



Adoption in Georgia



Are you an active duty servicemember interested in adopting a child or stepchild while you are stationed in Georgia? Please review this fact sheet for answers to the most common questions asked by our clients.

Who Can Adopt?

To adopt a child in Georgia, one has to be financially, physically, and mentally able to have permanent custody of a child. You must be at least 25 years old and 10 years older than the child you are adopting. If you are married you are required to live with your spouse. Additionally, you must file jointly if you are married. In a stepparent adoption, the stepparent's spouse does not need to join in the adoption petition. The final prerequisite is that you have been a resident of the state of Georgia for at least six months prior to filing a petition to adopt. [Official Code of Georgia \(OCGA\) 19-8-3.](#)

What Agencies can Assist with Adoption?

There are two main sources that can assist with adoptions in in Georgia: The Georgia Department of Human Services and licensed private adoption agencies.

How Long does it Take to Adopt in Georgia?

The adoption process timeline varies depending on the several factors that can include: type of adoption, whether parental rights have been terminated, and the court where the petition has been filed. Step parent and relative adoptions have shorter lead times than those of families that must be matched with a child. Uncontested adoptions, and domestication of foreign adoption decrees can take as little at 30-45 days from the date of filing an adoption petition. Contested adoptions take longer as there are procedural safeguards in place to protect all parties; however Georgia law states that achieving permanency and stability for a child without unnecessary delay is of great importance.

Is a Home Study Required?

Yes, a home study is required. (Although there are some situations where the court is authorized, but not required, to order an investigation, in most cases the court will order the investigation to ensure the stability of the child.) The petitioner must reimburse for the full cost of the investigation and preparing the report. The cost won't exceed \$250.00 unless specifically authorized by the court. [OCGA 19-8-16](#)

What Does a Home Study Entail?

Home studies consist of at least three visits on separate days. One of those visits must take place in the home, and all family members will be seen and interviewed.

Prospective parents will be interviewed together and separately. The interviewer will gather a lot of information during a home visit. This may include: the reason for adoption, an evaluation of physical, mental and emotional health, parenting practices, financial wellness, and a description of the home.

Will We Need Character References?

Yes, you will need at least three character references. One reference is required from an extended family member that does not reside with the adoptive family. Also, if one of the prospective parents has worked with children in the past five years, one of the references must come from that parent's former employer.

Can the Birth Mother Change her Mind?

Adoption laws in Georgia allow for a birth mother to have a four day revocation period in which she can change her mind regarding choosing adoption for her child after placement of the child with the adoptive family.

I want to Adopt my Stepchild. Does the Child's Natural Parent Need to Agree?

In most cases, yes. A court will not sever a parent's right to their child over the parent's objection except under extreme conditions. Sometimes the birth parent agrees that the adoption is in the best interest of the child and will voluntarily surrender their parental rights. Please see [OCGA 19-8-26](#) for the Georgia format for surrender of parental rights.

What if the Natural Parent Doesn't Agree? When Can the Court Sever the Parental Rights so that the Stepparent can Adopt?

The court can terminate parental rights if the court determines by clear and convincing evidence that the:

- (1) Child has been abandoned by that parent;
- (2) Parent cannot be found after a diligent search has been made;
- (3) Parent is insane or otherwise incapacitated from surrendering such rights; or
- (4) Parent has failed to exercise proper parental care or control due to misconduct or inability and the court is of the opinion that the adoption is in the best interests of that child, after considering the physical, mental, emotional, and moral condition and needs of the child who is the subject of the proceeding, including the need for a secure and stable home. [OCGA 19-8-10](#)

What Expenses can be Covered during an Adoption?

In Georgia, it is legal for potential adoptive parents to pay for, or reimburse, medical expenses related to the pregnancy for the birth mother. However, no other expenses may be paid on the birth mother's behalf. This means any expenses incurred beyond pregnancy medical expenses cannot be paid for or reimbursed by the potential adoptive parents.

Who can get Access to Adoption Records?

The court in Georgia that holds the hearing for the adoption and issues the final decree of adoption will also maintain the adoption records. Interested parties, including the person that was adopted may petition for access to the records. The adoptive parents will be notified of those requests and they will have the opportunity in front of a judge to state if they believe that obtaining these records would cause harm to the child.

Do you need more information? Please contact your nearest Legal Assistance Office for further help.



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