



## **GEORGIA ADOPTION LAWS FACT SHEET**



### **What should I do if I want to adopt a child or give up my child for adoption?**

You should contact an attorney who handles adoption cases. Adoption law can be rather complex.

### **Where do you file a petition for adoption?**

If you are adopting a child, file a Petition for Adoption in the Superior Court for the county where you live. You can also file the petition in the county where the child is living or where the agency is located, if you have a good reason.

### **Who may adopt in Georgia?**

To adopt a child, you must meet the following conditions:

- (1) You must have lived in Georgia for at least 6 months before filing the petition.
- (2) You must be at least 10 years older than the child.
- (3) You must be at least 25 years old unless you are married and living with your spouse.
- (4) If you are married, you must list your spouse on the petition for adoption unless you are the child's stepparent.

Does the child have to agree to be adopted?

The child must agree to the adoption if he or she is 14 years old or older. The child must agree in writing. You have to show the judge at the final hearing that the child agreed. Usually, the child has to give his or her consent in front of the judge.

### **If I give up my parental rights, can I change my mind?**

Yes. You have 10 days to change your mind after signing a document to give up your parental rights. Write down on paper that you do not want to give up your parental rights. Deliver the paper yourself to the person whose name is on the document you signed. If you cannot deliver it yourself, use registered mail or overnight delivery service.

The law is very strict about when you can change your mind. After 10 days have passed, you cannot get your parental rights back unless you have been tricked into

giving up your rights (fraud) or you have been forced to give up your rights.

If you are adopting a child, remember that after the biological parents give up their parental rights, they have 10 days to change their minds.

**Does the biological father have to give up his parental rights for the child to be adopted?**

No. There are two ways that the biological father can lose all rights to the child. If he loses these rights, he cannot object to the adoption. This can happen if:

a) he does not file a Petition to Legitimate to become a legal parent of the child within 30 days after he finds out about the adoption; OR

b) he does not notify the court and the lawyer involved in the adoption that he has filed a Petition to Legitimate to become a legal parent.

If the biological father files the petition and the court gives him parental rights, then he becomes a legal parent. Once he is a legal parent, the adoption cannot happen until he agrees to give up his parental rights.

**Are adoption records private?**

Yes. The public cannot look at adoption records.



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