
- 1113 (1) The birth of the minor child;
 - 1114 (2) Placement of the minor child with the petitioner;
 - 1115 (3) Counseling services or legal services for a legal mother;
 - 1116 (4) Reasonable living expenses for the biological mother during the last three months of
 1117 her pregnancy and for six weeks postpartum;
 - 1118 ~~(3)~~(5) Medical or hospital care received by the biological mother or by the minor child
 1119 during the such mother's prenatal care and confinement;
 - 1120 (6) Any additional reasonable and necessary expenses authorized by the court pursuant
 1121 to subsection (c) of Code Section 19-8-24; and
 - 1122 ~~(4)~~(7) Services relating to the adoption or to the placement of the minor child for
 1123 adoption which were received by or on behalf of the petitioner, either natural biological
 1124 parent of the minor child, or any other person individual.
- 1125 (d) Every attorney for a petitioner in any proceeding for the adoption of a minor child
 1126 pursuant to ~~the provisions of~~ Code Section 19-8-5 shall file, in a manner acceptable to the
 1127 court, before the decree of adoption is entered, an affidavit detailing all sums paid or
 1128 promised to that attorney, directly or indirectly, from whatever source, for all services of
 1129 any nature rendered or to be rendered in connection with the adoption, including an
 1130 accounting for all funds disbursed through the attorney's trust account in accordance with
 1131 subsection (c) of Code Section 19-8-24; provided, however, that, if the attorney received
 1132 or is to receive less than \$500.00, the affidavit need only state that fact.
- 1133 (e) Any report made under this Code section ~~must~~ shall be signed ~~and verified~~ under oath
 1134 and in the presence of a notary public by the individual making the report.
- 1135 (f)(1) As used in this subsection, the term 'family member' shall have the same meaning
 1136 as set forth in Code Section 19-7-3.
 - 1137 (2) Whenever a petitioner is a blood relative or stepparent of the child ~~to be adopted~~ and
 1138 a family member other than the petitioner has visitation rights to ~~the such~~ child granted
 1139 pursuant to Code Section 19-7-3, the petitioner shall cause a copy of the petition for
 1140 adoption to be served upon the family member with the visitation rights or upon such
 1141 person's family member's counsel of record at least 30 days prior to the date upon which
 1142 the petition for adoption will be considered as such time frames are set forth in Code
 1143 Section 19-8-14.
- 1144 (g) Notwithstanding ~~the provisions of~~ Code Sections 19-8-5 and 19-8-7 and this Code
 1145 section which require obtaining and attaching a written voluntary surrender of rights and
 1146 acknowledgment thereof and affidavits of ~~the a~~ legal mother and a representative of the
 1147 petitioner or of the individual signing such surrender, when the adoption is sought under

1148 subsection (a) of Code Section 19-8-5 or 19-8-7 following the termination of parental rights
 1149 and the placement of the child by the juvenile court pursuant to Code Section 15-11-321,
 1150 obtaining and attaching to the petition for adoption a certified copy of the order terminating
 1151 parental rights of the parent shall take the place of obtaining and attaching those otherwise
 1152 required surrenders of rights, acknowledgments, and affidavits.

1153 (h)(1) A petition for adoption regarding a child ~~or children~~ who ~~have~~ has a living
 1154 biological father who is not ~~the~~ a legal father and who has not surrendered his rights to
 1155 the child ~~or children~~ shall include a certificate from the putative father registry disclosing
 1156 the name, address, and social security number of any registrant acknowledging paternity
 1157 of the child ~~or children~~ pursuant to subparagraph (d)(2)(A) of Code Section 19-11-9 or
 1158 indicating the possibility of paternity of ~~a child of the child's mother~~ such child pursuant
 1159 to subparagraph (d)(2)(B) of Code Section 19-11-9 for a period beginning no later than
 1160 two years immediately prior to the child's date of birth. Such certificate shall indicate the
 1161 results of a search of the registry on or after the earliest of the following:

1162 ~~(1)(A)~~ (A) The date of ~~the~~ a legal mother's surrender of parental rights;
 1163 ~~(2)(B)~~ (B) The date of entry of the court order terminating ~~the~~ a legal mother's parental
 1164 rights; or
 1165 ~~(3)(C)~~ (C) The date of ~~the~~ a legal mother's consent to adoption pursuant to Code Section
 1166 19-8-6; ~~or~~
 1167 ~~(4) The date of the filing of the petition for adoption, in which case the certificate may~~
 1168 ~~be filed as an amendment to the petition for adoption.~~

1169 (2) Such certificate shall include a statement that the registry is current as of the earliest
 1170 date listed in paragraphs (1) through (4) subparagraphs (A) through (D) of paragraph (1)
 1171 of this subsection, or as of a specified date that is later than the earliest such date.

1172 (3) When a legal mother of the child who is the subject of the proceeding identifies her
 1173 husband as the biological father of the child and he has executed a surrender of his
 1174 parental rights in favor of the petitioner, the petitioner shall obtain a certificate from the
 1175 putative father registry and submit it with the petition for adoption to confirm that no
 1176 male other than the legal mother's husband has expressed an interest in the child or to
 1177 identify a registrant other than the legal mother's husband who shall be notified pursuant
 1178 to Code Section 19-8-12.

1179 (i) Because adoption records are sealed pursuant to subsection (a) of Code Section
 1180 19-8-23, it shall not be necessary to redact social security numbers, taxpayer identification
 1181 numbers, financial account numbers, or dates of birth from pleadings and all documents
 1182 filed therewith that are filed pursuant to this article as they are deemed to be a filing under
 1183 seal under subsection (d) of Code Section 9-11-7.1.

1184 19-8-14.

1185 (a) It is the policy of this state that, in the best ~~interest~~ interests of the child, uncontested
 1186 adoption petitions ~~should~~ shall be heard as soon as possible but not later than 120 days after
 1187 the date of filing, unless the petitioner has failed to arrange for the court to receive the
 1188 report required by ~~the provisions of~~ Code Section 19-8-16 or has otherwise failed to
 1189 provide the court with all exhibits, surrenders of rights, or certificates required by this
 1190 ~~chapter~~ article within that time period. It is the policy of this state that, in contested
 1191 adoption petitions, the parties shall make every effort to have the petition considered by the
 1192 court as soon as practical after the date of filing, taking into account the circumstances of
 1193 the petition and the best ~~interest~~ interests of the child.

1194 (b) Upon the filing of the petition for adoption, accompanied by the filing fee unless such
 1195 fee is waived, it shall be the responsibility of the clerk to accept ~~the~~ such petition as filed.
 1196 Such petition shall not be subject to court approval before it is filed.

1197 (c) Upon the filing of the petition for adoption, the court shall fix a date upon which ~~the~~
 1198 such petition shall be considered, which date shall be not less than 45 days from the date
 1199 of the filing of ~~the~~ such petition and shall not be less than 30 days following the last date
 1200 a parent or biological father is deemed to have received service of notice as required in
 1201 those cases when Code Section 19-8-10 or 19-8-12, or both, is applicable.

1202 (d) Notwithstanding ~~the provisions of~~ subsections (a) and (c) of this Code section, it shall
 1203 be the petitioner's responsibility to request that the court hear the petition for adoption on
 1204 a date that allows sufficient time for fulfillment of ~~the~~ notice requirements of ~~Code Section~~
 1205 ~~19-8-10 and Code Section 19-8-12, where~~ Code Sections 19-8-10 and 19-8-12, when
 1206 applicable.

1207 (e) In the best ~~interest~~ interests of the child, the court may hear the petition for adoption
 1208 less than 45 days from the date of its filing upon a showing by the petitioner that ~~either~~ no
 1209 further notice is required or ~~that~~ any statutory requirement of notice to any ~~person~~
 1210 individual will be fulfilled at an earlier date, and provided that any report required by Code
 1211 Section 19-8-16 has been completed or will be completed at an earlier date.

1212 (f) The court in the child's best ~~interest~~ interests may grant such expedited hearings or
 1213 continuances as may be necessary for completion of applicable notice requirements,
 1214 investigations, a home study, and reports or for other good cause shown.

1215 (g) Copies of the petition for adoption and all documents filed in connection therewith,
 1216 including, but not limited to, the order fixing the date upon which ~~the~~ such petition shall
 1217 be considered, motions, other pleadings filed, all orders entered in connection with such
 1218 petition, and all exhibits, surrenders of rights, or certificates required by this ~~chapter~~ article,
 1219 shall be forwarded by the clerk to the department within 15 days after the date of ~~the~~ such
 1220 filing of the petition for adoption for retention in the Adoption Reunion Registry.

1221 (h) Copies of the petition for adoption, the order fixing the date upon which ~~the such~~
 1222 petition shall be considered, and all exhibits, surrenders of rights, or certificates required
 1223 by this ~~chapter article~~ shall be forwarded by the clerk to the ~~child-placing agency or other~~
 1224 agent appointed by the court pursuant to ~~the provisions of~~ Code Section 19-8-16 within 15
 1225 days after the filing of the petition for adoption, together with a request that a report and
 1226 investigation be made as required by ~~law~~ Code Section 19-8-16.

1227 (i) The clerk of court shall provide the petitioner or his or her attorney with a copy of the
 1228 petition for adoption and of each amendment, motion, and other pleading filed with a stamp
 1229 confirming the date each pleading was filed with the court and shall also provide the
 1230 petitioner or his or her attorney with a copy of each order entered by the court in the
 1231 adoption proceeding, confirming the date the order was filed of record by the court. Copies
 1232 of all motions, amendments, and other pleadings filed and of all orders entered in
 1233 connection with the petition for adoption shall be forwarded by the clerk to the department
 1234 within 15 days after such filing or entry.

1235 19-8-15.

1236 ~~(1)~~(a) As used in this Code section, the term 'family member' shall have the same meaning
 1237 as set forth in Code Section 19-7-3.

1238 ~~(2)~~(b) If a legal mother and biological father, whether he was a legal father or not, of the
 1239 child who is the subject of the proceeding are both deceased, regardless of whether either
 1240 individual had surrendered his or her parental rights or had his or her rights terminated ~~if~~
 1241 ~~the child sought to be adopted has no legal father or legal mother living~~, it shall be the
 1242 privilege of any ~~person~~ individual related by blood to ~~the such~~ child to file objections to the
 1243 petition for adoption.

1244 (c) A family member with visitation rights to a child granted pursuant to Code Section
 1245 19-7-3 shall have the privilege to file objections to the petition ~~of~~ for adoption if neither
 1246 parent has any further rights to the child and if the petition for adoption has been filed by
 1247 a blood relative of the child. The court, after hearing such objections, shall determine, in
 1248 its discretion, whether or not ~~the same~~ such objections constitute a good reason for denying
 1249 the petition for adoption and the court shall have the authority to grant or continue such
 1250 visitation rights of the family member of the child in the adoption order in the event the
 1251 adoption by the blood relative is approved by the court.

1252 19-8-16.

1253 (a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be
 1254 the duty of a ~~child-placing agency~~ the agent appointed by the court ~~or any other~~
 1255 ~~independent agent appointed by the court~~ to verify the allegations in the petition for

1256 adoption, to make a complete and thorough investigation of the entire matter, including a
 1257 ~~criminal records check of each petitioner~~ any specific issue the court requests to be
 1258 investigated, and to report its findings and recommendations in writing to the court where
 1259 the petition for adoption was filed. The agent may be the department, a child-placing
 1260 agency, an evaluator, or an individual who the court determines is qualified to conduct the
 1261 required investigation. ~~The department, child-placing agency, or other independent agent~~
 1262 appointed by the court shall also provide the petitioner or his or her attorney for petitioner
 1263 with a copy of ~~the its report to the court~~. If for any reason the ~~child-placing agency or other~~
 1264 agent appointed by the court finds itself unable to make or arrange for the proper
 1265 investigation and report, it shall be the duty of the ~~agency or agent~~ to notify the court
 1266 immediately, or at least within 20 days after receipt of the request for investigation service,
 1267 that it is unable to make the report and investigation, so that the court may take such other
 1268 steps as in its discretion are necessary to have the ~~entire matter investigated~~ investigation
 1269 and report prepared. The investigation required by this Code section shall be in addition
 1270 to the requirement of a home study in the case of a petition for adoption filed pursuant to
 1271 subsection (a) of Code Section 19-8-5.

1272 (b) If the petition for adoption has been filed pursuant to subsection (a) of Code Section
 1273 19-8-6 or 19-8-7, the court is shall be authorized but shall not be required to appoint a
 1274 ~~child-placing agency or other independent~~ an agent to make an investigation in ~~whatever~~
 1275 ~~form the court specifies~~ pursuant to subsection (a) of this Code section; provided, however,
 1276 that a home study shall not be required.

1277 (c)(1) If the petition for adoption has been filed pursuant to Code Section 19-8-8, ~~or if~~
 1278 ~~the department has conducted an investigation and has consented to the adoption, an~~
 1279 ~~investigation~~ the appointment of an agent to make an investigation and render a report
 1280 pursuant to subsection (a) of this Code section shall not be required.

1281 (2) If the petition for adoption has been filed pursuant to Code Section 19-8-4 and the
 1282 department or child-placing agency has consented to the adoption, the appointment of an
 1283 agent to make an investigation and render a report pursuant to subsection (a) of this Code
 1284 section shall not be required.

1285 (d) The court shall require the petitioner to submit to a criminal history records check. The
 1286 petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with
 1287 the appropriate fee. The center shall promptly transmit the fingerprints to the Federal
 1288 Bureau of Investigation for a search of bureau records and shall obtain an appropriate
 1289 report. The Georgia Crime Information Center shall also promptly conduct a search of its
 1290 records and any records to which it has access. The center shall notify the court in writing
 1291 of the presence or absence of any ~~derogatory finding, including but not limited to any~~
 1292 ~~conviction data, regarding the~~ criminal record from the state fingerprint records check. In

1293 those cases when the petitioner has submitted a fingerprint based criminal history report
 1294 that includes the results of a records search of both the Georgia Crime Information Center
 1295 and the Federal Bureau of Investigation to the department, child-placing agency, or
 1296 evaluator as part of the home study and such results are dated within 12 months of filing
 1297 of the petition for adoption and are included in the home study report filed with or
 1298 otherwise made available to the court, such results shall satisfy the requirements of this
 1299 subsection. Because the court shall not be authorized to share the results of the fingerprint
 1300 records check with the agent appointed by the court pursuant to subsection (a) or (e) of this
 1301 Code section, the court shall determine the acceptability of the petitioner's criminal history,
 1302 inform the petitioner or his or her attorney at least five days prior to the final hearing on the
 1303 petition for adoption if the court will require additional evidence with respect to the
 1304 petitioner's criminal history or if the court is inclined to deny such petition because of such
 1305 criminal history, and afford the petitioner or his or her attorney an opportunity to present
 1306 evidence as to why the petitioner's criminal history should not be grounds for denial of such
 1307 petition.

1308 ~~(e) The court may appoint the department to serve as its agent to conduct the investigation~~
 1309 ~~required by this Code section if an appropriate child-placing agency or independent agent~~
 1310 ~~is not available. If for any reason the department finds itself unable to make or arrange for~~
 1311 ~~the proper investigation and report, it shall be the duty of the commissioner of human~~
 1312 ~~services to notify the court immediately, or at least within 20 days after receipt of the~~
 1313 ~~request for investigation service, that it is unable to make the report and investigation, so~~
 1314 ~~that the court may take such other steps as in its discretion are necessary to have the entire~~
 1315 ~~matter investigated.~~

1316 ~~(f)~~(e) The court shall require the petitioner to reimburse the child-placing agency or other
 1317 independent agent appointed by the court, including the department, for the full cost of
 1318 conducting the investigation and preparing the its report. Such cost shall not exceed
 1319 \$250.00 unless specifically authorized by the court, provided that the court shall furnish
 1320 the petitioner or his or her attorney with written notice of the name of the agent that the
 1321 court intends to appoint and the amount of any increased costs, together with a request to
 1322 agree to pay such increased costs. If the petitioner does not agree to pay the increased
 1323 costs, then the petitioner shall have an opportunity to present to the court information
 1324 regarding other persons that are qualified to conduct the investigation and render the report
 1325 to the court and the cost of their services, and the court shall appoint the person that is
 1326 qualified to conduct the investigation and render the report to the court at the lowest cost
 1327 to the petitioner.

1328 19-8-17.

1329 (a) The report and findings of the investigating ~~agency agent~~ appointed by the court
 1330 pursuant to Code Section 19-8-16 shall include, among other things, the following:

1331 (1) Verification of allegations contained in the petition for adoption;

1332 (2) Circumstances under which the child came to be placed for adoption;

1333 (3) Whether each ~~proposed~~ prospective adoptive parent is financially, physically, and
 1334 mentally able to have the permanent custody of the child; in considering financial ability
 1335 any adoption supplement approved by the department shall be taken into account;

1336 (4) The physical and mental condition of the child, insofar as this can be determined by
 1337 the aid of competent medical authority;

1338 (5) Whether or not the adoption is in the best interests of the child, including his or her
 1339 general care;

1340 (6) Suitability of the home to the child;

1341 (7) If applicable, whether the identity and location of ~~the~~ a biological father who is not
 1342 ~~the~~ a legal father are known or ascertainable and whether the requirements of Code
 1343 Section 19-8-12 were complied with; ~~and~~

1344 (8) Any other information that might be disclosed by the investigation that in the agent's
 1345 opinion would be of ~~any~~ value or interest to the court in deciding the case; and

1346 (9) Any other information that might be disclosed by the investigation in response to any
 1347 specific issue that the court requested be investigated in its order appointing such agent.

1348 (b) If the report of the investigating ~~agency or independent~~ agent disapproves of the
 1349 adoption of the child, motion may be made by the investigating ~~agency or independent~~
 1350 agent to the court to dismiss the petition for adoption and the court after hearing ~~is~~ such
 1351 motion shall be authorized to do so dismiss such petition. If the court denies the motion
 1352 to dismiss, the court shall appoint a guardian ad litem who may appeal the ruling to the
 1353 ~~Georgia~~ Court of Appeals or Supreme Court, as in other cases, as provided by law.

1354 (c) If at any time it appears to the court that the interests of the child may conflict with
 1355 those of any petitioner, the court may, in its discretion, appoint a guardian ad litem to
 1356 represent the child and the cost thereof shall be a charge upon the funds of the county.

1357 19-8-18.

1358 (a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or
 1359 as soon thereafter as the matter may be reached for a hearing, the court shall proceed to
 1360 a full hearing on ~~the~~ such petition and the examination of the parties at interest in
 1361 chambers, under oath, with the right of continuing the hearing and examinations from
 1362 time to time as the nature of the case may require. The court at such times shall give
 1363 consideration to the investigation report to the court provided for in Code Section 19-8-16

1364 and the recommendations contained ~~therein~~ in such report. The court may in its
 1365 discretion allow the petitioner or any witness to appear via electronic means in lieu of
 1366 requiring his or her physical presence before the court.

1367 (2) The court shall examine the petition for adoption and the affidavit specified in
 1368 subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as appropriate, to
 1369 determine whether Code Section 19-8-12 is applicable. If the court determines that Code
 1370 Section 19-8-12 is applicable to the petition for adoption, it shall:

1371 (A) Determine that an appropriate order has previously been entered;

1372 (B) Enter an order consistent with Code Section 19-8-12; or

1373 (C) Continue the hearing until Code Section 19-8-12 is complied with.

1374 (3) If the adoption petition is filed pursuant to subsection (a) of Code Section 19-8-5, the
 1375 court shall examine the financial disclosures required under subsections (c) and (d) of
 1376 Code Section 19-8-13 and make such further examination of each petitioner and his or
 1377 her attorney as the court deems appropriate in order to make a determination as to
 1378 whether there is cause to believe that Code Section 19-8-24 has been violated with regard
 1379 to the ~~'inducement'~~ inducement, as such term is defined in Code Section 19-8-24, of the
 1380 placement of the child for adoption. Should the court determine that further inquiry is in
 1381 order, the court shall direct the district attorney for the county to review the matter further
 1382 and to take such appropriate action as the district attorney in his or her discretion deems
 1383 appropriate.

1384 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,
 1385 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed
 1386 for in such petition; terminating all of the rights of each living parent, guardian, and legal
 1387 custodian of the child, other than the spouse of the petitioner in the case of a stepparent
 1388 adoption pursuant to Code Section 19-8-6; granting the permanent custody of the child
 1389 to each petitioner; and declaring the child to be the adopted child of each petitioner if the
 1390 court is satisfied that ~~each~~:

1391 (A) Each living parent or guardian of the child has surrendered or had terminated all
 1392 of his or her rights to the child in the manner provided by law ~~prior to the filing of the~~
 1393 ~~petition for adoption~~ or that each petitioner has complied with the notice requirements
 1394 of subsection (c) of Code Section 19-8-10 and satisfied his or her burden of proof under
 1395 Code Section 19-8-10, ~~that such~~ or that the spouse has consented to the petitioner's
 1396 adoption of the child as required by Code Section 19-8-6;

1397 (B) Each petitioner is capable of assuming responsibility for the care, supervision,
 1398 training, and education of the child, ~~that the~~;

1399 (C) The child is suitable for adoption in a private family home, ~~and that the~~; and

1400 ~~(D) The adoption requested is for in the best interest interests of the child; it shall enter~~
 1401 ~~a decree of adoption, terminating all the rights of each parent and guardian to the child,~~
 1402 ~~granting the permanent custody of the child to each petitioner, naming the child as~~
 1403 ~~prayed for in the petition, and declaring the child to be the adopted child of each~~
 1404 ~~petitioner. In all cases wherein Code Section 19-8-10 is relied upon by any petitioner~~
 1405 ~~as a basis for the termination of parental rights, the,~~

1406 (2) When Code Section 19-8-10 has been relied upon by any petitioner for the
 1407 termination of rights of a living parent, the court shall include in the decree of adoption
 1408 appropriate findings of fact and conclusions of law relating to the applicability of Code
 1409 Section 19-8-10 termination of rights of such living parent and the court's determination
 1410 that the adoption is in the child's best interests.

1411 (3) When the child was born in a country other than the United States, the court shall
 1412 examine the evidence submitted and determine that sufficient evidence has been
 1413 proffered to show that the child will be able to obtain lawful permanent resident status,
 1414 if not already obtained, before the court shall have authority to determine if it is in the
 1415 best interests of the child to grant the petition for adoption.

1416 (4) If there is an existing visitation order pursuant to Code Section 19-7-3 in favor of a
 1417 family member other than the petitioner and such family member has not intervened in
 1418 the adoption, then the court shall have the authority to continue or discontinue such
 1419 visitation rights in the adoption order as it deems is in the best interests of the child.

1420 (c) If the petition for adoption was filed pursuant to subsection (a) of Code Section 19-8-8
 1421 and if the court is satisfied that the petitioner has fully complied with the requirements of
 1422 Code Section 19-8-13 and has established that he or she finalized his or her adoption of the
 1423 child in the foreign country, then the court shall enter a decree of adoption naming the child
 1424 as prayed for in such petition; domesticating the foreign decree of adoption; granting the
 1425 permanent custody of the child to each petitioner; changing the date of birth of the child
 1426 if so requested, provided that evidence was presented justifying such change; and declaring
 1427 the child to be the adopted child of each petitioner. Notwithstanding the requirements of
 1428 subsection (a) of this Code section, the court may domesticate the foreign decree of
 1429 adoption upon the pleadings without a hearing.

1430 (d) If the petition for adoption was filed pursuant to subsection (b) of Code Section 19-8-8,
 1431 the court shall enter a decree of adoption naming the child as prayed for in such petition;
 1432 terminating the guardianship; granting the permanent custody of the child to each
 1433 petitioner; changing the date of birth of the child if so requested, provided that evidence
 1434 was presented justifying such change; and declaring the child to be the adopted child of
 1435 each petitioner if the court is satisfied that the petitioner has fully complied with the
 1436 requirements of Code Section 19-8-13 and that:

- 1437 (1) Each petitioner in his or her capacity as guardian of the child has surrendered all of
 1438 his or her rights to the child in the manner provided by law;
- 1439 (2) Each petitioner is capable of assuming responsibility for the care, supervision,
 1440 training, and education of the child;
- 1441 (3) The child is suitable for adoption in a private family home; and
- 1442 (4) The adoption requested is in the best interests of the child.
- 1443 (e) In exercising its discretion to determine whether the adoption requested is in the best
 1444 interests of the child, the court shall consider the following factors:
- 1445 (1) The ability of each petitioner and, if applicable, each respondent to provide for the
 1446 physical safety and welfare of the child, including food, shelter, health, and clothing;
- 1447 (2) The love, affection, bonding, and emotional ties existing between the child and each
 1448 petitioner and, if applicable, each respondent;
- 1449 (3) The child's need for permanence, including the child's need for stability and
 1450 continuity of relationships with his or her siblings;
- 1451 (4) The capacity and disposition of each petitioner and, if applicable, each respondent
 1452 to give the child his or her love, affection, and guidance and to continue the education and
 1453 rearing of the child;
- 1454 (5) The home environment of each petitioner and, if applicable, each respondent,
 1455 considering the promotion of the child's nurturance and safety rather than superficial or
 1456 material factors;
- 1457 (6) The stability of the family unit and the presence or absence of support systems within
 1458 the community to benefit the child;
- 1459 (7) The mental and physical health of all individuals involved;
- 1460 (8) The home, school, and community record and history of the child, as well as any
 1461 health or educational special needs of the child;
- 1462 (9) The child's background and ties, including familial, cultural, and religious;
- 1463 (10) The uniqueness of every family and child;
- 1464 (11) The child's wishes and long-term goals;
- 1465 (12) Any evidence of family violence, substance abuse, criminal history, or sexual,
 1466 mental, or physical child abuse in the petitioner's home and, if applicable, each
 1467 respondent's home;
- 1468 (13) Any recommendation by a court appointed agent or guardian ad litem; and
- 1469 (14) Any other factors considered by the court to be relevant and proper to its
 1470 determination.
- 1471 ~~(e)~~(f) If the court determines that any petitioner has not complied with this ~~chapter~~ article,
 1472 it may dismiss the petition for adoption without prejudice or it may continue the case.
 1473 Should the court find that any notice required to be given by any petitioner under this

1474 ~~chapter~~ article has not been given or has not been properly given or that the petition for
 1475 adoption has not been properly filed, the court ~~is~~ shall be authorized to enter an order
 1476 providing for corrective action and an additional hearing.

1477 ~~(d)~~(g) If the court is not satisfied that the adoption is in the best interests of the child, it
 1478 shall deny the petition for adoption. ~~If the~~ such petition is denied because ~~of such reason~~
 1479 the court determines that the adoption requested is not in the best interests of the child or
 1480 for any other reason under law, the court shall set forth specific findings of fact explaining
 1481 its decision in its order denying the adoption and shall commit the child to the custody of
 1482 the department, ~~or to~~ a child-placing agency, ~~if the~~ or an out-of-state licensed agency if
 1483 such petition was filed pursuant to Code Section 19-8-4 ~~or 19-8-5~~. If such petition was
 1484 filed pursuant to Code Section 19-8-5, the court shall commit the child to the third party
 1485 named by the parent in the written surrender of rights pursuant to subsection (a) of Code
 1486 Section 19-8-5; and if there is no surrender of rights, the child shall remain in the custody
 1487 of each petitioner if each petitioner is fit to have custody or the court may place the child
 1488 with the department for the purpose of determining whether or not a petition should be
 1489 initiated under Chapter 11 of Title 15. If such ~~the~~ petition was filed pursuant to Code
 1490 Section 19-8-6, 19-8-7, or 19-8-8, the child shall remain in the custody of each petitioner
 1491 if ~~that~~ each petitioner is fit to have custody or the court may place the child with the
 1492 department for the purpose of determining whether or not a petition should be initiated
 1493 under Chapter 11 of Title 15. If the petition for adoption is denied, each surrender of rights
 1494 executed in support of the adoption, whether by a parent, biological father who is not a
 1495 legal father, or guardian, shall be dissolved by operation of law and the individual's rights
 1496 shall be restored. The fact that the individual executed a surrender of his or her rights in
 1497 support of the adoption shall not be admissible as evidence against him or her in any
 1498 subsequent proceeding.

1499 ~~(e)~~(h) A decree of adoption issued pursuant to subsection (b) of this Code section shall not
 1500 be subject to any judicial challenge filed more than six months after the date of entry of
 1501 such decree. Notwithstanding Code Section 9-3-31, any action for damages against an
 1502 adoptee or the adoptive parents for fraud in obtaining a consent or surrender of rights shall
 1503 be brought within six months of the time the fraud is or ought to reasonably have been
 1504 discovered.

1505 ~~(f)~~ Any decree of adoption issued prior to the effective date of this action shall not be
 1506 subject to any judicial challenge more than six months after July 1, 1995.

1507 (i) Notwithstanding subsection (a) of Code Section 19-8-23, the decree of adoption issued
 1508 pursuant to subsection (b) of this Code section shall authorize the clerk of the court to issue
 1509 one or more certified copies of the decree of adoption to the petitioner or his or her attorney
 1510 at the time of entry of the final decree without further order of the court and without cost.

1511 19-8-19.

1512 (a) A decree of adoption, whether issued by a court of this state or by a court of any other
1513 jurisdiction, shall have the following effect as to matters within the jurisdiction of or before
1514 a court in this state:

1515 (1) Except with respect to a spouse of the petitioner and relatives of the spouse, a decree
1516 of adoption ~~terminates~~ shall terminate all legal relationships between the adopted
1517 individual and his or her relatives, including his or her parent, so that the adopted
1518 individual thereafter ~~is~~ shall be a stranger to his or her former relatives for all purposes,
1519 including inheritance and the interpretation or construction of documents, statutes, and
1520 instruments, whether executed before or after the adoption is decreed, which do not
1521 expressly include the individual by name or by some designation not based on a parent
1522 and child or blood relationship; and

1523 (2) A decree of adoption ~~creates~~ shall create the relationship of parent and child between
1524 each petitioner and the adopted individual, as if the adopted individual were a child of
1525 biological issue of that petitioner. The adopted individual shall enjoy every right and
1526 privilege of a biological child of that petitioner; shall be deemed a biological child of that
1527 petitioner, to inherit under the laws of descent and distribution in the absence of a will,
1528 and to take under ~~the provisions of~~ any instrument of testamentary gift, bequest, devise,
1529 or legacy, whether executed before or after the adoption is decreed, unless expressly
1530 excluded therefrom; shall take by inheritance from relatives of that petitioner; and shall
1531 also take as a 'child' of that petitioner under a class gift made by the will of a third person.

1532 (b) Notwithstanding ~~the provisions of~~ subsection (a) of this Code section, if a parent of a
1533 child dies without the relationship of parent and child having been previously terminated
1534 by court order ~~or unrevoked surrender of parental rights to the child~~, the child's right of
1535 inheritance from or through the deceased parent shall not be affected by the adoption.

1536 19-8-20.

1537 (a) Upon the entry of the decree of adoption, the clerk of the court granting the same shall
1538 forward a copy of the decree, together with the original of the investigation report and
1539 background information filed with the court, to the department. If there is any subsequent
1540 order or revocation of the adoption, a copy of same in like manner shall be forwarded by
1541 the clerk to the department.

1542 (b) At any time after the entry of the decree of adoption, upon the request of an adopted
1543 ~~person~~ individual who has reached 18 years of age or upon the request of any adopting
1544 parent, the clerk of the court granting the decree shall issue to that requesting adopted
1545 ~~person~~ individual or adopting parent a certificate of adoption, under the seal of the court,
1546 upon payment to the clerk of the fee prescribed in paragraph (4) of subsection (g) of Code

1547 Section 15-6-77, which adoption certificate shall be received as evidence in any court or
 1548 proceeding as primary evidence of the facts contained in the certificate.

1549 (c) The adoption certificate shall ~~be~~ in conform substantially to the following form:

1550 This is to certify that _____ (names of each adopting parent) have
 1551 obtained a decree of adoption for _____ (full name of ~~adopted~~
 1552 ~~child~~ adoptee and date of birth of adoptee) in the Superior Court of _____ County,
 1553 Georgia, on the _____ day of _____, as shown by the court's
 1554 records _____ (adoption file number).

1555 Given under the hand and seal of said court, this the _____ day of _____,
 1556 _____.

1557 _____
 1558 Clerk'

1559 19-8-21.

1560 (a) Adult ~~persons~~ individuals may be adopted on giving written consent to the adoption.
 1561 In such cases, adoption shall be by a petition duly verified and filed, together with ~~two~~
 1562 ~~conformed copies~~ one conformed copy, in the superior court in the county in which ~~either~~
 1563 any petitioner or the adult to be adopted resides, setting forth the name, age, and residence
 1564 of each petitioner and of the adult to be adopted, the name by which the adult is to be
 1565 known, and his or her written consent to the adoption. The court may assign the petition
 1566 for adoption for hearing at any time. The petition for adoption shall state whether one or
 1567 both parents of the adult to be adopted will be replaced by the grant of such petition, and
 1568 if only one parent is to be replaced, then the decree of adoption shall make clear which
 1569 parent is to be replaced by adoption. After examining each petitioner and the adult ~~sought~~
 1570 to be adopted, the court, if satisfied that there is no reason why the adoption should not be
 1571 granted, shall enter a decree of adoption and, if requested, shall change the name of the
 1572 adopted adult. Thereafter, the relation between each petitioner and the adopted adult shall
 1573 be, as to their legal rights and liabilities, the same as the relation of a parent and adult child.

1574 (b) ~~Code Section 19-8-19, relating to the effect of a decree of adoption, and Code Section~~
 1575 ~~19-8-20, relating to notice of adoption, Sections 19-8-19 and 19-8-20~~ shall also apply to
 1576 the adoption of adults.

1577 19-8-22.

1578 (a) A decree of a court or an administrative proceeding terminating the relationship of
 1579 parent and child, establishing the relationship of guardian and ward, or establishing the
 1580 relationship of parent and child by adoption, issued pursuant to due process of law by a

1581 court or administrative body of any other jurisdiction within or outside the United States,
 1582 or the clear and irrevocable release or consent to adoption by the guardian of a child ~~where~~
 1583 when the appointment of the guardian has been certified by the appropriate and legally
 1584 authorized court or agency of the government of the foreign country, shall be recognized
 1585 in this state; and the rights and obligations of the parties as to matters within the
 1586 jurisdiction of this state shall be determined as though any such decree were issued by a
 1587 court of this state and any such consent or release shall be deemed to satisfy the
 1588 requirements of Code Sections 19-8-4, 19-8-5, 19-8-6, 19-8-7, 19-8-8, and 19-8-12.

1589 (b) Any adoption proceeding in this state in which a final order of adoption was entered
 1590 by the court prior to April 1, 1986, and to which subsection (a) of this Code section would
 1591 have been applicable if said subsection, ~~as amended~~, had been effective at the time such
 1592 proceeding was filed or concluded shall be governed by ~~the provisions of~~ subsection (a) of
 1593 this Code section, ~~as amended~~.

1594 ~~(c) Any adoption proceeding pending in a court of competent jurisdiction in this state in~~
 1595 ~~which no final order of adoption has been entered as of April 1, 1986, to which the~~
 1596 ~~provisions of subsection (a) of this Code section are applicable shall be governed by the~~
 1597 ~~provisions of subsection (a) of this Code section, as amended.~~

1598 19-8-23.

1599 (a)(1) The original petition for adoption, all amendments, attachments, and exhibits
 1600 thereto, all motions, documents, affidavits, records, and testimony filed in connection
 1601 therewith, and all decrees or orders of any kind whatsoever, except the original
 1602 investigation report and background information referred to in Code Section 19-8-20,
 1603 shall be recorded in a book kept for ~~that~~ such purpose and properly indexed; and ~~the~~ such
 1604 book shall be part of the records of the court in each county which has jurisdiction over
 1605 matters of adoption in that county. All of ~~the~~ such court records, including the docket
 1606 book, ~~of the court granting the adoption, of the department, and of the child-placing~~
 1607 ~~agency~~ that relate in any manner to the adoption shall be kept sealed and locked. The
 1608 department shall keep its records that relate in any manner to an adoption sealed and
 1609 locked.

1610 (2) The court records and department records may be examined by the parties at interest
 1611 in the adoption and their attorneys when, after written petition, which shall be filed under
 1612 seal, has been presented to the court having jurisdiction and after the department and the
 1613 appropriate child-placing agency or out-of-state licensed agency, if any, have received
 1614 at least 30 days' prior written notice of the filing of such petition, the matter has come on
 1615 before the court in chambers and, ~~good cause having been shown to the court~~, the court
 1616 has entered an order permitting such examination.

1617 (3) Notwithstanding the foregoing paragraph (2) of this subsection, if the adoptee who
 1618 is the subject of the records sought to be examined is less than 18 years of age at the time
 1619 the petition for examination is filed and ~~the~~ such petitioner is someone other than one of
 1620 the adoptive parents of the adoptee, then the department shall provide written notice of
 1621 such proceedings to the adoptive parents by certified mail ~~or statutory overnight delivery~~,
 1622 return receipt requested, or statutory overnight delivery at the last address the department
 1623 has for such adoptive parents, and the court shall continue any hearing on ~~the~~ such
 1624 petition until not less than 60 days after the date the notice to the adoptive parents was
 1625 sent. Each such adoptive parent shall have the right to appear in person or through
 1626 counsel and show cause why such records should not be examined. Adoptive parents
 1627 may provide the department with their current address for purposes of receiving notice
 1628 under this subsection by mailing that address to:

1629 ~~Office of Adoptions~~

1630 State Adoption Unit

1631 Department of Human Services

1632 Atlanta, Georgia 30303

1633 (b) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any
 1634 information contained in the records of the respective department or child-placing agency
 1635 relating to the adoptive parents in connection with a subsequent adoption matter involving
 1636 the same adoptive parents or to provide notice when required by subsection (a) of this Code
 1637 section.

1638 (b.1) The department may, in its sole discretion, make use of any information contained
 1639 in the records of the department concerning an adopted child and the adopted child's
 1640 biological parents in connection with the placement of another child in the home of the
 1641 adoptive parents of the child or in connection with the investigation of a report of child
 1642 abuse or neglect made concerning the adopted child's biological parents.

1643 (c) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any
 1644 information contained in its records on a child when an adoption disrupts after finalization
 1645 and when such records are required for the permanent placement of such child, or when the
 1646 information is required by federal law.

1647 (d)(1) Upon the request of a party at interest in the adoption, a child, legal guardian, or
 1648 health care agent of an adopted ~~person~~ individual or a provider of medical services to
 1649 such a party, child, legal guardian, or health care agent when certain information would
 1650 assist in the provision of medical care, a medical emergency, or medical diagnosis or
 1651 treatment, the department or child-placing agency shall access its own records on
 1652 finalized adoptions for the purpose of adding subsequently obtained medical information
 1653 or releasing nonidentifying medical and health history information contained in its

1654 records pertaining to an adopted ~~person~~ individual or the biological parents or relatives
 1655 of the biological parents of the adopted ~~person~~ individual. For purposes of this
 1656 paragraph, the term 'health care agent' ~~has~~ shall have the meaning provided by Code
 1657 Section 31-32-2.

1658 (2) Upon receipt by the State Adoption Unit of the Division of Family and Children
 1659 Services of the department or by a child-placing agency of documented medical
 1660 information relevant to an adoptee, the ~~office~~ department or child-placing agency shall
 1661 use reasonable efforts to contact the adoptive parents of the adoptee if the adoptee is
 1662 under 18 years of age or the adoptee if he or she is 18 years of age or older and provide
 1663 such documented medical information to the adoptive parents or the adult adoptee. The
 1664 ~~office~~ department or child-placing agency shall be entitled to reimbursement of
 1665 reasonable costs for postage and photocopying incurred in the delivery of such
 1666 documented medical information to the adoptive parents or adult adoptee.

1667 (e) Records relating in any manner to adoption shall not be open to the general public for
 1668 inspection.

1669 (f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:

1670 (A) 'Biological parent' means the biological mother or biological father who
 1671 surrendered ~~that person's~~ such individual's rights or had such rights terminated by court
 1672 order giving rise to the adoption of the child.

1673 (B) 'Commissioner' means the commissioner of human services or ~~that person's~~ his or
 1674 her designee.

1675 (C) 'Department' means the Department of Human Services or, when the Department
 1676 of Human Services so designates, the county ~~department~~ division of family and children
 1677 services which placed for adoption the ~~person~~ individual seeking, or on whose behalf
 1678 is sought, information under this subsection.

1679 (D) 'Placement agency' means the child-placing agency, as defined in paragraph ~~(3)~~ (5)
 1680 of Code Section 19-8-1, which placed for adoption the ~~person~~ individual seeking, or on
 1681 whose behalf is sought, information under this subsection.

1682 (2) The department or a placement agency, upon the written request of an adopted ~~person~~
 1683 individual who has reached 18 years of age or upon the written request of an adoptive
 1684 parent on behalf of that parent's adopted child, shall release to such adopted ~~person~~
 1685 individual or to the adoptive parent on the child's behalf nonidentifying information
 1686 regarding such adopted ~~person's~~ individual's biological parents and information regarding
 1687 such adopted ~~person's~~ individual's birth. Such information may include the date and
 1688 place of birth of the adopted ~~person~~ individual and the genetic, social, and health history
 1689 of the biological parents. No information released pursuant to this paragraph shall

1690 include the name or address of either biological parent or the name or address of any
1691 relative by birth or marriage of either biological parent.

1692 (3)(A) The department or a placement agency, upon the written request of an adopted
1693 person individual who has reached ~~21~~ 18 years of age, shall release to such adopted
1694 person individual the name of such person's individual's biological parent, together with
1695 a complete copy of all information the department or placement agency has concerning
1696 the adoptee's birth, foster care, placement for adoption, and finalization of his or her
1697 adoption, if:

1698 (i) ~~A~~ The biological parent whose name is to be released has submitted unrevoked
1699 written permission to the department or ~~the~~ placement agency for the release of that
1700 parent's name to the adopted person individual;

1701 (ii) The identity of ~~the~~ a biological parent submitting permission for the release of
1702 that parent's name has been verified by the department or ~~the~~ placement agency; and

1703 (iii) The department or ~~the~~ placement agency has records pertaining to the finalized
1704 adoption and to the identity of ~~the~~ a biological parent whose name is to be released.

1705 (B) If the adopted person individual is deceased and leaves a child, such child, upon
1706 reaching ~~21~~ 18 years of age, may seek the name and other identifying information
1707 concerning his or her grandparents in the same manner as the deceased adopted person
1708 individual and subject to the same procedures contained in this Code section.

1709 (4)(A) If a biological parent has not filed written unrevoked permission for the release
1710 of that parent's name to the adopted child, the department or ~~the~~ placement agency,
1711 within six months of receipt of the written request of the adopted person individual who
1712 has reached ~~21~~ 18 years of age, shall make diligent effort to notify each living
1713 biological parent identified in the original adoption proceedings or in other records of
1714 the department or ~~the~~ placement agency relative to the adopted person individual. For
1715 purposes of this subparagraph, the term 'notify' means a personal and confidential
1716 contact with each biological parent of the adopted person individual. The contact shall
1717 be by an employee or agent of the placement agency which processed the pertinent
1718 adoption or by other agents or employees of the department. The contact shall be
1719 evidenced by the person individual who notified each biological parent, certifying to
1720 the department or placement agency that each biological parent was given the following
1721 information:

1722 (i) The nature of the information requested by the adopted person individual;

1723 (ii) The date of the request of the adopted person individual;

1724 (iii) The right of each biological parent to file an affidavit with the placement agency
1725 or the department stating that such parent's identity should not be disclosed;

- 1726 (iv) The right of each biological parent to file a consent to disclosure with the
 1727 placement agency or the department; and
- 1728 (v) The effect of a failure of each biological parent to file ~~either~~ a consent to
 1729 disclosure or an affidavit stating that the information in the sealed adoption file should
 1730 not be disclosed.
- 1731 (B) If a biological parent files an unrevoked consent to the disclosure of that parent's
 1732 identity, such parent's name, together with a complete copy of all information the
 1733 department or placement agency has concerning the adoptee's birth, foster care,
 1734 placement for adoption, and finalization of his or her adoption, shall be released to the
 1735 adopted ~~person~~ individual who has requested such information as authorized by this
 1736 paragraph.
- 1737 (C) If, within 60 days of being notified by the department or ~~the~~ placement agency
 1738 pursuant to subparagraph (A) of this paragraph, a biological parent has filed with the
 1739 department or placement agency an affidavit objecting to such release, information
 1740 regarding the identity of that biological parent shall not be released.
- 1741 (D)(i) If six months after receipt of the adopted ~~person's~~ individual's written request
 1742 the placement agency or the department has ~~either~~ been unable to notify a biological
 1743 parent identified in the original adoption record or has been able to notify a biological
 1744 parent identified in the original adoption record but has not obtained a consent to
 1745 disclosure from the notified biological parent, then the identity of a biological parent
 1746 may only be disclosed as provided in division (ii) or (iii) of this subparagraph.
- 1747 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age may petition
 1748 the Superior Court of Fulton County to seek the release of the identity of each of ~~that~~
 1749 ~~person's~~ his or her biological parents from the department or placement agency. The
 1750 court shall grant the petition if the court finds that the department or placement
 1751 agency has made diligent efforts to locate each biological parent pursuant to this
 1752 subparagraph ~~either~~ without success or upon locating a biological parent has not
 1753 obtained a consent to disclosure from the notified biological parent and that failure
 1754 to release the identity of each biological parent would have an adverse impact upon
 1755 the physical, mental, or emotional health of the adopted ~~person~~ individual.
- 1756 (iii) If it is verified that a biological parent of the adopted ~~person~~ individual is
 1757 deceased, the department or placement agency shall be authorized to disclose the
 1758 name and place of burial of the deceased biological parent, if known, together with
 1759 a complete copy of all information the department or placement agency has
 1760 concerning the adoptee's birth, foster care, placement for adoption, and finalization
 1761 of his or her adoption, to the adopted ~~person~~ individual seeking such information
 1762 without the necessity of obtaining a court order.

1763 (5)(A) Upon written request of an adopted ~~person~~ individual who has reached ~~21~~ 18
 1764 years of age or a ~~person~~ an individual who has reached ~~21~~ 18 years of age and who is
 1765 the sibling of an adopted ~~person~~ individual, the department or a placement agency shall
 1766 attempt to identify and notify the siblings of the requesting party, if such siblings are
 1767 at least 18 years of age. Upon locating the requesting party's sibling, the department
 1768 or ~~the~~ placement agency shall notify the sibling of the inquiry. Upon the written
 1769 consent of a sibling so notified, the department or ~~the~~ placement agency shall forward
 1770 the requesting party's name and address to the sibling and, upon further written consent
 1771 of the sibling, shall divulge to the requesting party the present name and address of the
 1772 sibling. If a sibling cannot be identified or located, the department or placement agency
 1773 shall notify the requesting party of such circumstances but shall not disclose any names
 1774 or other information which would tend to identify the sibling. If a sibling is deceased,
 1775 the department or placement agency shall be authorized to disclose the name and place
 1776 of burial of the deceased sibling, if known, to the requesting party without the necessity
 1777 of obtaining a court order.

1778 (B)(i) If six months after receipt of the written request from an adopted ~~person~~
 1779 individual who has reached ~~21~~ 18 years of age or a ~~person~~ an individual who has
 1780 reached ~~21~~ 18 years of age and who is the sibling of an adopted ~~person~~ individual, the
 1781 ~~placement agency or the department~~ has either department or placement agency has
 1782 been unable to notify one or more of the siblings of the requesting party or has been
 1783 able to notify a sibling of the requesting party but has not obtained a consent to
 1784 disclosure from the notified sibling, then the identity of the siblings may only be
 1785 disclosed as provided in division (ii) of this subparagraph.

1786 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age or a ~~person~~
 1787 an individual who has reached ~~21~~ 18 years of age and who is the sibling of an adopted
 1788 ~~person~~ individual may petition the Superior Court of Fulton County to seek the
 1789 release of the last known name and address of each of the siblings of the petitioning
 1790 sibling, ~~that~~ who are at least 18 years of age, from the department or placement
 1791 agency. The court shall grant the petition if the court finds that the department or
 1792 placement agency has made diligent efforts to locate such siblings pursuant to
 1793 subparagraph (A) of this paragraph ~~either~~ without success or upon locating one or
 1794 more of the siblings has not obtained a consent to disclosure from all the notified
 1795 siblings and that failure to release the identity and last known address of said siblings
 1796 would have an adverse impact upon the physical, mental, or emotional health of the
 1797 petitioning sibling.

1798 (C) If the adopted ~~person~~ individual is deceased and leaves a child, such child, upon
 1799 reaching ~~21~~ 18 years of age, may obtain the name and other identifying information

1800 concerning the siblings of his or her deceased parent in the same manner that the
 1801 deceased adopted person individual would be entitled to obtain such information
 1802 pursuant to the procedures contained in this Code section.

1803 (6)(A) Upon written request of a biological parent of an adopted person individual who
 1804 has reached ~~21~~ 18 years of age, the department or a placement agency shall attempt to
 1805 identify and notify the adopted person individual. Upon locating the adopted person
 1806 individual, the department or ~~the~~ placement agency shall notify the adopted person
 1807 individual of the inquiry. Upon the written consent of the adopted person individual
 1808 so notified, the department or ~~the~~ placement agency shall forward ~~the~~ such biological
 1809 parent's name and address to the adopted person individual, together with a complete
 1810 copy of all information the department or placement agency has concerning the
 1811 adoptee's birth, foster care, placement for adoption, and finalization of his or her
 1812 adoption, and, upon further written consent of the adopted person individual, shall
 1813 divulge to ~~the~~ such requesting biological parent the present name and address of the
 1814 adopted person individual. If the adopted person individual is deceased, the department
 1815 or placement agency shall be authorized to disclose the name and place of burial of the
 1816 deceased adopted person individual, if known, to ~~the~~ such requesting biological parent
 1817 without the necessity of obtaining a court order.

1818 (B)(i) If six months after receipt of the written request from a biological parent of an
 1819 adopted person individual who has reached ~~21~~ 18 years of age, the ~~placement agency~~
 1820 ~~or the department has either~~ department or placement agency has been unable to
 1821 notify the adopted person individual or has been able to notify the adopted person
 1822 individual but has not obtained a consent to disclosure from the notified adopted
 1823 person individual, then the identity of the adopted person individual may only be
 1824 disclosed as provided in division (ii) of this subparagraph.

1825 (ii) ~~A~~ The biological parent of an adopted person individual who has reached ~~21~~ 18
 1826 years of age may petition the Superior Court of Fulton County to seek the release of
 1827 the last known name and address of the adopted person individual from the
 1828 department or placement agency. The court shall grant the petition if the court finds
 1829 that the department or placement agency has made diligent efforts to locate such
 1830 adopted person individual pursuant to subparagraph (A) of this paragraph ~~either~~
 1831 without success or upon locating the adopted person individual has not obtained a
 1832 consent to disclosure from the adopted person individual and that failure to release the
 1833 identity and last known address of said adopted person individual would have an
 1834 adverse impact upon the physical, mental, or emotional health of the petitioning
 1835 biological parent.

1836 (C) If ~~the~~ a biological parent is deceased, a parent or sibling of the deceased biological
 1837 parent, or both, may obtain the name and other identifying information concerning the
 1838 adopted person individual in the same manner that the deceased biological parent would
 1839 be entitled to obtain such information pursuant to the procedures contained in this Code
 1840 section.

1841 (7) If an adoptive parent or the sibling of an adopted person individual notifies the
 1842 department or placement agency of the death of an adopted person individual, the
 1843 department or placement agency shall add information regarding the date and
 1844 circumstances of the death to its records so as to enable it to share such information with
 1845 a biological parent or sibling of the adopted person individual if they make an inquiry
 1846 pursuant to ~~the provisions of~~ this Code section.

1847 (8) If a biological parent or his or her parent or sibling ~~of a biological parent~~ notifies the
 1848 department or placement agency of the death of a biological parent or a sibling of an
 1849 adopted person individual, the department or placement agency shall add information
 1850 regarding the date and circumstances of the death to its records so as to enable it to share
 1851 such information with an adopted person individual or sibling of the adopted person ~~if he~~
 1852 ~~or she makes~~ individual if they make an inquiry pursuant to ~~the provisions of~~ this Code
 1853 section.

1854 (9) ~~The Office of Adoptions~~ State Adoption Unit within the department shall maintain
 1855 a registry for the recording of requests by adopted persons individuals for the name of
 1856 any biological parent, for the recording of the written consent or the written objections
 1857 of any biological parent to the release of that parent's identity to an adopted person
 1858 individual upon the adopted person's individual's request, and for nonidentifying
 1859 information regarding any biological parent which may be released pursuant to
 1860 paragraph (2) of this subsection. The department and any placement agency which
 1861 receives such requests, consents, or objections shall file a copy thereof with ~~that office~~
 1862 the State Adoption Unit.

1863 (10) The department or placement agency may charge a reasonable fee to be determined
 1864 by the department for the cost of conducting any search pursuant to this subsection.

1865 (11) Nothing in this subsection shall be construed to require the department or placement
 1866 agency to disclose to any party at interest, including but not limited to an adopted person
 1867 individual who has reached ~~21~~ 18 years of age, any information which is not kept by the
 1868 department or ~~the~~ placement agency in its normal course of operations relating to
 1869 adoption.

1870 (12) Any department employee or employee of any placement agency who releases
 1871 information or makes authorized contacts in good faith and in compliance with this

1872 subsection shall be immune from civil ~~or criminal~~ liability or criminal responsibility for
1873 such release of information or authorized contacts.

1874 (13) Information authorized to be released pursuant to this subsection may be released
1875 under the conditions specified in this subsection, notwithstanding any other provisions
1876 of law to the contrary.

1877 (14) A placement agency which demonstrates to the department by clear and convincing
1878 evidence that the requirement that such agency search for or notify any biological parent,
1879 sibling, or adopted ~~person~~ individual under subparagraph (A) ~~of paragraph (4) of this~~
1880 ~~subsection or subparagraph (A) of paragraph (5) of this subsection or subparagraph (A)~~
1881 ~~of paragraph (4), (5), or (6) of this subsection~~ will impose an undue hardship upon that
1882 agency shall be relieved from that responsibility, and the department shall assume that
1883 responsibility upon such finding by the department of undue hardship. The department's
1884 determination under this subsection shall be a contested case within the meaning of
1885 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1886 (15) Whenever this subsection authorizes both the department and a placement agency
1887 to perform any function or requires the placement agency to perform any function which
1888 the department is also required to perform, the department or agency may designate an
1889 agent to perform that function and in so performing it the agent shall have the same
1890 authority, powers, duties, and immunities as an employee of the department or placement
1891 agency has with respect to performing that function.

1892 19-8-24.

1893 (a)~~(1)~~ It shall be unlawful for any person, organization, corporation, hospital, facilitator,
1894 or association of any kind whatsoever which ~~has not been established as~~ is not a
1895 child-placing agency ~~by the department to~~, a prospective adoptive parent who has a
1896 valid, approved preplacement home study report, or an attorney who is a member of the
1897 State Bar of Georgia representing a prospective adoptive parent who has a valid,
1898 approved preplacement home study report to advertise,

1899 ~~(1) Advertise,~~ whether in a periodical, by television, by radio, or by any other public
1900 medium or by any private means, including, but not limited to, letters, circulars,
1901 handbills, Internet postings including social media, and oral statements, that the person,
1902 organization, corporation, hospital, facilitator, or association will adopt children or will
1903 arrange for or cause children to be adopted or placed for adoption; ~~or~~

1904 ~~(2) Directly or indirectly hold out inducements to parents to part with their children.~~
1905 ~~As used in this subsection, 'inducements' shall include any financial assistance, either direct~~
1906 ~~or indirect, from whatever source, except payment or reimbursement of the medical~~

1907 ~~expenses directly related to the mother's pregnancy and hospitalization for the birth of the~~
 1908 ~~child and medical care for the child.~~

1909 (2)(A) Any person, organization, corporation, hospital, facilitator, or association of any
 1910 kind which is not a child-placing agency that places an advertisement concerning
 1911 adoption or prospective adoption shall include in such advertisement its license number
 1912 issued by the department;

1913 (B) Any attorney representing a prospective adoptive parent who has a valid, approved
 1914 preplacement home study report who places an advertisement concerning adoption or
 1915 prospective adoption shall include in such advertisement his or her Georgia State Bar
 1916 license number; and

1917 (C) Any individual who places an advertisement concerning being an adoptive parent
 1918 shall include in such advertisement that he or she has a valid, approved preplacement
 1919 home study report.

1920 (b) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1921 association of any kind whatsoever to sell, offer to sell, or conspire with another to sell or
 1922 offer to sell a child for money or anything of value, except as otherwise provided in this
 1923 chapter article.

1924 (c)(1) As used in this subsection, the term 'inducements' means any financial assistance,
 1925 either direct or indirect, from whatever source, but shall expressly not include:

1926 (A) The payment or reimbursement of the medical expenses directly related to the
 1927 biological mother's pregnancy and hospitalization for the birth of the child and medical
 1928 care for such child;

1929 (B) The payment or reimbursement of expenses for counseling services or legal
 1930 services for a biological parent that are directly related to the placement by such parent
 1931 of her or his child for adoption; or

1932 (C) The payment or reimbursement of reasonable living expenses for the biological
 1933 mother during the last three months of her pregnancy and for six weeks postpartum.

1934 (2) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or
 1935 association of any kind to offer or provide inducements to a biological parent to part with
 1936 his or her child or to conspire with another to offer or provide inducements to such parent
 1937 to part with his or her child.

1938 (3) It shall be unlawful for an individual to knowingly make false representations in
 1939 order to obtain inducements.

1940 (4) When the adoption is pursuant to Code Section 19-8-5 or 19-8-7, the petitioner may
 1941 file his or her pre-birth petition for adoption and file a motion pursuant to this subsection
 1942 for an order approving the payment of any reasonable and necessary expenses as the court
 1943 may authorize, in addition to the expenses authorized in this subsection. If the court

1944 allows for the payment of expenses, such expenses shall be paid from the trust account
 1945 of an attorney who is a member of the State Bar of Georgia who represents a biological
 1946 parent or the petitioner and, when possible, such expenses shall be paid directly to the
 1947 provider of the services. Any payment to or for the benefit of a biological parent that is
 1948 made by a petitioner without the assistance of an attorney shall be deemed an
 1949 inducement.

1950 (5) The reports filed pursuant to subsections (c) and (d) of Code Section 19-8-13 shall
 1951 include an itemized accounting of all expenses paid or reimbursed pursuant to this
 1952 subsection.

1953 (d)(1) It shall be unlawful for an individual to knowingly accept living expenses for the
 1954 adoption of her child or unborn child if she knows or should have known that she is not
 1955 pregnant or is not a legal mother.

1956 (2) It shall be unlawful for an individual to knowingly accept living expenses from a
 1957 prospective adoptive parent or an adoption agency without disclosing that he or she is
 1958 receiving living expenses from another prospective adoptive parent or adoption agency
 1959 in an effort to allow for the adoption of the same child or unborn child.

1960 (3) It shall be unlawful for an individual to knowingly make false representations in
 1961 order to obtain living expenses.

1962 ~~(e)(e)~~ Any person who violates ~~subsection (a) or (b)~~ of this Code section shall be guilty
 1963 of a felony and, upon conviction thereof, shall be punished by a fine not to exceed
 1964 \$10,000.00, ~~or imprisonment for not less than one nor more than ten years, or both, in the~~
 1965 ~~discretion of the court.~~

1966 ~~(d)(f)~~(1) Subsection Paragraph (1) of subsection (a) of this Code section shall not apply
 1967 to communication by private means, including only written letters or oral statements, by
 1968 an individual seeking to:

1969 (A) Adopt a child or children; or

1970 (B) Place that individual's child or children for adoption,

1971 whether the communication occurs before or after the birth of such child or children.

1972 (2) Subsection Paragraph (1) of subsection (a) of this Code section shall not apply to any
 1973 communication described in paragraph (1) of this subsection which contains any
 1974 attorney's name, address, the name of an attorney who is a member of the State Bar of
 1975 Georgia, his or her address, his or her telephone number, or any combination of such
 1976 information and which requests any that the attorney named in such communication to
 1977 be contacted to facilitate the carrying out of the purpose, as described in subparagraph
 1978 (A) or (B) of paragraph (1) of this subsection, of the individual making such personal
 1979 communication.

1980 (g) Any child-placing agency or individual who is seeking to adopt or seeking to place a
 1981 child for adoption who is damaged by a violation of this Code section may file a civil
 1982 action to recover damages, treble damages, reasonable attorney's fees, and expenses of
 1983 litigation.

1984 19-8-25.

1985 (a) A written consent or surrender of rights, executed on or before June 30, ~~1990~~ 2017,
 1986 shall, for purposes of an adoption proceeding commenced on or after July 1, ~~1990~~ 2017,
 1987 be deemed to satisfy the surrender requirements of this ~~chapter~~ article and it shall not be
 1988 necessary to have any parent or guardian execute the documents required by Code Section
 1989 19-8-4, 19-8-5, 19-8-6, or 19-8-7; however, all other applicable provisions of this ~~chapter~~
 1990 must article shall be complied with.

1991 (b) It is the legislative intent of this subsection to clarify and not to change the applicability
 1992 of certain previously existing provisions of this ~~chapter~~ article to adoption proceedings
 1993 pending on ~~July 1, 1990~~ June 30, 2017. Any decree of adoption issued in an adoption
 1994 proceeding in which the adoption petition was filed in a superior court of this state prior
 1995 to July 1, ~~1990~~ 2017, shall be valid if the adoption conformed to the requirements of this
 1996 ~~chapter~~ article either as they existed on June 30, ~~1990~~ 2017, or on July 1, ~~1990~~ 2017, and
 1997 each such adoption decree is hereby ratified and confirmed.

1998 19-8-26.

1999 (a) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
 2000 subsection (e) of Code Section 19-8-4 shall conform substantially to the following form:

2001 'SURRENDER OF RIGHTS

2002 FINAL RELEASE FOR ADOPTION

2003 NOTICE TO PARENT OR GUARDIAN:

2004 This is an important legal document and by signing it, you are surrendering all of your
 2005 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to
 2006 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are
 2007 signing this document under oath and that if you knowingly and willfully make a false
 2008 statement in this document you will be guilty of the crime of false swearing. As
 2009 explained below in paragraph 5, you have the right to revoke this ~~You are to receive a~~
 2010 ~~copy of this document and as explained below have the right to withdraw your~~ surrender
 2011 within ten days from the date you sign it. If you are at least 18 years of age, you may
 2012 choose to waive that right so that this surrender will become effective immediately upon
 2013 signing such a waiver. If you choose to waive the right to a ten-day revocation period,

2014 you must make that choice in paragraph 5 below and execute a separate WAIVER OF
2015 RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24 hours after the birth of the
2016 child.

2017 _____

2018 STATE OF GEORGIA

2019 COUNTY OF _____

2020 Personally appeared before me, the undersigned officer duly authorized to administer
2021 oaths, _____ (name of parent or guardian) who, after
2022 having been sworn, deposes and says as follows:

2023 1.

2024 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,
2025 born _____ (name of child) on _____ (birthdate
2026 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert
2027 birthdate of child~~), should receive the benefits and advantages of a good home, to the
2028 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this
2029 surrender of my parental rights.

2030 2.

2031 I, the undersigned, _____ (relationship to child) (~~insert relationship
2032 to child~~) of the aforesaid child, do hereby surrender my rights to the child to
2033 _____ (name of child-placing agency,
2034 out-of-state licensed agency, or Department of Human Services, as applicable) (~~insert
2035 name of child-placing agency or Department of Human Services, as applicable~~) and
2036 promise not to interfere in the management of the child in any respect whatever; and,
2037 in consideration of the benefits guaranteed by _____
2038 (name of child-placing agency, out-of-state licensed agency, or Department of Human
2039 Services, as applicable) (~~insert name of child-placing agency or Department of Human
2040 Services, as applicable~~) in thus providing for the child, I do relinquish all right, title,
2041 and claim rights to the child herein named in this document, it being my wish, intent,
2042 and purpose to relinquish absolutely all parental control over the child. Furthermore,
2043 I hereby agree that the _____ (name of
2044 child-placing agency, out-of-state licensed agency, or Department of Human Services,
2045 as applicable) (~~insert name of child-placing agency or Department of Human Services,~~

2046 ~~as applicable~~) may seek for the child a legal adoption by such ~~person or persons~~
 2047 ~~individual or individuals~~ as may be chosen by the _____
 2048 ~~(name of child-placing agency, out-of-state licensed agency, or Department of Human~~
 2049 ~~Services, as applicable) (insert name of child-placing agency or Department of Human~~
 2050 ~~Services, as applicable)~~ or its authorized agents, without further notice to me. I do,
 2051 furthermore, expressly waive any other notice or service in any of the legal proceedings
 2052 for the adoption of the child.

3.

2053 ~~Furthermore, I understand that under Georgia law the Department of Human Services~~
 2054 ~~or the child-placing agency~~ an agent appointed by the court is required to conduct an
 2055 investigation and render a report to the court in connection with the legal proceeding
 2056 for the legal adoption of the child, and I hereby agree to cooperate fully with such
 2057 ~~department or agency~~ agent in the conduct of its investigation.
 2058

4.

2059 I understand that I will receive a copy of this document after the witness and I have
 2060 signed it and it has been notarized.
 2061

5.

2062 I understand that under Georgia law I have the unconditional right to a ten-day
 2063 revocation period. I understand that if I am at least 18 years of age I also have the
 2064 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2065 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2066 SURRENDER OF RIGHTS.
 2067

2068 Indicate your choice by signing ONE of the following statements (you may choose
 2069 statement A or B):

2070 A. _____ (Signature) I choose to RETAIN the unconditional right
 2071 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2072 I have received a copy of this document and that I understand I may only withdraw
 2073 revoke this surrender by giving written notice, delivered in person or mailed by
 2074 registered mail or statutory overnight delivery, to
 2075 _____ (name and address of child-placing agency,
 2076 out-of-state licensed agency, or Department of Human Services, as applicable) (insert
 2077 name and address of child-placing agency or Department of Human Services, as

2078 applicable) within ten days from the date hereof; of signing this document. I
 2079 understand that certified mail cannot be used for mail delivery of the notice to revoke
 2080 this surrender. I understand that the ten days shall will be counted consecutively
 2081 beginning with the day immediately following the date hereof; I sign this document;
 2082 provided, however, that, if the tenth day falls on a Saturday, Sunday, or legal holiday,
 2083 then the last day on which the this surrender may be withdrawn shall revoked will be
 2084 the next day that is not a Saturday, Sunday, or legal holiday; and I understand that it
 2085 may NOT be withdrawn thereafter. I understand that, if I deliver the notice to revoke
 2086 this surrender in person, it must be delivered to
 2087 _____ (name and address)
 2088 not later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
 2089 applicable, on the tenth day. I understand that I CANNOT revoke this surrender after
 2090 that time.

2091 **OR**

2092 B. _____ (Signature) I am at least 18 years of age and I choose to
 2093 WAIVE the right to a ten-day revocation period under Georgia law. I will sign a
 2094 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2095 hours after the birth of the child and, by signing said waiver, I understand and intend
 2096 to give up the unconditional right to revoke this surrender. I fully understand that by
 2097 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the
 2098 surrender of my rights will become final immediately upon signing it and that
 2099 thereafter this surrender cannot be revoked.

2100 6.
 2101 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2102 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2103 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2104 of this surrender of my parental rights.

2105 7.
 2106 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2107 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2108 and voluntarily.

2109 ~~Witness my hand and seal this~~

2110 ~~This _____ day of _____, ____.~~

2111 _____
2112 (SEAL)
2113 (Parent or guardian)

2114 _____
2115 ~~Unofficial witness~~
2116 ~~Adult witness~~

2117 Sworn to and subscribed
2118 before me this _____
2119 day of _____.

2120 _____
2121 Notary public (SEAL)

2122 My commission expires: _____.

2123 (b) The notice to revoke a surrender of rights pursuant to subsection (a) of Code Section
2124 19-8-9 shall conform substantially to the following form:

2125 NOTICE TO REVOKE SURRENDER OF RIGHTS/
2126 FINAL RELEASE FOR ADOPTION

2127 I, the undersigned, executed a (SURRENDER OF RIGHTS/FINAL RELEASE FOR
2128 ADOPTION) (PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR
2129 ADOPTION) [circle one] as to the child identified in the surrender of rights document on
2130 _____ (date). My relationship to the (child) (unborn child) [circle one] is that
2131 I am the (mother) (father) (alleged biological father) (guardian) [circle one].

2132 (Complete this paragraph if the child has been born.) This notice to revoke my surrender
2133 of rights applies to the (female) (male) [circle one] child born _____ (name
2134 of child) on _____ (birthdate of child).

2135 I now wish to exercise my right to revoke my surrender of rights.

2136 I understand that for my revocation of surrender to be effective I must:

2137 A. Deliver the original of this document in person to the address designated in the
2138 surrender of rights document no later than 5:00 P.M. eastern standard time or eastern

2139 daylight time, whichever is applicable, on the tenth day of the revocation period specified
2140 in the surrender of rights document;

2141 **OR**

2142 B. Mail the original of this document by registered mail or by statutory overnight
2143 delivery to the address designated in the surrender of rights document no later than the
2144 tenth day of the revocation period specified in the surrender of rights document.

2145 This _____ day of _____, _____.

2146 _____
2147 (Parent, guardian, or alleged biological father)

2148 _____
2149 Printed name

2150 _____
2151 Adult witness'

2152 ~~Reserved.~~

2153 (c) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
2154 subsection (e) of Code Section 19-8-5 shall conform substantially to the following form:

2155 'SURRENDER OF RIGHTS

2156 FINAL RELEASE FOR ADOPTION

2157 NOTICE TO PARENT OR GUARDIAN:

2158 This is an important legal document and by signing it, you are surrendering all of your
2159 right, title, and claim rights to the child identified herein in this document, so as to
2160 facilitate the child's placement place the child for adoption. Understand that you are
2161 signing this document under oath and that if you knowingly and willfully make a false
2162 statement in this document you will be guilty of the crime of false swearing. As
2163 explained below in paragraph 8, you have the right to revoke this ~~You are to receive a~~
2164 ~~copy of this document and as explained below have the right to withdraw your surrender~~
2165 ~~within ten days from the date you sign it. If you are at least 18 years of age, you may~~
2166 choose to waive that right so that this surrender will become effective immediately upon
2167 signing such a waiver. If you choose to waive the right to a ten-day revocation period,
2168 you must make that choice in paragraph 8 below and execute a separate WAIVER OF

2169 RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24 hours after the birth of the
 2170 child.

2171 _____

2172 STATE OF GEORGIA

2173 COUNTY OF _____

2174 Personally appeared before me, the undersigned officer duly authorized to administer
 2175 oaths, _____ (name of parent or guardian) who, after having been
 2176 sworn, deposes and says as follows:

2177 1.

2178 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,
 2179 born _____ (name of child) on _____ (birthdate
 2180 of child) at _____ : _____ (A.M.) (P.M.) [circle one] ~~(insert name of child)~~ on ~~(insert~~
 2181 ~~birthdate of child)~~, should receive the benefits and advantages of a good home, to the
 2182 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this
 2183 surrender of my parental rights.

2184 2.

2185 I, the undersigned, _____ (relationship to child) ~~(insert relationship~~
 2186 ~~to child)~~ of the aforesaid child, do hereby surrender my rights to the child to
 2187 _____ (name, surname not required, of each
 2188 individual to whom surrender is made) ~~(insert name, surname not required, of each~~
 2189 ~~person to whom surrender is made)~~, PROVIDED that each such person individual is
 2190 named as petitioner in a petition for adoption of the child filed in accordance with
 2191 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated within 60
 2192 days from the date hereof that I sign this document. Furthermore, I promise not to
 2193 interfere in the management of the child in any respect whatever; and, in consideration
 2194 of the benefits guaranteed by _____ (name,
 2195 surname not required, of each individual to whom surrender is made) ~~(insert name,~~
 2196 ~~surname not required, of each person to whom surrender is made)~~ in thus providing for
 2197 the child, I do relinquish all right, title, and claim rights to the child herein named in
 2198 this document, it being my wish, intent, and purpose to relinquish absolutely all
 2199 parental control over the child.

3.

2200
 2201 It is also my wish, intent, and purpose that if each such ~~person~~ individual identified in
 2202 paragraph 2 is not named as petitioner in a petition for adoption ~~as provided for above~~
 2203 within the 60 day period, other than for ~~excusable neglect~~ justifiable good cause, or, if
 2204 said petition for adoption is filed within 60 days but the adoption ~~action~~ proceeding is
 2205 dismissed with prejudice or otherwise concluded without an order declaring the child
 2206 to be the adopted child of each such ~~person~~ individual, then I do hereby surrender my
 2207 rights to the child as follows:

2208 ~~(Mark one of the following as chosen)~~

2209 Indicate your choice by signing ONE of the following statements (you may choose
 2210 statement A, B, or C):

2211 A. _____ (Signature) — I wish the child returned to me, as
 2212 provided by subsection (j) of Code Section 19-8-5, and I expressly acknowledge that
 2213 this provision applies only to the limited circumstance that the child is not adopted by
 2214 the ~~person or persons~~ individual or individuals designated ~~herein~~ in this document and
 2215 further that this provision does not impair the validity, absolute finality, or totality of
 2216 this surrender under any circumstance other than the failure of the designated ~~person~~
 2217 ~~or persons~~ individual or individuals to adopt the child and that no other provision of
 2218 this surrender impairs the validity, absolute finality, or totality of this surrender once
 2219 the ~~ten-day~~ revocation period has elapsed; ~~or~~

2220 **OR**

2221 B. _____ (Signature) — I surrender the child to
 2222 _____ (name of child-placing agency or out-of-state licensed
 2223 agency), as provided in subsection (j) of Code Section 19-8-5 (~~insert name of~~
 2224 ~~designated licensed child-placing agency~~), a licensed ~~child-placing~~ agency, for
 2225 placement for adoption. I understand that if the ~~child-placing~~ agency or out-of-state
 2226 ~~licensed agency declines to accept the child for placement for adoption, this surrender~~
 2227 ~~will be in favor of the Department of Human Services for placement for adoption and~~
 2228 _____ (name of child-placing agency or out-of-state
 2229 ~~licensed agency) or the Department of Human Services may petition the superior~~
 2230 ~~court for custody of the child in accordance with the terms of this surrender; or~~

2231 **OR**

2232 C. _____ (Signature) _____ I surrender the child to the Department
 2233 of Human Services, as provided by subsection ~~(k)~~ (j) of Code Section 19-8-5, for
 2234 placement for adoption; and ~~(insert name of designated licensed child-placing agency)~~
 2235 ~~or~~ the Department of Human Services may petition the superior court for custody of
 2236 the child in accordance with the terms of this surrender.

2237 4.
 2238 ~~Furthermore,~~ I hereby agree that the child is to be adopted either by each person named
 2239 ~~above~~ individual named in paragraph 2 or by any other ~~such person~~ individual as may
 2240 be chosen by the _____ (name of
 2241 child-placing agency or out-of-state licensed agency) ~~(insert name of designated~~
 2242 licensed child-placing agency) or the Department of Human Services and I do expressly
 2243 waive any other notice or service in any of the legal proceedings for the adoption of the
 2244 child.

2245 5.
 2246 ~~Furthermore,~~ I understand that under Georgia law an evaluator is required to conduct
 2247 and provide to the court a home study and make recommendations to the court
 2248 regarding the qualification of each ~~person named above to adopt a~~ individual named in
 2249 paragraph 2 to adopt the child concerning the circumstances of placement of ~~my~~ the
 2250 child for adoption. ~~I hereby agree to cooperate fully with such investigations.~~

2251 6.
 2252 ~~Furthermore,~~ I understand that under Georgia law, an agent appointed by the court is
 2253 required to conduct an investigation and render a report to the court in connection with
 2254 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate
 2255 fully with such agent in the conduct of ~~this~~ its investigation.

2256 7.
 2257 I understand that I will receive a copy of this document after the witness and I have
 2258 signed it and it has been notarized.

2259 8.
 2260 I understand that under Georgia law I have the unconditional right to a ten-day
 2261 revocation period. I understand that if I am at least 18 years of age I also have the
 2262 choice to waive the ten-day revocation period, thereby causing the surrender of my

2263 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2264 SURRENDER OF RIGHTS.

2265 Indicate your choice by signing ONE of the following statements (you may choose
 2266 statement A or B):

2267 A. _____ (Signature) I choose to RETAIN the unconditional right
 2268 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2269 I have received a copy of this document and that I understand I may only withdraw
 2270 revoke this surrender by giving written notice, delivered in person or mailed by
 2271 registered mail or statutory overnight delivery, to
 2272 _____ (name and address of each individual to whom
 2273 surrender is made or his or her agent) (~~insert name and address of agent of each~~
 2274 person to whom surrender is made) within ten days from the date hereof; of signing
 2275 this document. I understand that certified mail cannot be used for mail delivery of the
 2276 notice to revoke this surrender. I understand that the ten days ~~shall~~ will be counted
 2277 consecutively beginning with the day immediately following the date hereof I sign
 2278 this document; provided, however, that, if the tenth day falls on a Saturday, Sunday,
 2279 or legal holiday, then the last day on which the this surrender may be ~~withdrawn~~ shall
 2280 revoked ~~will~~ be the next day that is not a Saturday, Sunday, or legal holiday; and I
 2281 understand that it may NOT be withdrawn thereafter. I understand that, if I deliver
 2282 the notice to revoke this surrender in person, it must be delivered to
 2283 _____ (name and address) not later than
 2284 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
 2285 the tenth day. I understand that I CANNOT revoke this surrender after that time.

2286 **OR**

2287 B. _____ (Signature) I am at least 18 years of age and I choose to
 2288 WAIVE the right to a ten-day revocation period under Georgia law. I will sign a
 2289 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2290 hours after the birth of the child and, by signing said waiver, I understand and intend
 2291 to give up the unconditional right to revoke this surrender. I fully understand that by
 2292 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the
 2293 surrender of my rights will become final immediately upon signing it and that
 2294 thereafter this surrender cannot be revoked.

9.

2295
2296
2297
2298
2299

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

10.

2300
2301
2302
2303

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

~~Witness my hand and seal this~~

2304
2305

This _____ day of _____, ____.

2306
2307
2308

(SEAL)
(Parent or guardian)

2309
2310
2311

~~Unofficial witness~~
Adult witness

2312
2313
2314

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

2315
2316

Notary public (SEAL)

2317

My commission expires: _____.

2318
2319
2320

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

2321
2322

SURRENDER OF RIGHTS
FINAL RELEASE FOR ADOPTION

2323

NOTICE TO ALLEGED BIOLOGICAL FATHER:

2324
2325
2326
2327

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

2328 it in this document. Understand that you are signing this document under oath and that
 2329 if you knowingly and willfully make a false statement in this document you will be guilty
 2330 of the crime of false swearing. As explained below in paragraph 4, you have the right to
 2331 revoke this surrender within ten days from the date you sign it. If you are at least 18
 2332 years of age, you may choose to waive that right so that this surrender will become
 2333 immediately effective upon signing such a waiver. If you choose to waive the right to a
 2334 ten-day revocation period, you must make that choice in paragraph 4 below and execute
 2335 a separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2336 hours after the birth of the child.

2337 _____

2338 STATE OF GEORGIA
 2339 COUNTY OF _____

2340 Personally appeared before me, the undersigned officer duly authorized to administer
 2341 oaths, _____ (name of alleged biological father) who, after having
 2342 been sworn, deposes and says as follows:

2343 1.
 2344 I, the undersigned, alleged biological father of a (male) (female) [circle one] child, born
 2345 _____ (name of child) to _____ (name of legal
 2346 mother) on _____ (birthdate of child) at _____ : _____ (A.M.) (P.M.)
 2347 [circle one], being mindful that the ~~(insert name of child) to (insert name of mother) on~~
 2348 ~~(insert birthdate of child), being solicitous that said child should receive the benefits~~
 2349 and advantages of a good home, to the end that (she) (he) [circle one] may be fitted for
 2350 the requirements of life, consent to this surrender of my rights. I, the undersigned, do
 2351 hereby surrender my rights to the child. I promise not to interfere in the management
 2352 of the child in any respect whatever; and, in consideration of the benefits provided to
 2353 the child through adoption, I do relinquish all ~~right, title, and claim~~ rights to the child
 2354 ~~herein~~ named in this document, it being my wish, intent, and purpose to relinquish
 2355 absolutely all control over the child.

2356 2.
 2357 ~~Furthermore,~~ I hereby agree that the child is to be adopted and I do expressly waive any
 2358 other notice or service in any of the legal proceedings for the adoption of the child.
 2359 ~~Furthermore,~~ I understand that under Georgia law an agent appointed by the court is

2360 required to conduct an investigation and render a report to the court in connection with
 2361 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate
 2362 fully with the such agent appointed by the court in the conduct of this its investigation.

2363 3.

2364 I understand that I will receive a copy of this document after the witness and I have
 2365 signed it and it has been notarized.

2366 4.

2367 I understand that under Georgia law I have the unconditional right to a ten-day
 2368 revocation period. I understand that if I am at least 18 years of age I also have the
 2369 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2370 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2371 SURRENDER OF RIGHTS.

2372 Indicate your choice by signing ONE of the following statements (you may choose
 2373 statement A or B):

2374 A. _____ (Signature) I choose to RETAIN the unconditional right
 2375 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2376 I have received a copy of this document and that I understand I may only withdraw
 2377 revoke this surrender by giving written notice, delivered in person or mailed by
 2378 registered mail or statutory overnight delivery, to
 2379 _____ (name and address of child-placing
 2380 agency representative, out-of-state licensed agency representative, Department of
 2381 Human Services representative, individual to whom surrender is made or his or her
 2382 agent, or petitioner's representative, as applicable) (insert name and address of
 2383 child-placing agency representative, Department of Human Services representative,
 2384 person to whom surrender is made, or petitioner's representative, as appropriate)
 2385 within ten days from the date hereof; of signing this document. I understand that
 2386 certified mail cannot be used for mail delivery of the notice to revoke this surrender.
 2387 I understand that the ten days shall will be counted consecutively beginning with the
 2388 day immediately following the date hereof; I sign this document; provided, however,
 2389 that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on
 2390 which the this surrender may be withdrawn shall revoked will be the next day that is
 2391 not a Saturday, Sunday, or legal holiday; and I understand that it may NOT be
 2392 withdrawn thereafter. I understand that, if I deliver the notice to revoke this surrender

2393 in person, it must be delivered to
 2394 (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight
 2395 time, whichever is applicable, on the tenth day. I understand that I CANNOT revoke
 2396 this surrender after that time.

2397 **OR**

2398 B. _____ (Signature) I am at least 18 years of age and I choose to
 2399 WAIVE the right to a ten-day revocation period under Georgia law. I will sign a
 2400 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2401 hours after the birth of the child and, by signing said waiver, I understand and intend
 2402 to give up the unconditional right to revoke this surrender. I fully understand that by
 2403 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the
 2404 surrender of my rights will become final immediately upon signing it and that
 2405 thereafter this surrender cannot be revoked.

2406 5.
 2407 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2408 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2409 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2410 of this surrender of my parental rights.

2411 6.
 2412 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2413 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely
 2414 and voluntarily.

2415 Witness my hand and seal this
 2416 This _____ day of _____, _____.

2417 _____
 2418 (SEAL)
 2419 (Alleged biological father)

2420 _____
 2421 Unofficial witness
 2422 Adult witness

2423 Sworn to and subscribed

2424 before me this _____

2425 day of _____, ____.

2426 _____

2427 Notary public (SEAL)

2428 My commission expires: _____.

2429 (e) The surrender of rights by a parent or guardian pursuant to paragraph (1) of
2430 subsection (e) of Code Section 19-8-6 or 19-8-7 shall conform substantially to the
2431 following form:

2432 'SURRENDER OF RIGHTS

2433 FINAL RELEASE FOR ADOPTION

2434 NOTICE TO PARENT OR GUARDIAN:

2435 This is an important legal document and by signing it, you are surrendering all of your
2436 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to
2437 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are
2438 signing this document under oath and that if you knowingly and willfully make a false
2439 statement in this document you will be guilty of the crime of false swearing. As
2440 explained below in paragraph 6, you have the right to revoke this ~~You are to receive a~~
2441 ~~copy of this document and as explained below have the right to withdraw your surrender~~
2442 ~~within ten days from the date you sign it. If you are at least 18 years of age, you may~~
2443 choose to waive that right so that this surrender will become effective immediately upon
2444 signing such a waiver. If you choose to waive the right to a ten-day revocation period,
2445 you must make that choice in paragraph 6 below and execute a separate WAIVER OF
2446 RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24 hours after the birth of the
2447 child.

2448 _____

2449 STATE OF GEORGIA

2450 COUNTY OF _____

2451 Personally appeared before me, the undersigned officer duly authorized to administer
2452 oaths, _____ (name of parent or guardian) who, after having been
2453 sworn, deposes and says as follows:

1.

2454
 2455 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,
 2456 born _____ (name of child) on _____ (birthdate
 2457 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert
 2458 birthdate of child~~), should receive the benefits and advantages of a good home, to the
 2459 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this
 2460 surrender of my parental rights.

2.

2461
 2462 I, the undersigned, _____ (relationship to child) (~~insert relationship
 2463 to child~~) of the aforesaid child, do hereby surrender my rights to the child to
 2464 _____ (name of each individual to whom
 2465 surrender is made) (~~insert name of each person to whom surrender is made~~) and
 2466 promise not to interfere in the management of the child in any respect whatever; and,
 2467 in consideration of the benefits guaranteed by
 2468 _____ (name of each individual to whom
 2469 surrender is made) (~~insert name of each person to whom surrender is made~~) in thus
 2470 providing for the child, I do relinquish all right, title, and claim rights to the child herein
 2471 named in this document, it being my wish, intent, and purpose to relinquish absolutely
 2472 all parental control over the child.

3.

2473
 2474 ~~Furthermore~~, I hereby agree that _____ (name of each individual to
 2475 whom surrender is made) (~~insert name of each person to whom surrender is made~~) may
 2476 initiate legal proceedings for the legal adoption of the child without further notice to
 2477 me. I do, furthermore, expressly waive any other notice or service in any of the legal
 2478 proceedings for the adoption of the child.

4.

2479
 2480 ~~Furthermore~~, I understand that under Georgia law ~~the Department of Human Services~~
 2481 an agent may be ~~required~~ appointed by the court to conduct an investigation and render
 2482 a report to the court in connection with the legal proceeding for the legal adoption of
 2483 the child, and I hereby agree to cooperate fully with ~~the department~~ such agent in the
 2484 conduct of its investigation.

2485 5.

2486 I understand that I will receive a copy of this document after the witness and I have
 2487 signed it and it has been notarized.

2488 6.

2489 I understand that under Georgia law I have the unconditional right to a ten-day
 2490 revocation period. I understand that if I am at least 18 years of age I also have the
 2491 choice to waive the ten-day revocation period, thereby causing the surrender of my
 2492 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE
 2493 SURRENDER OF RIGHTS.

2494 Indicate your choice by signing ONE of the following statements (you may choose
 2495 statement A or B):

2496 A. _____ (Signature) I choose to RETAIN the unconditional right
 2497 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2498 I have received a copy of this document and that I understand I may only withdraw
 2499 revoke this surrender by giving written notice, delivered in person or mailed by
 2500 registered mail or statutory overnight delivery, to
 2501 _____ (name and address of each
 2502 individual to whom surrender is made or petitioner's representative, as applicable)
 2503 (~~insert name and address of each person to whom surrender is made~~) within ten days
 2504 from the date hereof; of signing this document. I understand that certified mail cannot
 2505 be used for mail delivery of the notice to revoke this surrender. I understand that the
 2506 ten days ~~shall~~ will be counted consecutively beginning with the day immediately
 2507 following the date hereof; I sign this document; provided, however, that, if the tenth
 2508 day falls on a Saturday, Sunday, or legal holiday, then the last day on which ~~the~~ this
 2509 surrender may be ~~withdrawn shall~~ revoked will be the next day that is not a Saturday,
 2510 Sunday, or legal holiday; and I understand that it may NOT be withdrawn thereafter.
 2511 I understand that, if I deliver the notice to revoke my surrender in person, it must be
 2512 delivered to _____ (name and address) not
 2513 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is
 2514 applicable, on the tenth day. I understand that I CANNOT revoke this surrender after
 2515 that time.

2516 **OR**

2517 B. _____ (Signature) I am at least 18 years of age and I choose to
 2518 WAIVE the right to a ten-day revocation period under Georgia law. I will sign a
 2519 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2520 hours after the birth of the child and, by signing said waiver, I understand and intend
 2521 to give up the unconditional right to revoke this surrender. I fully understand that by
 2522 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the
 2523 surrender of my rights will become final immediately upon signing it and that
 2524 thereafter this surrender cannot be revoked.

2525 7.
 2526 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2527 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2528 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2529 of this surrender of my parental rights.

2530 8.
 2531 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2532 pressure in the execution of this surrender document and ~~do so~~ I am signing it freely
 2533 and voluntarily.

2534 ~~Witness my hand and seal this~~
 2535 This _____ day of _____, _____.

2536 _____
 2537 (SEAL)
 2538 (Parent or guardian)

2539 _____
 2540 ~~Unofficial witness~~
 2541 Adult witness

2542 Sworn to and subscribed
 2543 before me this _____
 2544 day of _____, _____.

2545 _____
 2546 Notary public (SEAL)

2547 My commission expires: _____.

2548 (f) The pre-birth surrender of rights by a biological father who is not ~~the~~ a legal father of
2549 the child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or
2550 19-8-7 shall conform substantially to the following form:

2551 PRE-BIRTH SURRENDER OF RIGHTS

2552 FINAL RELEASE FOR ADOPTION

2553 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2554 This is an important legal document and by signing it, you are surrendering any and all
2555 of your ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as
2556 to ~~facilitate the child's placement~~ place the child for adoption. You have the right to wait
2557 to execute a ~~Surrender of Rights Final Release for Adoption~~ PRE-BIRTH SURRENDER
2558 OF RIGHTS/FINAL RELEASE FOR ADOPTION after the child is born, but by signing
2559 this document, you are electing to surrender your rights prior to the birth of this child.
2560 Understand that you are signing this document under oath and that if you knowingly and
2561 willfully make a false statement in this document you will be guilty of the crime of false
2562 swearing. As explained below in paragraph 6, you have the right to revoke this ~~You are~~
2563 ~~to receive a copy of this document and as explained below have the right to withdraw~~
2564 ~~your~~ pre-birth surrender within ten days from the date you sign it. If you are at least 18
2565 years of age, you may choose to waive that right so that this surrender will become
2566 effective immediately upon signing such a waiver. If you choose to waive the right to a
2567 ten-day revocation period, you must make that choice in paragraph 6 below and execute
2568 a separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
2569 hours after the birth of the child.

2570 _____

2571 STATE OF GEORGIA

2572 COUNTY OF _____

2573 Personally appeared before me, the undersigned officer duly authorized to administer
2574 oaths, _____ (name of alleged biological father) who, after having
2575 been sworn, deposes and says as follows:

2576 1.

2577 I, the undersigned, understand that I have been named by _____,
2578 the biological mother of the child expected to be born in
2579 _____(city) _____(county) _____(state)

2580 on or about the _____ day of _____ (month), _____ (year), as the
 2581 biological father or possible biological father of her child. I further understand that the
 2582 biological mother wishes to place this child for adoption.

2583 2.

2584 To the best of my knowledge and belief, the child has not been born as of the date I am
 2585 signing this pre-birth surrender; however, if in fact the child has been born, this
 2586 surrender shall have the same effect as if it were a surrender executed following the
 2587 birth of the child.

2588 3.

2589 I understand that by signing this document I am not admitting that I am the biological
 2590 father of this child, but if I am, I hereby agree that adoption is in this child's best
 2591 interest. I consent to adoption of this child by any ~~person~~ individual chosen by the
 2592 child's legal mother or by any public or private ~~child-placing~~ agency that places
 2593 children without further notice to me. I expressly waive any other notice or service in
 2594 any of the legal proceedings for the adoption of the child. I understand that I have the
 2595 option to wait until after the child is born to execute a surrender of my rights (with a
 2596 corresponding ten-day right of ~~withdrawal~~ revocation) and, further, that by executing
 2597 this document I am electing instead to surrender my rights before the child's birth.

2598 4.

2599 I ~~further~~ understand that ~~execution of signing~~ signing this document does not fully and finally
 2600 terminate my rights and responsibilities until an order from a court of competent
 2601 jurisdiction terminating my rights or a final order of adoption is entered. I understand
 2602 that if the child is not adopted after I sign this document, legal proceedings can be
 2603 brought to establish paternity, and I may become liable for financial obligations related
 2604 to the birth and support of this child.

2605 5.

2606 I understand that I will receive a copy of this document after the witness and I have
 2607 signed it and it has been notarized.

2608 6.

2609 I understand that under Georgia law I have the unconditional right to a ten-day
 2610 revocation period. I understand that if I am at least 18 years of age I also have the
 2611 choice to waive the ten-day revocation period, thereby causing the pre-birth surrender

2612 of my rights to become final immediately upon signing a WAIVER OF RIGHT TO
 2613 REVOKE SURRENDER OF RIGHTS.

2614 Indicate your choice by signing ONE of the following statements (you may choose
 2615 statement A or B):

2616 A. _____ (Signature) I choose to RETAIN the unconditional right
 2617 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that
 2618 I have received a copy of this document and that I understand that I may only
 2619 withdraw ~~revoke~~ this pre-birth surrender by giving written notice, delivered in person
 2620 or by ~~statutory overnight delivery or registered mail, return receipt requested,~~ to
 2621 _____ within ten days from the date hereof; ~~mailed by~~
 2622 registered mail or statutory overnight delivery, to
 2623 _____ (name and address of
 2624 child-placing agency representative, out-of-state licensed agency representative,
 2625 Department of Human Services representative, individual to whom surrender is made
 2626 or his or her agent, or petitioner's representative, as applicable) within ten days from
 2627 the date of signing this document. I understand that certified mail cannot be used for
 2628 mail delivery of the notice to revoke this pre-birth surrender. I understand that the ten
 2629 days ~~shall~~ will be counted consecutively beginning with the day immediately
 2630 following the date hereof; ~~that, however, I sign this document; provided, however,~~
 2631 ~~that,~~ if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on
 2632 which ~~the~~ this surrender may be ~~withdrawn shall~~ revoked will be the next day that is
 2633 not a Saturday, Sunday, or legal holiday; ~~and that it may NOT be withdrawn~~
 2634 ~~thereafter.~~ I understand that, if I deliver the notice to revoke this surrender in person,
 2635 it must be delivered to _____ (name and
 2636 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,
 2637 whichever is applicable, on the tenth day. I understand that I CANNOT revoke this
 2638 surrender after that time.

2639 **OR**

2640 B. _____ (Signature) I am at least 18 years of age and I choose to
 2641 WAIVE the right to a ten-day revocation period under Georgia law. I will sign a
 2642 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 24
 2643 hours after the birth of the child and, by signing said waiver, I understand and intend
 2644 to give up the unconditional right to revoke this pre-birth surrender. I fully

2645 understand that by signing the WAIVER OF RIGHT TO REVOKE SURRENDER
 2646 OF RIGHTS the surrender of my rights will become final immediately upon signing
 2647 it and that thereafter this surrender cannot be revoked.

2648 7.

2649 If prior to my signing this pre-birth surrender I have registered on Georgia's putative
 2650 father registry then, if I do not ~~withdraw~~ revoke this surrender within the time
 2651 permitted, I waive the notice I would be entitled to receive pursuant to ~~the provisions~~
 2652 of Code Section 19-8-12 of the Official Code of Georgia Annotated because of my
 2653 registration on the putative father registry.

2654 8.

2655 I understand that if I am not a resident of this state that I am agreeing to be subject to
 2656 the jurisdiction of the courts of Georgia for any action filed in connection with the
 2657 adoption of the child. I agree to be bound by a decree of adoption rendered as a result
 2658 of this surrender of my parental rights.

2659 9.

2660 Furthermore, I hereby certify that I have not been subjected to any duress or undue
 2661 pressure in the execution of this document and ~~do so~~ I am signing it freely and
 2662 voluntarily.

2663 ~~Witness my hand and seal this~~

2664 This _____ day of _____, _____.

2665 _____
 2666 (SEAL)
 2667 (Alleged biological father)

2668 _____
 2669 Unofficial Witness
 2670 Adult witness

2671 Sworn to and subscribed
 2672 before me ~~on~~ this _____
 2673 day of _____, _____.

2674 _____
2675 Notary public (SEAL)

2676 ~~Notary Public Seal~~

2677 My commission expires: _____.

2678 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section
2679 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

2680 ACKNOWLEDGMENT OF SURRENDER
2681 OF RIGHTS

2682 STATE OF GEORGIA
2683 COUNTY OF _____

2684 Personally appeared before me, the undersigned officer duly authorized to administer
2685 oaths, _____ (name of parent, guardian, or
2686 alleged biological father) who, after having been sworn, deposes and says as follows ~~By~~
2687 execution of this paragraph, the undersigned expressly acknowledges:

2688 (A) That I have read the accompanying (PRE-BIRTH SURRENDER OF
2689 RIGHTS/FINAL RELEASE FOR ADOPTION) (SURRENDER OF RIGHTS/FINAL
2690 RELEASE FOR ADOPTION) [circle one] relating to ~~said minor~~ the child born
2691 _____ (name of child) ~~(insert name of child)~~, a (male) (female)
2692 [circle one] on _____ (birthdate of child) (insert birthdate of child);

2693 (B) That I understand that this is a full, final, and complete surrender, release, and
2694 termination of all of my rights to the child;

2695 (C) Indicate your choice by signing ONE of the following statements (you may choose
2696 statement A or B):

2697 A. _____ (Signature) That I have chosen to retain the unconditional
2698 right to revoke the surrender by giving written notice, delivered in person or mailed
2699 by registered mail or statutory overnight delivery, to
2700 _____ (name and address of child-placing
2701 agency or its representative, out-of-state licensed agency or its representative,
2702 Department of Human Services or its representative, individual to whom surrender
2703 is made or his or her agent, or petitioner's representative, as applicable) (insert name
2704 and address of each person or entity to whom surrender is made) not later than within
2705 ten days from the date of signing the surrender and that after such ten-day revocation
2706 period I shall have no right to revoke the surrender;

2707 ~~(D)~~ That I understand that certified mail cannot be used for mail delivery of the
 2708 notice to revoke the surrender of my rights. I understand that, if I deliver the notice
 2709 to revoke my surrender in person, it must be delivered to
 2710 _____ (name and address) not later than
 2711 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on
 2712 the tenth day. I understand that the ten days ~~shall~~ will be counted consecutively
 2713 beginning with the day immediately following the date I signed the surrender is
 2714 executed; provided, however, that, if the tenth day falls on a Saturday, Sunday, or
 2715 legal holiday, then the last day on which the surrender may be ~~withdrawn shall~~
 2716 revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

2717 **OR**

2718 B. _____ (Signature) That I am at least 18 years of age and I have
 2719 chosen to exercise my right to sign a separate WAIVER OF RIGHT TO REVOKE
 2720 SURRENDER OF RIGHTS at least 24 hours after the birth of the child and that, by
 2721 signing said waiver, I understand and intend to give up the unconditional right to
 2722 revoke my surrender. I fully understand that by signing the WAIVER OF RIGHT TO
 2723 REVOKE SURRENDER OF RIGHTS the surrender of my rights will become final
 2724 immediately upon signing it and that thereafter my surrender cannot be revoked;

2725 ~~(E)~~(D) That I have read the accompanying surrender of rights and received a copy
 2726 thereof;

2727 ~~(F)~~(E) That any and all questions regarding the effect of ~~said~~ such surrender and its
 2728 provisions have been satisfactorily explained to me;

2729 ~~(G)~~(F) That I have been ~~afforded~~ given an opportunity to consult with ~~counsel~~ an
 2730 attorney of my choice ~~prior to execution of~~ before signing the surrender of my rights;
 2731 and

2732 ~~(H)~~(G) That the surrender of my rights has been knowingly, intentionally, freely, and
 2733 voluntarily made by me.

2734 ~~Witness my hand and seal this~~
 2735 This _____ day of _____, _____.

2736 _____
 2737 (SEAL)
 2738 (Parent, guardian, or alleged biological father)

2739 _____
 2740 Unofficial witness
 2741 Adult witness

2742 Sworn to and subscribed
 2743 before me this _____
 2744 day of _____, _____.

2745 _____
 2746 Notary public (SEAL)

2747 My commission expires: _____.'

2748 (h) The affidavit of a legal mother required by paragraph (1) of subsection (g) of Code
 2749 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the surrender of her rights shall meet the
 2750 following requirements:

2751 (1) The affidavit shall set forth:

2752 (A) Her name;

2753 (B) Her relationship to the child;

2754 (C) Her age;

2755 (D) Her marital status at the time of conception and of the birth of the child;

2756 (E) The identity and last known address of ~~any~~ her spouse or former spouse and
 2757 whether any such spouse is the biological father of the child;

2758 (F) The identity, last known address, and relationship to the legal mother of the
 2759 biological father of ~~her~~ the child, provided that ~~the mother she~~ shall have the right not
 2760 to disclose the name and address of the biological father of ~~her~~ the child should she so
 2761 desire;

2762 (G) Whether or not she has consented to the appointment of a temporary guardian for
 2763 the child and, if so, provide the name and address of the temporary guardian and the
 2764 probate court in which the petition for temporary guardianship was filed;

2765 (H) Whether custody of the child has been awarded to another individual and, if so,
 2766 provide the name of the child's custodian and the court in which custody was awarded;

2767 ~~(G)(I) Whether or not the biological father of the child has lived with the child,~~
 2768 ~~contributed to its support, provided for the mother's support or medical care during her~~
 2769 ~~pregnancy or during her hospitalization for the birth of the child, or made an attempt~~
 2770 ~~to legitimate the child; and is or was in a branch of the United States armed forces and,~~
 2771 if so, provide details as to his military service;

2772 (J) Whether or not the biological mother or any member of her family is or was an
 2773 enrolled member of a federally recognized American Indian tribe, is or was a resident
 2774 of an American Indian reservation, or is or was an Alaskan native;

2775 (K) Whether or not the biological father of the child or any member of his family is or
 2776 was an enrolled member of a federally recognized American Indian tribe, is or was a
 2777 resident of an American Indian reservation, or is or was an Alaskan native; and

2778 ~~(H)~~(L) All financial assistance received by or promised her either directly or indirectly,
 2779 from whatever source, in connection with her pregnancy, the birth of the child, or the
 2780 placement or arranging for the placement of the child for adoption (including the date,
 2781 amount or value, description, payor, and payee), provided that financial assistance
 2782 provided directly by ~~the mother's~~ her husband, mother, father, sister, brother, aunt,
 2783 uncle, grandfather, or grandmother need not be detailed and instead ~~the mother~~ she need
 2784 only state the nature of the assistance received; and

2785 (2) The affidavit shall conform substantially to the following form:

2786 LEGAL MOTHER'S AFFIDAVIT

2787 NOTICE TO LEGAL MOTHER:

2788 This is an important legal document which deals with ~~your~~ the child's right to have its
 2789 his or her biological father's rights properly determined. You have the right not ~~If you~~
 2790 ~~decline~~ to disclose the name and address of the biological father of ~~your~~ the child;
 2791 ~~understand that you may be required to appear in court to explain your refusal and that~~
 2792 ~~your name may be used in connection with the publication of notice to the biological~~
 2793 ~~father.~~ Understand that you are providing this affidavit under oath and that ~~the~~ if you
 2794 knowingly and willfully make a false statement in this affidavit you will be guilty of
 2795 the crime of false swearing. The information provided you provide will be held in strict
 2796 confidence and will be used only in connection with the adoption of ~~your~~ the child.

2797 STATE OF GEORGIA

2798 COUNTY OF _____

2799 Personally appeared before me, the undersigned officer duly authorized to administer
 2800 oaths, _____, who, after having been sworn, deposes and says
 2801 as follows:

2802 That my name is _____.

2803 That I am the legal mother of a (male) (female) [circle one] child born
 2804 _____ (name of child) ~~(insert name of child)~~ in the State of
 2805 _____, County of _____ on _____ (birthdate of child) at
 2806 _____: _____ (A.M.) (P.M.) [circle one] ~~(insert birthdate of child)~~.

2807 That I am _____ years of age, having been born in the State of _____, County
 2808 of _____ on _____.

- 2809 That my social security ~~account~~ number is _____.
- 2810 That my marital status at the time of the conception of ~~my~~ the child was (check the
2811 status and complete the appropriate information):
- 2812 () Single, never having been married.
- 2813 () Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle
2814 one] _____; ~~his~~ my spouse's last known
2815 address is _____; we were married in the State of
2816 _____, County of _____ on _____; we have been separated since
2817 _____; we last had sexual relations on _____ (date);
2818 my spouse (is) (is not) [circle one] the biological father of said child.
- 2819 () Divorced; the name of my ~~previous~~ former spouse is
2820 _____; we were married in the State of _____, County of
2821 _____ on _____; we last had sexual relations on _____ (date);
2822 my former spouse's ~~his~~ last known address is _____; divorce granted in
2823 the State of _____, County of _____ on _____; my former
2824 spouse (is) (is not) [circle one] the biological father of said child.
- 2825 () Legally married; the name of my spouse (was) (is) [circle one]
2826 _____; we were married in the State of _____, County of _____
2827 on _____; and ~~his~~ my spouse's last known address is _____;
2828 my spouse (is) (is not) [circle one] the biological father of said child.
- 2829 () Married through common-law marriage relationship prior to January 1, 1997;
2830 the name of my spouse (was) (is) [circle one] _____; ~~his~~ my
2831 spouse's last known address is _____; our relationship began in the State
2832 of _____, County of _____ on _____; my spouse (is) (is not) [circle
2833 one] the biological father of said child.
- 2834 () Widowed; the name of my deceased spouse was _____;
2835 we were married in the State of _____, County of _____ on _____; ~~and~~
2836 ~~he~~ my spouse died on _____ in the County of _____, State of _____.
- 2837 That my name and marital status at the time of the birth of ~~my~~ the child was (check
2838 the status and complete the appropriate information):
- 2839 Name _____.
- 2840 () Single, never having been married.
- 2841 () Separated, but not legally divorced; the name of my spouse (was) (is) [circle
2842 one] _____; ~~his~~ my
2843 spouse's last known address is _____; we were married
2844 in the State of _____, County of _____ on _____; we
2845 have been separated since _____; we last had sexual relations on

2846 _____ (date); my spouse (is) (is not) [circle one] the biological
 2847 father of said child.

2848 () Divorced; the name of my former spouse is _____; we were married
 2849 in the State of _____, County of _____ on _____; we last had
 2850 sexual relations on _____ (date); my spouse's ~~his~~ last known
 2851 address is _____; divorce granted in the State of
 2852 _____, County of _____; my former spouse (is) (is not) [circle
 2853 one] the biological father of said child.

2854 () Legally ~~Married~~ married; the name of my spouse (was) (is) [circle one]
 2855 _____; we were married in the State of _____, County of
 2856 _____ on _____; ~~and his~~ my spouse's last known address is
 2857 _____; my spouse (is) (is not) [circle one] the biological
 2858 father of said child.

2859 () Married through common-law relationship prior to January 1, 1997; the name
 2860 of my spouse (was) (is) [circle one] _____; ~~his~~ my
 2861 spouse's last known address is _____; our relationship began in
 2862 the State of _____, County of _____ on _____;
 2863 my spouse (is) (is not) [circle one] the biological father of said child.

2864 () Widowed; the name of my deceased spouse was _____; we were
 2865 married in the State of _____, County of _____ on _____;
 2866 ~~and he~~ my spouse died on _____ in the County of _____,
 2867 State of _____; he (was) (was not) [circle one] the biological father of
 2868 said child.

2869 That the name of the biological father of ~~my~~ the child is (complete appropriate
 2870 response):

2871 Known to me and is (_____);

2872 Known to me but I expressly decline to identify him because _____

2873 _____; or

2874 Unknown to me because _____

2875 _____.

2876 That the last known address of the biological father of ~~my~~ the child is (complete
 2877 appropriate response):

2878 Known to me and is _____;

2879 Known to me but I expressly decline to provide his address because

2880 _____; or

2881 Unknown to me because _____

2882 _____.

2883 That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member
 2884 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident
 2885 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native
 2886 of American Indian heritage. If so:

2887 (A) The name of my American Indian tribe is _____ and the.

2888 (B) The percentage of my American Indian blood is _____ percent.

2889 That, to the best of my knowledge, a member of my family (is or was) (is not or was
 2890 not) [circle one] an enrolled member of a federally recognized American Indian tribe,
 2891 (is or was) (is not or was not) [circle one] a resident of an American Indian
 2892 reservation, or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

2893 (A) The name of the American Indian tribe is _____.

2894 (B) The percentage of my American Indian blood is _____ percent.

2895 ~~(B)~~(C) My relatives with American Indian or Alaskan native blood are: _____

2896 _____

2897 _____.

2898 ~~(C)~~(D) I (am) (am not) a member of an American Indian tribe. If so, the The name
 2899 of the American Indian tribe is _____.

2900 (E) The name of each enrolled member is _____, and his or
 2901 her corresponding registration or identification number is _____.

2902 ~~(D)~~ I (am) (am not) registered with an American Indian tribal registry. If so, the
 2903 American Indian tribal registry is: _____ and my registration
 2904 or identification number is: _____.

2905 ~~(E)~~ A member of my family (is) (is not) a member of an American Indian tribe. If
 2906 so, the name of each such family member is: _____ and the name
 2907 of the corresponding American Indian tribe is: _____.

2908 ~~(F)~~ A member of my family (is) (is not) registered with an American Indian tribal
 2909 registry. If so, the name of each such family member is: _____
 2910 and the name of the corresponding American Indian tribal registry is:
 2911 _____ and their corresponding registration or
 2912 identification numbers are: _____.

2913 That to the best of my knowledge, the biological father (is) (is not) of American
 2914 Indian heritage or a member of his family (is or was) (is not or was not) [circle one]
 2915 an enrolled member of a federally recognized American Indian tribe, (is or was) (is
 2916 not or was not) [circle one] a resident of an American Indian reservation, or (is or
 2917 was) (is not or was not) [circle one] an Alaskan native. If so:

2918 (A) The name of his American Indian tribe is _____ and the.

2919 (B) The percentage of his American Indian blood is _____ percent.

2920 ~~(B)~~(C) His relatives with American Indian or Alaskan native blood are: _____
 2921 _____
 2922 _____.

2923 ~~(C) He (is) (is not) a member of an American Indian tribe. If so, the name of the~~
 2924 ~~tribe is: _____.~~

2925 ~~(D) He (is) (is not) registered with an American Indian tribal registry. If so, the~~
 2926 ~~American Indian tribal registry is: _____~~
 2927 ~~and his registration or identification number is: _____~~

2928 ~~The name of each enrolled member is _____,~~
 2929 ~~and his or her corresponding registration or identification number is~~
 2930 ~~_____.~~

2931 That the date of birth of the biological father (~~was is~~ _____, _____) ~~or~~ (is not
 2932 known to me) [circle one].

2933 That the biological father (is) (is not) [circle one] on active duty in a branch of the
 2934 United States armed forces. If so:

2935 (A) The branch of his service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)
 2936 [circle one].

2937 (B) His rank is _____.

2938 (C) His duty station is _____.

2939 If applicable, please provide any additional available information regarding his
 2940 military service.

2941 _____
 2942 _____
 2943 _____.

2944 That the biological father of ~~my~~ the child, whether or not identified ~~herein~~ (~~strike each~~
 2945 ~~inappropriate phrase~~) in this document (circle the appropriate phrase):

- 2946 (Was) (Was not) married to me at the time this child was conceived;
- 2947 (Was) (Was not) married to me at any time during my pregnancy with this child;
- 2948 (Was) (Was not) married to me at the time that this child was born;
- 2949 (Did) (Did not) marry me after the child was born and recognize the child as his
 2950 own;
- 2951 (Has) (Has not) been determined to be the child's father by a final paternity order
 2952 of a court;
- 2953 (Has) (Has not) legitimated the child by a final court order;
- 2954 (Has) (Has not) lived with the child;
- 2955 (Has) (Has not) contributed to its support;

2956 (Has) (Has not) provided for my support during my pregnancy or hospitalization for
2957 the birth of the child; and

2958 (Has) (Has not) provided for my medical care during my pregnancy or
2959 hospitalization for the birth of the child; ~~and~~

2960 ~~(Has) (Has not) made any attempt to legitimate the child.~~

2961 That I (have) (have not) [circle one] consented to the appointment of a temporary
2962 guardian for the child. If so, the name of the temporary guardian is
2963 _____ , and the probate court in which the petition for temporary
2964 guardianship was filed is _____ .

2965 That custody of the child has been awarded to
2966 _____ (name and address of custodian) by order
2967 of the _____ Court of _____ County, State of
2968 _____ , entered on _____ (date).

2969 That I have received or been promised the following financial assistance, either
2970 directly or indirectly, from whatever source, in connection with my pregnancy, the
2971 birth of ~~my~~ the child, and ~~it's~~ the child's placement for adoption:
2972 _____.

2973 That I recognize that if I knowingly and willfully make a false statement in this
2974 affidavit; I will be guilty of the crime of false swearing.

2975 _____
2976 ~~(Biological mother's signature)~~
2977 (Legal mother)

2978 Sworn to and subscribed
2979 before me this _____
2980 day of _____, ____.

2981 _____
2982 Notary public (SEAL)

2983 My ~~Commission Expires~~ commission expires: _____!

2984 (i) ~~The affidavit of an adoptive mother required by subsection (a) of Code Section 19-8-9~~
2985 paragraph (2) of subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the
2986 surrender of her rights shall meet the following requirements:

2987 (1) The affidavit shall set forth:

- 2988 (A) Her name;
- 2989 (B) Her relationship to the child;
- 2990 (C) Her age;
- 2991 (D) Her marital status;

2992 (E) The name and last known address of any spouse or former spouse at the time the
 2993 child was adopted and whether any such spouse also adopted the child or ~~was~~ is the
 2994 biological father of the child;

2995 (F) The circumstances surrounding her adoption of ~~her~~ the child, including the date the
 2996 adoption was finalized, the state and county where finalized, and the name and address
 2997 of the adoption agency, if any; ~~and~~

2998 (G) Whether or not she has consented to the appointment of a temporary guardian for
 2999 the child and, if so, provide the name of the temporary guardian and the probate court
 3000 in which the petition for temporary guardianship was filed;

3001 (H) Whether custody of the child has been awarded to another individual and, if so,
 3002 provide the name of the child's custodian and the court in which custody was awarded;
 3003 and

3004 ~~(G)~~(I) All financial assistance received by or promised her either directly or indirectly,
 3005 from whatever source, in connection with the placement or arranging for the placement
 3006 of ~~her~~ the child for adoption (including the date, amount or value, description, payor,
 3007 and payee), provided that financial assistance provided directly by ~~the adoptive~~
 3008 ~~mother's~~ her husband, mother, father, sister, brother, aunt, uncle, grandfather, or
 3009 grandmother need not be detailed and instead ~~the adoptive mother~~ she need only state
 3010 the nature of the assistance received.

3011 (2) The affidavit shall be in substantially the following form:

3012 'ADOPTIVE MOTHER'S AFFIDAVIT

3013 NOTICE TO ADOPTIVE MOTHER:

3014 This is an important legal document which deals with ~~your~~ the adopted child's right to
 3015 have ~~its~~ his or her legal father's rights properly ~~terminated~~ determined. Understand that
 3016 you are providing this affidavit under oath and that ~~the~~ if you knowingly and willfully
 3017 make a false statement in this affidavit you will be guilty of the crime of false swearing.
 3018 The information ~~provided~~ you provide will be held in strict confidence and will be used
 3019 only in connection with the adoption of ~~your~~ the child.

3020 STATE OF GEORGIA

3021 COUNTY OF _____

3022 Personally appeared before me, the undersigned officer duly authorized to administer
 3023 oaths, _____, who, after having been sworn, deposes and says as follows:

3024 That my name is _____.

3025 That I am the adoptive mother of a (male) (female) [circle one] child born
 3026 _____ (name of child) (~~insert name of child~~) in the State of
 3027 _____, County of _____ on _____ (birthdate of child)
 3028 at _____: _____ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

3029 That I am _____ years of age, having been born in the State of _____, County
 3030 of _____ on _____.

3031 That my social security number is _____.

3032 That my marital status is (check the status and complete the appropriate information):

3033 () Single, never having been married.

3034 () Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle
 3035 one] _____; ~~his~~ my spouse's last known address is _____; we
 3036 were married in the State of _____, County of _____ on
 3037 _____; we have been separated since _____; we last had
 3038 sexual relations on _____ (date); my spouse (did) (did not) [circle
 3039 one] also adopt said child; my spouse (is) (is not) [circle one] the biological father
 3040 of said child.

3041 () Divorced; the name of my ~~previous~~ former spouse is _____; we were
 3042 married in the State of _____, County of _____ on _____; we
 3043 last had sexual relations on _____ (date); my former spouse's ~~his~~ last
 3044 known address is _____; divorce granted in the State of _____,
 3045 County of _____ on _____; my ~~previous~~ former spouse (did) (did
 3046 not) [circle one] also adopt said child; my ~~previous~~ former spouse (is) (is not) [circle
 3047 one] the biological father of said child.

3048 () Legally married; the name of my spouse ~~is~~ (was) (is) [circle one]
 3049 _____; we were married in the State of _____, County of _____
 3050 on _____; ~~his~~ my spouse's last known address is _____; my
 3051 spouse (did) (did not) [circle one] also adopt said child; my spouse (is) (is not)
 3052 [circle one] the biological father of said child.

3053 () Married through common-law marriage relationship prior to January 1, 1997;
 3054 the name of my spouse ~~is~~ (was) (is) [circle one] _____; ~~his~~ my spouse's
 3055 last known address is _____; ~~the date and place~~ our relationship began
 3056 is (~~date, county, state~~) in the State of _____, County of _____
 3057 on _____; my spouse (did) (did not) [circle one] also adopt said child;
 3058 my spouse (is) (is not) [circle one] the biological father of said child.

3059 () Widowed; the name of my deceased spouse ~~is~~ was _____; we were
 3060 married in the State of _____, County of _____ on _____; ~~he~~ my
 3061 spouse died on _____ in the County of _____, State of _____;

3062 he (did) (did not) [circle one] also adopt said child; ~~and~~ he (was) (was not) [circle
3063 one] the biological father of said child.

3064 That I adopted my the child in the State of _____, County of _____.

3065 That the final order of adoption was entered on _____.

3066 That there (was) (was not) [circle one] an adoption agency involved in the placement
3067 of my the child with me for adoption; and if so its name was _____,
3068 and its address is _____.

3069 That I (have) (have not) [circle one] consented to the appointment of a temporary
3070 guardian for the child. If so, the name of the temporary guardian is:
3071 _____, and the probate court in which the petition for
3072 temporary guardianship was filed is _____.

3073 That custody of the child has been awarded to _____ (name and
3074 address of custodian) by order of the _____ Court of _____
3075 County, State of _____, entered on _____ (date).

3076 That I have received or been promised the following financial assistance, either
3077 directly or indirectly, from whatever source, in connection with my the child's
3078 placement for adoption: _____.

3079 That I recognize that if I knowingly and willfully make a false statement in this
3080 affidavit, I will be guilty of the crime of false swearing.

3081 _____
3082 (Adoptive mother)

3083 Sworn to and subscribed
3084 before me this _____
3085 day of _____, ____.

3086 _____
3087 Notary public (SEAL)
3088 My commission expires: _____.

3089 (j) The affidavit of ~~an~~ a child-placing agency, out of state licensed agency, or department
3090 representative required by subsection (h) of Code Section 19-8-4 shall conform
3091 substantially to the following form:

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

3095 STATE OF GEORGIA
3096 COUNTY OF _____

3097 Personally appeared before me, the undersigned officer duly authorized to administer
3098 oaths, _____, who, after having been sworn, deposes and says as
3099 follows:

3100 That I am _____ (position) of _____ (name
3101 of department, child-placing agency, or out-of-state licensed agency) (~~department or~~
3102 agency).

3103 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
3104 RELEASE FOR ADOPTION by _____, releasing and
3105 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor
3106 child born _____ (name of child) on _____ (birthdate
3107 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert~~
3108 ~~birthdate of child~~), I reviewed with and explained to ~~said~~ such individual all of the
3109 provisions of the surrender of rights, and particularly the provisions which provide that
3110 the surrender is a full surrender of all rights to the child.

3111 That based on my review and explanation to ~~said~~ such individual, it is my opinion that
3112 ~~said~~ such individual knowingly, intentionally, freely, and voluntarily executed the
3113 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3114 _____
3115 (Agency representative)
3116 (Representative)

3117 _____
3118 (Department or agency name)

3119 Sworn to and subscribed
3120 before me this _____
3121 day of _____, ____.

3122 _____
3123 Notary public (SEAL)
3124 My commission expires: _____.'

3125 (k) The affidavit of a petitioner's representative or of the representative of the individual
3126 signing the surrender of rights required by subsection (h) of Code Section 19-8-5, 19-8-6,
3127 or 19-8-7 shall conform substantially to the following form:

3128 'AFFIDAVIT OF PETITIONER'S REPRESENTATIVE

3129 STATE OF GEORGIA
3130 COUNTY OF _____

3131 Personally appeared before me, the undersigned officer duly authorized to administer
3132 oaths, _____, who, after having been sworn, deposes and says as
3133 follows:

3134 That my name is _____.

3135 That my address is _____.

3136 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL
3137 RELEASE FOR ADOPTION by _____, releasing and
3138 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor
3139 child born _____ (name of child) on _____ (birthdate
3140 of child) at _____ : _____ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert
3141 birthdate of child~~), I reviewed with and explained to ~~said~~ such individual all of the
3142 provisions of the surrender of rights, and particularly the provisions which provide that
3143 the surrender is a full surrender of all rights to the child.

3144 That based on my review and explanation to ~~said~~ such individual, it is my opinion that
3145 ~~said~~ such individual knowingly, intentionally, freely, and voluntarily executed the
3146 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3147 _____
3148 (Petitioner's representative)
3149 (Petitioner's representative or the
3150 representative of the individual
3151 signing the surrender)

3152 Sworn to and subscribed
3153 before me this _____
3154 day of _____, ____.

3155 _____
3156 Notary public (SEAL)

3157 My commission expires: _____.

3158 (l) The parental consent to a stepparent adoption required by subsection (j) of Code
3159 Section 19-8-6 shall conform substantially to the following form:

3160 PARENTAL CONSENT TO STEPPARENT ADOPTION

3161 STATE OF GEORGIA
3162 COUNTY OF _____

3163 Personally appeared before me, the undersigned officer duly authorized to administer
3164 oaths, _____ (name of parent) who, after having been
3165 sworn, deposes and says as follows:

3166 I, the undersigned, hereby consent that my spouse _____ (name of
 3167 spouse) (~~insert name of spouse~~) adopt my (son) (daughter) [circle one],
 3168 _____ (name of child) (~~insert name of child~~), whose date of birth is
 3169 _____, and in so doing I in no way relinquish or surrender my parental rights
 3170 to the child. I further acknowledge service of a copy of the petition for adoption of the
 3171 child as filed on behalf of my spouse, and I hereby consent to the granting of the
 3172 prayers of the petition for adoption. I also waive all other and further service and notice
 3173 of any kind and nature in connection with the proceedings.

3174 This _____ day of _____, _____.

3175 _____
 3176 (Parent)

3177 _____
 3178 ~~Unofficial witness~~

3179 Sworn to and subscribed
 3180 before me this _____
 3181 day of _____, _____.

3182 _____
 3183 Notary public (SEAL)

3184 My commission expires: _____.'

3185 (m) The sworn statement executed by the biological mother identifying an alleged
 3186 biological father of her unborn child authorized and required by subparagraph (e)(3)(E) of
 3187 Code Section 19-8-4, 19-8-5, or 19-8-7 shall conform substantially to the following form:

3188 NOTICE TO BIOLOGICAL MOTHER:

3189 This is an important legal document which will enable the individual you identify as the
 3190 biological father of your unborn child to sign a pre-birth surrender of his rights so as to
 3191 place your child for adoption. Understand that you are signing this affidavit under oath
 3192 and that the information you provide will be held in strict confidence and will be used
 3193 only in connection with the adoption of your unborn child.

3194 STATE OF GEORGIA
 3195 COUNTY OF _____

3196 BIOLOGICAL MOTHER'S AFFIDAVIT IDENTIFYING
3197 BIOLOGICAL FATHER OF HER UNBORN CHILD

3198 Personally appeared before me, the undersigned officer duly authorized to administer
3199 oaths, _____, who, after having been sworn, deposes and says as
3200 follows:

3201 That my name is _____.

3202 That I am _____ years of age, having been born in the State of _____, County of
3203 _____ on _____.

3204 That my social security number is _____.

3205 That I am currently pregnant with a (male) (female) (sex unknown) [circle one] child
3206 who is expected to be born on _____ (due date of child).

3207 That the name of any alleged biological father is _____,
3208 and his last known address is _____.

3209 That I execute this affidavit so that any alleged biological father I have identified above
3210 can be asked to sign a pre-birth surrender of his rights to assist me in placing the child
3211 for adoption once the child is born.

3212 That I recognize that if I knowingly and willfully make a false statement in this
3213 affidavit I will be guilty of the crime of false swearing.

3214 _____
3215 (Biological mother)

3216 Sworn to and subscribed
3217 before me this _____
3218 day of _____, _____.

3219 _____
3220 Notary public (SEAL)

3221 My commission expires: _____.'

3222 (n) The waiver of the right to revoke a surrender of rights authorized and required by
3223 subsection (c) of Code Section 19-8-9 shall conform substantially to the following form:

3224 'WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS

3225 This is an important legal document and it shall only be signed by an individual who is
3226 at least 18 years of age. By signing it, you are waiving the right to revoke the surrender
3227 of all of your rights to the child identified in the surrender of rights document so as to
3228 immediately place the child for adoption. Understand that you are providing this affidavit

3229 under oath and that if you knowingly and willfully make a false statement in this affidavit
 3230 you will be guilty of the crime of false swearing.

3231 STATE OF GEORGIA

3232 COUNTY OF _____

3233 Personally appeared before me, the undersigned officer duly authorized to administer
 3234 oaths, _____, who, after having been sworn, deposes and says as follows:

3235 I, the undersigned, have previously executed a SURRENDER OF RIGHTS/FINAL
 3236 RELEASE FOR ADOPTION as to the child identified in the surrender of rights
 3237 document so as to assist in (his)(her) adoption.

3238 I hereby certify that:

3239 (A) I am at least 18 years of age;

3240 (B) I have received a copy of my surrender document;

3241 (C) I understand I had the choice to retain the unconditional right to revoke my
 3242 surrender by giving written notice to the individual, department, or agency named in
 3243 the surrender document in the manner set forth in that document within ten days from
 3244 the date I signed the surrender and that thereafter my surrender could not be revoked;

3245 (D) I understand I may choose to waive the right to revoke my surrender during that
 3246 ten-day period immediately following the date I signed the surrender if I want my
 3247 surrender of rights to become final and irrevocable on the date I sign this waiver;

3248 (E) I choose that the adoption of the child proceed without any delay;

3249 (F) I freely and voluntarily waive the unconditional right to revoke my surrender of
 3250 rights as it is my intent that my surrender of rights become final and irrevocable
 3251 immediately upon my signing this waiver document;

3252 (G) I have been given an opportunity to consult with an attorney of my choice before
 3253 signing this waiver document;

3254 (H) This waiver is in connection with a child born on _____ (birthdate
 3255 of child) at _____ : _____ (A.M.) (P.M.) [circle one];

3256 (I) It has been at least 24 hours since the birth of the child;

3257 (J) I have received a copy of this document; and

3258 (K) I have not been subjected to any duress or undue pressure in the execution of this
 3259 document and I am signing it freely and voluntarily.

3260 This _____ day of _____, _____ at _____ : _____ (A.M.) (P.M.) [circle one].

3261
3262

(Parent or alleged biological father)

3263
3264

Adult witness

3265
3266
3267

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

3268
3269

Notary public (SEAL)

3270

My commission expires: _____.'

3271
3272
3273

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

3274

NOTICE TO BIOLOGICAL OR LEGAL FATHER:

3275
3276
3277

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

3278

3279
3280

AFFIDAVIT REGARDING NATIVE AMERICAN HERITAGE
AND MILITARY SERVICE

3281
3282

STATE OF GEORGIA
COUNTY OF _____

3283
3284
3285

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

3286
3287
3288
3289
3290
3291
3292

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

3293 5. That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member
 3294 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident
 3295 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native. If
 3296 so:

3297 (A) The name of my American Indian tribe is _____.

3298 (B) My registration or identification number is _____.

3299 (C) The percentage of my American Indian blood is _____ percent.

3300 6. That, to the best of my knowledge, a member of my family (is or was) (is not or was
 3301 not) [circle one] an enrolled member of a federally recognized American Indian tribe,
 3302 (is or was) (is not or was not) [circle one] a resident of an American Indian reservation,
 3303 or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

3304 (A) The name of the American Indian tribe is _____.

3305 (B) The percentage of my American Indian blood is _____ percent.

3306 (C) My relatives with American Indian or Alaskan native blood are _____

3307 _____

3308 _____.

3309 (D) The name of the American Indian tribe is _____.

3310 (E) The name of each enrolled member is _____, and

3311 his or her corresponding registration or identification number is _____.

3312 7. That I (am) (am not) [circle one] on active duty in a branch of the United States
 3313 armed forces. If so:

3314 (A) The branch of my service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)
 3315 [circle one].

3316 (B) My rank is _____.

3317 (C) My duty station is _____.

3318 (D) Additional information regarding my military service is _____

3319 _____

3320 _____

3321 _____.

3322 8. That I have received or been promised the following financial assistance, either
 3323 directly or indirectly, from whatever source, in connection with the birth of the child
 3324 and the child's placement for adoption: _____.

3325 9. That I recognize that if I knowingly and willfully make a false statement in this
 3326 affidavit I will be guilty of the crime of false swearing.

3327 _____
 3328 (Biological or legal father)

3329 Sworn to and subscribed
 3330 before me this
 3331 day of _____.
 3332 _____
 3333 Notary public (SEAL)
 3334 My commission expires: _____.'

3335 19-8-27.

3336 (a) As used in this Code section, the term 'birth relative' means:

3337 (1) A parent, biological father who is not ~~the~~ a legal father, grandparent, brother, sister,
 3338 half-brother, or half-sister who is related by blood or marriage to a child who is being
 3339 adopted or who has been adopted; or

3340 (2) A grandparent, brother, sister, half-brother, or half-sister who is related by adoption
 3341 to a child who is being adopted or who has been adopted.

3342 (b)(1) An adopting parent or parents and birth relatives or an adopting parent or parents,
 3343 birth relatives, and a child who is 14 years of age or older who is being adopted or who
 3344 has been adopted may voluntarily enter into a written postadoption contact agreement to
 3345 permit continuing contact between such birth relatives and such child. A child who is 14
 3346 years of age or older shall be considered a party to a postadoption contact agreement.

3347 (2) A postadoption contact agreement may provide for privileges regarding a child who
 3348 is being adopted or who has been adopted, including, but not limited to, visitation with
 3349 such child, contact with such child, sharing of information about such child, or sharing
 3350 of information about birth relatives.

3351 (3) In order to be an enforceable postadoption contact agreement, such agreement shall
 3352 be in writing and signed by all of the parties to such agreement acknowledging their
 3353 consent to its terms and conditions.

3354 (4) Enforcement, modification, or termination of a postadoption contact agreement shall
 3355 be under the continuing jurisdiction of the court that granted the petition ~~of~~ for adoption;
 3356 provided, however, that the parties to a postadoption contact agreement may expressly
 3357 waive the right to enforce, modify, or terminate such agreement under this Code section.

3358 (5) Any party to the postadoption contact agreement may, at any time, file the original
 3359 postadoption contact agreement with the court that has or had jurisdiction over the
 3360 adoption if such agreement provides for the court to enforce such agreement or such
 3361 agreement is silent as to the issue of enforcement.

3362 (c) A postadoption contact agreement shall contain the following warnings in at least 14
 3363 point boldface type:

3364 (1) After the entry of a decree for adoption, an adoption cannot be set aside due to the
3365 failure of an adopting parent, a ~~birth~~ biological parent, a birth relative, or the child to
3366 follow the terms of this agreement or a later change to this agreement; and

3367 (2) A disagreement between the parties or litigation brought to enforce, terminate, or
3368 modify this agreement shall not affect the validity of the adoption and shall not serve as
3369 a basis for orders affecting the custody of the child.

3370 (d)(1) As used in this subsection, the term 'parties' means the individuals who signed the
3371 postadoption contact agreement currently in effect, including the child if he or she is 14
3372 years of age or older at the time of the action regarding such agreement, but such term
3373 shall exclude any third-party beneficiary to such agreement.

3374 (2) A postadoption contact agreement may always be modified or terminated if the
3375 parties have voluntarily signed a written modified postadoption contact agreement or
3376 termination of a postadoption contact agreement. A modified postadoption contact
3377 agreement may be filed with the court if such agreement provides for the court to enforce
3378 such agreement or such agreement is silent as to the issue of enforcement.

3379 (e) With respect to postadoption contact agreements that provide for court enforcement or
3380 termination or are silent as to such matters, any party, as defined in paragraph (1) of
3381 subsection (d) of this Code section, may file a petition to enforce or terminate such
3382 agreement with the court that granted the petition ~~of~~ for adoption, and the court shall
3383 enforce the terms of such agreement or terminate such agreement if such court finds by a
3384 preponderance of the evidence that the enforcement or termination is necessary to serve the
3385 best interests of the child.

3386 (f) With respect to postadoption contact agreements that provide for court modification or
3387 are silent as to modification, only the adopting parent or parents may file a petition seeking
3388 modification. Such petition shall be filed with the court that granted the petition ~~of~~ for
3389 adoption, and the court shall modify such agreement if such court finds by a preponderance
3390 of the evidence that the modification is necessary to serve the best interests of the child and
3391 there has been a material change of circumstances since the current postadoption contact
3392 agreement was executed.

3393 (g) A court may require the party seeking modification, termination, or enforcement of a
3394 postadoption contact agreement to participate in mediation or other appropriate alternative
3395 dispute resolution.

3396 (h) All reasonable costs and expenses of mediation, alternative dispute resolution, and
3397 litigation shall be borne by the party, other than the child, filing the action to enforce,
3398 modify, or terminate a postadoption contact agreement when no party has been found by
3399 the court as failing to comply with an existing postadoption contact agreement. Otherwise,
3400 a party, other than the child, found by the court as failing to comply without good cause

3401 with an existing postadoption contact agreement shall bear all the costs and expenses of
 3402 mediation, alternative dispute resolution, and litigation of the other party.

3403 (i) A court shall not set aside a decree of adoption, rescind a surrender of rights, or modify
 3404 an order to terminate parental rights or any other prior court order because of the failure of
 3405 an adoptive parent, a birth relative, or the child to comply with any or all of the original
 3406 terms of, or subsequent modifications to, a postadoption contact agreement.

3407 19-8-28.

3408 When a child is an orphan, the petitioner shall not be required to have a guardian appointed
 3409 for such child in order for a guardian to execute a surrender of rights. Such child shall be
 3410 adoptable without a surrender of rights."

3411 **SECTION 2.**

3412 Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination
 3413 of parental rights, is amended by revising subsection (d) as follows:

3414 "(d) The court shall transmit a copy of every final order terminating the parental rights of
 3415 a parent to the ~~Office of Adoptions~~ State Adoption Unit of the department within 15 days
 3416 of the filing of such order."

3417 **SECTION 2A.**

3418 Part 4 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
 3419 relating to sick, personal, and maternity leave for teachers and other school personnel, is
 3420 amended by adding a new Code section to read as follows:

3421 "20-2-852.1.

3422 A local board of education that permits paternity or maternity time off for biological
 3423 parents following the birth of a child shall, upon request, make such time off available for
 3424 individuals adopting a child, in the same manner and utilizing the same type of leave. If
 3425 the local board of education has established a policy providing time off for biological
 3426 parents, that period of time shall be the minimum period of leave available for adoptive
 3427 parents. Requests for additional leave due to the adoption of an ill child or a child with a
 3428 disability shall be considered on the same basis as comparable cases of such complications
 3429 accompanying the birth of such a child to an employee or employee's spouse. Any other
 3430 benefits provided by the local board of education, such as job guarantee or pay, shall be
 3431 available to both adoptive and biological parents on an equal basis. A local board of
 3432 education shall not penalize an employee for exercising the rights provided by this Code
 3433 section. The provisions of this Code section shall not apply to an adoption by the spouse
 3434 of a custodial parent."

3435

SECTION 3.

3436 All laws and parts of laws in conflict with this Act are repealed.