



## **The Legal Side - Knowing the Adoption Laws**

### **Georgia Adoption Laws**

The following will address some of the basic legal procedures for adoptions in the state of Georgia. Keep in mind that personal situations can vary which will impact how decisions are made to proceed legally.

### **The Legal Procedures for Surrendering Parental Rights and Consenting to Adoption**

The legal documents for surrendering rights and consenting to adoption can be signed by a birth mother after the child is born. It can occur 24 hours after birth but no sooner. Birth fathers can do the same. According to Georgia law, there is a 10 day revocation period in which birth parents can change their minds and cancel the documents. Proper notice is required.

### **Pre-Birth Surrenders**

Birth fathers can sign surrender documents prior to the birth of the child. However, only birth fathers can do this.

### **Legal Versus Putative Fathers**

A man married to a woman who gives birth to a child is considered the legal father whether or not he is the biological father. Therefore, as the legal father, he has rights to the child which must be dealt with in the adoption process. Putative fathers are the biological fathers who are not married to the birth mother. In order to assert their rights, they must go through a "legitimation" process. However, if they agree to an adoption plan, all they have to do is sign the surrender documents as the birth mother does.

### **Termination of Parental Rights**

For uncooperative or unknown birth fathers, there is a process in law for terminating their rights. This must be done prior to the adoptive family being able to go to court to legally finalize the adoption. There are certain reasons why a birth father's rights can be terminated and these are clear in the law. The termination process utilized will depend upon several factors, including the level of a birth father's uncooperativeness and if we know his whereabouts.

### **Putative Father Registry**

There is a registry in Georgia where birth fathers can acknowledge paternity which can aid them should they wish to seek custody of their child. Not having their name on this registry can be used as a basis for terminating their rights.

### **General Comments**

As you can imagine, there is more to be discussed about adoption law and how to handle differing situations than has been, or could be, discussed here. Each birth mother will be advised of the legal ramifications of her circumstances and have all her concerns addressed. Each birth mother will also have the option of consulting with an attorney.