

The Senate Committee on Judiciary offered 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 under certain  
6 circumstances; to change the age for individuals to access the Adoption Reunion Registry;  
7 to revise and provide for forms; to amend Code Section 15-11-320 of the Official Code of  
8 Georgia Annotated, relating to termination of parental rights, so as to correct a  
9 cross-reference; to amend Part 4 of Article 17 of Chapter 2 of Title 20 of the Official Code  
10 of Georgia Annotated, relating to sick, personal, and maternity leave for teachers and other  
11 school personnel, so as to require local boards of education to provide employees who are  
12 adoptive parents the same duration of maternity leave, leave options, and other benefits as  
13 are provided to employees who are biological parents; to amend Article 1 of Chapter 5 of  
14 Title 49 of the Official Code of Georgia Annotated, relating to children and youth services,  
15 so as to allow a child-placing agency to reject a referral from the department based on the  
16 child-placing agency's mission as evidenced in its written policy, statement, or other  
17 document; to provide for assertion of such rights; to amend Chapter 21 of Title 50 of the  
18 Official Code of Georgia Annotated, relating to waiver of sovereign immunity as to actions  
19 ex contractu and state tort claims, so as to provide for waiver of sovereign immunity for  
20 declaratory judgment or injunctive relief under certain circumstances; to provide for related  
21 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

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

26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61

"ARTICLE 1

19-8-1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 62 (A) Has legally adopted such child;
- 63 (B) Was married to the biological mother of such child at the time such child was born  
64 or within the usual period of gestation, unless paternity was disproved by a final order  
65 ~~pursuant to Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction;
- 66 (C) Married ~~the~~ a legal mother of such child after such child was born and recognized  
67 such child as his own, unless paternity was disproved by a final order ~~pursuant to~~  
68 ~~Article 3 of Chapter 7 of this title~~ of a court of competent jurisdiction; or
- 69 (D) Has legitimated such child by a final order pursuant to Code Section 19-7-22.
- 70 ~~(7)~~(12) 'Legal mother' means ~~the~~ a female who is the biological or adoptive mother of  
71 the child and who has not surrendered or had terminated her rights to the child.
- 72 (13) 'Native American heritage' means any individual who is:
- 73 (A) A member of a federally recognized American Indian tribe; or  
74 (B) An Alaskan native.
- 75 (14) 'Out-of-state licensed agency' means an agency or entity that is licensed in another  
76 state or country to place children for adoption.
- 77 ~~(8)~~(15) 'Parent' means ~~either the~~ a legal father or ~~the~~ a legal mother of the child.
- 78 ~~(9)~~(16) 'Petitioner' means ~~a person~~ an individual who petitions to adopt or terminate  
79 rights to a child pursuant to this ~~chapter~~ article.
- 80 ~~(10)~~(17) 'Putative father registry' means the registry established and maintained pursuant  
81 to subsections (d) and (e) of Code Section 19-11-9.
- 82 19-8-2.
- 83 (a) The superior courts of the several counties shall have exclusive jurisdiction in all  
84 matters of adoption, ~~except such jurisdiction as may be granted to the juvenile courts.~~
- 85 (b) All petitions for adoption under this ~~chapter~~ article shall be filed in the county in which  
86 any petitioner resides, except that:
- 87 (1) Upon good cause being shown, the court may, in its discretion, allow such petition  
88 to be filed in the court of the county ~~of:~~
- 89 (A) Of the child's domicile ~~or of the county in;~~  
90 (B) In which is located any child-placing agency having legal custody of the child;  
91 ~~sought to be adopted may, in its discretion, allow the petition to be filed in that court;~~  
92 ~~and~~
- 93 (C) Where the child was born if such petition is filed within one year of the child's  
94 birth; or
- 95 (D) In which is located the office of the department having legal custody of the child;
- 96 (2) Any ~~person~~ individual who ~~has been~~ is a resident of any United States ~~Army~~ army  
97 post or military reservation within this state ~~for six months next preceding the filing of~~

98 ~~the petition for adoption~~ may file the such petition in any county adjacent to the United  
 99 States ~~Army~~ army post or military reservation; and

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

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

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

106 (C) Superior Court of Fulton County.

107 19-8-3.

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

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

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

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

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

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

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

127 19-8-4.

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

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

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

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

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

152 (d) ~~An individual~~ A person signing a surrender of rights pursuant to this Code section shall  
 153 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided  
 154 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,  
 155 shall also have the right to waive the ten-day revocation period by executing a separate  
 156 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at  
 157 least 48 hours after the birth of the child and attested to by an attorney certifying that it was  
 158 knowingly and voluntarily executed.

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

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

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

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

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

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

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

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

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

203 (g)(1) ~~A~~ ~~Whenever the~~ legal mother who surrenders her parental rights pursuant to this  
 204 Code section, ~~she~~ shall execute an affidavit meeting the requirements of subsection (h)

205 of Code Section 19-8-26. Such affidavit shall be signed under oath and in the presence  
 206 of a notary public.

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

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

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

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

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

231 19-8-5.

232 (a) A child ~~Except as otherwise authorized in this chapter, a child who has any living~~  
 233 ~~parent or guardian~~ may be adopted by a third party who is neither the stepparent nor  
 234 relative of that child, as such individuals are described in subsection (a) of Code Sections  
 235 19-8-6 and 19-8-7, only if each ~~such~~ living parent and ~~each such~~ guardian of such child has  
 236 voluntarily and in writing surrendered all of his or her rights to such child to that third party  
 237 for the purpose of enabling that third party to adopt such child. A third party to whom such  
 238 child is voluntarily surrendered shall be financially responsible for such child as of the date  
 239 of surrender by the parent. Except as provided in subsection ~~(m)~~ (l) of this Code section,  
 240 no child shall be placed with a third party for purposes of adoption unless prior to the date

241 of placement a home study shall have been completed, and the home study report  
242 recommends placement of a child in such third party's home.

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

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

255 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall  
256 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided  
257 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,  
258 shall also have the right to waive the ten-day revocation period by executing a separate  
259 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at  
260 least 48 hours after the birth of the child and attested to by an attorney certifying that it was  
261 knowingly and voluntarily executed.

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

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

271 (3)(A) A ~~The~~ biological father who is not ~~the~~ a legal father of a child may execute a  
272 surrender of his rights to the child prior to the birth of the child for the purpose of an  
273 adoption pursuant to this Code section. A pre-birth surrender, ~~when signed under oath~~  
274 ~~by the alleged biological father,~~ shall serve to relinquish ~~the~~ an alleged biological  
275 father's rights to the child and to waive ~~the~~ an alleged biological father's right to notice  
276 of any proceeding with respect to the child's adoption, custody, or guardianship. The  
277 court in any adoption proceeding shall have jurisdiction to enter a final order of



278 adoption of the child based upon the pre-birth surrender and in other proceedings to  
 279 determine the child's legal custody or guardianship shall have jurisdiction to enter an  
 280 order for those purposes.

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

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

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

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

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

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

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

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

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

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

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

331 Office of Adoptions

332 Georgia Department of Human Services

333 Atlanta, Georgia

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

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

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

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

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

356 ~~(h)(k)~~ In any surrender of rights pursuant to this Code section, ~~the provisions of Chapter~~  
 357 4 of Title 39, relating to the Interstate Compact on the Placement of Children, if applicable,  
 358 shall be complied with.

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

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

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

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

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

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

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

387 19-8-6.

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

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

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

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

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

406 (d) ~~An individual~~ A person signing a surrender of rights pursuant to this Code section shall  
 407 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided  
 408 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,  
 409 shall also have the right to waive the ten-day revocation period by executing a separate  
 410 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at  
 411 least 48 hours after the birth of the child and attested to by an attorney certifying that it was  
 412 knowingly and voluntarily executed.

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

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

422 (f) A surrender of rights shall be acknowledged by the ~~person~~ individual who surrenders  
 423 those rights by also signing an acknowledgment meeting the requirements of subsection (g)

424 of Code Section 19-8-26. Such acknowledgment shall be signed under oath and in the  
 425 presence of a notary public and an adult witness.

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

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

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

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

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

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

455 19-8-7.

456 (a) A child ~~Except as otherwise authorized in this Code section, a child who has any living~~  
 457 ~~parent or guardian~~ may be adopted by a relative who is related by blood or marriage to the  
 458 child as a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, or sibling  
 459 only if each ~~such~~ living parent and ~~each such~~ guardian of such child has voluntarily and in

460 writing surrendered to that relative and any spouse of such relative all of his or her rights  
461 to the child for the purpose of enabling that relative and any such spouse to adopt the child.

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

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

470 (d) An individual ~~A person~~ signing a surrender of rights pursuant to this Code section shall  
471 have the right to ~~withdraw the surrender~~ revoke such surrender within ten days as provided  
472 in subsection ~~(b)~~ (a) of Code Section 19-8-9 and, if he or she is at least 18 years of age,  
473 shall also have the right to waive the ten-day revocation period by executing a separate  
474 waiver as provided in subsection (c) of Code Section 19-8-9, so long as it is executed at  
475 least 48 hours after the birth of the child and attested to by an attorney certifying that it was  
476 knowingly and voluntarily executed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

548 19-8-8.

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

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

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

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

566 (2) Evidence of the issuance of an immediate relative immigrant visa or Hague  
 567 Convention immigrant visa by the United States Department of State in the child's  
 568 passport shall be prima-facie evidence that all parental rights have been terminated, that



569 the child was legally available for adoption by each petitioner named in the foreign  
570 decree or order of adoption, that the adoption of the child by each petitioner named in the  
571 foreign decree or order of adoption was in the child's best interests, and that the child's  
572 adoption by each petitioner named in the foreign decree or order of adoption was  
573 finalized in full compliance with the laws of the foreign country and the court need not  
574 make any inquiry into those proceedings but shall domesticate the foreign decree or order  
575 of adoption hereunder and issue a final decree of adoption pursuant to subsection (c) of  
576 Code Section 19-8-18.

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

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

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

602 (B) Notwithstanding subparagraph (A) of this paragraph, when the foreign decree or  
603 order of guardianship requires specific postplacement supervision, the court shall not  
604 be authorized to finalize such child's adoption as provided in this subsection until the

605 petitioner provides documentation of formal evidence that the conditions of the foreign  
 606 decree or order of guardianship have been satisfied.

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

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

614 19-8-9.

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

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

636 ~~(c)(b) If a legal mother has voluntarily and in writing surrendered all of her parental rights~~  
 637 ~~pursuant to the provisions of subsection (a) of Code Section 19-8-4, 19-8-5, 19-8-6, or~~  
 638 ~~19-8-7 and has not withdrawn~~ revoked ~~her surrender within the ten-day period after signing~~  
 639 ~~as permitted by the provisions of subsection (b) subsection (a) of this Code section, she~~  
 640 ~~shall have no right or authority to sign a voluntary acknowledgment of paternity pursuant~~

641 to ~~the provisions of~~ Code Section 19-7-46.1 or consent to the granting of a petition for  
 642 legitimation filed pursuant to Code Section 19-7-22 regarding the same child.

643 (c) Provided that the individual signing a surrender of rights pursuant to Code Section  
 644 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  
 645 surrender, he or she shall have the right to waive the ten-day revocation period only if such  
 646 waiver is referenced in the surrender document and set forth in a separate document that  
 647 is executed after consultation with an attorney, at least 48 hours after the birth of the child  
 648 identified in the surrender, under oath, and in the presence of a notary public and an adult  
 649 witness and is attested to by such attorney that such waiver is executed knowingly and  
 650 voluntarily. The waiver of the right to revoke a surrender shall meet the requirements of  
 651 subsection (n) of Code Section 19-8-26. A copy of such waiver shall be provided to the  
 652 individual signing it at the time of the execution thereof.

653 19-8-10.

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

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

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

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

678 (2) To provide for the care and support of that child as required by law or judicial decree,  
679 and the court is of the opinion that the adoption is for in the best interests of that child, after  
680 considering the physical, mental, emotional, and moral condition and needs of the child  
681 who is the subject of the proceeding, including the need for a secure and stable home.

682 (c)(1) Whenever it is alleged by any petitioner that surrender or termination of rights of  
683 a living parent is not a prerequisite to the filing granting of a petition for adoption of a  
684 child of ~~that~~ such parent in accordance with subsection (a) or (b) of this Code section, ~~that~~  
685 such parent shall be personally served with a conformed copy of the adoption petition,  
686 together with a copy of the court's order thereon specified in Code Section 19-8-14, or,  
687 if personal service cannot be perfected, notwithstanding subsection (a) of Code Section  
688 9-10-12 which authorizes the use of certified mail, by registered ~~or certified~~ mail ~~or~~  
689 ~~statutory overnight delivery,~~ return receipt requested, or statutory overnight delivery,  
690 one-day service not required, at his or her last known address. If service cannot be made  
691 by ~~either~~ of these methods, ~~that~~ such parent shall be given notice by publication once a  
692 week for three weeks in the official organ of the county where ~~the~~ such petition has been  
693 filed and of the county of his or her last known address. In the interest of time,  
694 publication may be initiated simultaneously with efforts to perfect service personally, by  
695 registered mail, or by statutory overnight delivery. The court shall continue to have the  
696 inherent authority to determine the sufficiency of service. A parent who receives  
697 notification pursuant to this paragraph ~~may~~ shall not be a party to the adoption and shall  
698 have no obligation to file an answer, but shall have the right to appear in the pending  
699 adoption action proceeding and show cause why such parent's rights to the child ~~sought~~  
700 ~~to be adopted in that action~~ who is the subject of the proceeding should not be terminated  
701 by that adoption. Notice shall be deemed to have been received ~~the~~ on the earliest date:

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

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

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

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

710 (d) Consistent with the requirement of paragraph (7) of subsection (a) of Code Section  
711 19-8-13, when the petitioner is seeking to involuntarily terminate the rights of a parent as  
712 a prerequisite to the granting of the petition for adoption, the petitioner shall, in lieu of

713 obtaining and attaching those otherwise required surrenders of rights, acknowledgments,  
 714 and affidavits, allege facts in the petition seeking to involuntarily terminate parental rights  
 715 that demonstrate the applicability of the grounds set forth in subsection (a) or (b), or both,  
 716 of this Code section and shall also allege compliance with subsection (c) of this Code  
 717 section.

718 19-8-11.

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

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

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

725 ~~the~~ such department, ~~or~~ child-placing agency, or out-of-state licensed agency may in

726 contemplation of the placement of such child for adoption petition the superior court of

727 the county ~~where the child resides~~ of the child's domicile, of the county where the child

728 was born, of the county in which is located the principal office of the child-placing

729 agency having legal custody of the child, or of the county in which is located the office

730 of the department having legal custody of the child to terminate the parental rights of the

731 remaining parent pursuant to this Code section.

732 (2) In those cases ~~where a person~~ when a child has been placed in compliance with  
 733 Chapter 4 of Title 39, and the individual who is the resident of another state has obtained

734 the voluntary written surrender of all parental rights from one of the parents or the

735 guardian of a child, each such ~~person~~ individual to whom the child has been surrendered

736 may in contemplation of the adoption of such child in such other state petition the

737 superior court of the county where the child ~~resides~~ was born or of Fulton County to

738 terminate the parental rights of the remaining parent pursuant to this Code section.

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

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

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

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

744 ~~(D)(iv)~~ (iv) Parent caused his child to be conceived as a result of having nonconsensual

745 sexual intercourse with the biological mother of his child or when the biological

746 mother is less than ten years of age; or

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

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

758 (b)(1) Whenever a petition to terminate parental rights is filed pursuant to subsection (a)  
 759 of this Code section, the parent whose rights the petitioner is seeking to terminate shall  
 760 be personally served with a conformed copy of the petition; to terminate parental rights  
 761 and a copy of the court's order setting forth the date upon which the such petition shall  
 762 be considered or, if personal service cannot be perfected, notwithstanding subsection (a)  
 763 of Code Section 9-10-12 which authorizes the use of certified mail, by registered or  
 764 certified mail or statutory overnight delivery, return receipt requested, or statutory  
 765 overnight delivery, one-day service not required, at his or her last known address. If  
 766 service cannot be made by either of these methods, that such parent shall be given notice  
 767 by publication once a week for three weeks in the official organ of the county where the  
 768 such petition has been filed and of the county of his or her last known address. In the  
 769 interest of time, publication may be initiated simultaneously with efforts to perfect  
 770 service personally, by registered mail, or by statutory overnight delivery. The court shall  
 771 continue to have the inherent authority to determine the sufficiency of service. A parent  
 772 who receives notification pursuant to this subsection may appear paragraph shall not be  
 773 a party to the adoption and shall have no obligation to file an answer, but shall have the  
 774 right to appear in the pending termination of parental rights proceeding and show cause  
 775 why such parent's rights to the child sought to be placed for adoption who is the subject  
 776 of the proceeding should not be terminated. Notice shall be deemed to have been  
 777 received the on the earliest date:

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

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

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

782 (2) No prior order of court shall be required to publish notice pursuant to this Code  
 783 section; provided, however, that before publication may be relied upon as a means of

784 service, it shall be averred that, after diligent efforts, service could not be perfected  
 785 personally, by registered mail, or by statutory overnight delivery.

786 19-8-12.

787 (a) The General Assembly finds that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

830 ~~(1)(A) Notwithstanding subsection (a) of Code Section 9-10-12 which authorizes the~~  
 831 ~~use of certified mail, registered mail Registered or certified mail or statutory overnight~~  
 832 ~~delivery, return receipt requested, or statutory overnight delivery, one-day service not~~  
 833 ~~required, at his last known address, which notice shall be deemed received upon the~~  
 834 ~~date of delivery shown on the return or delivery receipt;~~

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

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

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

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

848 (d)(1) ~~When Where~~ the rights of a parent or guardian of a child have been surrendered  
 849 or terminated in accordance with subsection (a) of Code Section 19-8-4 ~~or the child does~~  
 850 ~~not have a living parent or guardian, the department, or a child-placing agency, or~~  
 851 ~~out-of-state licensed agency may file, under the authority of this paragraph, a petition to~~  
 852 ~~terminate such a biological father's rights to the child with the superior court of the~~  
 853 ~~county where the child resides of the child's domicile, of the county where the child was~~  
 854 ~~born, of the county in which is located the principal office of the child-placing agency~~



855 having legal custody of the child, or of the county in which is located the office of the  
 856 department having legal custody of the child.

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

866 (3) ~~When~~ Where a petition or motion is filed pursuant to paragraph (1) or (2) of this  
 867 subsection, the court shall, within 30 days from the date of receipt of the notice required  
 868 by subsection (b) of this Code section or, when no notice is required to be given, from the  
 869 date of such filing, conduct a hearing in chambers to determine the facts in the matter.  
 870 ~~The court shall be authorized to consider the affidavit of the mother specified in~~  
 871 ~~subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7, as applicable, in making~~  
 872 ~~its determination pursuant to this paragraph. If the court finds from the evidence that~~  
 873 ~~such biological father has not performed any of the following acts:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

913 (g) If an alleged biological father who is not a legal father files a legitimation petition after  
 914 the mother of such child has surrendered her parental rights, the court shall be authorized  
 915 to consider the affidavit of the mother specified in subsection (g) of Code Section 19-8-4,  
 916 19-8-5, 19-8-6, or 19-8-7, as applicable. If the court finds from the evidence that such  
 917 biological father has not lived with the child, contributed to the child's support, or provided  
 918 support or medical care during the mother's pregnancy or hospitalization for the birth of  
 919 the child, the court shall conclude that the biological father abandoned his opportunity  
 920 interest to legitimate the child and deny his petition for legitimation and he shall not  
 921 thereafter be allowed to object to the adoption nor be entitled to receive further notice of  
 922 the adoption proceedings.

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

925 ~~(h)~~(i) If the child is legitimated by his or her biological father and in the subsequent  
 926 adoption proceeding the petition for adoption is ~~either withdrawn~~ revoked with prejudice  
 927 or denied by the court, then a ~~surrender of parental rights final release for adoption~~

928 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION executed by ~~the~~ a legal  
 929 mother pursuant to ~~the provisions of~~ subsection (a) of Code Section 19-8-4, 19-8-5, or  
 930 19-8-7 shall be dissolved by operation of law and her parental rights shall be restored to  
 931 her. The fact that ~~the~~ a legal mother executed a ~~surrender of parental rights final release~~  
 932 ~~for adoption~~ SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION, now  
 933 dissolved, shall not be admissible as evidence in any proceedings against ~~the~~ a legal mother  
 934 in any proceeding against her.

935 19-8-13.

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

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

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

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

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

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

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

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

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

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

957 (I) Whether each petitioner or his or her attorney is aware of any other adoption  
 958 proceeding pending to date, in this or any other state or country, regarding the child  
 959 who is the subject of the proceeding that is not fully disclosed in such petition and  
 960 whether each petitioner or his or her attorney is aware of any individual who has or  
 961 claims to have physical custody of or visitation rights with the child who is the subject  
 962 of the proceeding whose name and address and whose custody or visitation rights are  
 963 not fully disclosed in such petition. Each petitioner and his or her attorney shall have

964 a continuing duty to inform the court of any proceeding in this or any other state or  
 965 country that could affect the adoption proceeding or the legal custody of or visitation  
 966 with the child who is the subject of the proceeding;

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

970 (A) If the adoption is pursuant to:

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

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

979 (B) A copy of the affidavits specified in subsections (g) and (h) of Code Section  
 980 19-8-4;

981 ~~(A)~~(C) An original affidavit from the department or a child-placing agency stating that  
 982 all of the requirements of Code Sections 19-8-4 and 19-8-12 have been complied with  
 983 and that the child is legally available for adoption or, in the case of a placement by an  
 984 out-of-state licensed agency, that the comparable provisions dealing with the  
 985 termination of parental rights of the parents and of a biological father who is not a legal  
 986 father of the child have been complied with under the laws of the state or country in  
 987 which the out-of-state licensed agency is licensed and that the child is legally available  
 988 for adoption thereunder;

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

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

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

1000 (G) The original waiver of the right to revoke a surrender of rights specified in  
 1001 subsection (c) of Code Section 19-8-9;

1002 (3) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-5, the  
 1003 following shall be provided or attached to the petition for adoption or its absence  
 1004 explained when the petition for adoption is filed:

1005 (A) The original written voluntary surrender of rights of each parent, biological father  
 1006 who is not a legal father, or guardian specified in subsection (e) of Code Section  
 1007 19-8-5;

1008 (B) The original written acknowledgment of surrender of rights specified in subsection  
 1009 (f) of Code Section 19-8-5;

1010 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-5;

1011 (D) ~~A copy of the appropriate form verifying the allegation~~ Allegations of compliance  
 1012 with Code Section 19-8-12 and the original certification evidencing the search of the  
 1013 putative father registry;

1014 ~~(E) Allegations of compliance with Chapter 4 of Title 39, relating to the Interstate~~  
 1015 ~~Compact on the Placement of Children;~~

1016 ~~(F)~~(E) The original accounting required by subsection (c) of this Code section;

1017 ~~(G)~~(F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the  
 1018 allegations contained in the such petition as to guardianship ~~or custody~~ of the child,  
 1019 including, but not limited to, the marriage of each petitioner, the ~~divorce~~ or death of  
 1020 each parent ~~of the child~~ in lieu of a surrender of his or her parental rights, and  
 1021 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the  
 1022 Placement of Children;

1023 ~~(H)~~(G) A completed form containing background information regarding the child ~~to~~  
 1024 ~~be adopted~~, as required by the adoption unit of the department, or an equivalent medical  
 1025 and social history background form; and

1026 ~~(I)~~(H) A copy of the home study report; and

1027 (I) The original waiver of the right to revoke a surrender of rights specified in  
 1028 subsection (c) of Code Section 19-8-9;

1029 (4) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-6, the  
 1030 following shall be provided or attached to the petition for adoption or its absence  
 1031 explained when the petition for adoption is filed:

1032 (A) The original written voluntary surrender of ~~the parent~~ rights of each parent,  
 1033 biological father who is not a legal father, or guardian specified in subsection (e) of  
 1034 Code Section 19-8-6;

1035 (B) The original written acknowledgment of surrender of rights specified in subsection  
 1036 (f) of Code Section 19-8-6;

- 1037 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-6;
- 1038 (D) The original consent specified in subsection (j) of Code Section 19-8-6;
- 1039 (E) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance  
1040 with Code Section 19-8-12 and the original certification evidencing the search of the  
1041 putative father registry;
- 1042 (F) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying the  
1043 allegations contained in the such petition as to guardianship of the child ~~sought to be~~  
1044 ~~adopted, including, but not limited to,~~ the birth of the child ~~sought to be adopted,~~ the  
1045 marriage of each petitioner, and the ~~divorce or death of each parent of the child sought~~  
1046 ~~to be adopted;~~ and in lieu of a surrender of his or her parental rights;
- 1047 (G) A completed form containing background information regarding the child ~~to be~~  
1048 ~~adopted,~~ as required by the adoption unit of the department; or an equivalent medical  
1049 and social history background form; and
- 1050 (H) The original waiver of the right to revoke a surrender of rights specified in  
1051 subsection (c) of Code Section 19-8-9;
- 1052 (5) When ~~Where~~ the adoption is pursuant to subsection (a) of Code Section 19-8-7, the  
1053 following shall be provided or attached to the petition for adoption or its absence  
1054 explained when the petition for adoption is filed:
- 1055 (A) The original written voluntary surrender of rights of each parent or biological  
1056 father who is not a legal father specified in subsection (e) of Code Section 19-8-7;
- 1057 (B) The original written acknowledgment of surrender of rights specified in subsection  
1058 (f) of Code Section 19-8-7;
- 1059 (C) The original affidavits specified in subsections (g) and (h) of Code Section 19-8-7;
- 1060 (D) A copy of the appropriate form verifying the allegation ~~Allegations~~ of compliance  
1061 with Code Section 19-8-12 and the original certification evidencing the search of the  
1062 putative father registry;
- 1063 (E) Uncertified copies ~~Copies~~ of appropriate certificates or forms verifying allegations  
1064 contained in the petition as to guardianship or custody of the child ~~sought to be adopted;~~  
1065 and the birth of the child ~~sought to be adopted,~~ including but not limited to, the  
1066 marriage of each petitioner, ~~and the divorce or the~~ death of each parent ~~of the child~~  
1067 ~~sought to be adopted;~~ and in lieu of a surrender of his or her parental rights, and  
1068 compliance with Chapter 4 of Title 39, relating to the Interstate Compact on the  
1069 Placement of Children;
- 1070 (F) A completed form containing background information regarding the child ~~to be~~  
1071 ~~adopted,~~ as required by the adoption unit of the department; or an equivalent medical  
1072 and social history background form; and

1073 (G) The original waiver of the right to revoke a surrender of rights specified in  
 1074 subsection (c) of Code Section 19-8-9;

1075 (6)(A) ~~When~~ Where the adoption is pursuant to subsection (a) of Code Section 19-8-8,  
 1076 the following shall be provided or attached or its absence explained to the petition for  
 1077 adoption when the petition for adoption is filed:

1078 ~~(i) A certified copy of the final decree of adoption from the foreign country along~~  
 1079 ~~with a verified English translation. The translator shall provide a statement regarding~~  
 1080 ~~his qualification to render the translation, his complete name, and his current address.~~  
 1081 ~~Should the current address be a temporary one, his permanent address shall also be~~  
 1082 ~~provided;~~

1083 ~~(ii) A verified copy of the visa granting the child entry to the United States;~~

1084 ~~(iii) A certified copy along with a verified translation of the child's amended birth~~  
 1085 ~~certificate or registration showing each petitioner as parent; and~~

1086 ~~(iv) A copy of the home study which was completed for United States Immigration~~  
 1087 ~~and Naturalization Service.~~

1088 (i) A copy of the child's passport page showing an immediate relative immigrant visa  
 1089 or Hague Convention immigrant visa obtained to grant the child entry into the United  
 1090 States as a result of a full and final adoption in the foreign country; and

1091 (ii) A copy along with an English translation of the child's birth certificate or  
 1092 registration.

1093 ~~(B) It is not necessary to file copies of surrenders or termination on any parent or~~  
 1094 ~~biological father who is not the legal father when the petition is filed pursuant to~~  
 1095 ~~paragraph (1) of Code Section 19-8-8.~~

1096 (B) Because the issuance of an immediate relative immigrant visa or Hague  
 1097 Convention immigrant visa by the United States Department of State in the child's  
 1098 passport is prima-facie evidence that all parental rights have been terminated and that  
 1099 the child is legally available for adoption, it shall not be necessary to file any  
 1100 documents related to the surrender or termination of the parental rights of the child's  
 1101 parents or comply with Code Section 19-8-12 regarding the rights of a biological father  
 1102 who is not a legal father when the petition for adoption is filed pursuant to  
 1103 subsection (a) of Code Section 19-8-8.

1104 (C) When the adoption is pursuant to subsection (b) of Code Section 19-8-8, the  
 1105 following shall be provided or attached to the petition for adoption when the petition  
 1106 for adoption is filed:

1107 (i) A copy along with an English translation of the final decree or order of  
 1108 guardianship from the foreign country;

- 1109 (ii) Copies of all postplacement reports, if required by the foreign country that  
 1110 entered the guardianship decree or order;
- 1111 (iii) Authorization to proceed with adoption if specifically required by the decree or  
 1112 order entered by the court or administrative agency in the foreign country;
- 1113 (iv) A copy of the child's passport page showing an immediate relative immigrant  
 1114 visa or Hague Convention immigrant visa obtained to grant the child entry into the  
 1115 United States in order to finalize his or her adoption; and
- 1116 (v) A copy along with an English translation of the child's birth certificate or  
 1117 registration;
- 1118 (7) ~~When~~ ~~Where~~ Code Section 19-8-10 is applicable, parental rights need not be  
 1119 surrendered or terminated prior to the filing of the petition for adoption; but ~~any~~ the  
 1120 petitioner shall, in lieu of obtaining and attaching those otherwise required surrenders of  
 1121 rights, acknowledgments, and affidavits, allege facts in the petition for adoption  
 1122 demonstrating the applicability of subsection (a) or (b), or both, of Code Section 19-8-10  
 1123 and shall also allege compliance with subsection (c) of Code Section 19-8-10; and
- 1124 (8) If the petition for adoption is filed in a county other than that of the ~~petitioners'~~  
 1125 petitioner's residence, the reason therefor ~~must also~~ shall be set forth in ~~the~~ such petition.
- 1126 (b) At the time of filing the petition for adoption, the petitioner shall deposit with the clerk  
 1127 the deposit required by Code Section 9-15-4; the fees shall be those established by Code  
 1128 Sections 15-6-77, ~~and~~ 15-6-77.1, ~~and~~ 15-6-77.2.
- 1129 (c) Each petitioner for adoption in any proceeding for the adoption of a minor child  
 1130 ~~pursuant to the provisions of~~ Code Section 19-8-5 shall file with the petition for adoption,  
 1131 in a manner acceptable to the court, a report fully accounting for all disbursements of  
 1132 anything of value made or agreed to be made, directly or indirectly, by, on behalf of, or for  
 1133 the benefit of the petitioner in connection with the adoption, including, but not limited to,  
 1134 any expenses incurred in connection with:
- 1135 (1) The birth of the minor child;
- 1136 (2) Placement of the minor child with the petitioner;
- 1137 (3) Counseling services or legal services for a legal mother;
- 1138 (4) Reasonable living expenses for the biological mother during the last three months of  
 1139 her pregnancy and for six weeks postpartum;
- 1140 ~~(3)(5)~~ (5) Medical or hospital care received by the biological mother or by the minor child  
 1141 during ~~the~~ such mother's prenatal care and confinement;
- 1142 (6) Any additional reasonable and necessary expenses authorized by the court pursuant  
 1143 to subsection (c) of Code Section 19-8-24; and



1144 ~~(4)~~(7) Services relating to the adoption or to the placement of the minor child for  
 1145 adoption which were received by or on behalf of the petitioner, either ~~natural~~ biological  
 1146 parent of the minor child, or any other ~~person~~ individual.

1147 (d) Every attorney for a petitioner in any proceeding for the adoption of a minor child  
 1148 pursuant to ~~the provisions of~~ Code Section 19-8-5 shall file, in a manner acceptable to the  
 1149 court, before the decree of adoption is entered, an affidavit detailing all sums paid or  
 1150 promised to that attorney, directly or indirectly, from whatever source, for all services of  
 1151 any nature rendered or to be rendered in connection with the adoption, including an  
 1152 accounting for all funds disbursed through the attorney's trust account in accordance with  
 1153 subsection (c) of Code Section 19-8-24; provided, however, that, if the attorney received  
 1154 or is to receive less than \$500.00, the affidavit need only state that fact.

1155 (e) Any report made under this Code section ~~must~~ shall be signed ~~and verified~~ under oath  
 1156 and in the presence of a notary public by the individual making the report.

1157 (f)(1) As used in this subsection, the term 'family member' shall have the same meaning  
 1158 as set forth in Code Section 19-7-3.

1159 (2) Whenever a ~~petitioner is a blood relative of the child to be adopted and a family~~  
 1160 member other than the petitioner has visitation rights to ~~the~~ such child granted pursuant  
 1161 to Code Section 19-7-3, the petitioner shall cause a copy of the petition for adoption to  
 1162 be served upon the family member with the visitation rights or upon such ~~person's~~ family  
 1163 member's counsel of record at least 30 days prior to the date upon which the petition for  
 1164 adoption will be considered as such time frames are set forth in Code Section 19-8-14.

1165 (g) Notwithstanding ~~the provisions of~~ Code Sections 19-8-5 and 19-8-7 and this Code  
 1166 section which require obtaining and attaching a written voluntary surrender of rights and  
 1167 acknowledgment thereof and affidavits of ~~the~~ a legal mother and a representative of the  
 1168 petitioner or of the individual signing such surrender, when the adoption is sought under  
 1169 subsection (a) of Code Section 19-8-5 or 19-8-7 following the termination of parental rights  
 1170 and the placement of the child by the juvenile court pursuant to Code Section 15-11-321,  
 1171 obtaining and attaching to the petition for adoption a certified copy of the order terminating  
 1172 parental rights of the parent shall take the place of obtaining and attaching those otherwise  
 1173 required surrenders of rights, acknowledgments, and affidavits.

1174 (h)(1) A petition for adoption regarding a child ~~or children~~ who ~~have~~ has a living  
 1175 biological father who is not ~~the~~ a legal father and who has not surrendered his rights to  
 1176 the child ~~or children~~ shall include a certificate from the putative father registry disclosing  
 1177 the name, address, and social security number of any registrant acknowledging paternity  
 1178 of the child ~~or children~~ pursuant to subparagraph (d)(2)(A) of Code Section 19-11-9 or  
 1179 indicating the possibility of paternity of ~~a child of the child's mother~~ such child pursuant  
 1180 to subparagraph (d)(2)(B) of Code Section 19-11-9 for a period beginning no later than

1181 two years immediately prior to the child's date of birth. Such certificate shall indicate the  
 1182 results of a search of the registry on or after the earliest of the following:

1183 ~~(1)(A)~~ The date of ~~the~~ a legal mother's surrender of parental rights;

1184 ~~(2)(B)~~ The date of entry of the court order terminating ~~the~~ a legal mother's parental  
 1185 rights; or

1186 ~~(3)(C)~~ The date of ~~the~~ a legal mother's consent to adoption pursuant to Code Section  
 1187 19-8-6; ~~or~~

1188 ~~(4) The date of the filing of the petition for adoption, in which case the certificate may~~  
 1189 ~~be filed as an amendment to the petition for adoption.~~

1190 (2) Such certificate shall include a statement that the registry is current as of the earliest  
 1191 date listed in ~~paragraphs (1) through (4)~~ subparagraphs (A) through (D) of paragraph (1)  
 1192 of this subsection, or as of a specified date that is later than the earliest such date.

1193 (3) When a legal mother of the child who is the subject of the proceeding identifies her  
 1194 husband as the biological father of the child and he has executed a surrender of his  
 1195 parental rights in favor of the petitioner, the petitioner shall obtain a certificate from the  
 1196 putative father registry and submit it with the petition for adoption to confirm that no  
 1197 male other than the legal mother's husband has expressed an interest in the child or to  
 1198 identify a registrant other than the legal mother's husband who shall be notified pursuant  
 1199 to Code Section 19-8-12.

1200 (i) Because adoption records are sealed pursuant to subsection (a) of Code Section  
 1201 19-8-23, it shall not be necessary to redact social security numbers, taxpayer identification  
 1202 numbers, financial account numbers, or dates of birth from pleadings and all documents  
 1203 filed therewith that are filed pursuant to this article as they are deemed to be a filing under  
 1204 seal under subsection (d) of Code Section 9-11-7.1.

1205 19-8-14.

1206 (a) It is the policy of this state that, in the best ~~interest~~ interests of the child, uncontested  
 1207 adoption petitions ~~should~~ shall be heard as soon as possible but not later than 120 days after  
 1208 the date of filing, unless the petitioner has failed to arrange for the court to receive the  
 1209 report required by ~~the provisions of~~ Code Section 19-8-16 or has otherwise failed to  
 1210 provide the court with all exhibits, surrenders of rights, or certificates required by this  
 1211 ~~chapter~~ article within that time period. It is the policy of this state that, in contested  
 1212 adoption petitions, the parties shall make every effort to have the petition considered by the  
 1213 court as soon as practical after the date of filing, taking into account the circumstances of  
 1214 the petition and the best ~~interest~~ interests of the child.

1215 (b) Upon the filing of the petition for adoption, accompanied by the filing fee unless such  
 1216 fee is waived, it shall be the responsibility of the clerk to accept ~~the~~ such petition as filed.  
 1217 Such petition shall not be subject to court approval before it is filed.

1218 (c) Upon the filing of the petition for adoption, the court shall fix a date upon which ~~the~~  
 1219 such petition shall be considered, which date shall be not less than 45 days from the date  
 1220 of the filing of ~~the~~ such petition and shall not be less than 30 days following the last date  
 1221 a parent or biological father is deemed to have received service of notice as required in  
 1222 those cases when Code Section 19-8-10 or 19-8-12, or both, is applicable.

1223 (d) Notwithstanding ~~the provisions of~~ subsections (a) and (c) of this Code section, it shall  
 1224 be the petitioner's responsibility to request that the court hear the petition for adoption on  
 1225 a date that allows sufficient time for fulfillment of the notice requirements of ~~Code Section~~  
 1226 ~~19-8-10 and Code Section 19-8-12, where~~ Code Sections 19-8-10 and 19-8-12, when  
 1227 applicable.

1228 (e) In the best ~~interest~~ interests of the child, the court may hear the petition for adoption  
 1229 less than 45 days from the date of its filing upon a showing by the petitioner that ~~either~~ no  
 1230 further notice is required or ~~that~~ any statutory requirement of notice to any ~~person~~  
 1231 individual will be fulfilled at an earlier date, and provided that any report required by Code  
 1232 Section 19-8-16 has been completed or will be completed at an earlier date.

1233 (f) The court in the child's best ~~interest~~ interests may grant such expedited hearings or  
 1234 continuances as may be necessary for completion of applicable notice requirements,  
 1235 investigations, a home study, and reports or for other good cause shown.

1236 (g) Copies of the petition for adoption and all documents filed in connection therewith,  
 1237 including, but not limited to, the order fixing the date upon which ~~the~~ such petition shall  
 1238 be considered, motions, other pleadings filed, all orders entered in connection with such  
 1239 petition, and all exhibits, surrenders of rights, or certificates required by this chapter article,  
 1240 shall be forwarded by the clerk to the department within 15 days after the date of ~~the~~ such  
 1241 filing of the petition for adoption for retention by the State Adoption Unit of the  
 1242 department.

1243 (h) Copies of the petition for adoption, the order fixing the date upon which ~~the~~ such  
 1244 petition shall be considered, and all exhibits, surrenders of rights, or certificates required  
 1245 by this ~~chapter~~ article shall be forwarded by the clerk to the ~~child-placing agency or other~~  
 1246 agent appointed by the court pursuant to ~~the provisions of~~ Code Section 19-8-16 within 15  
 1247 days after the filing of the petition for adoption, together with a request that a report and  
 1248 investigation be made as required by ~~law~~ Code Section 19-8-16.

1249 (i) The clerk of court shall provide the petitioner or his or her attorney with a copy of the  
 1250 petition for adoption and of each amendment, motion, and other pleading filed with a stamp  
 1251 confirming the date each pleading was filed with the court and shall also provide the

1252 petitioner or his or her attorney with a copy of each order entered by the court in the  
 1253 adoption proceeding, confirming the date the order was filed of record by the court. Copies  
 1254 of all motions, amendments, and other pleadings filed and of all orders entered in  
 1255 connection with the petition for adoption shall be forwarded by the clerk to the department  
 1256 within 15 days after such filing or entry.

1257 19-8-15.

1258 ~~(1)~~(a) As used in this Code section, the term 'family member' shall have the same meaning  
 1259 as set forth in Code Section 19-7-3.

1260 ~~(2)~~(b) If a legal mother and biological father, whether he was a legal father or not, of the  
 1261 child who is the subject of the proceeding are both deceased, regardless of whether either  
 1262 individual had surrendered his or her parental rights or had his or her rights terminated ff  
 1263 the child sought to be adopted has no legal father or legal mother living, it shall be the  
 1264 privilege of any person individual related by blood to the such child to file objections to the  
 1265 petition for adoption.

1266 (c) A family member with visitation rights to a child granted pursuant to Code Section  
 1267 19-7-3 shall have the privilege to file objections to the petition ~~of~~ for adoption if neither  
 1268 parent has any further rights to the child and if the petition for adoption has been filed by  
 1269 a blood relative of the child. The court, after hearing such objections, shall determine, in  
 1270 its discretion, whether or not ~~the same~~ such objections constitute a good reason for denying  
 1271 the petition for adoption and the court shall have the authority to grant or continue such  
 1272 visitation rights of the family member of the child in the adoption order in the event the  
 1273 adoption by the blood relative is approved by the court.

1274 19-8-16.

1275 (a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be  
 1276 the duty of ~~a child-placing agency~~ the agent appointed by the court ~~or any other~~  
 1277 ~~independent agent appointed by the court~~ to verify the allegations in the petition for  
 1278 adoption, to make a complete and thorough investigation of the entire matter, including a  
 1279 ~~criminal records check of each petitioner~~ any specific issue the court requests to be  
 1280 investigated, and to report its findings and recommendations in writing to the court where  
 1281 the petition for adoption was filed. The agent may be the department, a child-placing  
 1282 agency, an evaluator, or an individual who the court determines is qualified to conduct the  
 1283 required investigation. The ~~department, child-placing agency, or other independent agent~~  
 1284 appointed by the court shall also provide the petitioner or his or her attorney ~~for petitioner~~  
 1285 with a copy of ~~the its~~ report ~~to the court~~. If for any reason the ~~child-placing agency or other~~  
 1286 agent appointed by the court finds itself unable to make or arrange for the proper

1287 investigation and report, it shall be the duty of the ~~agency or agent~~ to notify the court  
1288 immediately, or at least within 20 days after receipt of the request for investigation service,  
1289 that it is unable to make the report and investigation, so that the court may take such other  
1290 steps as in its discretion are necessary to have the ~~entire matter investigated~~ investigation  
1291 and report prepared. The investigation required by this Code section shall be in addition  
1292 to the requirement of a home study in the case of a petition for adoption filed pursuant to  
1293 subsection (a) of Code Section 19-8-5.

1294 (b) If the petition for adoption has been filed pursuant to subsection (a) of Code Section  
1295 19-8-6 or 19-8-7, the court ~~is~~ shall be authorized but shall not be required to appoint a  
1296 ~~child-placing agency or other independent~~ an agent to make an investigation ~~in whatever~~  
1297 ~~form the court specifies~~ pursuant to subsection (a) of this Code section; provided, however,  
1298 that a home study shall not be required.

1299 (c)(1) If the petition for adoption has been filed pursuant to Code Section 19-8-8, ~~or if~~  
1300 ~~the department has conducted an investigation and has consented to the adoption, an~~  
1301 ~~investigation~~ the appointment of an agent to make an investigation and render a report  
1302 pursuant to subsection (a) of this Code section shall not be required.

1303 (2) If the petition for adoption has been filed pursuant to Code Section 19-8-4 and the  
1304 department or child-placing agency has consented to the adoption, the appointment of an  
1305 agent to make an investigation and render a report pursuant to subsection (a) of this Code  
1306 section shall not be required.

1307 (d) The court shall require the petitioner to submit to a criminal history records check. The  
1308 petitioner shall submit his or her fingerprints to the Georgia Crime Information Center with  
1309 the appropriate fee. The center shall promptly transmit the fingerprints to the Federal  
1310 Bureau of Investigation for a search of bureau records and shall obtain an appropriate  
1311 report. The Georgia Crime Information Center shall also promptly conduct a search of its  
1312 records and any records to which it has access. The center shall notify the court in writing  
1313 of the presence or absence of any ~~derogatory finding, including but not limited to any~~  
1314 ~~conviction data, regarding the~~ criminal record from the state fingerprint records check. In  
1315 those cases when the petitioner has submitted a fingerprint based criminal history report  
1316 that includes the results of a records search of both the Georgia Crime Information Center  
1317 and the Federal Bureau of Investigation to the department, child-placing agency, or  
1318 evaluator as part of the home study and such results are dated within 12 months of filing  
1319 of the petition for adoption and are included in the home study report filed with or  
1320 otherwise made available to the court, such results shall satisfy the requirements of this  
1321 subsection. Because the court shall not be authorized to share the results of the fingerprint  
1322 records check with the agent appointed by the court pursuant to subsection (a) or (e) of this  
1323 Code section, the court shall determine the acceptability of the petitioner's criminal history,

1324 inform the petitioner or his or her attorney at least five days prior to the final hearing on the  
 1325 petition for adoption if the court will require additional evidence with respect to the  
 1326 petitioner's criminal history or if the court is inclined to deny such petition because of such  
 1327 criminal history, and afford the petitioner or his or her attorney an opportunity to present  
 1328 evidence as to why the petitioner's criminal history should not be grounds for denial of such  
 1329 petition.

1330 ~~(e) The court may appoint the department to serve as its agent to conduct the investigation~~  
 1331 ~~required by this Code section if an appropriate child-placing agency or independent agent~~  
 1332 ~~is not available. If for any reason the department finds itself unable to make or arrange for~~  
 1333 ~~the proper investigation and report, it shall be the duty of the commissioner of human~~  
 1334 ~~services to notify the court immediately, or at least within 20 days after receipt of the~~  
 1335 ~~request for investigation service, that it is unable to make the report and investigation, so~~  
 1336 ~~that the court may take such other steps as in its discretion are necessary to have the entire~~  
 1337 ~~matter investigated.~~

1338 ~~(f)~~(e) The court shall require the petitioner to reimburse the ~~child-placing agency or other~~  
 1339 ~~independent agent~~ appointed by the court, including the department, for the full cost of  
 1340 conducting the investigation and preparing ~~the~~ its report. Such cost shall not exceed  
 1341 \$250.00 unless specifically authorized by the court, provided that the court shall furnish  
 1342 the petitioner or his or her attorney with written notice of the name of the agent that the  
 1343 court intends to appoint and the amount of any increased costs, together with a request to  
 1344 agree to pay such increased costs. If the petitioner does not agree to pay the increased  
 1345 costs, then the petitioner shall have an opportunity to present to the court information  
 1346 regarding other persons that are qualified to conduct the investigation and render the report  
 1347 to the court and the cost of their services, and the court shall appoint the person that is  
 1348 qualified to conduct the investigation and render the report to the court at the lowest cost  
 1349 to the petitioner.

1350 19-8-17.

1351 (a) The report and findings of the investigating ~~agency~~ agent appointed by the court  
 1352 pursuant to Code Section 19-8-16 shall include, among other things, the following:

- 1353 (1) Verification of allegations contained in the petition for adoption;
- 1354 (2) Circumstances under which the child came to be placed for adoption;
- 1355 (3) Whether each ~~proposed~~ prospective adoptive parent is financially, physically, and  
 1356 mentally able to have the permanent custody of the child; in considering financial ability  
 1357 any adoption supplement approved by the department shall be taken into account;
- 1358 (4) The physical and mental condition of the child, insofar as this can be determined by  
 1359 the aid of competent medical authority;

- 1360 (5) Whether or not the adoption is in the best interests of the child, including his or her  
 1361 general care;
- 1362 (6) Suitability of the home to the child;
- 1363 (7) If applicable, whether the identity and location of ~~the~~ a biological father who is not  
 1364 ~~the~~ a legal father are known or ascertainable and whether the requirements of Code  
 1365 Section 19-8-12 were complied with; ~~and~~
- 1366 (8) Any other information that might be disclosed by the investigation that in the agent's  
 1367 opinion would be of ~~any~~ value or interest to the court in deciding the case; and
- 1368 (9) Any other information that might be disclosed by the investigation in response to any  
 1369 specific issue that the court requested be investigated in its order appointing such agent.
- 1370 (b) If the report of the investigating ~~agency or independent~~ agent disapproves of the  
 1371 adoption of the child, motion may be made by the investigating ~~agency or independent~~  
 1372 agent to the court to dismiss the petition for adoption and the court after hearing is such  
 1373 motion shall be authorized to do so dismiss such petition. If the court denies the motion  
 1374 to dismiss, the court shall appoint a guardian ad litem who may appeal the ruling to the  
 1375 ~~Georgia~~ Court of Appeals or Supreme Court, as in other cases, as provided by law.
- 1376 (c) If at any time it appears to the court that the interests of the child may conflict with  
 1377 those of any petitioner, the court may, in its discretion, appoint a guardian ad litem to  
 1378 represent the child and the cost thereof shall be a charge upon the funds of the county.

1379 19-8-18.

- 1380 (a)(1) Upon the date appointed by the court for a hearing of the petition for adoption or  
 1381 as soon thereafter as the matter may be reached for a hearing, the court shall proceed to  
 1382 a full hearing on ~~the~~ such petition and the examination of the parties at interest in  
 1383 chambers, under oath, with the right of continuing the hearing and examinations from  
 1384 time to time as the nature of the case may require. The court at such times shall give  
 1385 consideration to the investigation report to the court provided for in Code Section 19-8-16  
 1386 and the recommendations contained ~~therein~~ in such report. The court may in its  
 1387 discretion allow the petitioner or any witness to appear via electronic means in lieu of  
 1388 requiring his or her physical presence before the court.
- 1389 (2) The court shall examine the petition for adoption and the affidavit specified in  
 1390 subsection (g) of Code Section ~~19-8-4,~~ 19-8-5, 19-8-6, or 19-8-7, as appropriate, to  
 1391 determine whether Code Section 19-8-12 is applicable. If the court determines that Code  
 1392 Section 19-8-12 is applicable to the petition for adoption, it shall:
- 1393 (A) Determine that an appropriate order has previously been entered;
- 1394 (B) Enter an order consistent with Code Section 19-8-12; or
- 1395 (C) Continue the hearing until Code Section 19-8-12 is complied with.

1396 (3) If the adoption petition is filed pursuant to subsection (a) of Code Section 19-8-5, the  
 1397 court shall examine the financial disclosures required under subsections (c) and (d) of  
 1398 Code Section 19-8-13 and make such further examination of each petitioner and his or  
 1399 her attorney as the court deems appropriate in order to make a determination as to  
 1400 whether there is cause to believe that Code Section 19-8-24 has been violated with regard  
 1401 to the ~~'inducement'~~ inducement, as such term is defined in Code Section 19-8-24, of the  
 1402 placement of the child for adoption. Should the court determine that further inquiry is in  
 1403 order, the court shall direct the district attorney for the county to review the matter further  
 1404 and to take such appropriate action as the district attorney in his or her discretion deems  
 1405 appropriate.

1406 (b)(1) If the petition for adoption was filed pursuant to Code Section 19-8-4, 19-8-5,  
 1407 19-8-6, or 19-8-7, the court shall enter a decree of adoption naming the child as prayed  
 1408 for in such petition; terminating all of the rights of each living parent, guardian, and legal  
 1409 custodian of the child, other than the spouse of the petitioner in the case of a stepparent  
 1410 adoption pursuant to Code Section 19-8-6; granting the permanent custody of the child  
 1411 to each petitioner; and declaring the child to be the adopted child of each petitioner if the  
 1412 court is satisfied that each:

1413 (A) Each living parent or guardian of the child has surrendered or had terminated all  
 1414 of his or her rights to the child in the manner provided by law prior to the filing of the  
 1415 petition for adoption or that each petitioner has complied with the notice requirements  
 1416 of subsection (c) of Code Section 19-8-10 and satisfied his or her burden of proof under  
 1417 Code Section 19-8-10, that such or that the spouse has consented to the petitioner's  
 1418 adoption of the child as required by Code Section 19-8-6;

1419 (B) Each petitioner is capable of assuming responsibility for the care, supervision,  
 1420 training, and education of the child, that the;

1421 (C) The child is suitable for adoption in a private family home, and that the; and

1422 (D) The adoption requested is for in the best interest interests of the child; it shall enter  
 1423 a decree of adoption, terminating all the rights of each parent and guardian to the child;  
 1424 granting the permanent custody of the child to each petitioner, naming the child as  
 1425 prayed for in the petition, and declaring the child to be the adopted child of each  
 1426 petitioner. In all cases wherein Code Section 19-8-10 is relied upon by any petitioner  
 1427 as a basis for the termination of parental rights, the.

1428 (2) When Code Section 19-8-10 has been relied upon by any petitioner for the  
 1429 termination of rights of a living parent, the court shall include in the decree of adoption  
 1430 appropriate findings of fact and conclusions of law relating to the applicability of Code  
 1431 Section 19-8-10 termination of rights of such living parent and the court's determination  
 1432 that the adoption is in the child's best interests.



1433 (3) When the child was born in a country other than the United States, the court shall  
1434 examine the evidence submitted and determine that sufficient evidence has been  
1435 proffered to show that the child will be able to obtain lawful permanent resident status,  
1436 if not already obtained, before the court shall have authority to determine if it is in the  
1437 best interests of the child to grant the petition for adoption.

1438 (4) If there is an existing visitation order pursuant to Code Section 19-7-3 in favor of a  
1439 family member, the court shall have the authority to continue or discontinue such  
1440 visitation rights in the adoption order as it deems is in the best interests of the child.

1441 (c) If the petition for adoption was filed pursuant to subsection (a) of Code Section 19-8-8  
1442 and if the court is satisfied that the petitioner has fully complied with the requirements of  
1443 Code Section 19-8-13 and has established that he or she finalized his or her adoption of the  
1444 child in the foreign country, then the court shall enter a decree of adoption naming the child  
1445 as prayed for in such petition; domesticating the foreign decree of adoption; granting the  
1446 permanent custody of the child to each petitioner; changing the date of birth of the child  
1447 if so requested, provided that evidence was presented justifying such change; and declaring  
1448 the child to be the adopted child of each petitioner. Notwithstanding the requirements of  
1449 subsection (a) of this Code section, the court may domesticate the foreign decree of  
1450 adoption upon the pleadings without a hearing.

1451 (d) If the petition for adoption was filed pursuant to subsection (b) of Code Section 19-8-8,  
1452 the court shall enter a decree of adoption naming the child as prayed for in such petition;  
1453 terminating the guardianship; granting the permanent custody of the child to each  
1454 petitioner; changing the date of birth of the child if so requested, provided that evidence  
1455 was presented justifying such change; and declaring the child to be the adopted child of  
1456 each petitioner if the court is satisfied that the petitioner has fully complied with the  
1457 requirements of Code Section 19-8-13 and that:

1458 (1) Each petitioner in his or her capacity as guardian of the child has surrendered all of  
1459 his or her rights to the child in the manner provided by law;

1460 (2) Each petitioner is capable of assuming responsibility for the care, supervision,  
1461 training, and education of the child;

1462 (3) The child is suitable for adoption in a private family home; and

1463 (4) The adoption requested is in the best interests of the child.

1464 (e) In exercising its discretion to determine whether the adoption requested is in the best  
1465 interests of the child, the court shall consider the following factors:

1466 (1) The ability of each petitioner and, if applicable, each respondent to provide for the  
1467 physical safety and welfare of the child, including food, shelter, health, and clothing;

1468 (2) The love, affection, bonding, and emotional ties existing between the child and each  
1469 petitioner and, if applicable, each respondent;

- 1470 (3) The child's need for permanence, including the child's need for stability and  
 1471 continuity of relationships with his or her siblings;
- 1472 (4) The capacity and disposition of each petitioner and, if applicable, each respondent  
 1473 to give the child his or her love, affection, and guidance and to continue the education and  
 1474 rearing of the child;
- 1475 (5) The home environment of each petitioner and, if applicable, each respondent,  
 1476 considering the promotion of the child's nurturance and safety rather than superficial or  
 1477 material factors;
- 1478 (6) The stability of the family unit and the presence or absence of support systems within  
 1479 the community to benefit the child;
- 1480 (7) The mental and physical health of all individuals involved;
- 1481 (8) The home, school, and community record and history of the child, as well as any  
 1482 health or educational special needs of the child;
- 1483 (9) The child's background and ties, including familial, cultural, and religious;
- 1484 (10) The uniqueness of every family and child;
- 1485 (11) The child's wishes and long-term goals;
- 1486 (12) Any evidence of family violence, substance abuse, criminal history, or sexual,  
 1487 mental, or physical child abuse in the petitioner's home and, if applicable, each  
 1488 respondent's home;
- 1489 (13) Any recommendation by a court appointed agent or guardian ad litem; and
- 1490 (14) Any other factors considered by the court to be relevant and proper to its  
 1491 determination.
- 1492 ~~(e)~~(f) If the court determines that any petitioner has not complied with this ~~chapter~~ article,  
 1493 it may dismiss the petition for adoption without prejudice or it may continue the case.  
 1494 Should the court find that any notice required to be given by any petitioner under this  
 1495 ~~chapter~~ article has not been given or has not been properly given or that the petition for  
 1496 adoption has not been properly filed, the court ~~is~~ shall be authorized to enter an order  
 1497 providing for corrective action and an additional hearing.
- 1498 ~~(d)~~(g) If the court is not satisfied that the adoption is in the best interests of the child, it  
 1499 shall deny the petition for adoption. ~~If the~~ such petition is denied because ~~of such reason~~  
 1500 the court determines that the adoption requested is not in the best interests of the child or  
 1501 for any other reason under law, the court shall set forth specific findings of fact explaining  
 1502 its decision in its order denying the adoption and shall commit the child to the custody of  
 1503 the department, or to a child-placing agency, if the or an out-of-state licensed agency if  
 1504 such petition was filed pursuant to Code Section 19-8-4 ~~or 19-8-5~~. If such petition was  
 1505 filed pursuant to Code Section 19-8-5, the court shall commit the child to the third party  
 1506 named by the parent in the written surrender of rights pursuant to subsection (a) of Code

1507 Section 19-8-5; and if there is no surrender of rights, the court shall place the child with the  
 1508 department for the purpose of determining whether or not a petition should be initiated  
 1509 under Chapter 11 of Title 15. If such the petition was filed pursuant to Code Section  
 1510 19-8-6, 19-8-7, or 19-8-8, the child shall remain in the custody of each petitioner if that  
 1511 each petitioner is fit to have custody or the court may place the child with the department  
 1512 for the purpose of determining whether or not a petition should be initiated under Chapter  
 1513 11 of Title 15. If the petition for adoption is denied, each surrender of rights executed in  
 1514 support of the adoption, whether by a parent, biological father who is not a legal father, or  
 1515 guardian, shall be dissolved by operation of law and the individual's rights shall be  
 1516 restored. The fact that the individual executed a surrender of his or her rights in support  
 1517 of the adoption shall not be admissible as evidence against him or her in any subsequent  
 1518 proceeding.

1519 ~~(e)~~(h) A decree of adoption issued pursuant to subsection (b) of this Code section shall not  
 1520 be subject to any judicial challenge filed more than six months after the date of entry of  
 1521 such decree. Notwithstanding Code Section 9-3-31, any action for damages against an  
 1522 adoptee or the adoptive parents for fraud in obtaining a consent or surrender of rights shall  
 1523 be brought within six months of the time the fraud is or ought to reasonably have been  
 1524 discovered.

1525 ~~(f) Any decree of adoption issued prior to the effective date of this action shall not be~~  
 1526 ~~subject to any judicial challenge more than six months after July 1, 1995.~~

1527 (i) Notwithstanding subsection (a) of Code Section 19-8-23, the decree of adoption issued  
 1528 pursuant to subsection (b) of this Code section shall authorize the clerk of the court to issue  
 1529 one or more certified copies of the decree of adoption to the petitioner or his or her attorney  
 1530 at the time of entry of the final decree without further order of the court and without cost.

1531 19-8-19.

1532 (a) A decree of adoption, whether issued by a court of this state or by a court of any other  
 1533 jurisdiction, shall have the following effect as to matters within the jurisdiction of or before  
 1534 a court in this state:

1535 (1) Except with respect to a spouse of the petitioner and relatives of the spouse, a decree  
 1536 of adoption ~~terminates~~ shall terminate all legal relationships between the adopted  
 1537 individual and his or her relatives, including his or her parent, so that the adopted  
 1538 individual thereafter ~~is~~ shall be a stranger to his or her former relatives for all purposes,  
 1539 including inheritance and the interpretation or construction of documents, statutes, and  
 1540 instruments, whether executed before or after the adoption is decreed, which do not  
 1541 expressly include the individual by name or by some designation not based on a parent  
 1542 and child or blood relationship; and

1543 (2) A decree of adoption ~~creates~~ shall create the relationship of parent and child between  
 1544 each petitioner and the adopted individual, as if the adopted individual were a child of  
 1545 biological issue of that petitioner. The adopted individual shall enjoy every right and  
 1546 privilege of a biological child of that petitioner; shall be deemed a biological child of that  
 1547 petitioner, to inherit under the laws of descent and distribution in the absence of a will,  
 1548 and to take under ~~the provisions of~~ any instrument of testamentary gift, bequest, devise,  
 1549 or legacy, whether executed before or after the adoption is decreed, unless expressly  
 1550 excluded therefrom; shall take by inheritance from relatives of that petitioner; and shall  
 1551 also take as a 'child' of that petitioner under a class gift made by the will of a third person.

1552 (b) Notwithstanding ~~the provisions of~~ subsection (a) of this Code section, if a parent of a  
 1553 child dies without the relationship of parent and child having been previously terminated  
 1554 by court order ~~or unrevoked surrender of parental rights to the child~~, the child's right of  
 1555 inheritance from or through the deceased parent shall not be affected by the adoption.

1556 19-8-20.

1557 (a) Upon the entry of the decree of adoption, the clerk of the court granting the same shall  
 1558 forward a copy of the decree, together with the original of the investigation report and  
 1559 background information filed with the court, to the department. If there is any subsequent  
 1560 order or revocation of the adoption, a copy of same in like manner shall be forwarded by  
 1561 the clerk to the department.

1562 (b) At any time after the entry of the decree of adoption, upon the request of an adopted  
 1563 ~~person~~ individual who has reached 18 years of age or upon the request of any adopting  
 1564 parent, the clerk of the court granting the decree shall issue to that requesting adopted  
 1565 ~~person~~ individual or adopting parent a certificate of adoption, under the seal of the court,  
 1566 upon payment to the clerk of the fee prescribed in paragraph (4) of subsection (g) of Code  
 1567 Section 15-6-77, which adoption certificate shall be received as evidence in any court or  
 1568 proceeding as primary evidence of the facts contained in the certificate.

1569 (c) The adoption certificate shall ~~be in~~ conform substantially to the following form:

1570 'This is to certify that \_\_\_\_\_ (names of each adopting parent) have  
 1571 obtained a decree of adoption for \_\_\_\_\_ (full name of ~~adopted~~  
 1572 ~~child~~ adoptee and date of birth of adoptee) in the Superior Court of \_\_\_\_\_ County,  
 1573 Georgia, on the \_\_\_\_\_ day of \_\_\_\_\_, as shown by the court's  
 1574 records \_\_\_\_\_ (adoption file number).

1575 Given under the hand and seal of said court, this the \_\_\_\_\_ day of \_\_\_\_\_,  
 1576 \_\_\_\_\_.

1577  
1578

---

Clerk'

1579 19-8-21.

1580 (a) Adult ~~persons~~ individuals may be adopted on giving written consent to the adoption.  
1581 In such cases, adoption shall be by a petition duly verified and filed, together with ~~two~~  
1582 ~~conformed copies~~ one conformed copy, in the superior court in the county in which ~~either~~  
1583 any petitioner or the adult to be adopted resides, setting forth the name, age, and residence  
1584 of each petitioner and of the adult to be adopted, the name by which the adult is to be  
1585 known, and his or her written consent to the adoption. The court may assign the petition  
1586 for adoption for hearing at any time. The petition for adoption shall state whether one or  
1587 both parents of the adult to be adopted will be replaced by the grant of such petition, and  
1588 if only one parent is to be replaced, then the decree of adoption shall make clear which  
1589 parent is to be replaced by adoption. After examining each petitioner and the adult ~~sought~~  
1590 to be adopted, the court, if satisfied that there is no reason why the adoption should not be  
1591 granted, shall enter a decree of adoption and, if requested, shall change the name of the  
1592 adopted adult. Thereafter, the relation between each petitioner and the adopted adult shall  
1593 be, as to their legal rights and liabilities, the same as the relation of a parent and adult child.  
1594 (b) ~~Code Section 19-8-19, relating to the effect of a decree of adoption, and Code Section~~  
1595 ~~19-8-20, relating to notice of adoption,~~ Sections 19-8-19 and 19-8-20 shall also apply to  
1596 the adoption of adults.

1597 19-8-22.

1598 (a) A decree of a court or an administrative proceeding terminating the relationship of  
1599 parent and child, establishing the relationship of guardian and ward, or establishing the  
1600 relationship of parent and child by adoption, issued pursuant to due process of law by a  
1601 court or administrative body of any other jurisdiction within or outside the United States,  
1602 or the clear and irrevocable release or consent to adoption by the guardian of a child ~~where~~  
1603 when the appointment of the guardian has been certified by the appropriate and legally  
1604 authorized court or agency of the government of the foreign country, shall be recognized  
1605 in this state; and the rights and obligations of the parties as to matters within the  
1606 jurisdiction of this state shall be determined as though any such decree were issued by a  
1607 court of this state and any such consent or release shall be deemed to satisfy the  
1608 requirements of Code Sections 19-8-4, 19-8-5, 19-8-6, 19-8-7, 19-8-8, and 19-8-12.  
1609 (b) Any adoption proceeding in this state in which a final order of adoption was entered  
1610 by the court prior to April 1, 1986, and to which subsection (a) of this Code section would  
1611 have been applicable if said subsection, ~~as amended~~, had been effective at the time such

1612 proceeding was filed or concluded shall be governed by the provisions of subsection (a) of  
 1613 this Code section, as amended.

1614 ~~(c) Any adoption proceeding pending in a court of competent jurisdiction in this state in  
 1615 which no final order of adoption has been entered as of April 1, 1986, to which the  
 1616 provisions of subsection (a) of this Code section are applicable shall be governed by the  
 1617 provisions of subsection (a) of this Code section, as amended.~~

1618 19-8-23.

1619 (a)(1) The original petition for adoption, all amendments, attachments, and exhibits  
 1620 thereto, all motions, documents, affidavits, records, and testimony filed in connection  
 1621 therewith, and all decrees or orders of any kind whatsoever, except the original  
 1622 investigation report and background information referred to in Code Section 19-8-20,  
 1623 shall be recorded in a book kept for that such purpose and properly indexed; and the such  
 1624 book shall be part of the records of the court in each county which has jurisdiction over  
 1625 matters of adoption in that county. All of the such court records, including the docket  
 1626 book, ~~of the court granting the adoption, of the department, and of the child-placing~~  
 1627 ~~agency~~ that relate in any manner to the adoption shall be kept sealed and locked. The  
 1628 department shall keep its records that relate in any manner to an adoption sealed and  
 1629 locked.

1630 (2) The court records and department records may be examined by the parties at interest  
 1631 in the adoption and their attorneys when, after written petition, which shall be filed under  
 1632 seal, has been presented to the court having jurisdiction and after the department and the  
 1633 appropriate child-placing agency or out-of-state licensed agency, if any, have received  
 1634 at least 30 days' prior written notice of the filing of such petition, the matter has come on  
 1635 before the court in chambers and, ~~good cause having been shown to the court~~, the court  
 1636 has entered an order permitting such examination.

1637 (3) Notwithstanding ~~the foregoing~~ paragraph (2) of this subsection, if the adoptee who  
 1638 is the subject of the records sought to be examined is less than 18 years of age at the time  
 1639 the petition for examination is filed and the such petitioner is someone other than one of  
 1640 the adoptive parents of the adoptee, then the department shall provide written notice of  
 1641 such proceedings to the adoptive parents by certified mail ~~or statutory overnight delivery~~,  
 1642 return receipt requested, or statutory overnight delivery at the last address the department  
 1643 has for such adoptive parents, and the court shall continue any hearing on the such  
 1644 petition until not less than 60 days after the date the notice to the adoptive parents was  
 1645 sent. Each such adoptive parent shall have the right to appear in person or through  
 1646 counsel and show cause why such records should not be examined. Adoptive parents

1647 may provide the department with their current address for purposes of receiving notice  
1648 under this subsection by mailing that address to:

1649 ~~Office of Adoptions~~  
1650 State Adoption Unit  
1651 Department of Human Services  
1652 Atlanta, Georgia 30303

1653 (b) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any  
1654 information contained in the records of the respective department or child-placing agency  
1655 relating to the adoptive parents in connection with a subsequent adoption matter involving  
1656 the same adoptive parents or to provide notice when required by subsection (a) of this Code  
1657 section.

1658 (b.1) The department may, in its sole discretion, make use of any information contained  
1659 in the records of the department concerning an adopted child and the adopted child's  
1660 biological parents in connection with the placement of another child in the home of the  
1661 adoptive parents of the child or in connection with the investigation of a report of child  
1662 abuse or neglect made concerning the adopted child's biological parents.

1663 (c) The department or ~~the~~ child-placing agency may, in its sole discretion, make use of any  
1664 information contained in its records on a child when an adoption disrupts after finalization  
1665 and when such records are required for the permanent placement of such child, or when the  
1666 information is required by federal law.

1667 (d)(1) Upon the request of a party at interest in the adoption, a child, legal guardian, or  
1668 health care agent of an adopted ~~person~~ individual or a provider of medical services to  
1669 such a party, child, legal guardian, or health care agent when certain information would  
1670 assist in the provision of medical care, a medical emergency, or medical diagnosis or  
1671 treatment, the department or child-placing agency shall access its own records on  
1672 finalized adoptions for the purpose of adding subsequently obtained medical information  
1673 or releasing nonidentifying medical and health history information contained in its  
1674 records pertaining to an adopted ~~person~~ individual or the biological parents or relatives  
1675 of the biological parents of the adopted ~~person~~ individual. For purposes of this  
1676 paragraph, the term 'health care agent' ~~has~~ shall have the meaning provided by Code  
1677 Section 31-32-2.

1678 (2) Upon receipt by the State Adoption Unit ~~of the Division of Family and Children~~  
1679 ~~Services~~ of the department or by a child-placing agency of documented medical  
1680 information relevant to an adoptee, the ~~office~~ department or child-placing agency shall  
1681 use reasonable efforts to contact the adoptive parents of the adoptee if the adoptee is  
1682 under 18 years of age or the adoptee if he or she is 18 years of age or older and provide  
1683 such documented medical information to the adoptive parents or the adult adoptee. The

1684 ~~office~~ department or child-placing agency shall be entitled to reimbursement of  
 1685 reasonable costs for postage and photocopying incurred in the delivery of such  
 1686 documented medical information to the adoptive parents or adult adoptee.

1687 (e) Records relating in any manner to adoption shall not be open to the general public for  
 1688 inspection.

1689 (f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:

1690 (A) 'Biological parent' means the biological mother or biological father who  
 1691 surrendered ~~that person's~~ such individual's rights or had such rights terminated by court  
 1692 order giving rise to the adoption of the child.

1693 (B) 'Commissioner' means the commissioner of human services or ~~that person's~~ his or  
 1694 her designee.

1695 (C) 'Department' means the Department of Human Services or, when the Department  
 1696 of Human Services so designates, the county ~~department~~ division of family and children  
 1697 services which placed for adoption the ~~person~~ individual seeking, or on whose behalf  
 1698 is sought, information under this subsection.

1699 (D) 'Placement agency' means the child-placing agency, as defined in paragraph ~~(3)~~ (5)  
 1700 of Code Section 19-8-1, which placed for adoption the ~~person~~ individual seeking, or on  
 1701 whose behalf is sought, information under this subsection.

1702 (2) The department or a placement agency, upon the written request of an adopted ~~person~~  
 1703 individual who has reached 18 years of age or upon the written request of an adoptive  
 1704 parent on behalf of that parent's adopted child, shall release to such adopted ~~person~~  
 1705 individual or to the adoptive parent on the child's behalf nonidentifying information  
 1706 regarding such adopted ~~person's~~ individual's biological parents and information regarding  
 1707 such adopted ~~person's~~ individual's birth. Such information may include the date and  
 1708 place of birth of the adopted ~~person~~ individual and the genetic, social, and health history  
 1709 of the biological parents. No information released pursuant to this paragraph shall  
 1710 include the name or address of either biological parent or the name or address of any  
 1711 relative by birth or marriage of either biological parent.

1712 (3)(A) The department or a placement agency, upon the written request of an adopted  
 1713 ~~person~~ individual who has reached ~~21~~ 18 years of age, shall release to such adopted  
 1714 ~~person~~ individual the name of such person's individual's biological parent, together with  
 1715 a detailed summary of all information the department or placement agency has  
 1716 concerning the adoptee's birth, foster care, placement for adoption, and finalization of  
 1717 his or her adoption, if:

1718 (i) ~~A~~ The biological parent whose name is to be released has submitted unrevoked  
 1719 written permission to the department or ~~the~~ placement agency for the release of that  
 1720 parent's name to the adopted ~~person~~ individual;



1721 (ii) The identity of ~~the~~ a biological parent submitting permission for the release of  
 1722 that parent's name has been verified by the department or ~~the~~ placement agency; and  
 1723 (iii) The department or ~~the~~ placement agency has records pertaining to the finalized  
 1724 adoption and to the identity of ~~the~~ a biological parent whose name is to be released.

1725 (B) If the adopted person individual is deceased and leaves a child, such child, upon  
 1726 reaching ~~21~~ 18 years of age, may seek the name and other identifying information  
 1727 concerning his or her grandparents in the same manner as the deceased adopted person  
 1728 individual and subject to the same procedures contained in this Code section.

1729 (4)(A) If a biological parent has not filed written unrevoked permission for the release  
 1730 of that parent's name to the adopted child, the department or ~~the~~ placement agency,  
 1731 within six months of receipt of the written request of the adopted person individual who  
 1732 has reached ~~21~~ 18 years of age, shall make diligent effort to notify each living  
 1733 biological parent identified in the original adoption proceedings or in other records of  
 1734 the department or ~~the~~ placement agency relative to the adopted person individual. For  
 1735 purposes of this subparagraph, the term 'notify' means a personal and confidential  
 1736 contact with each biological parent of the adopted person individual. The contact shall  
 1737 be by an employee or agent of the placement agency which processed the pertinent  
 1738 adoption or by other agents or employees of the department. The contact shall be  
 1739 evidenced by the person individual who notified each biological parent, certifying to  
 1740 the department or placement agency that each biological parent was given the following  
 1741 information:

- 1742 (i) The nature of the information requested by the adopted person individual;
- 1743 (ii) The date of the request of the adopted person individual;
- 1744 (iii) The right of each biological parent to file an affidavit with the placement agency  
 1745 or the department stating that such parent's identity should not be disclosed;
- 1746 (iv) The right of each biological parent to file a consent to disclosure with the  
 1747 placement agency or the department; and
- 1748 (v) The effect of a failure of each biological parent to file ~~either~~ a consent to  
 1749 disclosure or an affidavit stating that the information in the sealed adoption file should  
 1750 not be disclosed.

1751 (B) If a biological parent files an unrevoked consent to the disclosure of that parent's  
 1752 identity, such parent's name, together with a detailed summary of all information the  
 1753 department or placement agency has concerning the adoptee's birth, foster care,  
 1754 placement for adoption, and finalization of his or her adoption, shall be released to the  
 1755 adopted person individual who has requested such information as authorized by this  
 1756 paragraph.

1757 (C) If, within 60 days of being notified by the department or ~~the~~ placement agency  
1758 pursuant to subparagraph (A) of this paragraph, a biological parent has filed with the  
1759 department or placement agency an affidavit objecting to such release, information  
1760 regarding the identity of that biological parent shall not be released.

1761 (D)(i) If six months after receipt of the adopted ~~person's~~ individual's written request  
1762 the placement agency or the department has ~~either~~ been unable to notify a biological  
1763 parent identified in the original adoption record or has been able to notify a biological  
1764 parent identified in the original adoption record but has not obtained a consent to  
1765 disclosure from the notified biological parent, then the identity of a biological parent  
1766 may only be disclosed as provided in division (ii) or (iii) of this subparagraph.

1767 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age may petition  
1768 the Superior Court of Fulton County to seek the release of the identity of each of ~~that~~  
1769 ~~person's~~ his or her biological parents from the department or placement agency. The  
1770 court shall grant the petition if the court finds that the department or placement  
1771 agency has made diligent efforts to locate each biological parent pursuant to this  
1772 subparagraph ~~either~~ without success or upon locating a biological parent has not  
1773 obtained a consent to disclosure from the notified biological parent and that failure  
1774 to release the identity of each biological parent would have an adverse impact upon  
1775 the physical, mental, or emotional health of the adopted ~~person~~ individual.

1776 (iii) If it is verified that a biological parent of the adopted ~~person~~ individual is  
1777 deceased, the department or placement agency shall be authorized to disclose the  
1778 name and place of burial of the deceased biological parent, if known, together with  
1779 a detailed summary of all information the department or placement agency has  
1780 concerning the adoptee's birth, foster care, placement for adoption, and finalization  
1781 of his or her adoption, to the adopted ~~person~~ individual seeking such information  
1782 without the necessity of obtaining a court order.

1783 (5)(A) Upon written request of an adopted ~~person~~ individual who has reached ~~21~~ 18  
1784 years of age or a ~~person~~ an individual who has reached ~~21~~ 18 years of age and who is  
1785 the sibling of an adopted ~~person~~ individual, the department or a placement agency shall  
1786 attempt to identify and notify the siblings of the requesting party, if such siblings are  
1787 at least 18 years of age. Upon locating the requesting party's sibling, the department  
1788 or ~~the~~ placement agency shall notify the sibling of the inquiry. Upon the written  
1789 consent of a sibling so notified, the department or ~~the~~ placement agency shall forward  
1790 the requesting party's name and address to the sibling and, upon further written consent  
1791 of the sibling, shall divulge to the requesting party the present name and address of the  
1792 sibling. If a sibling cannot be identified or located, the department or placement agency  
1793 shall notify the requesting party of such circumstances but shall not disclose any names

1794 or other information which would tend to identify the sibling. If a sibling is deceased,  
 1795 the department or placement agency shall be authorized to disclose the name and place  
 1796 of burial of the deceased sibling, if known, to the requesting party without the necessity  
 1797 of obtaining a court order.

1798 (B)(i) If six months after receipt of the written request from an adopted ~~person~~  
 1799 individual who has reached ~~21~~ 18 years of age or ~~a person~~ an individual who has  
 1800 reached ~~21~~ 18 years of age and who is the sibling of an adopted ~~person~~ individual, the  
 1801 ~~placement agency or the department~~ has either department or placement agency has  
 1802 been unable to notify one or more of the siblings of the requesting party or has been  
 1803 able to notify a sibling of the requesting party but has not obtained a consent to  
 1804 disclosure from the notified sibling, then the identity of the siblings may only be  
 1805 disclosed as provided in division (ii) of this subparagraph.

1806 (ii) The adopted ~~person~~ individual who has reached ~~21~~ 18 years of age or ~~a person~~  
 1807 an individual who has reached ~~21~~ 18 years of age and who is the sibling of an adopted  
 1808 ~~person~~ individual may petition the Superior Court of Fulton County to seek the  
 1809 release of the last known name and address of each of the siblings of the petitioning  
 1810 sibling, ~~that~~ who are at least 18 years of age, from the department or placement  
 1811 agency. The court shall grant the petition if the court finds that the department or  
 1812 placement agency has made diligent efforts to locate such siblings pursuant to  
 1813 subparagraph (A) of this paragraph ~~either~~ without success or upon locating one or  
 1814 more of the siblings has not obtained a consent to disclosure from all the notified  
 1815 siblings and that failure to release the identity and last known address of said siblings  
 1816 would have an adverse impact upon the physical, mental, or emotional health of the  
 1817 petitioning sibling.

1818 (C) If the adopted ~~person~~ individual is deceased and leaves a child, such child, upon  
 1819 reaching ~~21~~ 18 years of age, may obtain the name and other identifying information  
 1820 concerning the siblings of his or her deceased parent in the same manner that the  
 1821 deceased adopted ~~person~~ individual would be entitled to obtain such information  
 1822 pursuant to the procedures contained in this Code section.

1823 (6)(A) Upon written request of a biological parent of an adopted ~~person~~ individual who  
 1824 has reached ~~21~~ 18 years of age, the department or ~~a~~ placement agency shall attempt to  
 1825 identify and notify the adopted ~~person~~ individual. Upon locating the adopted ~~person~~  
 1826 individual, the department or ~~the~~ placement agency shall notify the adopted ~~person~~  
 1827 individual of the inquiry. Upon the written consent of the adopted ~~person~~ individual  
 1828 so notified, the department or ~~the~~ placement agency shall forward ~~the~~ such biological  
 1829 parent's name and address to the adopted ~~person~~ individual, together with a detailed  
 1830 summary of all information the department or placement agency has concerning the

1831 adoptee's birth, foster care, placement for adoption, and finalization of his or her  
 1832 adoption, and, upon further written consent of the adopted person individual, shall  
 1833 divulge to ~~the~~ such requesting biological parent the present name and address of the  
 1834 adopted person individual. If the adopted person individual is deceased, the department  
 1835 or placement agency shall be authorized to disclose the name and place of burial of the  
 1836 deceased adopted person individual, if known, to ~~the~~ such requesting biological parent  
 1837 without the necessity of obtaining a court order.

1838 (B)(i) If six months after receipt of the written request from a biological parent of an  
 1839 adopted person individual who has reached ~~21~~ 18 years of age, the ~~placement agency~~  
 1840 ~~or the department has either~~ department or placement agency has been unable to  
 1841 notify the adopted person individual or has been able to notify the adopted person  
 1842 individual but has not obtained a consent to disclosure from the notified adopted  
 1843 person individual, then the identity of the adopted person individual may only be  
 1844 disclosed as provided in division (ii) of this subparagraph.

1845 (ii) ~~A~~ The biological parent of an adopted person individual who has reached ~~21~~ 18  
 1846 years of age may petition the Superior Court of Fulton County to seek the release of  
 1847 the last known name and address of the adopted person individual from the  
 1848 department or placement agency. The court shall grant the petition if the court finds  
 1849 that the department or placement agency has made diligent efforts to locate such  
 1850 adopted person individual pursuant to subparagraph (A) of this paragraph ~~either~~  
 1851 without success or upon locating the adopted person individual has not obtained a  
 1852 consent to disclosure from the adopted person individual and that failure to release the  
 1853 identity and last known address of said adopted person individual would have an  
 1854 adverse impact upon the physical, mental, or emotional health of the petitioning  
 1855 biological parent.

1856 (C) If ~~the~~ a biological parent is deceased, a parent or sibling of the deceased biological  
 1857 parent, or both, may obtain the name and other identifying information concerning the  
 1858 adopted person individual in the same manner that the deceased biological parent would  
 1859 be entitled to obtain such information pursuant to the procedures contained in this Code  
 1860 section.

1861 (7) If an adoptive parent or the sibling of an adopted person individual notifies the  
 1862 department or placement agency of the death of an adopted person individual, the  
 1863 department or placement agency shall add information regarding the date and  
 1864 circumstances of the death to its records so as to enable it to share such information with  
 1865 a biological parent or sibling of the adopted person individual if they make an inquiry  
 1866 pursuant to ~~the provisions of~~ this Code section.

1867 (8) If a biological parent or his or her parent or sibling ~~of a biological parent~~ notifies the  
 1868 department or placement agency of the death of a biological parent or a sibling of an  
 1869 adopted ~~person~~ individual, the department or placement agency shall add information  
 1870 regarding the date and circumstances of the death to its records so as to enable it to share  
 1871 such information with an adopted ~~person~~ individual or sibling of the adopted ~~person~~ individual if he  
 1872 ~~or she~~ makes individual if they make an inquiry pursuant to ~~the provisions of~~ this Code  
 1873 section.

1874 (9) ~~The Office of Adoptions~~ State Adoption Unit within the department shall maintain  
 1875 a registry for the recording of requests by adopted ~~persons~~ individuals for the name of  
 1876 any biological parent, for the recording of the written consent or the written objections  
 1877 of any biological parent to the release of that parent's identity to an adopted ~~person~~  
 1878 individual upon the adopted ~~person's~~ individual's request, and for nonidentifying  
 1879 information regarding any biological parent which may be released pursuant to  
 1880 paragraph (2) of this subsection. The department and any placement agency which  
 1881 receives such requests, consents, or objections shall file a copy thereof with ~~that office~~  
 1882 the State Adoption Unit.

1883 (10) The department or placement agency may charge a reasonable fee to be determined  
 1884 by the department for the cost of conducting any search pursuant to this subsection.

1885 (11) Nothing in this subsection shall be construed to require the department or placement  
 1886 agency to disclose to any party at interest, including but not limited to an adopted ~~person~~  
 1887 individual who has reached ~~21~~ 18 years of age, any information which is not kept by the  
 1888 department or ~~the~~ placement agency in its normal course of operations relating to  
 1889 adoption.

1890 (12) Any department employee or employee of any placement agency who releases  
 1891 information or makes authorized contacts in good faith and in compliance with this  
 1892 subsection shall be immune from civil ~~or criminal~~ liability or criminal responsibility for  
 1893 such release of information or authorized contacts.

1894 (13) Information authorized to be released pursuant to this subsection may be released  
 1895 under the conditions specified in this subsection, notwithstanding any other provisions  
 1896 of law to the contrary.

1897 (14) A placement agency which demonstrates to the department by clear and convincing  
 1898 evidence that the requirement that such agency search for or notify any biological parent,  
 1899 sibling, or adopted ~~person~~ individual under subparagraph (A) ~~of paragraph (4) of this~~  
 1900 ~~subsection or subparagraph (A) of paragraph (5) of this subsection or subparagraph (A)~~  
 1901 ~~of paragraph (4), (5), or (6) of this subsection~~ will impose an undue hardship upon that  
 1902 agency shall be relieved from that responsibility, and the department shall assume that  
 1903 responsibility upon such finding by the department of undue hardship. The department's

1904 determination under this subsection shall be a contested case within the meaning of  
1905 Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

1906 (15) Whenever this subsection authorizes both the department and a placement agency  
1907 to perform any function or requires the placement agency to perform any function which  
1908 the department is also required to perform, the department or agency may designate an  
1909 agent to perform that function and in so performing it the agent shall have the same  
1910 authority, powers, duties, and immunities as an employee of the department or placement  
1911 agency has with respect to performing that function.

1912 19-8-24.

1913 (a)(1) It shall be unlawful for any person, organization, corporation, hospital, facilitator,  
1914 or association of any kind whatsoever which ~~has not been established as is not a~~  
1915 child-placing agency by the department to:, a prospective adoptive parent who has a  
1916 valid, approved preplacement home study report, or an attorney who is a member of the  
1917 State Bar of Georgia representing a prospective adoptive parent who has a valid,  
1918 approved preplacement home study report to advertise.

1919 ~~(1) Advertise,~~ whether in a periodical, by television, by radio, or by any other public  
1920 medium or by any private means, including, but not limited to, letters, circulars,  
1921 handbills, Internet postings including social media, and oral statements, that the person,  
1922 organization, corporation, hospital, facilitator, or association will adopt children or will  
1923 arrange for or cause children to be adopted or placed for adoption; ~~or~~

1924 ~~(2) Directly or indirectly hold out inducements to parents to part with their children.~~

1925 ~~As used in this subsection, 'inducements' shall include any financial assistance, either direct~~  
1926 ~~or indirect, from whatever source, except payment or reimbursement of the medical~~  
1927 ~~expenses directly related to the mother's pregnancy and hospitalization for the birth of the~~  
1928 ~~child and medical care for the child.~~

1929 (2)(A) Any person, organization, corporation, hospital, facilitator, or association of any  
1930 kind which is not a child-placing agency that places an advertisement concerning  
1931 adoption or prospective adoption shall include in such advertisement its license number  
1932 issued by the department;

1933 (B) Any attorney representing a prospective adoptive parent who has a valid, approved  
1934 preplacement home study report who places an advertisement concerning adoption or  
1935 prospective adoption shall include in such advertisement his or her State Bar of Georgia  
1936 license number; and

1937 (C) Any individual who places an advertisement concerning being an adoptive parent  
1938 shall include in such advertisement that he or she has a valid, approved preplacement  
1939 home study report.

1940 (b) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or  
1941 association of any kind whatsoever to sell, offer to sell, or conspire with another to sell or  
1942 offer to sell a child for money or anything of value, except as otherwise provided in this  
1943 chapter article.

1944 (c)(1) As used in this subsection, the term 'inducements' means any financial assistance,  
1945 either direct or indirect, from whatever source, but shall expressly not include:

1946 (A) The payment or reimbursement of the medical expenses directly related to the  
1947 biological mother's pregnancy and hospitalization for the birth of the child and medical  
1948 care for such child;

1949 (B) The payment or reimbursement of expenses for counseling services or legal  
1950 services for a biological parent that are directly related to the placement by such parent  
1951 of her or his child for adoption; or

1952 (C) The payment or reimbursement of reasonable living expenses for the biological  
1953 mother during the last three months of her pregnancy and for six weeks postpartum.

1954 (2) It shall be unlawful for any person, organization, corporation, hospital, facilitator, or  
1955 association of any kind to offer or provide inducements to a biological parent to part with  
1956 his or her child or to conspire with another to offer or provide inducements to such parent  
1957 to part with his or her child.

1958 (3) It shall be unlawful for an individual to knowingly make false representations in  
1959 order to obtain inducements.

1960 (4) When the adoption is pursuant to Code Section 19-8-5 or 19-8-7, the petitioner may  
1961 file his or her pre-birth petition for adoption and file a motion pursuant to this subsection  
1962 for an order approving the payment of any reasonable and necessary expenses as the court  
1963 may authorize, in addition to the expenses authorized in this subsection. If the court  
1964 allows for the payment of expenses, such expenses shall be paid from the trust account  
1965 of an attorney who is a member of the State Bar of Georgia who represents a biological  
1966 parent or the petitioner and, when possible, such expenses shall be paid directly to the  
1967 provider of the services. Any payment to or for the benefit of a biological parent that is  
1968 made by a petitioner without the assistance of an attorney shall be deemed an  
1969 inducement.

1970 (5) The reports filed pursuant to subsections (c) and (d) of Code Section 19-8-13 shall  
1971 include an itemized accounting of all expenses paid or reimbursed pursuant to this  
1972 subsection.

1973 (d)(1) It shall be unlawful for an individual to knowingly accept living expenses for the  
1974 adoption of her child or unborn child if she knows or should have known that she is not  
1975 pregnant or is not a legal mother.

1976 (2) It shall be unlawful for an individual to knowingly accept living expenses from a  
 1977 prospective adoptive parent or an adoption agency without disclosing that he or she is  
 1978 receiving living expenses from another prospective adoptive parent or adoption agency  
 1979 in an effort to allow for the adoption of the same child or unborn child.

1980 (3) It shall be unlawful for an individual to knowingly make false representations in  
 1981 order to obtain living expenses.

1982 ~~(c)(e)~~ Any person who violates ~~subsection (a) or (b)~~ of this Code section shall be guilty  
 1983 of a felony and, upon conviction thereof, shall be punished by a fine not to exceed  
 1984 \$10,000.00, or imprisonment for not less than one nor more than ten years, or both, ~~in the~~  
 1985 ~~discretion of the court.~~

1986 ~~(d)(f)~~(1) Subsection Paragraph (1) of subsection (a) of this Code section shall not apply  
 1987 to communication by private means, including ~~only~~ written ~~letters~~ or oral statements, by  
 1988 an individual seeking to:

1989 (A) Adopt a child or children; or

1990 (B) Place that individual's child or children for adoption,

1991 whether the communication occurs before or after the birth of such child or children.

1992 (2) Subsection Paragraph (1) of subsection (a) of this Code section shall not apply to any  
 1993 communication described in paragraph (1) of this subsection which contains ~~any~~  
 1994 ~~attorney's name, address, the name of an attorney who is a member of the State Bar of~~  
 1995 Georgia, his or her address, his or her telephone number, or any combination of such  
 1996 information and which requests ~~any~~ that the attorney named in such communication to  
 1997 be contacted to facilitate the carrying out of the purpose, as described in subparagraph  
 1998 (A) or (B) of paragraph (1) of this subsection, of the individual making such personal  
 1999 communication.

2000 (g) Any child-placing agency or individual who is seeking to adopt or seeking to place a  
 2001 child for adoption who is damaged by a violation of this Code section may file a civil  
 2002 action to recover damages, treble damages, reasonable attorney's fees, and expenses of  
 2003 litigation.

2004 19-8-25.

2005 (a) A written consent or surrender of rights, executed on or before ~~June 30, 1990~~  
 2006 December 31, 2017, shall, for purposes of an adoption proceeding commenced on or after  
 2007 ~~July 1, 1990~~ January 1, 2018, be deemed to satisfy the surrender requirements of this  
 2008 ~~chapter~~ article and it shall not be necessary to have any parent or guardian execute the  
 2009 documents required by Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7; however, all other  
 2010 applicable provisions of this ~~chapter~~ must article shall be complied with.



2011 (b) It is the legislative intent of this subsection to clarify and not to change the applicability  
 2012 of certain previously existing provisions of this ~~chapter~~ article to adoption proceedings  
 2013 pending on ~~July 1, 1990~~ December 31, 2017. Any decree of adoption issued in an adoption  
 2014 proceeding in which the adoption petition was filed in a superior court of this state prior  
 2015 to ~~July 1, 1990~~ January 1, 2018, shall be valid if the adoption conformed to the  
 2016 requirements of this ~~chapter~~ article either as they existed on ~~June 30, 1990~~ December 31,  
 2017 2017, or on ~~July 1, 1990~~ January 1, 2018, and each such adoption decree is hereby ratified  
 2018 and confirmed.

2019 19-8-26.

2020 (a) The surrender of rights by a parent or guardian pursuant to paragraph (1) of  
 2021 subsection (e) of Code Section 19-8-4 shall conform substantially to the following form:

2022 'SURRENDER OF RIGHTS

2023 FINAL RELEASE FOR ADOPTION

2024 NOTICE TO PARENT OR GUARDIAN:

2025 This is an important legal document and by signing it, you are surrendering all of your  
 2026 ~~right, title, and claim rights~~ rights to the child identified ~~herein~~ in this document, so as to  
 2027 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are  
 2028 signing this document under oath and that if you knowingly and willfully make a false  
 2029 statement in this document you will be guilty of the crime of false swearing. As  
 2030 explained below in paragraph 5, you have the right to revoke this ~~You are to receive a~~  
 2031 ~~copy of this document and as explained below have the right to withdraw your surrender~~  
 2032 ~~within ten days from the date you sign it. If you are at least 18 years of age, you may~~  
 2033 choose to waive that right so that this surrender will become effective immediately upon  
 2034 signing such a waiver. If you choose to waive the right to a ten-day revocation period,  
 2035 you must consult an attorney and make that choice in paragraph 5 below and execute a  
 2036 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least  
 2037 48 hours after the birth of the child.

2038 \_\_\_\_\_

2039 STATE OF GEORGIA  
 2040 COUNTY OF \_\_\_\_\_

2041 Personally appeared before me, the undersigned officer duly authorized to administer  
 2042 oaths, \_\_\_\_\_ (name of parent or guardian) who, after  
 2043 having been sworn, deposes and says as follows:

2044 1.  
 2045 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,  
 2046 born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
 2047 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] ~~(insert name of child)~~ on ~~(insert~~  
 2048 ~~birthdate of child)~~, should receive the benefits and advantages of a good home, to the  
 2049 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this  
 2050 surrender of my parental rights.

2051 2.  
 2052 I, the undersigned, \_\_\_\_\_ (relationship to child) ~~(insert relationship~~  
 2053 ~~to child)~~ of the aforesaid child, do hereby surrender my rights to the child to  
 2054 \_\_\_\_\_ (name of child-placing agency,  
 2055 out-of-state licensed agency, or Department of Human Services, as applicable) ~~(insert~~  
 2056 ~~name of child-placing agency or Department of Human Services, as applicable)~~ and  
 2057 promise not to interfere in the management of the child in any respect whatever; and,  
 2058 in consideration of the benefits guaranteed by \_\_\_\_\_  
 2059 (name of child-placing agency, out-of-state licensed agency, or Department of Human  
 2060 Services, as applicable) ~~(insert name of child-placing agency or Department of Human~~  
 2061 ~~Services, as applicable)~~ in ~~this~~ providing for the child, I do relinquish all right, title,  
 2062 and claim rights to the child herein named in this document, it being my wish, intent,  
 2063 and purpose to relinquish absolutely all parental control over the child. Furthermore,  
 2064 I hereby agree that the \_\_\_\_\_ (name of  
 2065 child-placing agency, out-of-state licensed agency, or Department of Human Services,  
 2066 as applicable) ~~(insert name of child-placing agency or Department of Human Services,~~  
 2067 ~~as applicable)~~ may seek for the child a legal adoption by such ~~person or persons~~  
 2068 individual or individuals as may be chosen by the \_\_\_\_\_  
 2069 (name of child-placing agency, out-of-state licensed agency, or Department of Human  
 2070 Services, as applicable) ~~(insert name of child-placing agency or Department of Human~~  
 2071 ~~Services, as applicable)~~ or its authorized agents, without further notice to me. I do,  
 2072 furthermore, expressly waive any other notice or service in any of the legal proceedings  
 2073 for the adoption of the child.

2074 3.  
 2075 ~~Furthermore, I understand that under Georgia law the Department of Human Services~~  
 2076 ~~or the child-placing agency~~ an agent appointed by the court is required to conduct an  
 2077 investigation and render a report to the court in connection with the legal proceeding  
 2078 for the legal adoption of the child, and I hereby agree to cooperate fully with such  
 2079 ~~department or agency agent~~ in the conduct of its investigation.

2080 4.  
 2081 I understand that I will receive a copy of this document after the witness and I have  
 2082 signed it and it has been notarized.

2083 5.  
 2084 I understand that under Georgia law I have the unconditional right to a ten-day  
 2085 revocation period. I understand that if I am at least 18 years of age I also have the  
 2086 choice to waive the ten-day revocation period, thereby causing the surrender of my  
 2087 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE  
 2088 SURRENDER OF RIGHTS.

2089 Indicate your choice by signing ONE of the following statements (you may choose  
 2090 statement A or B):

2091 A. \_\_\_\_\_ (Signature) I choose to RETAIN the unconditional right  
 2092 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that  
 2093 I have received a copy of this document and that I understand I may only withdraw  
 2094 revoke this surrender by giving written notice, delivered in person or mailed by  
 2095 registered mail or statutory overnight delivery, to  
 2096 \_\_\_\_\_ (name and address  
 2097 of child-placing agency, out-of-state licensed agency, or Department of Human  
 2098 Services, as applicable) (insert name and address of child-placing agency or  
 2099 Department of Human Services, as applicable) within ten days from the date hereof;  
 2100 of signing this document. I understand that certified mail cannot be used for mail  
 2101 delivery of the notice to revoke this surrender. I understand that the ten days shall  
 2102 will be counted consecutively beginning with the day immediately following the date  
 2103 hereof; I sign this document; provided, however, that, if the tenth day falls on a  
 2104 Saturday, Sunday, or legal holiday, then the last day on which the this surrender may  
 2105 be withdrawn shall revoked will be the next day that is not a Saturday, Sunday, or  
 2106 legal holiday; and I understand that it may NOT be withdrawn thereafter. I

2107 understand that, if I deliver the notice to revoke this surrender in person, it must be  
 2108 delivered to \_\_\_\_\_ (name  
 2109 and address) not later than 5:00 P.M. eastern standard time or eastern daylight time,  
 2110 whichever is applicable, on the tenth day. I understand that I CANNOT revoke this  
 2111 surrender after that time.

2112 **OR**

2113 B. \_\_\_\_\_ (Signature) I am at least 18 years of age and I choose to  
 2114 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted  
 2115 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER  
 2116 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE  
 2117 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by  
 2118 signing said waiver, I understand and intend to give up the unconditional right to  
 2119 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT  
 2120 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become  
 2121 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2122 6.  
 2123 I understand that if I am not a resident of this state that I am agreeing to be subject to  
 2124 the jurisdiction of the courts of Georgia for any action filed in connection with the  
 2125 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
 2126 of this surrender of my parental rights.

2127 7.  
 2128 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
 2129 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
 2130 and voluntarily.

2131 ~~Witness my hand and seal this~~  
 2132 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2133 \_\_\_\_\_  
 2134 (SEAL)  
 2135 (Parent or guardian)

2136 \_\_\_\_\_  
 2137 Unofficial witness  
 2138 Adult witness

2139 Sworn to and subscribed  
 2140 before me this \_\_\_\_\_  
 2141 day of \_\_\_\_\_, \_\_\_\_\_.

2142 \_\_\_\_\_  
 2143 Notary public (SEAL)

2144 My commission expires: \_\_\_\_\_.'

2145 (b) ~~Reserved.~~ The notice to revoke a surrender of rights pursuant to subsection (a) of Code  
 2146 Section 19-8-9 shall conform substantially to the following form:

2147 'NOTICE TO REVOKE SURRENDER OF RIGHTS/  
 2148 FINAL RELEASE FOR ADOPTION

2149 I, the undersigned, executed a (SURRENDER OF RIGHTS/FINAL RELEASE FOR  
 2150 ADOPTION) (PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR  
 2151 ADOPTION) [circle one] as to the child identified in the surrender of rights document on  
 2152 \_\_\_\_\_ (date). My relationship to the (child) (unborn child) [circle one] is that  
 2153 I am the (mother) (father) (alleged biological father) (guardian) [circle one].

2154 (Complete this paragraph if the child has been born.) This notice to revoke my surrender  
 2155 of rights applies to the (female) (male) [circle one] child born \_\_\_\_\_ (name  
 2156 of child) on \_\_\_\_\_ (birthdate of child).

2157 I now wish to exercise my right to revoke my surrender of rights.

2158 I understand that for my revocation of surrender to be effective I must:

2159 A. Deliver the original of this document in person to the address designated in the  
 2160 surrender of rights document no later than 5:00 P.M. eastern standard time or eastern  
 2161 daylight time, whichever is applicable, on the tenth day of the revocation period specified  
 2162 in the surrender of rights document;

2163 **OR**

2164 B. Mail the original of this document by registered mail or by statutory overnight  
2165 delivery to the address designated in the surrender of rights document no later than the  
2166 tenth day of the revocation period specified in the surrender of rights document.

2167 This day of \_\_\_\_\_, \_\_\_\_\_.

2168 \_\_\_\_\_  
2169 (Parent, guardian, or alleged biological father)

2170 \_\_\_\_\_  
2171 Printed name

2172 \_\_\_\_\_  
2173 Adult witness'

2174 (c) The surrender of rights by a parent or guardian pursuant to paragraph (1) of  
2175 subsection (e) of Code Section 19-8-5 shall conform substantially to the following form:

2176 SURRENDER OF RIGHTS  
2177 FINAL RELEASE FOR ADOPTION

2178 NOTICE TO PARENT OR GUARDIAN:

2179 This is an important legal document and by signing it, you are surrendering all of your  
2180 ~~right, title, and claim~~ rights to the child identified ~~herein~~ in this document, so as to  
2181 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are  
2182 signing this document under oath and that if you knowingly and willfully make a false  
2183 statement in this document you will be guilty of the crime of false swearing. As  
2184 explained below in paragraph 8, you have the right to revoke this ~~You are to receive a~~  
2185 ~~copy of this document and as explained below have the right to withdraw your~~ surrender  
2186 within ten days from the date you sign it. If you are at least 18 years of age, you may  
2187 choose to waive that right so that this surrender will become effective immediately upon  
2188 signing such a waiver. If you choose to waive the right to a ten-day revocation period,  
2189 you must consult an attorney and make that choice in paragraph 8 below and execute a  
2190 separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least  
2191 48 hours after the birth of the child.

2192 \_\_\_\_\_

2193 STATE OF GEORGIA  
2194 COUNTY OF \_\_\_\_\_

2195 Personally appeared before me, the undersigned officer duly authorized to administer  
 2196 oaths, \_\_\_\_\_ (name of parent or guardian) who, after having been  
 2197 sworn, deposes and says as follows:

2198 1.  
 2199 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,  
 2200 born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
 2201 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] ~~(insert name of child)~~ on ~~(insert~~  
 2202 ~~birthdate of child)~~, should receive the benefits and advantages of a good home, to the  
 2203 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this  
 2204 surrender of my parental rights.

2205 2.  
 2206 I, the undersigned, \_\_\_\_\_ (relationship to child) ~~(insert relationship~~  
 2207 ~~to child)~~ of the aforesaid child, do hereby surrender my rights to the child to  
 2208 \_\_\_\_\_ (name, surname not required, of each  
 2209 individual to whom surrender is made) ~~(insert name, surname not required, of each~~  
 2210 ~~person to whom surrender is made)~~, PROVIDED that each such person individual is  
 2211 named as petitioner in a petition for adoption of the child filed in accordance with  
 2212 Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated within 60  
 2213 days from the date ~~hereof~~ that I sign this document. Furthermore, I promise not to  
 2214 interfere in the management of the child in any respect whatever; and, in consideration  
 2215 of the benefits guaranteed by \_\_\_\_\_ (name,  
 2216 surname not required, of each individual to whom surrender is made) ~~(insert name,~~  
 2217 ~~surname not required, of each person to whom surrender is made)~~ in thus providing for  
 2218 the child, I do relinquish all right, title, and claim rights to the child herein named in  
 2219 this document, it being my wish, intent, and purpose to relinquish absolutely all  
 2220 parental control over the child.

2221 3.  
 2222 It is also my wish, intent, and purpose that if each such person individual identified in  
 2223 paragraph 2 is not named as petitioner in a petition for adoption ~~as provided for above~~  
 2224 within the 60 day period, other than for ~~excusable neglect~~ justifiable good cause, or, if  
 2225 said petition for adoption is filed within 60 days but the adoption action proceeding is  
 2226 dismissed with prejudice or otherwise concluded without an order declaring the child  
 2227 to be the adopted child of each such person individual, then I do hereby surrender my  
 2228 rights to the child as follows:

2229 ~~(Mark one of the following as chosen)~~

2230 Indicate your choice by signing ONE of the following statements (you may choose  
 2231 statement A, B, or C):

2232 A. \_\_\_\_\_ (Signature) \_\_\_\_\_ I wish the child returned to me, as  
 2233 provided by subsection (j) of Code Section 19-8-5, and I expressly acknowledge that  
 2234 this provision applies only to the limited circumstance that the child is not adopted by  
 2235 the ~~person or persons~~ individual or individuals designated ~~herein in this document~~  
 2236 further that this provision does not impair the validity, absolute finality, or totality of  
 2237 this surrender under any circumstance other than the failure of the designated ~~person~~  
 2238 ~~or persons~~ individual or individuals to adopt the child and that no other provision of  
 2239 this surrender impairs the validity, absolute finality, or totality of this surrender once  
 2240 the ten-day revocation period has elapsed; ~~or~~

2241 **OR**

2242 B. \_\_\_\_\_ (Signature) \_\_\_\_\_ I surrender the child to  
 2243 \_\_\_\_\_ (name of child-placing agency or out-of-state licensed  
 2244 agency), as provided in subsection (j) of Code Section 19-8-5 (insert name of  
 2245 designated licensed child-placing agency), a licensed child-placing agency, for  
 2246 placement for adoption. I understand that if the child-placing agency or out-of-state  
 2247 licensed agency declines to accept the child for placement for adoption, this surrender  
 2248 will be in favor of the Department of Human Services for placement for adoption and  
 2249 \_\_\_\_\_ (name of child-placing agency or out-of-state  
 2250 licensed agency) or the Department of Human Services may petition the superior  
 2251 court for custody of the child in accordance with the terms of this surrender; or

2252 **OR**

2253 C. \_\_\_\_\_ (Signature) \_\_\_\_\_ I surrender the child to the Department  
 2254 of Human Services, as provided by subsection ~~(k)~~ (j) of Code Section 19-8-5, for  
 2255 placement for adoption; and (insert name of designated licensed child-placing agency)  
 2256 ~~or~~ the Department of Human Services may petition the superior court for custody of  
 2257 the child in accordance with the terms of this surrender.



2258 4.  
 2259 ~~Furthermore~~, I hereby agree that the child is to be adopted either by each person named  
 2260 above individual named in paragraph 2 or by any other such person individual as may  
 2261 be chosen by the \_\_\_\_\_ (name of  
 2262 child-placing agency or out-of-state licensed agency) (~~insert name of designated~~  
 2263 licensed child-placing agency) or the Department of Human Services and I do expressly  
 2264 waive any other notice or service in any of the legal proceedings for the adoption of the  
 2265 child.

2266 5.  
 2267 ~~Furthermore~~, I understand that under Georgia law an evaluator is required to conduct  
 2268 and provide to the court a home study and make recommendations to the court  
 2269 regarding the qualification of each ~~person named above to adopt~~ a individual named in  
 2270 paragraph 2 to adopt the child concerning the circumstances of placement of ~~my~~ the  
 2271 child for adoption. ~~I hereby agree to cooperate fully with such investigations.~~

2272 6.  
 2273 ~~Furthermore~~, I understand that under Georgia law, an agent appointed by the court is  
 2274 required to conduct an investigation and render a report to the court in connection with  
 2275 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate  
 2276 fully with such agent in the conduct of ~~this~~ its investigation.

2277 7.  
 2278 I understand that I will receive a copy of this document after the witness and I have  
 2279 signed it and it has been notarized.

2280 8.  
 2281 I understand that under Georgia law I have the unconditional right to a ten-day  
 2282 revocation period. I understand that if I am at least 18 years of age I also have the  
 2283 choice to waive the ten-day revocation period, thereby causing the surrender of my  
 2284 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE  
 2285 SURRENDER OF RIGHTS.

2286 Indicate your choice by signing ONE of the following statements (you may choose  
 2287 statement A or B):

2288 A. \_\_\_\_\_ (Signature) I choose to RETAIN the unconditional right  
 2289 to a ten-day revocation period under Georgia law. ~~Furthermore, I hereby certify that~~  
 2290 ~~I have received a copy of this document and that I understand I may only withdraw~~  
 2291 ~~revoke~~ this surrender by giving written notice, delivered in person or mailed by  
 2292 registered mail or statutory overnight delivery, to  
 2293 \_\_\_\_\_ (name and address of each individual to whom  
 2294 surrender is made or his or her agent) ~~(insert name and address of agent of each~~  
 2295 ~~person to whom surrender is made)~~ within ten days from the date hereof; ~~of signing~~  
 2296 ~~this document. I understand that certified mail cannot be used for mail delivery of the~~  
 2297 ~~notice to revoke this surrender. I understand~~ that the ten days ~~shall~~ will be counted  
 2298 consecutively beginning with the day immediately following the date hereof I sign  
 2299 this document; provided, however, that, if the tenth day falls on a Saturday, Sunday,  
 2300 or legal holiday, then the last day on which ~~the~~ this surrender may be ~~withdrawn shall~~  
 2301 ~~revoked will~~ be the next day that is not a Saturday, Sunday, or legal holiday; ~~and I~~  
 2302 ~~understand that it may NOT be withdrawn thereafter. I understand that, if I deliver~~  
 2303 ~~the notice to revoke this surrender in person, it must be delivered to~~  
 2304 \_\_\_\_\_ (name and address) not later than  
 2305 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on  
 2306 the tenth day. I understand that I CANNOT revoke this surrender after that time.

2307 **OR**

2308 B. \_\_\_\_\_ (Signature) I am at least 18 years of age and I choose to  
 2309 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted  
 2310 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER  
 2311 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE  
 2312 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by  
 2313 signing said waiver, I understand and intend to give up the unconditional right to  
 2314 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT  
 2315 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become  
 2316 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2317 9.

2318 I understand that if I am not a resident of this state that I am agreeing to be subject to  
 2319 the jurisdiction of the courts of Georgia for any action filed in connection with the  
 2320 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
 2321 of this surrender of my parental rights.

2322 10.  
 2323 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
 2324 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
 2325 and voluntarily.

2326 ~~Witness my hand and seal this~~  
 2327 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

2328 \_\_\_\_\_  
 2329 (SEAL)  
 2330 (Parent or guardian)

2331 \_\_\_\_\_  
 2332 ~~Unofficial witness~~  
 2333 Adult witness

2334 Sworn to and subscribed  
 2335 before me this \_\_\_\_\_  
 2336 day of \_\_\_\_\_, \_\_\_\_.

2337 \_\_\_\_\_  
 2338 Notary public (SEAL)  
 2339 My commission expires: \_\_\_\_\_.

2340 (d) The surrender of rights by a biological father who is not ~~the~~ a legal father of the child  
 2341 pursuant to paragraph (2) of subsection (e) of Code Section 19-8-4, 19-8-5, 19-8-6, or  
 2342 19-8-7 shall conform substantially to the following form:

2343 SURRENDER OF RIGHTS  
 2344 FINAL RELEASE FOR ADOPTION

2345 NOTICE TO ALLEGED BIOLOGICAL FATHER:

2346 This is an important legal document and by signing it you are surrendering all of your  
 2347 ~~right, title, and claim rights~~ to the child identified herein, ~~so as to facilitate the child's~~  
 2348 ~~placement for adoption. You are to receive a copy of this document and as explained~~  
 2349 ~~below have the right to withdraw your surrender within ten days from the date you sign~~  
 2350 it in this document. Understand that you are signing this document under oath and that  
 2351 if you knowingly and willfully make a false statement in this document you will be guilty  
 2352 of the crime of false swearing. As explained below in paragraph 4, you have the right to  
 2353 revoke this surrender within ten days from the date you sign it. If you are at least 18  
 2354 years of age, you may choose to waive that right so that this surrender will become  
 2355 immediately effective upon signing such a waiver. If you choose to waive the right to a

2356 ten-day revocation period, you must consult an attorney and make that choice in  
 2357 paragraph 4 below and execute a separate WAIVER OF RIGHT TO REVOKE  
 2358 SURRENDER OF RIGHTS at least 48 hours after the birth of the child.

2359

2360 STATE OF GEORGIA2361 COUNTY OF \_\_\_\_\_

2362 Personally appeared before me, the undersigned officer duly authorized to administer  
 2363 oaths, \_\_\_\_\_ (name of alleged biological father) who, after having  
 2364 been sworn, deposes and says as follows:

2365

1.

2366 I, the undersigned, alleged biological father of a (male) (female) [circle one] child, born  
 2367 \_\_\_\_\_ (name of child) to \_\_\_\_\_ (name of legal  
 2368 mother) on \_\_\_\_\_ (birthdate of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.)  
 2369 [circle one], being mindful that the ~~(insert name of child)~~ to ~~(insert name of mother)~~ on  
 2370 ~~(insert birthdate of child)~~, being solicitous that said child should receive the benefits  
 2371 and advantages of a good home, to the end that (she) (he) [circle one] may be fitted for  
 2372 the requirements of life, consent to this surrender of my rights. I, the undersigned, do  
 2373 hereby surrender my rights to the child. I promise not to interfere in the management  
 2374 of the child in any respect whatever; and, in consideration of the benefits provided to  
 2375 the child through adoption, I do relinquish all right, title, and claim rights to the child  
 2376 ~~herein~~ named in this document, it being my wish, intent, and purpose to relinquish  
 2377 absolutely all control over the child.

2378

2.

2379 ~~Furthermore~~, I hereby agree that the child is to be adopted and I do expressly waive any  
 2380 other notice or service in any of the legal proceedings for the adoption of the child.  
 2381 ~~Furthermore~~, I understand that under Georgia law an agent appointed by the court is  
 2382 required to conduct an investigation and render a report to the court in connection with  
 2383 the legal proceeding for the legal adoption of the child, and I hereby agree to cooperate  
 2384 fully with ~~the~~ such agent ~~appointed by the court~~ in the conduct of ~~this~~ its investigation.

2385 3.  
 2386 I understand that I will receive a copy of this document after the witness and I have  
 2387 signed it and it has been notarized.

2388 4.  
 2389 I understand that under Georgia law I have the unconditional right to a ten-day  
 2390 revocation period. I understand that if I am at least 18 years of age I also have the  
 2391 choice to waive the ten-day revocation period, thereby causing the surrender of my  
 2392 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE  
 2393 SURRENDER OF RIGHTS.

2394 Indicate your choice by signing ONE of the following statements (you may choose  
 2395 statement A or B):

2396 A. \_\_\_\_\_ (Signature) I choose to RETAIN the unconditional right  
 2397 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that  
 2398 I have received a copy of this document and that I understand I may only withdraw  
 2399 revoke this surrender by giving written notice, delivered in person or mailed by  
 2400 registered mail or statutory overnight delivery, to  
 2401 \_\_\_\_\_ (name and address of child-placing  
 2402 agency representative, out-of-state licensed agency representative, Department of  
 2403 Human Services representative, individual to whom surrender is made or his or her  
 2404 agent, or petitioner's representative, as applicable) (insert name and address of  
 2405 child-placing agency representative, Department of Human Services representative,  
 2406 person to whom surrender is made, or petitioner's representative, as appropriate)  
 2407 within ten days from the date hereof; of signing this document. I understand that  
 2408 certified mail cannot be used for mail delivery of the notice to revoke this surrender.  
 2409 I understand that the ten days shall will be counted consecutively beginning with the  
 2410 day immediately following the date hereof; I sign this document; provided, however,  
 2411 that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on  
 2412 which the this surrender may be withdrawn shall revoked will be the next day that is  
 2413 not a Saturday, Sunday, or legal holiday; and I understand that it may NOT be  
 2414 withdrawn thereafter. I understand that, if I deliver the notice to revoke this surrender  
 2415 in person, it must be delivered to \_\_\_\_\_  
 2416 (name and address) not later than 5:00 P.M. eastern standard time or eastern daylight  
 2417 time, whichever is applicable, on the tenth day. I understand that I CANNOT revoke  
 2418 this surrender after that time.

2419 **OR**

2420 B. \_\_\_\_\_ (Signature) I am at least 18 years of age and I choose to  
 2421 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted  
 2422 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER  
 2423 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE  
 2424 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by  
 2425 signing said waiver, I understand and intend to give up the unconditional right to  
 2426 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT  
 2427 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become  
 2428 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2429 5.  
 2430 I understand that if I am not a resident of this state that I am agreeing to be subject to  
 2431 the jurisdiction of the courts of Georgia for any action filed in connection with the  
 2432 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
 2433 of this surrender of my parental rights.

2434 6.  
 2435 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
 2436 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
 2437 and voluntarily.

2438 ~~Witness my hand and seal this~~  
 2439 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2440 \_\_\_\_\_  
 2441 ~~(SEAL)~~  
 2442 (Alleged biological father)

2443 \_\_\_\_\_  
 2444 ~~Unofficial witness~~  
 2445 Adult witness

2446 Sworn to and subscribed  
 2447 before me this \_\_\_\_\_  
 2448 day of \_\_\_\_\_, \_\_\_\_\_.

2449 \_\_\_\_\_  
2450 Notary public (SEAL)

2451 My commission expires: \_\_\_\_\_.

2452 (e) The surrender of rights by a parent or guardian pursuant to paragraph (1) of  
2453 subsection (e) of Code Section 19-8-6 or 19-8-7 shall conform substantially to the  
2454 following form:

2455 SURRENDER OF RIGHTS  
2456 FINAL RELEASE FOR ADOPTION

2457 NOTICE TO PARENT OR GUARDIAN:

2458 This is an important legal document and by signing it, you are surrendering all of your  
2459 ~~right, title, and claim~~ rights to the child identified ~~herein in this document~~, so as to  
2460 ~~facilitate the child's placement~~ place the child for adoption. Understand that you are  
2461 signing this document under oath and that if you knowingly and willfully make a false  
2462 statement in this document you will be guilty of the crime of false swearing. As  
2463 explained below in paragraph 6, you have the right to revoke this ~~You are to receive a~~  
2464 ~~copy of this document and as explained below have the right to withdraw your surrender~~  
2465 ~~within ten days from the date you sign it. If you are at least 18 years of age, you may~~  
2466 ~~choose to waive that right so that this surrender will become effective immediately upon~~  
2467 ~~signing such a waiver. If you choose to waive the right to a ten-day revocation period,~~  
2468 ~~you must consult an attorney and make that choice in paragraph 6 below and execute a~~  
2469 ~~separate~~ WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS ~~at least~~  
2470 ~~48 hours after the birth of the child.~~

2471 \_\_\_\_\_

2472 STATE OF GEORGIA  
2473 COUNTY OF \_\_\_\_\_

2474 Personally appeared before me, the undersigned officer duly authorized to administer  
2475 oaths, \_\_\_\_\_ (name of parent or guardian) who, after having been  
2476 sworn, deposes and says as follows:

2477 1.  
2478 I, the undersigned, being ~~solicitous~~ mindful that my (male) (female) [circle one] child,  
2479 born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
2480 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] (insert name of child) on (insert

2481 ~~birthdate of child~~, should receive the benefits and advantages of a good home, to the  
 2482 end that (she) (he) [circle one] may be fitted for the requirements of life, consent to this  
 2483 surrender of my parental rights.

2484 2.  
 2485 I, the undersigned, \_\_\_\_\_ (relationship to child) (~~insert relationship~~  
 2486 ~~to child~~) of the aforesaid child, do hereby surrender my rights to the child to  
 2487 \_\_\_\_\_ (name of each individual to whom  
 2488 surrender is made) (~~insert name of each person to whom surrender is made~~) and  
 2489 promise not to interfere in the management of the child in any respect whatever; and,  
 2490 in consideration of the benefits guaranteed by  
 2491 \_\_\_\_\_ (name of each individual to whom  
 2492 surrender is made) (~~insert name of each person to whom surrender is made~~) in thus  
 2493 providing for the child, I do relinquish all right, title, and claim rights to the child herein  
 2494 named in this document, it being my wish, intent, and purpose to relinquish absolutely  
 2495 all parental control over the child.

2496 3.  
 2497 Furthermore, I hereby agree that \_\_\_\_\_ (name of each individual to  
 2498 whom surrender is made) (~~insert name of each person to whom surrender is made~~) may  
 2499 initiate legal proceedings for the legal adoption of the child without further notice to  
 2500 me. I do, furthermore, expressly waive any other notice or service in any of the legal  
 2501 proceedings for the adoption of the child.

2502 4.  
 2503 Furthermore, I understand that under Georgia law ~~the Department of Human Services~~  
 2504 an agent may be ~~required~~ appointed by the court to conduct an investigation and render  
 2505 a report to the court in connection with the legal proceeding for the legal adoption of  
 2506 the child, and I hereby agree to cooperate fully with ~~the department~~ such agent in the  
 2507 conduct of its investigation.

2508 5.  
 2509 I understand that I will receive a copy of this document after the witness and I have  
 2510 signed it and it has been notarized.



2511 6.  
 2512 I understand that under Georgia law I have the unconditional right to a ten-day  
 2513 revocation period. I understand that if I am at least 18 years of age I also have the  
 2514 choice to waive the ten-day revocation period, thereby causing the surrender of my  
 2515 rights to become final immediately upon signing a WAIVER OF RIGHT TO REVOKE  
 2516 SURRENDER OF RIGHTS.

2517 Indicate your choice by signing ONE of the following statements (you may choose  
 2518 statement A or B):

2519 A. \_\_\_\_\_ (Signature) I choose to RETAIN the unconditional right  
 2520 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that  
 2521 I have received a copy of this document and that I understand I may only withdraw  
 2522 revoke this surrender by giving written notice, delivered in person or mailed by  
 2523 registered mail or statutory overnight delivery, to  
 2524 \_\_\_\_\_ (name and address of each  
 2525 individual to whom surrender is made or petitioner's representative, as applicable)  
 2526 (~~insert name and address of each person to whom surrender is made~~) within ten days  
 2527 from the date hereof; of signing this document. I understand that certified mail cannot  
 2528 be used for mail delivery of the notice to revoke this surrender. I understand that the  
 2529 ten days ~~shall~~ will be counted consecutively beginning with the day immediately  
 2530 following the date hereof; I sign this document; provided, however, that, if the tenth  
 2531 day falls on a Saturday, Sunday, or legal holiday, then the last day on which ~~the~~ this  
 2532 surrender may be ~~withdrawn shall~~ revoked will be the next day that is not a Saturday,  
 2533 Sunday, or legal holiday; and I understand that it may NOT be withdrawn thereafter.  
 2534 I understand that, if I deliver the notice to revoke my surrender in person, it must be  
 2535 delivered to \_\_\_\_\_ (name and address) not  
 2536 later than 5:00 P.M. eastern standard time or eastern daylight time, whichever is  
 2537 applicable, on the tenth day. I understand that I CANNOT revoke this surrender after  
 2538 that time.

2539 **OR**

2540 B. \_\_\_\_\_ (Signature) I am at least 18 years of age and I choose to  
 2541 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted  
 2542 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER  
 2543 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE

2544 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by  
 2545 signing said waiver, I understand and intend to give up the unconditional right to  
 2546 revoke this surrender. I fully understand that by signing the WAIVER OF RIGHT  
 2547 TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will become  
 2548 final immediately upon signing it and that thereafter this surrender cannot be revoked.

2549 7.  
 2550 I understand that if I am not a resident of this state that I am agreeing to be subject to  
 2551 the jurisdiction of the courts of Georgia for any action filed in connection with the  
 2552 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
 2553 of this surrender of my parental rights.

2554 8.  
 2555 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
 2556 pressure in the execution of this ~~surrender~~ document and ~~do so~~ I am signing it freely  
 2557 and voluntarily.

2558 ~~Witness my hand and seal this~~  
 2559 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2560 \_\_\_\_\_  
 2561 (SEAL)  
 2562 (Parent or guardian)

2563 \_\_\_\_\_  
 2564 ~~Unofficial witness~~  
 2565 Adult witness

2566 Sworn to and subscribed  
 2567 before me this \_\_\_\_\_  
 2568 day of \_\_\_\_\_, \_\_\_\_\_.

2569 \_\_\_\_\_  
 2570 Notary public (SEAL)

2571 My commission expires: \_\_\_\_\_.

2572 (f) The pre-birth surrender of rights by a biological father who is not ~~the~~ a legal father of  
 2573 the child pursuant to paragraph (3) of subsection (e) of Code Section 19-8-4, 19-8-5, or  
 2574 19-8-7 shall conform substantially to the following form:

PRE-BIRTH SURRENDER OF RIGHTS  
FINAL RELEASE FOR ADOPTION

NOTICE TO ALLEGED BIOLOGICAL FATHER:

This is an important legal document and by signing it, you are surrendering any and all of your right, title, and claim rights to the child identified herein in this document, so as to facilitate the child's placement place the child for adoption. You have the right to wait to execute a Surrender of Rights Final Release for Adoption PRE-BIRTH SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION after the child is born, but by signing this document, you are electing to surrender your rights prior to the birth of this child. Understand that you are signing this document under oath and that if you knowingly and willfully make a false statement in this document you will be guilty of the crime of false swearing. As explained below in paragraph 6, you have the right to revoke this You are to receive a copy of this document and as explained below have the right to withdraw your pre-birth surrender within ten days from the date you sign it. If you are at least 18 years of age, you may choose to waive that right so that this surrender will become effective immediately upon signing such a waiver. If you choose to waive the right to a ten-day revocation period, you must consult an attorney and make that choice in paragraph 6 below and execute a separate WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS at least 48 hours after the birth of the child.

STATE OF GEORGIA  
COUNTY OF \_\_\_\_\_

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

1.  
I, the undersigned, understand that I have been named by \_\_\_\_\_, the biological mother of the child expected to be born in \_\_\_\_\_(city) \_\_\_\_\_(county) \_\_\_\_\_(state) on or about the \_\_\_\_\_ day of \_\_\_\_\_(month), \_\_\_\_\_(year), as the biological father or possible biological father of her child. I further understand that the biological mother wishes to place this child for adoption.

2607 2.  
2608 To the best of my knowledge and belief, the child has not been born as of the date I am  
2609 signing this pre-birth surrender; however, if in fact the child has been born, this  
2610 surrender shall have the same effect as if it were a surrender executed following the  
2611 birth of the child.

2612 3.  
2613 I understand that by signing this document I am not admitting that I am the biological  
2614 father of this child, but if I am, I hereby agree that adoption is in this child's best  
2615 interest. I consent to adoption of this child by any ~~person~~ individual chosen by the  
2616 child's legal mother or by any public or private ~~child-placing~~ agency that places  
2617 children without further notice to me. I expressly waive any other notice or service in  
2618 any of the legal proceedings for the adoption of the child. I understand that I have the  
2619 option to wait until after the child is born to execute a surrender of my rights (with a  
2620 corresponding ten-day right of ~~withdrawal~~ revocation) and, further, that by executing  
2621 this document I am electing instead to surrender my rights before the child's birth.

2622 4.  
2623 I ~~further~~ understand that ~~execution of signing~~ signing this document does not fully and finally  
2624 terminate my rights and responsibilities until an order from a court of competent  
2625 jurisdiction terminating my rights or a final order of adoption is entered. I understand  
2626 that if the child is not adopted after I sign this document, legal proceedings can be  
2627 brought to establish paternity, and I may become liable for financial obligations related  
2628 to the birth and support of this child.

2629 5.  
2630 I understand that I will receive a copy of this document after the witness and I have  
2631 signed it and it has been notarized.

2632 6.  
2633 I understand that under Georgia law I have the unconditional right to a ten-day  
2634 revocation period. I understand that if I am at least 18 years of age I also have the  
2635 choice to waive the ten-day revocation period, thereby causing the pre-birth surrender  
2636 of my rights to become final immediately upon signing a WAIVER OF RIGHT TO  
2637 REVOKE SURRENDER OF RIGHTS.

2638 Indicate your choice by signing ONE of the following statements (you may choose  
 2639 statement A or B):

2640 A. \_\_\_\_\_ (Signature) I choose to RETAIN the unconditional right  
 2641 to a ten-day revocation period under Georgia law. Furthermore, I hereby certify that  
 2642 I have received a copy of this document and that I understand that I may only  
 2643 withdraw ~~revoke~~ this pre-birth surrender by giving written notice, delivered in person  
 2644 or by statutory overnight delivery or registered mail, return receipt requested, to  
 2645 \_\_\_\_\_ within ten days from the date hereof; mailed by  
 2646 registered mail or statutory overnight delivery, to  
 2647 \_\_\_\_\_ (name and address of  
 2648 child-placing agency representative, out-of-state licensed agency representative,  
 2649 Department of Human Services representative, individual to whom surrender is made  
 2650 or his or her agent, or petitioner's representative, as applicable) within ten days from  
 2651 the date of signing this document. I understand that certified mail cannot be used for  
 2652 mail delivery of the notice to revoke this pre-birth surrender. I understand that the ten  
 2653 days ~~shall~~ will be counted consecutively beginning with the day immediately  
 2654 following the date hereof; that, however, I sign this document; provided, however,  
 2655 that, if the tenth day falls on a Saturday, Sunday, or legal holiday, then the last day on  
 2656 which ~~the~~ this surrender may be ~~withdrawn~~ shall ~~shall~~ revoke will be the next day that is  
 2657 not a Saturday, Sunday, or legal holiday; and that it may NOT be withdrawn  
 2658 thereafter. I understand that, if I deliver the notice to revoke this surrender in person,  
 2659 it must be delivered to \_\_\_\_\_ (name and  
 2660 address) not later than 5:00 P.M. eastern standard time or eastern daylight time,  
 2661 whichever is applicable, on the tenth day. I understand that I CANNOT revoke this  
 2662 surrender after that time.

2663 **OR**

2664 B. \_\_\_\_\_ (Signature) I am at least 18 years of age and I choose to  
 2665 WAIVE the right to a ten-day revocation period under Georgia law. I have consulted  
 2666 an attorney regarding signing the WAIVER OF RIGHT TO REVOKE SURRENDER  
 2667 OF RIGHTS. I will sign a separate WAIVER OF RIGHT TO REVOKE  
 2668 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and, by  
 2669 signing said waiver, I understand and intend to give up the unconditional right to  
 2670 revoke this pre-birth surrender. I fully understand that by signing the WAIVER OF  
 2671 RIGHT TO REVOKE SURRENDER OF RIGHTS the surrender of my rights will

2672 become final immediately upon signing it and that thereafter this surrender cannot be  
2673 revoked.

2674 7.

2675 If prior to my signing this pre-birth surrender I have registered on Georgia's putative  
2676 father registry then, if I do not ~~withdraw~~ revoke this surrender within the time  
2677 permitted, I waive the notice I would be entitled to receive pursuant to ~~the provisions~~  
2678 ~~of~~ Code Section 19-8-12 of the Official Code of Georgia Annotated because of my  
2679 registration on the putative father registry.

2680 8.

2681 I understand that if I am not a resident of this state that I am agreeing to be subject to  
2682 the jurisdiction of the courts of Georgia for any action filed in connection with the  
2683 adoption of the child. I agree to be bound by a decree of adoption rendered as a result  
2684 of this surrender of my parental rights.

2685 9.

2686 Furthermore, I hereby certify that I have not been subjected to any duress or undue  
2687 pressure in the execution of this document and ~~do so~~ I am signing it freely and  
2688 voluntarily.

2689 ~~Witness my hand and seal this~~

2690 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2691 \_\_\_\_\_  
2692 (SEAL)  
2693 (Alleged biological father)

2694 \_\_\_\_\_  
2695 ~~Unofficial Witness~~  
2696 Adult witness

2697 Sworn to and subscribed  
2698 before me ~~on~~ this \_\_\_\_\_  
2699 day of \_\_\_\_\_, \_\_\_\_.

2700 \_\_\_\_\_  
2701 Notary public (SEAL)

2702 ~~Notary Public Seal~~

2703 My commission expires: \_\_\_\_\_.

2704 (g) The acknowledgment of surrender of rights pursuant to subsection (f) of Code Section  
2705 19-8-4, 19-8-5, 19-8-6, or 19-8-7 shall conform substantially to the following form:

2706 ACKNOWLEDGMENT OF SURRENDER  
2707 OF RIGHTS

2708 STATE OF GEORGIA  
2709 COUNTY OF \_\_\_\_\_

2710 Personally appeared before me, the undersigned officer duly authorized to administer  
2711 oaths, \_\_\_\_\_ (name of parent, guardian, or  
2712 alleged biological father) who, after having been sworn, deposes and says as follows By  
2713 execution of this paragraph, the undersigned expressly acknowledges:

2714 (A) That I have read the accompanying (PRE-BIRTH SURRENDER OF  
2715 RIGHTS/FINAL RELEASE FOR ADOPTION) (SURRENDER OF RIGHTS/FINAL  
2716 RELEASE FOR ADOPTION) [circle one] relating to said minor the child born  
2717 \_\_\_\_\_ (name of child) (~~insert name of child~~), a (male) (female)  
2718 [circle one] on \_\_\_\_\_ (birthdate of child) (~~insert birthdate of child~~);

2719 (B) That I understand that this is a full, final, and complete surrender, release, and  
2720 termination of all of my rights to the child;

2721 (C) Indicate your choice by signing ONE of the following statements (you may choose  
2722 statement A or B):

2723 A. \_\_\_\_\_ (Signature) That I have chosen to retain the unconditional  
2724 right to revoke the surrender by giving written notice, delivered in person or mailed  
2725 by registered mail or statutory overnight delivery, to  
2726 \_\_\_\_\_ (name and address of child-placing  
2727 agency or its representative, out-of-state licensed agency or its representative,  
2728 Department of Human Services or its representative, individual to whom surrender  
2729 is made or his or her agent, or petitioner's representative, as applicable) (~~insert name~~  
2730 ~~and address of each person or entity to whom surrender is made~~) not later than within  
2731 ten days from the date of signing the surrender and that after such ten-day revocation  
2732 period I shall have no right to revoke the surrender;.

2733 (~~D~~) That I understand that certified mail cannot be used for mail delivery of the  
2734 notice to revoke the surrender of my rights. I understand that, if I deliver the notice  
2735 to revoke my surrender in person, it must be delivered to  
2736 \_\_\_\_\_ (name and address) not later than  
2737 5:00 P.M. eastern standard time or eastern daylight time, whichever is applicable, on

2738 the tenth day. I understand that the ten days shall will be counted consecutively  
 2739 beginning with the day immediately following the date I signed the surrender is  
 2740 ~~executed; provided, however, that,~~ if the tenth day falls on a Saturday, Sunday, or  
 2741 legal holiday, then the last day on which the surrender may be ~~withdrawn shall~~  
 2742 revoked will be the next day that is not a Saturday, Sunday, or legal holiday;

2743 **OR**

2744 B. \_\_\_\_\_ (Signature) That I am at least 18 years of age and I have  
 2745 chosen to exercise my right to sign a separate WAIVER OF RIGHT TO REVOKE  
 2746 SURRENDER OF RIGHTS at least 48 hours after the birth of the child and that, by  
 2747 signing said waiver, I understand and intend to give up the unconditional right to  
 2748 revoke my surrender. I have consulted an attorney regarding signing the WAIVER  
 2749 OF RIGHT TO REVOKE SURRENDER OF RIGHTS. I fully understand that by  
 2750 signing the WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS the  
 2751 surrender of my rights will become final immediately upon signing it and that  
 2752 thereafter my surrender cannot be revoked;

2753 ~~(E)~~(D) That I have read the accompanying surrender of rights and received a copy  
 2754 thereof;

2755 ~~(F)~~(E) That any and all questions regarding the effect of ~~said~~ such surrender and its  
 2756 provisions have been satisfactorily explained to me;

2757 ~~(G)~~(F) That I have been ~~afforded~~ given an opportunity to consult with ~~counsel~~ an  
 2758 attorney of my choice ~~prior to execution of~~ before signing the surrender of my rights;  
 2759 and

2760 ~~(H)~~(G) That the surrender of my rights has been knowingly, intentionally, freely, and  
 2761 voluntarily made by me.

2762 ~~Witness my hand and seal this~~

2763 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

2764 \_\_\_\_\_  
 2765 (SEAL)  
 2766 (Parent, guardian, or alleged biological father)

2767 \_\_\_\_\_  
 2768 Unofficial witness  
 2769 Adult witness



2770 Sworn to and subscribed  
 2771 before me this \_\_\_\_\_  
 2772 day of \_\_\_\_\_, \_\_\_\_\_.  
 2773 \_\_\_\_\_  
 2774 Notary public (SEAL)  
 2775 My commission expires: \_\_\_\_\_.'

2776 (h) The affidavit of a legal mother required by paragraph (1) of subsection (g) of Code  
 2777 Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the surrender of her rights shall meet the  
 2778 following requirements:

2779 (1) The affidavit shall set forth:

2780 (A) Her name;

2781 (B) Her relationship to the child;

2782 (C) Her age;

2783 (D) Her marital status at the time of conception and of the birth of the child;

2784 (E) The identity and last known address of ~~any~~ her spouse or former spouse and  
 2785 whether any such spouse is the biological father of the child;

2786 (F) The identity, last known address, and relationship to the legal mother of the  
 2787 biological father of ~~her~~ the child, provided that ~~the mother~~ she shall have the right not  
 2788 to disclose the name and address of the biological father of ~~her~~ the child should she so  
 2789 desire;

2790 (G) Whether or not she has consented to the appointment of a temporary guardian for  
 2791 the child and, if so, provide the name and address of the temporary guardian and the  
 2792 probate court in which the petition for temporary guardianship was filed;

2793 (H) Whether custody of the child has been awarded to another individual and, if so,  
 2794 provide the name of the child's custodian and the court in which custody was awarded;

2795 ~~(G)(I)~~ (I) Whether or not the biological father of the child has lived with the child,  
 2796 contributed to its support, provided for the mother's support or medical care during her  
 2797 pregnancy or during her hospitalization for the birth of the child, or made an attempt  
 2798 to legitimate the child; and is or was in a branch of the United States armed forces and,  
 2799 if so, provide details as to his military service;

2800 (J) Whether or not the biological mother or any member of her family is or was an  
 2801 enrolled member of a federally recognized American Indian tribe, is or was a resident  
 2802 of an American Indian reservation, or is or was an Alaskan native;

2803 (K) Whether or not the biological father of the child or any member of his family is or  
 2804 was an enrolled member of a federally recognized American Indian tribe, is or was a  
 2805 resident of an American Indian reservation, or is or was an Alaskan native; and

2806 ~~(H)~~(L) All financial assistance received by or promised her either directly or indirectly,  
 2807 from whatever source, in connection with her pregnancy, the birth of the child, or the  
 2808 placement or arranging for the placement of the child for adoption (including the date,  
 2809 amount or value, description, payor, and payee), provided that financial assistance  
 2810 provided directly by ~~the mother's~~ her husband, mother, father, sister, brother, aunt,  
 2811 uncle, grandfather, or grandmother need not be detailed and instead ~~the mother~~ she need  
 2812 only state the nature of the assistance received; and

2813 (2) The affidavit shall conform substantially to the following form:

2814 LEGAL MOTHER'S AFFIDAVIT

2815 NOTICE TO LEGAL MOTHER:

2816 This is an important legal document which deals with your the child's right to have its  
 2817 his or her biological father's rights properly determined. You have the right not ~~If you~~  
 2818 ~~decline~~ to disclose the name and address of the biological father of your the child;  
 2819 ~~understand that you may be required to appear in court to explain your refusal and that~~  
 2820 ~~your name may be used in connection with the publication of notice to the biological~~  
 2821 ~~father.~~ Understand that you are providing this affidavit under oath and that ~~the~~ if you  
 2822 knowingly and willfully make a false statement in this affidavit you will be guilty of  
 2823 the crime of false swearing. ~~The information provided~~ you provide will be held in strict  
 2824 confidence and will be used only in connection with the adoption of your the child.

2825 STATE OF GEORGIA  
 2826 COUNTY OF \_\_\_\_\_

2827 Personally appeared before me, the undersigned officer duly authorized to administer  
 2828 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says  
 2829 as follows:

2830 That my name is \_\_\_\_\_.  
 2831 That I am the legal mother of a (male) (female) [circle one] child born  
 2832 \_\_\_\_\_ (name of child) (~~insert name of child~~) in the State of  
 2833 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_ (birthdate of child) at  
 2834 \_\_\_\_\_: \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).  
 2835 That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_, County  
 2836 of \_\_\_\_\_ on \_\_\_\_\_.  
 2837 That my social security ~~account~~ number is \_\_\_\_\_.  
 2838 That my marital status at the time of the conception of my the child was (check the  
 2839 status and complete the appropriate information):

2840 ( ) Single, never having been married.

2841 ( ) Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle

2842 one] \_\_\_\_\_; ~~his~~ my spouse's last known

2843 address is \_\_\_\_\_; we were married in the State of

2844 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we have been separated since

2845 \_\_\_\_\_; we last had sexual relations on \_\_\_\_\_ (date);

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

2847 ( ) Divorced; the name of my ~~previous~~ former spouse is

2848 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of

2849 \_\_\_\_\_ on \_\_\_\_\_; we last had sexual relations on \_\_\_\_\_ (date);

2850 my former spouse's ~~his~~ last known address is \_\_\_\_\_; divorce granted in

2851 the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; my former

2852 spouse (is) (is not) [circle one] the biological father of said child.

2853 ( ) Legally married; the name of my spouse (was) (is) [circle one]

2854 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of \_\_\_\_\_

2855 on \_\_\_\_\_; and ~~his~~ my spouse's last known address is \_\_\_\_\_;

2856 my spouse (is) (is not) [circle one] the biological father of said child.

2857 ( ) Married through common-law marriage relationship prior to January 1, 1997;

2858 the name of my spouse (was) (is) [circle one] \_\_\_\_\_; ~~his~~ my

2859 spouse's last known address is \_\_\_\_\_; our relationship began in the State

2860 of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; my spouse (is) (is not) [circle

2861 one] the biological father of said child.

2862 ( ) Widowed; the name of my deceased spouse was \_\_\_\_\_;

2863 we were married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; ~~and~~

2864 ~~he~~ my spouse died on \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_.

2865 That my name and marital status at the time of the birth of ~~my~~ the child was (check

2866 the status and complete the appropriate information):

2867 Name \_\_\_\_\_.

2868 ( ) Single, never having been married.

2869 ( ) Separated, but not legally divorced; the name of my spouse (was) (is) [circle

2870 one] \_\_\_\_\_; ~~his~~ my

2871 spouse's last known address is \_\_\_\_\_; we were married

2872 in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we

2873 have been separated since \_\_\_\_\_; we last had sexual relations on

2874 \_\_\_\_\_ (date); my spouse (is) (is not) [circle one] the biological

2875 father of said child.

2876 ( ) Divorced; the name of my former spouse is \_\_\_\_\_; we were married  
 2877 in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we last had  
 2878 sexual relations on \_\_\_\_\_ (date); my spouse's ~~his~~ last known  
 2879 address is \_\_\_\_\_; divorce granted in the State of  
 2880 \_\_\_\_\_, County of \_\_\_\_\_; my former spouse (is) (is not) [circle  
 2881 one] the biological father of said child.

2882 ( ) Legally ~~Married~~ married; the name of my spouse (was) (is) [circle one]  
 2883 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of  
 2884 \_\_\_\_\_ on \_\_\_\_\_; ~~and his~~ my spouse's last known address is  
 2885 \_\_\_\_\_; my spouse (is) (is not) [circle one] the biological  
 2886 father of said child.

2887 ( ) Married through common-law relationship prior to January 1, 1997; the name  
 2888 of my spouse (was) (is) [circle one] \_\_\_\_\_; ~~his~~ my  
 2889 spouse's last known address is \_\_\_\_\_; our relationship began in  
 2890 the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_;  
 2891 my spouse (is) (is not) [circle one] the biological father of said child.

2892 ( ) Widowed; the name of my deceased spouse was \_\_\_\_\_; we were  
 2893 married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_;  
 2894 ~~and he~~ my spouse died on \_\_\_\_\_ in the County of \_\_\_\_\_,  
 2895 State of \_\_\_\_\_; he (was) (was not) [circle one] the biological father of  
 2896 said child.

2897 That the name of the biological father of ~~my~~ the child is (complete appropriate  
 2898 response):

2899 Known to me and is (\_\_\_\_\_);

2900 Known to me but I expressly decline to identify him because \_\_\_\_\_

2901 \_\_\_\_\_; or

2902 Unknown to me because \_\_\_\_\_

2903 \_\_\_\_\_.

2904 That the last known address of the biological father of ~~my~~ the child is (complete  
 2905 appropriate response):

2906 Known to me and is \_\_\_\_\_;

2907 Known to me but I expressly decline to provide his address because

2908 \_\_\_\_\_; or

2909 Unknown to me because \_\_\_\_\_

2910 \_\_\_\_\_.

2911 That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member  
 2912 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident

2913 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native  
2914 of American Indian heritage. If so:

2915 (A) The name of my American Indian tribe is \_\_\_\_\_ and the\_

2916 (B) The percentage of my American Indian blood is \_\_\_\_\_ percent.

2917 That, to the best of my knowledge, a member of my family (is or was) (is not or was  
2918 not) [circle one] an enrolled member of a federally recognized American Indian tribe,  
2919 (is or was) (is not or was not) [circle one] a resident of an American Indian  
2920 reservation, or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

2921 (A) The name of the American Indian tribe is \_\_\_\_\_.

2922 (B) The percentage of my American Indian blood is \_\_\_\_\_ percent.

2923 ~~(B)~~(C) My relatives with American Indian or Alaskan native blood are: \_\_\_\_\_

2924 \_\_\_\_\_

2925 \_\_\_\_\_.

2926 ~~(C)~~(D) I ~~(am) (am not)~~ a member of an American Indian tribe. If so, the The name  
2927 of the American Indian tribe is \_\_\_\_\_.

2928 (E) The name of each enrolled member is \_\_\_\_\_, and his or  
2929 her corresponding registration or identification number is \_\_\_\_\_.

2930 ~~(D)~~ I ~~(am) (am not)~~ registered with an American Indian tribal registry. If so, the  
2931 American Indian tribal registry is: \_\_\_\_\_ and my registration  
2932 or identification number is: \_\_\_\_\_.

2933 ~~(E)~~ A member of my family (is) (is not) a member of an American Indian tribe. If  
2934 so, the name of each such family member is: \_\_\_\_\_ and the name  
2935 of the corresponding American Indian tribe is: \_\_\_\_\_.

2936 ~~(F)~~ A member of my family (is) (is not) registered with an American Indian tribal  
2937 registry. If so, the name of each such family member is: \_\_\_\_\_  
2938 and the name of the corresponding American Indian tribal registry is:  
2939 \_\_\_\_\_ and their corresponding registration or  
2940 identification numbers are: \_\_\_\_\_.

2941 That to the best of my knowledge, the biological father ~~(is) (is not)~~ of American  
2942 Indian heritage or a member of his family (is or was) (is not or was not) [circle one]  
2943 an enrolled member of a federally recognized American Indian tribe, (is or was) (is  
2944 not or was not) [circle one] a resident of an American Indian reservation, or (is or  
2945 was) (is not or was not) [circle one] an Alaskan native. If so:

2946 (A) The name of his American Indian tribe is \_\_\_\_\_ and the\_

2947 (B) The percentage of his American Indian blood is \_\_\_\_\_ percent.

2948 ~~(B)~~(C) His relatives with American Indian or Alaskan native blood are: \_\_\_\_\_  
 2949 \_\_\_\_\_  
 2950 \_\_\_\_\_.

2951 ~~(C)~~ He (is) (is not) a member of an American Indian tribe. If so, the name of the  
 2952 tribe is: \_\_\_\_\_.

2953 ~~(D)~~ He (is) (is not) registered with an American Indian tribal registry. If so, the  
 2954 American Indian tribal registry is: \_\_\_\_\_  
 2955 and his registration or identification number is: \_\_\_\_\_

2956 The name of each enrolled member is \_\_\_\_\_,  
 2957 and his or her corresponding registration or identification number is  
 2958 \_\_\_\_\_.

2959 That the date of birth of the biological father (~~was is~~ \_\_\_\_\_, \_\_\_\_\_) ~~or~~ (is not  
 2960 known to me) [circle one].

2961 That the biological father (is) (is not) [circle one] on active duty in a branch of the  
 2962 United States armed forces. If so:

2963 (A) The branch of his service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)  
 2964 [circle one].

2965 (B) His rank is \_\_\_\_\_.

2966 (C) His duty station is \_\_\_\_\_.

2967 If applicable, please provide any additional available information regarding his  
 2968 military service.

2969 \_\_\_\_\_  
 2970 \_\_\_\_\_  
 2971 \_\_\_\_\_.

2972 That the biological father of ~~my~~ the child, whether or not identified ~~herein~~ (~~strike each~~  
 2973 ~~inappropriate phrase~~) in this document (circle the appropriate phrase):

2974 (Was) (Was not) married to me at the time this child was conceived;

2975 (Was) (Was not) married to me at any time during my pregnancy with this child;

2976 (Was) (Was not) married to me at the time that this child was born;

2977 (Did) (Did not) marry me after the child was born and recognize the child as his  
 2978 own;

2979 (Has) (Has not) been determined to be the child's father by a final paternity order  
 2980 of a court;

2981 (Has) (Has not) legitimated the child by a final court order;

2982 (Has) (Has not) lived with the child;

2983 (Has) (Has not) contributed to its support;

2984 (Has) (Has not) provided for my support during my pregnancy or hospitalization for  
2985 the birth of the child; and

2986 (Has) (Has not) provided for my medical care during my pregnancy or  
2987 hospitalization for the birth of the child; ~~and~~

2988 ~~(Has) (Has not) made any attempt to legitimate the child.~~

2989 That I (have) (have not) [circle one] consented to the appointment of a temporary  
2990 guardian for the child. If so, the name of the temporary guardian is  
2991 \_\_\_\_\_ , and the probate court in which the petition for temporary  
2992 guardianship was filed is \_\_\_\_\_.

2993 That custody of the child has been awarded to  
2994 \_\_\_\_\_ (name and address of custodian) by order  
2995 of the \_\_\_\_\_ Court of \_\_\_\_\_ County, State of  
2996 \_\_\_\_\_ , entered on \_\_\_\_\_ (date).

2997 That I have received or been promised the following financial assistance, either  
2998 directly or indirectly, from whatever source, in connection with my pregnancy, the  
2999 birth of ~~my~~ the child, and ~~it's~~ the child's placement for adoption:  
3000 \_\_\_\_\_.

3001 That I recognize that if I knowingly and willfully make a false statement in this  
3002 affidavit; I will be guilty of the crime of false swearing.

3003 \_\_\_\_\_  
3004 ~~(Biological mother's signature)~~  
3005 (Legal mother)

3006 Sworn to and subscribed  
3007 before me this \_\_\_\_\_  
3008 day of \_\_\_\_\_, \_\_\_\_.

3009 \_\_\_\_\_  
3010 Notary public (SEAL)

3011 My ~~Commission Expires~~ commission expires: \_\_\_\_\_.!

3012 (i) The affidavit of an adoptive mother required by ~~subsection (a) of Code Section 19-8-9~~  
3013 paragraph (2) of subsection (g) of Code Section 19-8-4, 19-8-5, 19-8-6, or 19-8-7 for the  
3014 surrender of her rights shall meet the following requirements:

- 3015 (1) The affidavit shall set forth:  
3016 (A) Her name;  
3017 (B) Her relationship to the child;  
3018 (C) Her age;  
3019 (D) Her marital status;

3020 (E) The name and last known address of any spouse or former spouse at the time the  
3021 child was adopted and whether any such spouse also adopted the child or ~~was~~ is the  
3022 biological father of the child;

3023 (F) The circumstances surrounding her adoption of ~~her~~ the child, including the date the  
3024 adoption was finalized, the state and county where finalized, and the name and address  
3025 of the adoption agency, if any; ~~and~~

3026 (G) Whether or not she has consented to the appointment of a temporary guardian for  
3027 the child and, if so, provide the name of the temporary guardian and the probate court  
3028 in which the petition for temporary guardianship was filed;

3029 (H) Whether custody of the child has been awarded to another individual and, if so,  
3030 provide the name of the child's custodian and the court in which custody was awarded;  
3031 and

3032 ~~(G)~~(I) All financial assistance received by or promised her either directly or indirectly,  
3033 from whatever source, in connection with the placement or arranging for the placement  
3034 of ~~her~~ the child for adoption (including the date, amount or value, description, payor,  
3035 and payee), provided that financial assistance provided directly by ~~the adoptive~~  
3036 ~~mother's~~ her husband, mother, father, sister, brother, aunt, uncle, grandfather, or  
3037 grandmother need not be detailed and instead ~~the adoptive mother~~ she need only state  
3038 the nature of the assistance received.

3039 (2) The affidavit shall be in substantially the following form:

3040 'ADOPTIVE MOTHER'S AFFIDAVIT

3041 NOTICE TO ADOPTIVE MOTHER:

3042 This is an important legal document which deals with ~~your~~ the adopted child's right to  
3043 have ~~its~~ his or her legal father's rights properly ~~terminated~~ determined. Understand that  
3044 you are providing this affidavit under oath and that ~~the~~ if you knowingly and willfully  
3045 make a false statement in this affidavit you will be guilty of the crime of false swearing.  
3046 The information ~~provided~~ you provide will be held in strict confidence and will be used  
3047 only in connection with the adoption of ~~your~~ the child.

3048 STATE OF GEORGIA  
3049 COUNTY OF \_\_\_\_\_

3050 Personally appeared before me, the undersigned officer duly authorized to administer  
3051 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as follows:

3052 That my name is \_\_\_\_\_.



3053 That I am the adoptive mother of a (male) (female) [circle one] child born  
 3054 \_\_\_\_\_ (name of child) (~~insert name of child~~) in the State of  
 3055 \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_ (birthdate of child)  
 3056 at \_\_\_\_\_: \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert birthdate of child~~).

3057 That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_, County  
 3058 of \_\_\_\_\_ on \_\_\_\_\_.

3059 That my social security number is \_\_\_\_\_.

3060 That my marital status is (check the status and complete the appropriate information):

3061 ( ) Single, never having been married.

3062 ( ) Separated but not legally divorced; the name of my spouse ~~is~~ (was) (is) [circle  
 3063 one] \_\_\_\_\_; ~~his~~ my spouse's last known address is \_\_\_\_\_; we  
 3064 were married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on  
 3065 \_\_\_\_\_; we have been separated since \_\_\_\_\_; we last had  
 3066 sexual relations on \_\_\_\_\_ (date); my spouse (did) (did not) [circle  
 3067 one] also adopt said child; my spouse (is) (is not) [circle one] the biological father  
 3068 of said child.

3069 ( ) Divorced; the name of my ~~previous~~ former spouse is \_\_\_\_\_; we were  
 3070 married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; we  
 3071 last had sexual relations on \_\_\_\_\_ (date); my former spouse's ~~his~~ last  
 3072 known address is \_\_\_\_\_; divorce granted in the State of \_\_\_\_\_,  
 3073 County of \_\_\_\_\_ on \_\_\_\_\_; my ~~previous~~ former spouse (did) (did  
 3074 not) [circle one] also adopt said child; my ~~previous~~ former spouse (is) (is not) [circle  
 3075 one] the biological father of said child.

3076 ( ) Legally married; the name of my spouse ~~is~~ (was) (is) [circle one]  
 3077 \_\_\_\_\_; we were married in the State of \_\_\_\_\_, County of \_\_\_\_\_  
 3078 on \_\_\_\_\_; ~~his~~ my spouse's last known address is \_\_\_\_\_; my  
 3079 spouse (did) (did not) [circle one] also adopt said child; my spouse (is) (is not)  
 3080 [circle one] the biological father of said child.

3081 ( ) Married through common-law marriage relationship prior to January 1, 1997;  
 3082 the name of my spouse ~~is~~ (was) (is) [circle one] \_\_\_\_\_; ~~his~~ my spouse's  
 3083 last known address is \_\_\_\_\_; ~~the date and place~~ our relationship began  
 3084 ~~is~~ (~~date, county, state~~) in the State of \_\_\_\_\_, County of \_\_\_\_\_  
 3085 on \_\_\_\_\_; my spouse (did) (did not) [circle one] also adopt said child;  
 3086 my spouse (is) (is not) [circle one] the biological father of said child.

3087 ( ) Widowed; the name of my deceased spouse ~~is~~ was \_\_\_\_\_; we were  
 3088 married in the State of \_\_\_\_\_, County of \_\_\_\_\_ on \_\_\_\_\_; ~~he~~ my  
 3089 spouse died on \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_;

3090 he (did) (did not) [circle one] also adopt said child; ~~and~~ he (was) (was not) [circle  
3091 one] the biological father of said child.

3092 That I adopted my the child in the State of \_\_\_\_\_, County of \_\_\_\_\_.

3093 That the final order of adoption was entered on \_\_\_\_\_.

3094 That there (was) (was not) [circle one] an adoption agency involved in the placement  
3095 of my the child with me for adoption; and if so its name was \_\_\_\_\_,  
3096 and its address is \_\_\_\_\_.

3097 That I (have) (have not) [circle one] consented to the appointment of a temporary  
3098 guardian for the child. If so, the name of the temporary guardian is:  
3099 \_\_\_\_\_, and the probate court in which the petition for  
3100 temporary guardianship was filed is \_\_\_\_\_.

3101 That custody of the child has been awarded to \_\_\_\_\_ (name and  
3102 address of custodian) by order of the \_\_\_\_\_ Court of \_\_\_\_\_  
3103 County, State of \_\_\_\_\_, entered on \_\_\_\_\_ (date).

3104 That I have received or been promised the following financial assistance, either  
3105 directly or indirectly, from whatever source, in connection with my the child's  
3106 placement for adoption: \_\_\_\_\_.

3107 That I recognize that if I knowingly and willfully make a false statement in this  
3108 affidavit, I will be guilty of the crime of false swearing.

3109 \_\_\_\_\_  
3110 (Adoptive mother)

3111 Sworn to and subscribed  
3112 before me this \_\_\_\_\_  
3113 day of \_\_\_\_\_, \_\_\_\_.  
3114 \_\_\_\_\_  
3115 Notary public (SEAL)  
3116 My commission expires: \_\_\_\_\_.

3117 (j) The affidavit of ~~an~~ a child-placing agency, out of state licensed agency, or department  
3118 representative required by subsection (h) of Code Section 19-8-4 shall conform  
3119 substantially to the following form:

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

3123 STATE OF GEORGIA  
3124 COUNTY OF \_\_\_\_\_

3125 Personally appeared before me, the undersigned officer duly authorized to administer  
3126 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as  
3127 follows:

3128 That I am \_\_\_\_\_ (position) of \_\_\_\_\_ (name  
3129 of department, child-placing agency, or out-of-state licensed agency) (~~department or~~  
3130 ~~agency~~).

3131 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL  
3132 RELEASE FOR ADOPTION by \_\_\_\_\_, releasing and  
3133 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] ~~minor~~  
3134 child born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate  
3135 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert~~  
3136 ~~birthdate of child~~), I reviewed with and explained to ~~said~~ such individual all of the  
3137 provisions of the surrender of rights, and particularly the provisions which provide that  
3138 the surrender is a full surrender of all rights to the child.

3139 That based on my review and explanation to ~~said~~ such individual, it is my opinion that  
3140 ~~said~~ such individual knowingly, intentionally, freely, and voluntarily executed the  
3141 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3142 \_\_\_\_\_  
3143 (Agency representative)  
3144 (Representative)

3145 \_\_\_\_\_  
3146 (Department or agency name)

3147 Sworn to and subscribed  
3148 before me this \_\_\_\_\_  
3149 day of \_\_\_\_\_, \_\_\_\_.

3150 \_\_\_\_\_  
3151 Notary public (SEAL)  
3152 My commission expires: \_\_\_\_\_.

3153 (k) The affidavit of a petitioner's representative or of the representative of the individual  
3154 signing the surrender of rights required by subsection (h) of Code Section 19-8-5, 19-8-6,  
3155 or 19-8-7 shall conform substantially to the following form:

3156 'AFFIDAVIT OF PETITIONER'S REPRESENTATIVE

3157 STATE OF GEORGIA  
3158 COUNTY OF \_\_\_\_\_

3159 Personally appeared before me, the undersigned officer duly authorized to administer  
3160 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as  
3161 follows:

3162 That my name is \_\_\_\_\_.

3163 That my address is \_\_\_\_\_.

3164 That prior to the execution of the accompanying SURRENDER OF RIGHTS/FINAL  
3165 RELEASE FOR ADOPTION by \_\_\_\_\_, releasing and

3166 surrendering all of (his) (her) [circle one] rights in a (male) (female) [circle one] minor  
3167 child born \_\_\_\_\_ (name of child) on \_\_\_\_\_ (birthdate

3168 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one] (~~insert name of child~~) on (~~insert~~  
3169 ~~birthdate of child~~), I reviewed with and explained to said such individual all of the

3170 provisions of the surrender of rights, and particularly the provisions which provide that  
3171 the surrender is a full surrender of all rights to the child.

3172 That based on my review and explanation to said such individual, it is my opinion that  
3173 said such individual knowingly, intentionally, freely, and voluntarily executed the

3174 SURRENDER OF RIGHTS/FINAL RELEASE FOR ADOPTION.

3175 \_\_\_\_\_  
3176 (Petitioner's representative)  
3177 (Petitioner's representative or the  
3178 representative of the individual  
3179 signing the surrender)

3180 Sworn to and subscribed  
3181 before me this \_\_\_\_\_  
3182 day of \_\_\_\_\_, \_\_\_\_.

3183 \_\_\_\_\_  
3184 Notary public (SEAL)

3185 My commission expires: \_\_\_\_\_.

3186 (l) The parental consent to a stepparent adoption required by subsection (j) of Code  
3187 Section 19-8-6 shall conform substantially to the following form:

3188 PARENTAL CONSENT TO STEPPARENT ADOPTION

3189 STATE OF GEORGIA  
3190 COUNTY OF \_\_\_\_\_

3191 Personally appeared before me, the undersigned officer duly authorized to administer  
3192 oaths, \_\_\_\_\_ (name of parent) who, after having been  
3193 sworn, deposes and says as follows:

3194 I, the undersigned, hereby consent that my spouse \_\_\_\_\_ (name of  
 3195 spouse) (~~insert name of spouse~~) adopt my (son) (daughter) [circle one],  
 3196 \_\_\_\_\_ (name of child) (~~insert name of child~~), whose date of birth is  
 3197 \_\_\_\_\_, and in so doing I in no way relinquish or surrender my parental rights  
 3198 to the child. I further acknowledge service of a copy of the petition for adoption of the  
 3199 child as filed on behalf of my spouse, and I hereby consent to the granting of the  
 3200 prayers of the petition for adoption. I also waive all other and further service and notice  
 3201 of any kind and nature in connection with the proceedings.

3202 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

3203 \_\_\_\_\_  
 3204 (Parent)

3205 \_\_\_\_\_  
 3206 Unofficial witness

3207 Sworn to and subscribed  
 3208 before me this \_\_\_\_\_  
 3209 day of \_\_\_\_\_, \_\_\_\_\_.

3210 \_\_\_\_\_  
 3211 Notary public (SEAL)  
 3212 My commission expires: \_\_\_\_\_.'

3213 (m) The sworn statement executed by the biological mother identifying an alleged  
 3214 biological father of her unborn child authorized and required by subparagraph (e)(3)(E) of  
 3215 Code Section 19-8-4, 19-8-5, or 19-8-7 shall conform substantially to the following form:

3216 NOTICE TO BIOLOGICAL MOTHER:

3217 This is an important legal document which will enable the individual you identify as the  
 3218 biological father of your unborn child to sign a pre-birth surrender of his rights so as to  
 3219 place your child for adoption. Understand that you are signing this affidavit under oath  
 3220 and that the information you provide will be held in strict confidence and will be used  
 3221 only in connection with the adoption of your unborn child.

3222 STATE OF GEORGIA  
 3223 COUNTY OF \_\_\_\_\_

3224 BIOLOGICAL MOTHER'S AFFIDAVIT IDENTIFYING  
3225 BIOLOGICAL FATHER OF HER UNBORN CHILD

3226 Personally appeared before me, the undersigned officer duly authorized to administer  
3227 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as  
3228 follows:

3229 That my name is \_\_\_\_\_.

3230 That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_, County of  
3231 \_\_\_\_\_ on \_\_\_\_\_.

3232 That my social security number is \_\_\_\_\_.

3233 That I am currently pregnant with a (male) (female) (sex unknown) [circle one] child  
3234 who is expected to be born on \_\_\_\_\_ (due date of child).

3235 That the name of any alleged biological father is \_\_\_\_\_,  
3236 and his last known address is \_\_\_\_\_.

3237 That I execute this affidavit so that any alleged biological father I have identified above  
3238 can be asked to sign a pre-birth surrender of his rights to assist me in placing the child  
3239 for adoption once the child is born.

3240 That I recognize that if I knowingly and willfully make a false statement in this  
3241 affidavit I will be guilty of the crime of false swearing.

3242 \_\_\_\_\_  
3243 (Biological mother)

3244 Sworn to and subscribed  
3245 before me this \_\_\_\_\_  
3246 day of \_\_\_\_\_, \_\_\_\_\_.

3247 \_\_\_\_\_  
3248 Notary public (SEAL)

3249 My commission expires: \_\_\_\_\_.'

3250 (n) The waiver of the right to revoke a surrender of rights authorized and required by  
3251 subsection (c) of Code Section 19-8-9 shall conform substantially to the following form:

3252 'WAIVER OF RIGHT TO REVOKE SURRENDER OF RIGHTS

3253 This is an important legal document and it shall only be signed by an individual who is  
3254 at least 18 years of age and who has consulted an attorney before signing this document.  
3255 By signing it, you are waiving the right to revoke the surrender of all of your rights to the  
3256 child identified in the surrender of rights document so as to immediately place the child  
3257 for adoption. Understand that you are providing this affidavit under oath and that if you

3258 knowingly and willfully make a false statement in this affidavit you will be guilty of the  
 3259 crime of false swearing.

3260 STATE OF GEORGIA

3261 COUNTY OF \_\_\_\_\_

3262 Personally appeared before me, the undersigned officer duly authorized to administer  
 3263 oaths, \_\_\_\_\_, who, after having been sworn, deposes and says as follows:

3264 I, the undersigned, have previously executed a SURRENDER OF RIGHTS/FINAL  
 3265 RELEASE FOR ADOPTION as to the child identified in the surrender of rights  
 3266 document so as to assist in (his)(her) adoption.

3267 I hereby certify that:

3268 (A) I am at least 18 years of age;

3269 (B) I have received a copy of my surrender document;

3270 (C) I understand I had the choice to retain the unconditional right to revoke my  
 3271 surrender by giving written notice to the individual, department, or agency named in  
 3272 the surrender document in the manner set forth in that document within ten days from  
 3273 the date I signed the surrender and that thereafter my surrender could not be revoked;

3274 (D) I understand I may choose to waive the right to revoke my surrender during that  
 3275 ten-day period immediately following the date I signed the surrender if I want my  
 3276 surrender of rights to become final and irrevocable on the date I sign this waiver;

3277 (E) I choose that the adoption of the child proceed without any delay;

3278 (F) I freely and voluntarily waive the unconditional right to revoke my surrender of  
 3279 rights as it is my intent that my surrender of rights become final and irrevocable  
 3280 immediately upon my signing this waiver document;

3281 (G) I have consulted an attorney of my choice before signing this waiver document;

3282 (H) This waiver is in connection with a child born on \_\_\_\_\_ (birthdate  
 3283 of child) at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one];

3284 (I) It has been at least 48 hours since the birth of the child;

3285 (J) I have received a copy of this document; and

3286 (K) I have not been subjected to any duress or undue pressure in the execution of this  
 3287 document and I am signing it freely and voluntarily.

3288 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ at \_\_\_\_\_ : \_\_\_\_\_ (A.M.) (P.M.) [circle one].

3289 \_\_\_\_\_  
 3290 (Parent or alleged biological father)

3291 \_\_\_\_\_  
3292 Adult witness

3293 Sworn to and subscribed

3294 before me this \_\_\_\_\_

3295 day of \_\_\_\_\_, \_\_\_\_.

3296 \_\_\_\_\_

3297 Notary public (SEAL)

3298 My commission expires: \_\_\_\_\_.

3299 The individual executing this document consulted me and I hereby certify that to the best  
3300 of my knowledge this document is being executed knowingly and voluntarily.

3301 This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

3302 \_\_\_\_\_

3303 (Signature of attorney)

3304 \_\_\_\_\_

3305 (State Bar number)

3306 \_\_\_\_\_

3307 (State of licensure)'

3308 (o) The affidavit regarding Native American heritage and military service authorized and  
3309 required by subsection (k) of Code Sections 19-8-4, 19-8-6, and 19-8-7 and subsection (o)  
3310 of Code Section 19-8-5 shall conform substantially to the following form:

3311 'NOTICE TO BIOLOGICAL OR LEGAL FATHER:

3312 This is an important legal document. Understand that you are providing this affidavit  
3313 under oath and that if you knowingly and willfully make a false statement in this affidavit  
3314 you will be guilty of the crime of false swearing.

3315 \_\_\_\_\_

3316 AFFIDAVIT REGARDING NATIVE AMERICAN HERITAGE

3317 AND MILITARY SERVICE

3318 STATE OF GEORGIA

3319 COUNTY OF \_\_\_\_\_

3320 Personally appeared before me, the undersigned officer duly authorized to administer  
3321 oaths, \_\_\_\_\_ (name of affiant) who, after having been  
3322 sworn, deposes and says as follows:

3323 1. That my name is \_\_\_\_\_.



3324 2. That I am the (biological) (legal) [circle one] father of a (male) (female) (sex  
 3325 unknown) [circle one] child (born) (yet to be born) [circle one] in the State of  
 3326 \_\_\_\_\_ , County of \_\_\_\_\_ on \_\_\_\_\_.

3327 3. That I am \_\_\_\_\_ years of age, having been born in the State of \_\_\_\_\_,  
 3328 County of \_\_\_\_\_ on \_\_\_\_\_.

3329 4. That my social security number is \_\_\_\_\_.

3330 5. That, to the best of my knowledge, I (am) (am not) [circle one] an enrolled member  
 3331 of a federally recognized American Indian tribe, (am) (am not) [circle one] a resident  
 3332 of an American Indian reservation, or (am) (am not) [circle one] an Alaskan native. If  
 3333 so:

3334 (A) The name of my American Indian tribe is \_\_\_\_\_.

3335 (B) My registration or identification number is \_\_\_\_\_.

3336 (C) The percentage of my American Indian blood is \_\_\_\_\_ percent.

3337 6. That, to the best of my knowledge, a member of my family (is or was) (is not or was  
 3338 not) [circle one] an enrolled member of a federally recognized American Indian tribe,  
 3339 (is or was) (is not or was not) [circle one] a resident of an American Indian reservation,  
 3340 or (is or was) (is not or was not) [circle one] an Alaskan native. If so:

3341 (A) The name of the American Indian tribe is \_\_\_\_\_.

3342 (B) The percentage of my American Indian blood is \_\_\_\_\_ percent.

3343 (C) My relatives with American Indian or Alaskan native blood are \_\_\_\_\_  
 3344 \_\_\_\_\_.

3346 (D) The name of the American Indian tribe is \_\_\_\_\_.

3347 (E) The name of each enrolled member is \_\_\_\_\_, and  
 3348 his or her corresponding registration or identification number is \_\_\_\_\_.

3349 7. That I (am) (am not) [circle one] on active duty in a branch of the United States  
 3350 armed forces. If so:

3351 (A) The branch of my service is (Army) (Navy) (Marine) (Air Force) (Coast Guard)  
 3352 [circle one].

3353 (B) My rank is \_\_\_\_\_.

3354 (C) My duty station is \_\_\_\_\_.

3355 (D) Additional information regarding my military service is \_\_\_\_\_  
 3356 \_\_\_\_\_.  
 3357 \_\_\_\_\_.  
 3358 \_\_\_\_\_.

3359 8. That I have received or been promised the following financial assistance, either  
 3360 directly or indirectly, from whatever source, in connection with the birth of the child  
 3361 and the child's placement for adoption:\_\_\_\_\_.

3362 9. That I recognize that if I knowingly and willfully make a false statement in this  
 3363 affidavit I will be guilty of the crime of false swearing.

3364 \_\_\_\_\_  
 3365 (Biological or legal father)

3366 Sworn to and subscribed  
 3367 before me this\_\_\_\_\_  
 3368 day of\_\_\_\_\_,\_\_\_\_\_.

3369 \_\_\_\_\_  
 3370 Notary public (SEAL)

3371 My commission expires:\_\_\_\_\_.'

3372 19-8-27.

3373 (a) As used in this Code section, the term 'birth relative' means:

3374 (1) A parent, biological father who is not ~~the~~ a legal father, grandparent, brother, sister,  
 3375 half-brother, or half-sister who is related by blood or marriage to a child who is being  
 3376 adopted or who has been adopted; or

3377 (2) A grandparent, brother, sister, half-brother, or half-sister who is related by adoption  
 3378 to a child who is being adopted or who has been adopted.

3379 (b)(1) An adopting parent or parents and birth relatives or an adopting parent or parents,  
 3380 birth relatives, and a child who is 14 years of age or older who is being adopted or who  
 3381 has been adopted may voluntarily enter into a written postadoption contact agreement to  
 3382 permit continuing contact between such birth relatives and such child. A child who is 14  
 3383 years of age or older shall be considered a party to a postadoption contact agreement.

3384 (2) A postadoption contact agreement may provide for privileges regarding a child who  
 3385 is being adopted or who has been adopted, including, but not limited to, visitation with  
 3386 such child, contact with such child, sharing of information about such child, or sharing  
 3387 of information about birth relatives.

3388 (3) In order to be an enforceable postadoption contact agreement, such agreement shall  
 3389 be in writing and signed by all of the parties to such agreement acknowledging their  
 3390 consent to its terms and conditions.

3391 (4) Enforcement, modification, or termination of a postadoption contact agreement shall  
 3392 be under the continuing jurisdiction of the court that granted the petition ~~of~~ for adoption;

3393 provided, however, that the parties to a postadoption contact agreement may expressly  
3394 waive the right to enforce, modify, or terminate such agreement under this Code section.

3395 (5) Any party to the postadoption contact agreement may, at any time, file the original  
3396 postadoption contact agreement with the court that has or had jurisdiction over the  
3397 adoption if such agreement provides for the court to enforce such agreement or such  
3398 agreement is silent as to the issue of enforcement.

3399 (c) A postadoption contact agreement shall contain the following warnings in at least 14  
3400 point boldface type:

3401 (1) After the entry of a decree for adoption, an adoption cannot be set aside due to the  
3402 failure of an adopting parent, a ~~birth~~ biological parent, a birth relative, or the child to  
3403 follow the terms of this agreement or a later change to this agreement; and

3404 (2) A disagreement between the parties or litigation brought to enforce, terminate, or  
3405 modify this agreement shall not affect the validity of the adoption and shall not serve as  
3406 a basis for orders affecting the custody of the child.

3407 (d)(1) As used in this subsection, the term 'parties' means the individuals who signed the  
3408 postadoption contact agreement currently in effect, including the child if he or she is 14  
3409 years of age or older at the time of the action regarding such agreement, but such term  
3410 shall exclude any third-party beneficiary to such agreement.

3411 (2) A postadoption contact agreement may always be modified or terminated if the  
3412 parties have voluntarily signed a written modified postadoption contact agreement or  
3413 termination of a postadoption contact agreement. A modified postadoption contact  
3414 agreement may be filed with the court if such agreement provides for the court to enforce  
3415 such agreement or such agreement is silent as to the issue of enforcement.

3416 (e) With respect to postadoption contact agreements that provide for court enforcement or  
3417 termination or are silent as to such matters, any party, as defined in paragraph (1) of  
3418 subsection (d) of this Code section, may file a petition to enforce or terminate such  
3419 agreement with the court that granted the petition ~~of~~ for adoption, and the court shall  
3420 enforce the terms of such agreement or terminate such agreement if such court finds by a  
3421 preponderance of the evidence that the enforcement or termination is necessary to serve the  
3422 best interests of the child.

3423 (f) With respect to postadoption contact agreements that provide for court modification or  
3424 are silent as to modification, only the adopting parent or parents may file a petition seeking  
3425 modification. Such petition shall be filed with the court that granted the petition ~~of~~ for  
3426 adoption, and the court shall modify such agreement if such court finds by a preponderance  
3427 of the evidence that the modification is necessary to serve the best interests of the child and  
3428 there has been a material change of circumstances since the current postadoption contact  
3429 agreement was executed.

3430 (g) A court may require the party seeking modification, termination, or enforcement of a  
 3431 postadoption contact agreement to participate in mediation or other appropriate alternative  
 3432 dispute resolution.

3433 (h) All reasonable costs and expenses of mediation, alternative dispute resolution, and  
 3434 litigation shall be borne by the party, other than the child, filing the action to enforce,  
 3435 modify, or terminate a postadoption contact agreement when no party has been found by  
 3436 the court as failing to comply with an existing postadoption contact agreement. Otherwise,  
 3437 a party, other than the child, found by the court as failing to comply without good cause  
 3438 with an existing postadoption contact agreement shall bear all the costs and expenses of  
 3439 mediation, alternative dispute resolution, and litigation of the other party.

3440 (i) A court shall not set aside a decree of adoption, rescind a surrender of rights, or modify  
 3441 an order to terminate parental rights or any other prior court order because of the failure of  
 3442 an adoptive parent, a birth relative, or the child to comply with any or all of the original  
 3443 terms of, or subsequent modifications to, a postadoption contact agreement.

3444 19-8-28.

3445 When a child is an orphan, the petitioner shall not be required to have a guardian appointed  
 3446 for such child in order for a guardian to execute a surrender of rights. Such child shall be  
 3447 adoptable without a surrender of rights."

3448 **SECTION 2.**

3449 Code Section 15-11-320 of the Official Code of Georgia Annotated, relating to termination  
 3450 of parental rights, is amended by revising subsection (d) as follows:

3451 "(d) The court shall transmit a copy of every final order terminating the parental rights of  
 3452 a parent to the ~~Office of Adoptions~~ State Adoption Unit of the department within 15 days  
 3453 of the filing of such order."

3454 **SECTION 3.**

3455 Part 4 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,  
 3456 relating to sick, personal, and maternity leave for teachers and other school personnel, is  
 3457 amended by adding a new Code section to read as follows:

3458 "20-2-852.1.

3459 A local board of education that permits paternity or maternity time off for biological  
 3460 parents following the birth of a child shall, upon request, make such time off available for  
 3461 individuals adopting a child, in the same manner and utilizing the same type of leave. If  
 3462 the local board of education has established a policy providing time off for biological  
 3463 parents, that period of time shall be the minimum period of leave available for adoptive

3464 parents. Requests for additional leave due to the adoption of an ill child or a child with a  
 3465 disability shall be considered on the same basis as comparable cases of such complications  
 3466 accompanying the birth of such a child to an employee or employee's spouse. Any other  
 3467 benefits provided by the local board of education, such as job guarantee or pay, shall be  
 3468 available to both adoptive and biological parents on an equal basis. A local board of  
 3469 education shall not penalize an employee for exercising the rights provided by this Code  
 3470 section. The provisions of this Code section shall not apply to an adoption by the spouse  
 3471 of a custodial parent."

3472 **SECTION 4.**

3473 Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to  
 3474 children and youth services, is amended by adding a new Code section to read as follows:

3475 "49-5-25.

3476 (a) The department shall use its best efforts to cover all geographic regions of this state and  
 3477 reach all children in need of foster care and adoption services by entering into contracts  
 3478 with a diverse group of child-placing agencies. When making referrals for foster care or  
 3479 adoption services to child-placing agencies under contracts with the department, the  
 3480 department shall use its best efforts to refer services to a child-placing agency that is able  
 3481 to provide those services, considering the expertise and mission of that child-placing  
 3482 agency. A child-placing agency may decide not to accept a referral for foster care or  
 3483 adoption services under a contract with the department based on the child-placing agency's  
 3484 mission as evidenced by its written policy, statement, or other document. If a child-placing  
 3485 agency declines to accept a referral, the department shall immediately refer those services  
 3486 to another child-placing agency. The department shall not take any adverse action against  
 3487 a child-placing agency or an organization that seeks to become a child-placing agency on  
 3488 the basis, wholly or partly, that such child-placing agency or organization has not accepted  
 3489 or will not accept a referral for foster care or adoption services that are not within the  
 3490 mission of such child-placing agency or organization as evidenced by its written policy,  
 3491 statement, or other document. For services not referred under a contract with the  
 3492 department, a child-placing agency may decline to perform any service that conflicts with  
 3493 the child-placing agency's mission as evidenced by its written policy, statement, or other  
 3494 document, and the department shall not take any adverse action against such child-placing  
 3495 agency for declining to perform such service.

3496 (b) A person may assert a violation of this Code section as a claim against the department  
 3497 in any judicial or administrative proceeding or as a defense in any judicial or administrative  
 3498 proceeding. The defense of sovereign immunity is waived as to any such claim or defense  
 3499 brought in the courts of this state by an aggrieved child-placing agency under this Code

3500 section; provided, however, that sovereign immunity is not waived as to any claim for  
 3501 monetary relief, other than for attorney's fees or expenses of litigation that are included in  
 3502 or related to such claim or defense. A person who successfully asserts a claim or defense  
 3503 under this Code section against the department may obtain declaratory relief or injunctive  
 3504 relief."

3505 **SECTION 5.**

3506 Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to waiver of  
 3507 sovereign immunity as to actions ex contractu and state tort claims, is amended by adding  
 3508 a new article to read as follows:

3509 "ARTICLE 3

3510 50-21-50.

3511 When a state law specifically expresses an intent to waive sovereign immunity, the defense  
 3512 of sovereign immunity is waived as to any claim, counterclaim, cross-claim, or third-party  
 3513 claim brought in the courts of this state by an aggrieved person seeking a declaratory  
 3514 judgment or injunctive relief against the state or any political subdivision thereof to remedy  
 3515 an injury in fact caused by the state or any political subdivision thereof acting without  
 3516 lawful authority and beyond the scope of official power in violation of a provision of the  
 3517 Georgia Constitution, a state law, or a local ordinance; provided, however, that sovereign  
 3518 immunity is not waived:

3519 (1) As to any claim for monetary relief, other than for attorney's fees or expenses of  
 3520 litigation that are included in or related to such claim, counterclaim, cross-claim, or  
 3521 third-party claim; or

3522 (2) As to any claim, counterclaim, cross-claim, or third-party claim seeking a declaratory  
 3523 judgment or injunctive relief related to a contract between a third party and the state or  
 3524 any political subdivision thereof."

3525 **SECTION 6.**

3526 This Act shall become effective on January 1, 2018.

3527 **SECTION 7.**

3528 All laws and parts of laws in conflict with this Act are repealed.