

	GEORGIA DIVISION OF FAMILY AND CHILDREN SERVICES CHILD WELFARE POLICY MANUAL			
	Chapter:	(17) Legal	Effective Date:	December 2021
	Policy Title:	Voluntary Surrender of Parental Rights		
Policy Number:	17.12	Previous Policy #:	3.12; 103.2-103.5; 103.8-103.9; 103.13	

CODES/REFERENCES

O.C.G.A. § 15-11-2 Definitions
O.C.G.A. § 19-7-22 Petition for Legitimation of Child; Requirement that Mother be Named as a Party; Court Order; Effect; Claims for Custody or Visitation; Third-party Action for Legitimation in Response to Petition to Establish Paternity
O.C.G.A. § 19-8-4 Adoption Through the Department, Child-Placing Agency, or Out-of-state Licensed Agency
O.C.G.A. § 19-8-5 Third Party Adoption by Party Who is not Stepparent or Relative of Child
O.C.G.A. § 19-8-9 Revocation of Surrender of Rights; Time Limit; Effect of Voluntary Surrender of Rights by Legal Mother
O.C.G.A. § 19-8-11 Petitioning Superior Court to Terminate Parental Rights; Service of Process
O.C.G.A. § 19-8-26 Forms
O.C.G.A. § 19-8-27 Postadoption Contact Agreements; Definitions; Procedure; Jurisdiction; Warnings; Enforcement, Termination, or Modification; Expenses of Litigation
25 Code of Federal Regulations Part 23
Indian Child Welfare Act of 1978

REQUIREMENTS

- The Division of Family and Children Services (DFCS) shall:
1. Consent to the voluntary surrender of parental rights only when adoption is a viable plan for the child.
 2. Afford all rights under the Indian Child Welfare Act (ICWA) to any Indian child subject to a voluntary surrender of parental rights involving DFCS, to promote the stability and security of Indian Tribes and their families (see policy [1.6 Administration: Indian Child Welfare Act \(ICWA\) and Transfer of Responsibility for Placement and Care to a Tribal Agency](#)).
 3. Ensure each voluntary surrender of parental rights is knowing and voluntary.
 - a. Recommend that any parent considering voluntary surrender consult an attorney about their legal rights and the impact of the surrender.
 - b. Arrange for any parenting youth in DFCS custody to have an attorney present at the signing of the voluntary surrender of parental rights to be knowledgeable about their legal options and the impact of the surrender.
 - c. Inform the Special Assistant Attorney General (SAAG) of the parents' desire to voluntarily surrender parental rights when the parent has a pending dependency case where they are represented by an attorney, to ensure the parent's attorney is properly notified. This will allow the attorney an opportunity to provide legal advice and be present at the signing of the surrender of parental rights.

- d. Refrain from accepting a voluntary surrender of parental rights under the following circumstances:
 - i. The parent's capacity to make adequately considered decisions is diminished (e.g., because of mental impairment, the influence of medication, drugs or alcohol, or developmental disability).
 - ii. The parent is under duress, undue pressure or coercion to surrender parental rights.
 - e. Provide language assistance (interpretation and translation services) to the parents (legal and biological) identified as limited English proficient (LEP) and auxiliary aids for sensory impaired individuals.
4. Involve the mother, father and child (where appropriate) in the planning for voluntary surrender of parental rights.
 5. Inform the surrendering parent(s) prior to executing the voluntary surrender of parental rights:
 - a. Of their right to consult an attorney regarding the decision to surrender parental rights.
NOTE: DFCS staff shall not give legal advice about whether or not it is in the parent's legal interests to sign a voluntary surrender of parental rights.
 - b. Of the impact of the voluntary surrender of parental rights.
 - c. Of their right to revoke the voluntary surrender of parental rights within four days of executing (signing) the surrender.
EXCEPTION: For an Indian child, of their right to revoke the voluntary surrender of paternal rights at any time prior to a decree of termination or adoption.
 - d. Of their financial responsibility to the child up until the final order of adoption.
 - e. The voluntary surrender of parental rights given by any biological or legal parent shall be binding regardless of whether the parent is a citizen of the United States, a resident of Georgia, or has reached the age of 18 years.
 6. Execute the voluntary surrender of parental rights, within the following timeframes:
 - a. After the 24 hours waiting period *after* the birth of the child for the mother, legal father or any man who has executed a voluntary acknowledgement of paternity.
EXCEPTION: In extraordinary circumstances, a waiver of this policy can be obtained from the State Adoption Unit. The waiver may be obtained verbally but shall be confirmed in writing from the State Adoption Unit.
 - b. For *putative father only*, any time after the biological mother has executed a sworn statement identifying such person as the putative father of the unborn child via the Biological Mother's Affidavit Identifying Biological Father of Her Unborn Child.
 - c. For an Indian child only, after a ten-day waiting period *after* the birth of the child (see policy [1.6 Administration: Indian Child Welfare Act \(ICWA\) and Transfer of Responsibility for Placement and Care to a Tribal Agency](#)).
NOTE: Any voluntary surrender given prior to, or within ten days after the birth of an Indian child shall not be valid.
 7. Use the designated DFCS forms to execute the voluntary surrender of parental rights that clearly specify:
 - a. The parent's right to revoke the surrender and the four-day timeframe for revocation.
 - b. For an Indian child only:
 - i. The name and birthday of the Indian child;
 - ii. The name of the Indian child's Tribe;

- iii. The tribal enrollment number for the parent and for the Indian child, where known, or some other indication of the child's membership in the Tribe;
 - iv. The names, address and other identifying information of the consenting parent or Indian custodian.
8. Properly execute the voluntary surrender of parental rights:
 - a. Complete the forms in the presence of a DFCS representative, a notary public and an adult witness.
 - b. Provide the parent(s) or guardian(s) signing the voluntary surrender of parental rights a copy of all completed forms at the time of surrender.
 - c. For an Indian child only, record before a court of competent jurisdiction and certified by the judge or the court, the pending voluntary surrender of the child.
NOTE: The voluntary surrender must be recorded and certified by the court prior to DFCS assuming physical or legal custody of an Indian child.
9. Maintain the same rights and duties to a child as if the parental rights had been terminated by the court.
10. Provide the required ICWA notifications of the voluntary surrender of parental rights, if the child is an Indian Child.
11. Accept a revocation of the voluntary surrender of parental rights within four days after executing (signing) the voluntary surrender of parental rights:
 - a. The four days shall be counted consecutively beginning with the day immediately following the date the surrender was executed; however, if the fourth day falls on a Saturday, Sunday or legal holiday then the last day on which the surrender may be revoked shall be the next business day.
NOTE: After four days the surrender cannot be revoked.
 - b. By written notice delivered in person or mailed by registered or statutory overnight delivery to the address designated in the surrender document.
 - i. If delivered in person, it shall be delivered to the address shown in the surrender document not later than 5:00 PM (eastern standard time) on the fourth day; and
 - ii. If mailed by registered mail or delivered by statutory overnight delivery, it shall be addressed to the address shown in the surrender document and submitted to the United States Postal Service or to the statutory overnight delivery carrier not later than 12:00 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the fourth day.
EXCEPTION: DFCS shall accept a revocation of the surrender of parental rights for an Indian child at any time prior to a decree of termination or adoption.
12. Petition Juvenile Court to terminate the parental rights of the surrendered parent(s) and place the child in the permanent custody of DFCS for the purpose of adoption:
 - a. When all parents (biological and legal) voluntarily surrendered their parental rights to DFCS, submit the termination packet to the SAAG within five business days following the expiration of the revocation period; or
EXCEPTION: For an Indian child, within five business days following the court recording and certifying the voluntary surrender of parental rights.
 - b. When there is a remaining parent(s) who has not voluntarily surrendered, submit the termination packet to the SAAG when DFCS is prepared to terminate on the remaining parent(s).
13. Attach the voluntary surrender of parental rights documents with original signatures and notary to the Child Life History. If the surrender is taken less than 24 hours after

birth, the waiver must also be attached to the Child Life History.

Volunteer Surrender of Parental Rights to a Third Party – Child in Temporary Custody of DFCS

When a parent of a child in the temporary custody of DFCS surrenders their rights to a third party for the purpose of adoption, DFCS shall:

1. When DFCS agrees that the adoption by the third party is in the child's best interest, petition the Juvenile Court and request to be relieved of custody of the child and physical custody be placed with the prospective adoptive parent pending adoption finalization in Superior Court when the following has occurred:
 - a. The completion of an adoptive family evaluation by an evaluator that recommends placement of the child in the prospective adoptive home (see policy [11.24 Adoption: Independent Adoption-Family Evaluation For the Purpose of Adoption By a Third Party](#)); or
 - b. An order being issued by the Superior Court authorizing placement of the child with the third party prior to completion of the home study.
2. When DFCS does not agree that adoption by the third party would be in the child's best interest, make a referral to the SAAG for consultation and request that a motion is filed to intervene in Superior Court where the adoption petition was filed.

NOTE: DFCS is not required to transfer physical custody of the child to the third party until such time that the custody order is vacated, or the adoption is finalized.

Volunteer Surrender of Parental Rights to a Private Agency – Child in Temporary Custody of DFCS

When a parent of a child in temporary custody of DFCS voluntarily surrenders their parental rights to a child to a licensed child placing agency (CPA) for the purpose of adoption DFCS shall:

1. When DFCS has no basis for objection, negotiate a plan for transitioning the child from DFCS to the private agency and Petition Juvenile Court to be relieved of custody; or
2. When DFCS determines relinquishment to the CPA is not in the child's best interest, make a referral to the SAAG for consultation regarding the appropriate action to protect the best interest of the child.

NOTE: DFCS is not required to transfer physical custody of the child to the CPA until such time that the custody order is vacated, or the adoption is finalized.

Reinstatement of Parental Rights Following a Voluntary Surrender of Parental Rights

DFCS shall acknowledge that a child shall have the right to petition the court to reinstate parental rights, following a voluntary surrender of parental rights, if the following circumstances exist:

1. The child has not been adopted, after three years from the date the parent(s) voluntarily surrendered their parental rights; and
EXCEPTION: The child's petition to reinstate parental rights may be filed prior to the three-year timeframe if the child and DFCS or licensed CPA (with custody of the child) stipulate that the child is no longer likely to be adopted.
2. The court has determined the permanency plan is no longer adoption; and

3. The child 14 years of age or older signed the petition (unless there is good cause why they should not).

See policy [17.11 Legal: Termination of Parental Rights](#) for the complete guidelines on the reinstatement of parental rights.

PROCEDURES

Voluntary Surrender of Parental Rights to DFCS

The Social Services Case Manager (SSCM) will:

1. Prior to accepting a voluntary surrender of parental rights consult with the Social Services Supervisor (SSS), the Regional Adoption Coordinator (RAC), and the County Director. Obtain the County Director's approval.
 - a. For a child in foster care, it must be determined that adoption is the appropriate permanency plan for the child in accordance with policy [10.22 Foster Care: Permanency Planning](#).
 - b. For a child not in foster care, it must be determined if adoption is a viable plan for the child in accordance with policy [20.7 Special Circumstances: Voluntary Surrender of Parental Rights](#).
 - c. Following an adoption finalization see policy [11.16 Adoption: Child Re-Enters Foster Care Following Adoption Finalization](#) for additional guidance.
 - d. Discuss any child or family Indian heritage and tribal membership (see policy [1.6 Administration: Indian Child Welfare Act \(ICWA\) and Transfer of Responsibility for Placement and Care to a Tribal Agency](#)), including active efforts made to maintain the family.
2. Inform the SAAG of the parents' desire to voluntarily surrender parental rights when the parent has a pending dependency case where they are represented by an attorney, to ensure the parent's attorney is properly notified.
3. Arrange for parenting youth in the custody of DFCS to be accompanied by their attorney during the signing of the voluntary surrender of parental rights.
4. Arrange for language assistance in accordance with policy [1.4 Administration: Non-Discriminatory Child Welfare Practices](#).
 - a. Interpreter services for oral communication for parents identified as limited English proficient (LEP), based on their preferred language.
 - b. Document translation of the voluntary surrender forms into the individuals preferred language, if not available.
 - c. Auxiliary aides for the sensory impaired.
5. Determine, through questions and observations, if the parent was under any duress, pressure or coercion to surrender parental rights.
6. Make the parent(s) aware:
 - a. Of their right to seek legal advice before the execution of the voluntary surrender of parental rights in order to be knowledgeable about their legal options and the impact of the surrender.
 - b. Of the impact of the voluntary surrender of parental rights, which:
 - i. Serves to relinquish their rights to the child;
 - ii. Waives their right to notice of any proceeding with respect to the child's adoption, custody, or guardianship;
 - iii. Gives the court jurisdiction to enter a final order of adoption of the child;

- iv. Gives the court jurisdiction to enter an order for the purpose of the child's legal custody or guardianship; and
 - v. Relinquishes the birth mother's right or authority to sign an acknowledgement of paternity form or to consent to the granting of a petition of legitimation.
- c. Of their obligation to continue child support until finalization of the adoption;
 - d. If only one parent surrenders his/her parental rights, DFCS may terminate the remaining parent's parental rights through Juvenile or Superior Court; and
 - e. Of their right to revoke the voluntary surrender of parental rights within four days.

EXCEPTION: For an Indian child only, inform the parent of their right to revoke the voluntary surrender of parental rights at any time prior to a decree of termination or adoption.
7. Involve the mother, father and child (where appropriate) in the planning for voluntary surrender of parental rights.
8. Complete the following DFCS forms with each parent who wishes to voluntarily surrender their parental rights, based on each [legal or biological] parent's relationship to the child. Careful attention must be given to using correct form for each parent or legal guardian surrendering. Using the incorrect form may invalidate the surrender.
- a. Biological mother, the following information and forms will be completed for the surrender to be valid:
 - i. Surrender of Rights Final Release for Adoption (Legal Parent);
 - ii. Acknowledgment of Surrender of Rights;
 - iii. Affidavit of Department Representative;

NOTE: This is signed by the DFCS Representative who explained the surrender to the mother.
 - iv. Legal Mother's Affidavit; and
 - v. Verification of divorce (if applicable) by means of divorce decree.
 - b. Legal and biological father, the following forms will be completed for the surrender to be valid:
 - i. Surrender of Rights Final Release for Adoption (Legal Parent);
 - ii. Affidavit of Department Representative;

NOTE: This is signed by the DFCS representative who explained the surrender to the father.
 - iii. Acknowledgment of Surrender of Rights; and
 - iv. Affidavit Regarding Native American Heritage and Military Service.
 - c. Legal father but not the biological father, the following forms will be completed for the surrender to be valid:
 - i. Surrender of Rights Final Release for Adoption (Legal Parent);
 - ii. Affidavit of Department Representative;

NOTE: This is signed by the DFCS Representative who explained the surrender to the legal father.
 - iii. Acknowledgment of Surrender of Rights; and
 - iv. Affidavit Regarding Native American Heritage and Military Service.
 - d. Biological father but not the legal father, the following forms will be completed for the surrender to be valid:
 - i. Surrender of Rights Final Release for Adoption (Biological Not Legal Father);
 - ii. Affidavit of Department Representative;

NOTE: This is signed by the DFCS Representative who explained the surrender to the father.

- iii. Acknowledgment of Surrender of Rights; and
 - iv. Affidavit Regarding Native American Heritage and Military Service.
- e. Adoptive parent(s), the following forms will be completed by each adoptive parent who wishes to surrender:
- i. Surrender of Rights Final Release for Adoption (Legal Parent);
 - ii. Affidavit of Department Representative;
NOTE: This is signed by the DFCS representative who explained the surrender to the adoptive parent(s).
 - iii. Acknowledgment of Surrender of Rights; and
 - iv. Adoptive Mother's Affidavit;
NOTE: To be completed by the adoptive mother only, if applicable.
- f. Grandparent or guardian of a minor child who wishes to acknowledge support of the surrender decision, the grandparent or guardian will complete the Acknowledgment by Grandparent or Guardian form.
NOTE: This form is not required for a voluntary surrender of parental rights to be valid, only the parent of a child may surrender parental rights of the child no matter the parent's age. The Acknowledgment by Grandparent or Guardian form carries no legal weight but can be a useful tool when working with the family where the surrendering parent is a minor.
9. Review the voluntary surrender of parental rights forms and confirm to the following:
- a. The child's name and birth date is exactly the same as the legal name and birth date on the birth certificate; and
 - b. Original signatures and notary stamp is obtained on three copies of each form signed.
NOTE: The notary public will not be the SSCM who has worked with the family.
10. Provide one of the three signed and notarized documents to each parent who surrendered their parental rights at the time the voluntary surrender of parental rights is executed.
11. Provide the Notice to Revoke Surrender of Rights Final Release for Adoption to each parent who surrendered their parental rights. Explain a revocation of the voluntary surrender of parental rights can be accepted within four days after executing (signing) the voluntary surrender of parental rights:
- a. The four days shall be counted consecutively beginning with the day immediately following the date the surrender was executed; however, if the fourth day falls on a Saturday, Sunday or legal holiday then the last day on which the surrender may be revoked shall be the next business day.
NOTE: The surrender cannot be revoked after four days.
 - b. By written notice delivered in person or mailed by registered or statutory overnight delivery to the address designated in the surrender document.
 - i. If delivered in person, it shall be delivered to the address shown in the surrender document not later than 5:00 PM (eastern standard time) on the fourth day; and
 - ii. If mailed by registered mail or delivered by statutory overnight delivery, it shall be addressed to the address shown in the surrender document and submitted to the United States Postal Service or to the statutory overnight delivery carrier not later than 12:00 Midnight eastern standard time or eastern daylight time, whichever is applicable, on the fourth day.

EXCEPTION: For an Indian child, a revocation of the voluntary surrender of parental rights can be accepted at any time prior to a decree of termination or adoption.

12. Request the SAAG record before the court and certify by the judge or the court the pending voluntary surrender of parental rights of an Indian child in accordance with policy [1.6 Administration: Indian Child Welfare Act \(ICWA\) and Transfer of Responsibility for Placement and Care to a Tribal Agency](#).

NOTE: The voluntary surrender is not valid until it is recorded and certified by the judge or court. DFCS cannot assume physical or legal custody of an Indian child until the voluntary surrender of parental rights is validated by the court.

13. Prepare the parent(s) and child for adoption including securing background information and informing of the provisions of the Adoption Reunion Registry in accordance with policy [11.1 Adoption: Adoption Preparation](#).
14. Complete the following in Georgia SHINES:
 - a. Custody Tab generating the FCC stage, if the child is not currently in foster care. The removal date is the date the voluntary surrender of parental rights documents were signed or for an Indian child the date the voluntary surrender was recorded and certified by the court.
 - b. Upload in External Documentation all the information and forms related to the voluntary surrender of parental rights, including the waiver allowing the surrender to be executed prior to the 24-hour waiting period (if applicable).
15. Provide the required ICWA notifications of the voluntary surrender of parental rights, if the child is an Indian Child in accordance with policy [1.6 Administration: Indian Child Welfare Act \(ICWA\) and Transfer of Responsibility for Placement and Care to a Tribal Agency](#).
16. Document the legal action in Georgia SHINES immediately following the validity of the voluntary surrender of parental rights. A voluntary surrender of parental rights is only binding and valid after the four day revocation period has expired. For an Indian child, is only binding and valid following being recorded and certified by the court.
 - a. Legal Action and Outcome
 - i. The Court/Action Date - the date the voluntary surrender of parental rights documents was signed or for an Indian child the date the voluntary surrender was recorded and certified by the court.
 - ii. The Action Type - Voluntary Surrender Biological Mother, Biological and Legal Father, Legal Father, Biological Father, Putative Father, Adoptive Mother or Adoptive Father;
NOTE: Ensure that action type matches the parent relationship to the child who was surrendered to DFCS.
 - iii. Hearing/Court Order Type - not applicable;
 - iv. The Outcome - not applicable;
 - v. Attendees/Involved Parties - select all appropriate parties involved;
 - vi. Narrative – detail the events of the surrender, including the steps taken for the voluntary surrender of parental rights to be knowing and voluntary
NOTE: Upon completion of the legal action in Georgia SHINES, the State Adoption Unit will be notified by a system generated alert.
 - b. Enter the adoption dissolution information in the Adoption Section of the Person Characteristics section on the Person Detail page, if the child is re-entering foster care following adoption finalization.

17. Submit the termination packet to the SAAG to petition Juvenile Court to terminate

parental rights of the surrendered parent(s) in accordance with policy [17.11 Legal: Termination of Parental Rights](#):

- a. When all parents (biological and legal) voluntarily surrendered their parental rights to DFCS, within five business days following the expiration of the revocation period;
or
EXCEPTION: For an Indian child, within five business days following the court recording and certifying the voluntary surrender of parental rights.
- b. When there is a remaining parent(s) who has not voluntarily surrendered, when DFCS is prepared to terminate on the remaining parent(s).

The Social Services Supervisor (SSS) will:

1. Ensure all steps have been taken for the voluntary surrender of parental rights to be knowing and voluntary, including
 - a. Informing the SAAG of the parents' desire to voluntarily surrender parental rights when the parent has a pending dependency case where they are represented by an attorney, to ensure the parent's attorney is properly notified.
 - b. Arranging for parenting youth in the custody of DFCS to be accompanied by their attorney during the signing of the voluntary surrender of parental rights.
 - c. Confirming the parent is not under any duress, pressure or coercion and is able to make adequately considered decisions.
2. Participate in a consultation with the SSCM, RAC, and County Director prior to accepting the voluntary surrender of parental rights.
 - a. For a child in foster care, determine if adoption is the appropriate permanency plan for the child in accordance with policy [10.22 Foster Care: Permanency Planning](#).
 - b. For a child not in foster care, it must be determined if adoption is a viable plan for the child in accordance with policy [20.7 Special Circumstances: Voluntary Surrender of Parental Rights](#).
 - c. Following an adoption finalization see policy [11.16 Adoption: Child Re-Enters Foster Care Following Adoption Finalization](#) for additional guidance.
 - d. Discuss any child or family Indian heritage and tribal membership (see policy [1.6 Administration: Indian Child Welfare Act \(ICWA\) and Transfer of Responsibility for Placement and Care to a Tribal Agency](#)), including active efforts made to maintain the family.
3. Obtain the County Director approval to execute the surrender.
4. Oversee the execution of the voluntary surrender within the prescribed timeframe.
 - a. Confirm language assistance (interpretation and/or translation services) were provided to the parents identified as limited English proficient (LEP) and auxiliary aids for sensory impaired individuals in accordance with policy [1.4 Administration: Non-Discriminatory Child Welfare Practices](#).
 - b. Review to verify the appropriate DFCS forms are utilized based on the relationship to the child and they are accurately completed, including all forms have original signatures and are notarized.
 - c. Each surrendering parent have been provided a copy of all documents at the time of surrender.
 - d. An explanation has been provided to the parent that a revocation of the voluntary surrender of parental rights can be accepted within four days after executing (signing) the voluntary surrender of parental rights.

- e. Any request for a voluntary surrender of parental rights involving an Indian child is recorded before the court and certified by the judge or court in accordance with policy [1.6 Administration: Indian Child Welfare Act \(ICWA\) and Transfer of Responsibility for Placement and Care to a Tribal Agency](#); and
NOTE: An Indian child cannot be placed in foster care until the voluntary surrender is validated by the court.
- f. The SSCM attends court proceedings, as required, to record and certify the voluntary surrender of an Indian child and report active efforts.
- 5. Ensure each parent and child (where age appropriate) is prepared for the adoption including securing background information and informing the parents of the provisions of the Adoption Reunion Registry in accordance with policy [11.1 Adoption: Adoption Preparation](#).
- 6. For an Indian child only, verify the required ICWA notification of the voluntary surrender of parental rights was completed in accordance with policy [1.6 Administration: Indian Child Welfare Act \(ICWA\) and Transfer of Responsibility for Placement and Care to a Tribal Agency](#)).
- 7. Confirm the termination packet is submitted to the SAAG to petition Juvenile Court to terminate parental rights of the surrendered parent(s) in accordance with policy [17.11 Legal: Termination of Parental Rights](#):
 - a. When all parents (biological and legal) voluntarily surrendered their parental rights to DFCS, within five business days following the expiration of the revocation period; or
EXCEPTION: For an Indian child, within five business days following the court recording and certifying the voluntary surrender of parental rights.
 - b. When there is a remaining parent(s) who has not voluntarily surrendered, when DFCS is prepared to terminate on the remaining parent(s).
- 8. Review the documentation of the voluntary surrender of parental rights in Georgia SHINES:
 - a. Verify the documentation was entered immediately following the four-day revocation period.
 - b. The steps taken for the voluntary surrender of parental rights to be knowing and voluntary is clearly documented.

Revocation of the Voluntary Surrender of Paternal Rights

The SSCM will:

- 1. Verify the voluntary surrender of parental rights revocation period has not expired, when a legal and/or biological parent wishes to revoke their voluntary surrender of parental rights.
- 2. Provide the Notice to Revoke Surrender of Rights Final Release for Adoption to the legal and/or biological parent who wishes to revoke their voluntary surrender of parental rights within the four-day period.
NOTE: It is not legally necessary that a revocation of surrender be on this form. The revocation may take any format as long as it is delivered in writing to the address listed in the acknowledgment within the required time frame.
- 3. Assist the parent with completing the revocation, as needed.
- 4. Accept the revocation of the voluntary surrender of parental rights within the four-day revocation period.

5. Document the revocation of the voluntary surrender in Georgia SHINES within 72 hours of occurrence, including uploading into External Documentation the written revocation notice or the Notice to Revoke Surrender of Rights Final Release for Adoption.

The Social Services Supervisor (SSS) will:

1. Confirm the voluntary surrender of parental rights revocation period has not expired.
2. Verify the revocation of the voluntary surrender of parental rights has been completed accurately and within the four-day revocation period.

NOTE: It is not legally necessary that a revocation of surrender be on the Notice to Revoke Surrender of Rights Final Release for Adoption. The revocation may take any format as long as it is delivered in writing to the address listed in the acknowledgment within the required time frame.

3. Confirm the SSCM completed documentation of the revocation of the voluntary surrender in Georgia SHINES within 72 hours of the occurrence and uploaded the written revocation notice into External Documentation.

PRACTICE GUIDANCE

Knowing and Voluntary Surrender

The mother, father and child (where appropriate) should all be involved in the planning for a voluntary surrender of parental rights. The SSCM should carefully consider the ability of the parents to understand all discussions related to voluntary surrender. The SSCM should ensure the parent is seeking to surrender their rights free of coercion or manipulation from any other person. If the parent is a minor child in DFCS custody, their attorney must be present during the signing of the voluntary surrender of parental rights. If the SSCM is uncertain about the parent's ability to make an informed decision, guidance should be sought from the Office of the General Counsel. A voluntary surrender of parental rights should not be taken if there is any doubt as to the competence of the parent. In this case, it will be necessary to go to court to terminate parental rights. If the parent wishes to express to the judge that he/she wants to voluntarily surrender parental rights, the judge could then incorporate this into a court order as the grounds for termination.

Executing a Voluntary Surrender

Careful attention must be given to using the correct forms for each parent (biological or legal) surrendering based on their relationship to the child. Using the incorrect form may invalidate the surrender. A voluntary surrender of parental rights that is not properly executed cannot be corrected by Juvenile Court. The court cannot determine rights were terminated based on the voluntary surrender of parental rights if the documents were incorrectly executed.

Adoption (Private Agency)

Adoption of a child through a child placing agency (CPA) licensed by the State of Georgia to place children for adoption or through the Interstate Compact on the Placement of Children from a licensed CPA in another state.

Biological Father

A male who impregnated the biological mother resulting in the birth of the child. He may or may not also be the legal father.

Child Placing Agency (CPA)

An agency that places children in foster and adoptive resource homes for individualized care, supervision and oversight. Child placing agencies are responsible for assessing the placement regarding the appropriateness of the room, board and watchful oversight that the prospective foster and adoptive families will provide. The CPA's employees and their foster and adoptive parents work as a team to provide a stabilizing and nurturing environment that promotes safety, well-being and permanency.

ICWA Protection for Parents and Indian Custodians

ICWA provides protections for parents or Indian custodians of an Indian child when voluntarily surrendering their parental rights. These protections include a ten-day waiting period *after* the birth of the child for the execution of the voluntary surrender of parental rights. Any consent given prior to, or within ten days after the birth of the Indian child shall not be valid. Where any parent or Indian custodian voluntarily consents to surrender their parental rights, such consent shall not be valid unless executed in writing and recorded before a judge or a court of competent jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. DFCS may not assume physical or legal custody of the Indian child until the court records and certifies the voluntary surrender of parental rights. These protections also include the right to revoke the voluntary surrender at any time prior to a decree of termination or adoption. If consent is withdrawn, the Indian child shall be immediately returned to the parent or Indian custodian. See policy [1.6 Administration: Indian Child Welfare Act \(ICWA\) and Transfer of Responsibility for Placement and Care to a Tribal Agency](#) for additional protections following adoption.

Legal Father

The Official Code of Georgia (O.C.G.A) defines a legal father as a male, who has not surrendered or had terminated his rights to the child, and who

1. Has legally adopted such child; or
2. Was married to the biological mother at the time such child was born or within the usual period of gestation, unless paternity was disproved by a final order; or
3. Married the legal mother after such child was born and recognized such child as his own, unless paternity was disproved by a final order; or
4. Has legitimated such child by final order [pursuant to O.C.G.A §19-7-22].

NOTE: If a child was legitimated pursuant to O.C.G.A § 19-7-21.1 prior to July 1, 2016, the legal father of the child continues to be the legal father, despite the repeal of O.C.G.A. Section 19-7-21.

Legal Mother

The female who is the biological or adoptive mother of the child and who has not surrendered or had her rights to the child terminated.

Putative Father

The alleged or possible biological but not legal father. A putative father may or may not be a registrant of the putative father registry.

Statutory Overnight Delivery

The delivering entity is either the United States Postal Service or a commercial firm, such as United Parcel Service or Federal Express, engaged in the business of document or package delivery. That entity engages to deliver not later than the next business day after it receives the article. The sender receives from the entity a receipt acknowledging delivery, signed by the addressee.

Termination of Parental Rights

The legal process for severing the relationship between a child and his/her parents. The child loses all rights to the parent (and extended family), including the rights of inheritance. Sibling and extended family maintain relationship until a final order of adoption for the purposes of placement and visitation. Following a voluntary surrender of parental rights, DFCS shall petition Juvenile Court to terminate parental rights and place the child in the permanent custody of DFCS for the purpose of adoption. This would apply when all parents (biological and legal) have voluntarily surrendered parental rights to DFCS. When one or more of the parents voluntarily surrendered his/her parental rights to DFCS and there is a remaining parent(s) who has not surrendered their parental rights, DFCS will include with the TPR petition of the remaining parent(s), the TPR of the surrendered parent(s).

Third Party

This is someone outside the home that is not in a caretaker role with the child(ren) in question.

Voluntary Acknowledgement of Legitimation

A voluntary declaration that the mother and biological father consent and agree that the relationship between the child and father shall be considered legitimate for all purposes under the law.

Voluntary Acknowledgement of Paternity

When both the mother and father have freely signed a voluntary acknowledgement of paternity and the acknowledgement is filed with the Putative Father Registry a legal determination of paternity is established, provided the acknowledgement is not rescinded within the 60-day rescission period.

FORMS AND TOOLS

[Acknowledgement by Grandparent or Guardian](#)

[Acknowledgement by Grandparent or Guardian \(Spanish\)](#)

[Acknowledgment of Surrender of Rights](#)

[Acknowledgment of Surrender of Rights \(Spanish\)](#)

[Adoptive Mother's Affidavit](#)

[Adoptive Mother's Affidavit \(Spanish\)](#)

[Affidavit of Department Representative](#)

[Affidavit of Department Representative \(Spanish\)](#)

[Affidavit Regarding Native American Heritage and Military Service](#)

[Affidavit Regarding Native American Heritage and Military Service \(Spanish\)](#)

[Biological Mother's Affidavit Identifying Biological Father of Her Unborn Child](#)

[Biological Mother's Affidavit Identifying Biological Father of Her Unborn Child \(Spanish\)](#)

[Legal Mother's Affidavit](#)

Legal Mother's Affidavit (Spanish)
Notice to Revoke Surrender of Rights/ Final Release for Adoption
Notice to Revoke Surrender of Rights/ Final Release for Adoption (Spanish)
Surrender of Rights Final Release for Adoption (Biological Not Legal Father)
Surrender of Rights Final Release for Adoption (Biological Not Legal Father) (Spanish)
Surrender of Rights Final Release for Adoption (Legal Parent)
Surrender of Rights Final Release for Adoption (Legal Parent) (Spanish)