

RULES
OF
DEPARTMENT OF HUMAN SERVICES
OFFICE OF REGULATORY SERVICES
CHAPTER 290-9-2
RULES AND REGULATIONS FOR CHILD-PLACING AGENCIES

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290-9-2-.01 Definitions

Unless the context otherwise requires, these words and phrases shall mean the following in these rules:

- (a) "Adoption" means a social and legal process designed to establish a new legal parent/child relationship giving a child the same rights and benefits of a child who is born to the prospective adoptive parent(s).
- (b) "Applicant" means the following:
 - 1. When the agency is owned by a sole proprietorship, the individual proprietor shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;
 - 2. When the agency is owned by a partnership, the general partners shall be the applicant for the license, complete the statement of responsibility and serve as the licensee;
 - 3. When the agency is owned by an association, the governing body of the association shall authorize the application for the license and complete the statement of responsibility and the association shall serve as the licensee; and
 - 4. When the agency is owned by a corporation, the governing body of the corporation shall authorize the application for the license and complete the statement of responsibility and the corporation shall serve as the licensee.
- (c) "Behavior management" means those principles and techniques used by an agency to assist a child in facilitating self-control, addressing inappropriate behavior, and achieving positive outcomes in a constructive and safe manner. Behavior management principles and techniques shall be used in accordance with the individual service plan, written

policies and procedures governing service expectations, service plan goals, safety, and security, and these rules and regulations.

- (d) "Biological Father" means a male who impregnated the biological mother resulting in the birth of a child.
- (e) "Biological Parent" means a birth parent of a child.
- (f) "Birth Parent" means a biological parent of a child.
- ~~(d)~~(g) "Board" means the persons or legal entity in whom the ultimate legal responsibility, authority and accountability for the conduct of the Child-Placing Agency is vested.
- ~~(e)~~(h) "Caseworker" means a person employed by the Agency who provides direct placement services and supervision following placements.
- ~~(f)~~(i) "Casework supervisor" means a person employed by the Agency who is responsible for the supervision of the placement services offered by the Agency and for the designation of approval for the prospective adoptive and foster families to receive children for care.
- ~~(g)~~(j) "Chemical restraint" means drugs that are administered to manage a child's behavior in a way that reduces the safety risk to the child or others; that have the temporary effect of restricting the child's freedom of movement; and that are not being used as part of a standard regimen, as specified in the child's service plan, to treat current symptoms of a medical or psychiatric condition.
- ~~(h)~~(k) "Child" means a person under 18 years of age for adoption purposes and under the age of 19 for foster care purposes.
- ~~(i)~~(l) "Child-Placing Agency" or "Agency" means a child welfare agency that is any institution, society, agency, or facility, whether incorporated or not, ~~which~~that places children in foster homes for temporary care or in prospective adoptive homes for adoption. For purposes of this definition, Agencies that arrange for children to receive care in foster homes or in prospective adoptive homes must make arrangements to assess the placement regarding the appropriateness of the room, board and watchful oversight that the prospective foster or adoptive person or family will provide. that engage in placement activities are required to be licenses as Child-Placing Agencies. This term does not apply to a licensed professional providing only home study preparation services as an evaluator.
- ~~(j)~~(m) "Child placement," or "placement activity" means the selection, by a person or agency other than the child's parent or guardian, of a foster family or prospective adoptive family, or effecting the movement of the child into the foster family or prospective adoptive family. This definition includes any preparation of a home study of a foster home or of a prospective adoptive home. Counseling with respect to options available, legal services, or services as an agent for the purpose of notice of ~~withdrawal~~revocation of consent by the birth parent does not constitute child placement under this definition. For purposes of this rule, this definition does not include the Department or a licensed professional providing home study preparation services as an evaluator.
- ~~(k)~~(n) "Criminal history background check" means a search as required by law of the criminal records maintained by law enforcement authorities to determine whether the applicant has a criminal record as defined in these rules.

~~(+)~~(o) "Criminal record" means:

1. Conviction of a crime; or
2. Arrest, charge, and sentencing for a crime where:
 - (i) A plea of nolo contendere was entered to the charge; or
 - (ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; or
 - (iii) Adjudication or sentence was otherwise withheld or not entered on the charge; or
 - (iv) Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to O.C.G.A. Sec. 17-3-1 et seq.

~~(m)~~(p) "Department" means the Georgia Department of Human ~~Resources~~Services.

~~(n)~~(q) "Emergency safety interventions" mean those behavioral intervention techniques that are authorized under an approved emergency safety intervention plan and are utilized by properly trained staff or therapeutic foster parent(s) in an urgent situation to prevent a child from doing immediate physical harm to self or others or those behavior intervention techniques used by prospective adoptive or foster parents in an urgent situation to prevent a child from doing immediate physical harm to self or others.

~~(o)~~(r) "Emergency safety intervention plan" means the plan developed by the facility utilizing a nationally recognized, evidence-based, training program for emergency safety intervention, approved by the Department. The plan shall clearly identify the emergency safety interventions that staff and therapeutic foster parents are authorized to may utilize with a child and those interventions that may never be used are prohibited.

(s) "Evaluator" means a person or agency authorized by law to conduct a home study. An evaluator shall be a 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.

~~(p)~~(t) "Executive Director" means the person responsible for overall administration of an Agency.

(u) "Facilitator" means an individual or agency who is engaged in the matching of birth parents with adoptive parents. This term does not apply to a person or agency who refers prospective birth parents, prospective adoptive parents and children to licensed child-placing agencies.

~~(q)~~(v) "Fingerprint records check determination" means a satisfactory or unsatisfactory determination by the department based upon a records check comparison of Georgia Crime Information Center (GCIC) information with fingerprints and other information in a records check application.

~~(r)~~(w) "Foster care" means supervised care for a child in a home other than the child's own home on a 24-hour full-time basis for a temporary period of time.

- ~~(s)~~(x) "Foster family" or "foster home" means a private home where the foster parent(s) live which has been approved by the institution/agency to provide 24 hour care, lodging, supervision and maintenance for no more than six children under the age of 19.
- ~~(t)~~(y) "Foster parent(s)" means the adult member(s) of a foster family who provides supervision and care in a parental role for a child in foster care and who has a satisfactory criminal history background check determination.
- ~~(u)~~(z) "Home study" means assessment of the home environment of an applicant to determine suitability of that environment as a foster home or a prospective adoptive home.
- (aa) "Inducements" means any financial assistance, either direct or indirect, from whatever source. The term "inducements" shall not include:
1. Payment or reimbursement of medical expenses directly related to the biological mother's pregnancy and hospitalization for the birth of the child and medical care for such child if paid by a licensed Child-Placing Agency or an attorney,
 2. Payment or reimbursement of expenses for counseling services or legal services for a biological parent directly related to the placement by such parent of her or his child for adoption if paid by a licensed Child-Placing Agency or an attorney,
 3. Payment or reimbursement of reasonable living expenses for the biological mother if paid by a licensed Child-Placing Agency, or
 4. Payment or reimbursement of reasonable expenses for rent, utilities, food, maternity garments and maternity accessories for the biological mother if paid from the trust account of an attorney, who is a member of the State Bar of Georgia in good standing.
- ~~(v)~~(bb) "License" means a document issued by the Department that grants permission for the holder to provide placement services.
- ~~(w)~~(cc) "Manual hold" means the application of physical force, without the use of any device, for the purpose of restricting the free movement of a child's body and is considered a form of restraint. A manual hold does not include briefly holding a child without undue force to calm or comfort the child, holding a child by the hand or by the shoulders or back to walk the child safely from one area to another where the child is not forcefully resisting the assistance, or assisting the child in voluntarily participating in activities of daily living.
- ~~(x)~~(dd) "Mechanical restraint" means a device attached or adjacent to the resident's body that is not a prescribed and approved medical protection device and that he or she cannot easily remove that restricts freedom of movement or normal access to his or her body. A mechanical restraint does not include devices used to assist patients with appropriate positioning or posture secondary to physical impairments or disabilities.
- ~~(y)~~(ee) "Medicaid Rehabilitation Option Provider (MRO)" means that category of behavioral health services designed for the maximum reduction of impairments related to mental illness or addiction and restoration of a Medicaid recipient to his/her best possible functional level.
- (ff) "Out-of-state licensed agency" means an agency or entity that is licensed in another state or country to place children for adoption.

- ~~(z)~~(gg) "Owner" means any individual or any person affiliated with a corporation, partnership, or association with 10 percent or greater ownership interest in the business or agency licensed as a child placing agency and who:
1. Purports to or exercises authority of the owner in a child placing agency;
 2. Applies to operate or operates a child placing agency;
 3. Enters into a contract to acquire ownership of a child placing agency.
- ~~(aa)~~(hh) "Preliminary records check application" means an application for a preliminary records check determination on forms provided by the department.
- ~~(bb)~~(ii) "Preliminary records check determination" means a satisfactory or unsatisfactory determination by the department based only upon a comparison of Georgia Crime Information Center (GCIC) information with other than fingerprint information regarding the person upon whom the records check is being performed.
- ~~(cc)~~(jj) "Prospective adoptive family" or "prospective adoptive home" means a family unit (which may include a single parent family unit) and their place of residence approved by an Agency to receive a child for adoption.
- ~~(dd)~~(kk) "Prospective adoptive parent(s)" means the adult member(s) of a prospective adoptive family who expect to assume all legal and social obligations and privileges of parent(s) through the legal adoption of a child.
- ~~(ee)~~(ll) "Record(s)" means the individual files established and maintained by a Child-Placing Agency which include data concerning a child, an applicant, a prospective adoptive family, and/or foster family.
- ~~(ff)~~(mm) "Records check application" means two sets of classifiable fingerprints, a records search fee to be established by the Department by rule and regulation, payable in such form as the Department may direct to cover the cost of a fingerprint records check, and an affidavit by the applicant disclosing the nature and date of any arrest, charge, or conviction of the applicant for the violation of any law; except for motor vehicle parking violations, whether or not the violation occurred in this state, and such additional information as the department may require.
- ~~(gg)~~(nn) "Room, Board and Watchful Oversight" means providing a safe, comfortable room, adequately nutritious meals and oversight to ensure a child's basic safety needs are met.
- ~~(hh)~~(oo) "Satisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed was found to have no criminal record.
- ~~(ii)~~(pp) "Seclusion" means the involuntary confinement of a child away from other children, due to imminent risk of harm to self or others, in a room or an area from which the child is physically prevented from leaving.
- ~~(jj)~~(qq) "Sponsoring agency" means a Georgia Child-Placing Agency that serves as the primary coordinating agency with the foreign authorities, prospective adoptive parent(s), and children being placed through inter-country adoptions.

~~(kk)~~(rr) "Time-out" means a behavior management technique that involves the brief separation of a child from the group or setting where the child is experiencing some behavioral or emotional distress, not to exceed twenty (20) minutes, designed to deescalate the emotionally charged condition of the child. During "time-out" a child's freedom of movement is not physically restricted.

~~(H)~~(ss) "Unsatisfactory criminal history background check determination" means a written determination that a person for whom a records check was performed has a criminal record.

~~(mm)~~(tt) The singular includes the plural, the plural the singular, and the masculine the feminine, when consistent with the intent of these Rules.

Authority: O.C.G.A. Secs. 49-5-3, 49-5-8, 49-5-12, 19-8-1 et seq.

290-9-2-.02 Applicability of These Rules

- (1) No person, facilitator institution, society, agency, corporation or facility shall engage in child placement activities- including the advertising of such child placement activities, in Georgia unless a license has first been obtained from the Department.
- (2) Child-Placing Agencies that arrange for children to receive care in foster homes or in prospective adoptive homes must assess the placement regarding the appropriateness of the room, board and watchful oversight that the prospective foster or adoptive person or family will provide.
- ~~(2)~~(3) Child-Placing Agencies licensed in other states and wishing to engage in placement activities, including the advertising of such placement activities, in Georgia shall also be licensed in Georgia or shall have a written agreement approved by the Department with a Child-Placing Agency licensed within the state to cooperate in and to supervise the placement.
- (4) No person, organization, corporation, hospital, facilitator, or association that is not a Child-Placing Agency, a prospective adoptive parent with a valid, approved preplacement home study report, or an attorney who is a member of the State Bar of Georgia representing a prospective adoptive parent with a valid approved preplacement home study report shall advertise that the person, organization, corporation, hospital, facilitator, or association will adopt, arrange for or cause children to be adopted or placed for adoption as provided in O.C.G.A. Sec. 19-8-24.
- (5) No person, organization, corporation, hospital, facilitator, or association shall directly or indirectly provide inducements to any biological parent to part with his or her child as provided in O.C.G.A. Sec. 19-8-24.
- (6) Any Child-Placing Agency that places an advertisement concerning adoption or prospective adoption shall include in such advertisement its license number issued by the Department.
- ~~(3)~~(7) Georgia Child-Placing Agencies licensed in other states and engaging in placement activities in Georgia shall disclose to the Department on a continuing basis any federal, state or private lawsuit or administrative action instigated against the Agency or any person affiliated with the Agency.
- (8) These rules and regulations shall not apply to parties to a power of attorney for the care of a child executed in accordance with O.C.G.A. Secs. 19-9-120 et seq.

Authority: O.C.G.A. Secs. 49-5-8, 49-5-12, 19-8-24, 19-9-120 et. seq.

290-9-2-.06 Adoption Services

- (1) **Orientation Information For Prospective Applicants.** Prior to the acceptance of an application or fees of any kind, the Agency shall provide information to prospective adoptive parent(s) to assist them in making an informed decision about applying to adopt. The information may be in the form of a written handout. The information shall include at least:
 - (a) The Agency's adoption services;
 - (b) The Agency's eligibility requirements for adoption;
 - (c) A description of the procedures involved with adoption;
 - (d) The Agency's fee schedule and refund policies;
 - (e) The approximate time the assessment and adoption process will take; and
 - (f) The types of children available for adoption.

- (2) **Additional Orientation for Applicants.** Once an application has been submitted by prospective adoptive parent(s), and prior to approval of the application, additional orientation information shall be supplied for the applicant(s), including but not limited to:
 - (a) The legal procedures involved in adoption;
 - (b) The minimum requirements for a prospective adoptive home and the procedures for the home study;
 - (c) The selection and placement process;
 - (d) The process children use to locate birth parent(s), and the process birth parent(s) use to locate children;
 - (e) The Agency's grievance procedures; and
 - (f) The Agency's policies and procedures including those on behavior management techniques and emergency safety interventions.

- (3) **Home Study of the Prospective Adoptive Family.** The Agency shall make a written evaluation, or study, of each prospective adoptive family prior to the placement of a child in the home. If the applicant is approved, the required information shall be kept current, with modifications made as necessary if changes occur, until a placement is made.
 - (a) This home study of the applicant for adoption services shall include at least three visits on separate days. At least one visit shall be in the home and the applicant and all other family members shall be seen and interviewed.
 - (b) Prospective adoptive parent(s) shall be interviewed together as well as separately.
 - (c) Dates of these visits and the name of the caseworker making the visits shall be documented in the home study.

- (d) The study shall include at least the following information concerning the prospective adoptive family:
1. The names, home address, and home phone number of the prospective adoptive family, as well as the work phone number of the prospective adoptive parent(s);
 2. Motivation to adopt and the family members' attitude(s) toward childlessness;
 3. Description of each family member, to include:
 - (i) Date and place of birth;
 - (ii) Physical description;
 - (iii) Family background and history;
 - (iv) Current relationships with immediate and extended family members;
 - (v) Education;
 - (vi) Social involvements; and
 - (vii) Personal characteristics, such as personality, and interests and hobbies;
 4. Evaluation of marriages and family life:
 - (i) Date and place of marriages, if applicable;
 - (ii) History and assessment of marital relationship;
 - (iii) Family patterns; and
 - (iv) Previous marriages (verification of divorces, if applicable);
 5. Evaluation of parenting practices:
 - (i) Description of parenting knowledge, attitudes, and skills;
 - (ii) Behavior management practices;
 - (iii) Child rearing practices; and
 - (iv) Experience with children;
 6. Evaluation of physical and mental health needs and/or supports that may be required from external sources, such as an MRO:
 - (i) Summary of health history and condition of each family member;

- (ii) Documentation of a physical examination of the prospective adoptive parent applicants completed by a licensed physician, physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or the public health department, within 12 months prior to the completion of the home study;
 - (iii) A statement from a licensed physician, physician's assistant, or public health department regarding the general health status of other members of the prospective adoptive family, obtained within the 12 months prior to the completion of the home study; and
 - (iv) An informal assessment of the emotional and mental health of each member of the prospective adoptive family;
7. Evaluation of the understanding of and adjustment to adoptive parenting:
- (i) The understanding of adoption and how adoption will be handled with the child;
 - (ii) Attitude toward birth parent(s);
 - (iii) Understanding of how adoptive parenting is different from biological parenting;
 - (iv) Attitude toward rearing a child biologically not their own;
 - (v) Understanding of the possibility of inherited traits and the influence of genetics vs. environment;
 - (vi) Expectations of the adopted child, including intellectual and physical achievement;
 - (vii) Understanding of loss in adoption;
 - (viii) Attitudes of other children residing in the home and extended family members toward adoption; and
 - (ix) The support network in place for the prospective adoptive family, including support systems for single parent families, if applicable;
8. Evaluation of the prospective adoptive parent(s)' finances and occupation:
- (i) Employment history of family members;
 - (ii) Combined annual income;
 - (iii) Ability to provide financially for the family; and
 - (iv) Projected financial impact of the addition of an adopted child to the home;

9. A description of the home and community:
 - (i) Description of the neighborhood;
 - (ii) Physical standards of the home, including space, and water supply and sewage disposal systems which, if other than public systems, have been approved by appropriate authorities;
 - (iii) A statement to verify that any domestic pets owned or residing with the family have been inoculated against rabies as required by law;
 - (iv) A statement verifying that all firearms owned and in the home are locked away from children;
 - (v) A statement verifying that if a swimming pool is present at the home, it is fenced with a locked gate to prevent unsupervised access and that it meets all applicable community ordinances;
 - (vi) A statement that smoke alarms are present and functioning on each level in the home;
 - (vii) Verification that gas heaters are vented to avoid fire and health hazards, with any unvented fuel-fired heaters equipped with oxygen depletion safety shut-off systems;
 - (viii) Assessment of community resources, including accessibility of schools, religious institutions, recreation, and medical facilities;
10. A statement regarding the results of a criminal records check, as required by law, for each prospective adoptive parent(s). Where the individuals in the home have not resided in this state for the five years preceding their application to adopt, the Agency shall require additional documentation available through the state child welfare agency in which the applicant resided that the individuals are not listed on the child abuse and neglect registry.
11. A minimum of three character references:
 - (i) At least one reference must be from an extended family member not residing with the prospective adoptive family, and
 - (ii) If a prospective adoptive parent(s) has worked with children in the past five (5) years, a reference must be obtained from the former employer(s) for that work experience;
12. Description of the child the applicant will consider, including age, sex, ethnicity, and any physical, medical, or emotional parameters;
13. Recommendation regarding approval as prospective adoptive parent(s), including description of any identified training or resource needs; and that the prospective adoptive parents possess the capacity to provide room, board and watchful oversight.

14. Date the home study is completed and the name and signature of the person completing the study.
- (e) Home Study Updates. For certain circumstances as described below, a home study may be updated in lieu of completion of an entirely new home study. At a minimum, a home study update must include at least one home visit, the applicant's current employment status, updated medical reports, changes in family composition, and any changes in types of children requested. Additional information may be required as follows:
1. When a family is approved for an adoption placement by a Georgia agency, and a child has not been placed with the family within one year of the date of the approval by that agency, there shall be documentation annually of the reason(s) a placement has not been made, and a home study update shall be completed prior to a placement being made;
 2. When a family is applying to adopt again after an initial adoption placement has resulted in a disruption, an update shall be completed and include information about the cause(s) of the previous disruption; and
 3. An update of a home study from another state or from another Georgia agency shall require at least one home visit with all family members present and shall include additionally an evaluation of the physical standards of the home.
- (f) Subsequent Home Studies. When a family is applying to adopt again after an initial placement has been made with that family, a subsequent home study shall be completed, which may contain the original home study for information which has not changed since that study, but must at a minimum include additionally:
1. At least one additional home visit since the time of the previous placement;
 2. The applicant's current employment status;
 3. Updated medical reports;
 4. Changes in family composition;
 5. Any changes in types of children requested;
 6. An evaluation of the prospective adoptive parent(s)' adjustment to parenthood; and
 7. A re-evaluation of parenting skills, knowledge, and techniques.
- (g) Decision on Approval. A decision on approval of a prospective adoptive family shall be made within 60 days of the last contact with the applicant or there shall be documentation in the record to explain any delay.
1. Applicants shall be notified in writing within ten (10) working days following the Agency's decision of their approval or disapproval as a prospective adoptive family.

2. A narrative that clearly indicates the reason(s) a family was not accepted or did not have a child placed shall be included in the record of an unapproved applicant.

(4) Services to the Birth Family and Child.

- (a) The Agency shall offer and document services to both birth parent(s), including counseling and referral to other agencies when needed, to assist in determining the best plan of care for their child.
- (b) The Agency and the birth parent(s) shall enter into a written agreement as early in the working relationship as possible specifying the services to be provided and the responsibilities and expectations of each party.
- (c) Once an agreement has been established with the birth parent(s), the Agency's commitment to an appropriate placement of that child shall be irrevocable unless the birth parent(s) fail to abide by the terms of the agreement or it is determined by the Agency in good faith that the child cannot be legally freed for adoption.
- (d) An Agency shall not ~~induce~~ provide inducements to the birth parent(s) to surrender the child by any financial aid or other consideration, ~~assistance, either direct or indirect, from whatever source~~ or use coercion to influence their decision to either make an adoption plan or parent the child. The birth parent(s) shall sign a ~~statement that no financial or in-kind compensation was promised or received except for reasonable living and medical expenses actually incurred.~~ an affidavit that includes an itemized accounting of all expenses paid or reimbursed pursuant to O.C.G.A. Sec. 19-8-24. The birth parent(s) and the Agency shall sign affidavits that include an itemized accounting of the payment or reimbursement of all expenses to the birth parent(s) such as:
 1. Medical expenses directly related to a biological mother's pregnancy and hospitalization for the birth of the child and medical care for the child;
 2. Counseling services or legal services for a biological parent directly related to the placement by the parent of his or her child for adoption;
 3. Reasonable living expenses for the biological mother; and
 4. Any other financial assistance paid or reimbursed to the birth parent(s).
- (e) The Agency shall obtain medical and social background information for each birth parent such as name, age, nationality, religion, education, and occupation. Information to determine whether there are any significant hereditary facts or pathology, including illnesses of the birth parent(s) and their families, that might affect the child's normal development, shall be included in the background information.
- (f) When a birth mother refuses to disclose the name of the biological father, the record shall reflect the fact that she was advised of the legal consequence of non-disclosure of the name of the biological father.

- (g) When a birth mother indicates that the identity of the biological father is unknown to her, the record shall reflect the fact that she was advised of the consequences of such a response and shall also reflect the reason why his identity is unknown to her.
- (h) Whenever rights to a child are surrendered to the Department, a Child-Placing Agency, or an out-of-state licensed agency, Aa copy of the executed surrender documents shall be givenprovided to the parent(s) at the time of the signing.
- (i) ~~The statutory right of the birth parent(s) to revoke the surrender of the child shall be respected.~~ birth parent(s) shall have the right to revoke the surrender of a child within four days after signing such surrender in accordance with O.C.G.A. Sec. 19-8-9.
- (j) Requirements and procedures for any reimbursement of funds to the agency from the birth parent(s) in the event of a withdrawal or revocation of consent shall be made available in writing to the birth parent(s) and shall be discussed during initial interviews.
 1. Requiring reimbursement for Agency operational expenses is prohibited.
 2. If there is no required reimbursement of funds, a statement signed by the birth parent(s) and the Agency representative to that effect shall be in the file.
- (k) The Agency shall accept a surrender of a child for adoption only after a thorough study has been made to determine:
 1. That the birth parent(s) signing the surrender understands the meaning and consequences of surrender and of consent to adoption procedures, including time limitations for withdrawal or revocation of consent;
 2. That all facts relative to the biological or legal father are a part of the record;~~and~~
 3. That adoption is in the child's best interest;~~;~~ and
 4. That the written consent of a child who is 14 years of age or older to his or her adoption is given and acknowledged in the presence of the court and is made a part of the record.
- (l) A surrender shall not be accepted prior to the birth of the child, nor within 24 hours after the birth of the child.
- (m) The surrender of parental rights of the birth parents shall be executed under oath and in the presence of a ~~designated representative of the Agency, a witness and a notary public and an adult witness.~~ The Agency representative shall not serve as the witness or the notary.
- (n) A surrender of parental rights of the birth parents shall not be accepted without the benefit of legal representation or action when:

1. In the Agency's opinion the birth parent(s) appear incapable of exercising informed judgment; or
 2. The birth parent(s) refuses to sign a surrender or assume responsibility for the child.
- (o) The Agency shall assure that a surrender of parental rights of the birth parents is executed in accordance with the provisions of the O.C.G.A. Chapter 19-8.
- (p) The Agency shall be responsible for any legal services necessary for the termination of the parental rights of the biological or legal father, if applicable.
- (q) When an Agency accepts surrender of a child from a birth parent, the Agency shall assume primary responsibility for the child, including care and support, until the final decree of adoption.
- (r) Birth parent(s) shall be informed of Georgia's Adoption Reunion Registry and their legal rights to enter either a consent to contact or affidavit of nondisclosure should their child placed for adoption ever request contact with them upon reaching age ~~twenty-one (21)~~eighteen (18) or older.
- (s) Records for the birth parent(s) and child shall contain:
1. Name, address, social security number, telephone number and marital status of the birth parent(s);
 2. Social history of the family;
 3. A report of the circumstances precipitating the Agency's involvement with the birth parent(s);
 4. Agreement for services to birth parent(s) and child;
 5. Plan of care for the child;
 6. Health history of the birth parent(s) and child including a health examination of the child within one year prior to date of placement. Such examination shall be done by a medical doctor, physician's assistant, or a registered nurse with advanced training working under the direction of a physician, or public health department;
 7. Name, sex, race, birth date and birthplace of the child;
 8. Legal documents including verified birth certificate, court order, agreements, surrenders, consents, etc.;
 9. Documentation of the surrender or termination of parental rights of the birth parents;
 10. Documentation that birth parent(s) were informed of Georgia's Adoption Reunion Registry and of how they could register their wishes on the Registry; and

11. Documentation of contacts with or made on behalf of the birth parent(s) and child.

(5) Services to the Biological Father Who Is Not ~~the~~ Legal Father of the Child.

- (a) The Agency shall offer and document services to the biological father who is not ~~the~~ legal father of the child, if applicable.
- (b) The Agency shall obtain medical and social background information for the biological father who is not ~~the~~ legal father such as name, age, nationality, religion, education, and occupation. Information to determine whether there are any significant hereditary facts or pathology, including illnesses of the biological father who is not ~~the~~ legal father and his families, which might affect the child's normal development, shall be included in the background information.
- (c) Whenever rights are surrendered to the Department, a Child-Placing Agency, or an out-of-state licensed agency, Aa copy of the executed surrender documents shall be ~~given~~provided at the signing to the biological father who is not ~~the~~ legal father.
- (d) The ~~statutory right of the biological father who is not the legal father to revoke the surrender of the child shall be respected~~ biological father who is not a legal father shall have the right to revoke the surrender of the child within four days after signing such surrender in accordance with O.C.G.A. Sec. 19-8-9.
- (e) The Agency shall accept a surrender of a child for adoption only after a thorough study has been made to determine:
 1. That the biological father who is not the legal father signing the surrender understands the meaning and consequences of surrender and of consent to adoption procedures, including time limitations for withdrawal or revocation of consent; and
 2. That all available information relative to the biological father who is not ~~the~~ legal father is a part of the record.
- (f) A ~~surrender from the biological father who is not the legal father shall not be accepted prior to the birth of the child~~ biological father who is not a legal father of a child may execute a surrender of his rights to the child prior to the birth of the child for the purpose of an adoption pursuant to Chapter 8 of Title 19 of the Official Code of Georgia Annotated.
- (g) The surrender of rights by the biological father who is not ~~the~~ legal father shall be executed under oath and in the presence of a designated representative of the Agency, a witness, and a notary public and an adult witness. ~~The Agency representative shall not serve as the witness or notary.~~
- (h) A surrender of rights shall not be accepted from the biological father who is not ~~the~~ legal father without the benefit of legal representation or action when:

1. In the Agency's opinion the biological father who is not ~~the~~ legal father appears to be incapable of exercising informed judgment; or
 2. The biological father who is not the legal father refuses to sign a surrender.
- (i) The Agency shall assure that a surrender of rights by the biological father who is not ~~the~~ legal father is executed in accordance with the provisions of O.C.G.A. Chapter 19-8.
- (j) The biological father who is not ~~the~~ legal father shall be informed of Georgia's Adoption Reunion Registry and his legal rights to enter either a consent to contact or affidavit of nondisclosure should ~~their~~his child placed for adoption ever request contact with ~~them~~him upon reaching age ~~21~~eighteen (18) or older.
- (k) Records for the biological father who is not the legal father shall contain, if available:
1. His name, address, social security number, telephone number and marital status;
 2. A report of the circumstances precipitating the Agency's involvement with him;
 3. His health history;
 4. Documentation of the surrender or termination of his rights to the child;
 5. Documentation that he was informed of Georgia's Adoption Reunion Registry and of how he could register his wishes on the Registry; and
 6. Documentation of contacts made with or made on behalf of him.
- (6) **Services Prior to An Adoption Placement.** These services are provided after an applicant has been approved, and prior to the placement of a child for adoption.
- (a) The Agency shall consider a child's racial, cultural, ethnic, and religious heritage and preserve them to the extent possible without jeopardizing the child's right for placement and care.
- (b) Children of the same family shall be kept together when possible unless it has been determined through casework services that this is not desirable. If not in the best interest of the children involved, the reasons shall be documented in the records.
- (c) The Agency shall discuss children for potential adoption with the approved prospective adoptive family and shall prepare the prospective adoptive family for the placement of a particular child or children, by anticipating the adjustments and problems that may arise during and after placement.
1. All available information about the child's development and background shall be shared in writing with the prospective adoptive parent(s).

2. A copy of the written health history shall be given to the prospective adoptive parent(s) for their use with the child's physician.
 3. Documentation of these disclosures shall be included in the case record.
- (d) The child shall be seen by the prospective adoptive parent(s) prior to the signing of the placement agreement, and this event shall be documented in the case record. For intercountry adoptions, this rule shall not apply if the Agency does not have custody of the child.

(7) Services Following An Adoption Placement.

- (a) The Agency caseworker shall make at least two home visits after the placement of the child and prior to the filing of the petition for adoption.
1. The first home visit may be made at any time within 30 days after the placement of the child.
 2. There shall be a minimum of two weeks between the required home visits for a child age twelve (12) months or younger.
 3. There shall be a minimum of 30 days between the required home visits for a child over the age of twelve (12) months.
- (b) Home visits shall be made with the prospective adoptive family at least once a month prior to the filing of a petition for adoption to verify that the prospective parent(s) are delivering care in a safe and healthy environment to the children in accordance with these rules and regulations and relevant Agency policies and procedures. Such visits shall include observation of the child and at least one prospective adoptive parent in the home.
- (c) When foster parent(s) are adopting their foster child, the foster parents may proceed with the filing of the petition prior to any home visits.
- (d) If a petition for adoption is not granted within 90 days after filing, the Agency shall make additional home visits at least quarterly until a final order has been entered on the petition.
- (e) Documentation of home visits will be maintained in both the prospective adoptive family's and the child's file. Documentation of home visits should include but not be limited to a summary of the entire family's adjustment to the prospective adoptive placement, any problem or issue that has arisen, and the resolution of the problem or issue.
- (f) The Agency shall explain to the prospective adoptive family the requirement that the prospective adoptive family engage an attorney of its choice for finalization of the adoption.
- (g) The Agency, when appointed as the agent by the court, shall help complete the adoption as required by the Superior Court through preparation and presentation of the written court report. A copy of the court report shall be filed with the state Office of Adoptions. Copies of the state birth verification and the court report shall

be retained by the Agency in the adoption record. Any requests, consents or objections for the name of a biological parent to be released to an adopted individual shall be filed with the State Adoption Unit.

- (h) In an interstate adoption placement where Georgia is the state of origin, the requirements for services following an adoption placement may be met by fulfilling the requirements of the receiving state.
- (8) **Inter-country Adoptions.** When an Agency is participating in inter-country adoptions, the following requirements must be met in addition to other requirements contained in these rules:
- (a) An Agency participating in prospective inter-country adoptions, whether as a sponsoring agency or by the provision of home studies, shall abide by all applicable federal and state laws and regulations, including immigration laws and those relating to inter-country agreements concerning adoptions.
 - (b) Where written agreements exist, an Agency shall retain copies of all agreements with foreign countries and English translations of those agreements.
 - (c) A sponsoring agency for a prospective inter-country adoption shall retain documentation that:
 - 1. The child is legally freed for adoption in the country of origin; and
 - 2. All information about supervision after placement required by the country of origin has been provided prior to the finalization of the adoption.
 - (d) An Agency participating in prospective inter-country adoption placements where the United States is the country of origin shall document that the following processes have occurred before the child leaves Georgia:
 - 1. There has been termination of parental rights as required by the receiving country;
 - 2. There has been termination of rights by the biological father who is not the legal father, if applicable;
 - 3. There has been a determination of legal responsibility for the child in the new country; and
 - 4. There has been validation that all the requirements for the adoption to occur in the foreign country can be satisfied.
 - (e) A sponsoring agency shall provide and document orientation for prospective adoptive parent(s) in issues related to inter-country adoptions, including but not limited to:
 - 1. Adoption requirements of the country of origin;
 - 2. Health issues of the country of origin;
 - 3. Institutional disorders; and

4. Developmental delay.
- (f) A sponsoring agency shall document the provision of the following information to prospective adoptive parent(s):
1. Which countries finalize adoptions abroad, and which require that the adoption be finalized in the United States;
 2. Information about the physical and mental health of the child;
 3. Information regarding domestication of the foreign adoption decree; and
 4. Information regarding obtaining U.S. citizenship for the child.
- (g) The Agency shall apply the same standards for home study for prospective inter-country placements as for other placements in Georgia and shall meet any federal requirements for the home study.
- (h) Agencies providing inter-country adoption services, whether as a sponsoring agency, through the provision of home studies, or in any other capacity, shall disclose promptly to prospective adoptive parent(s) any information that is or becomes available which may affect their adoption placement, including but not limited to any suspension of the adoption program by the foreign country.
- (i) Agencies providing inter-country adoption services shall provide all applicants with policies governing refunds when adoption services that have been promised have not been rendered or when there is a disruption of services that may nullify an adoption.
- (9) Maintenance of Adoption Records.**
- (a) The Agency shall maintain a record for each applicant for adoption services, to contain the application and other information collected by the Agency pertaining to the applicant including but not limited to:
1. The home study and all documents required by the home study, such as criminal records checks;
 2. Upon placement of a child in the home, a signed agreement as to the terms of the placement;
 3. A copy of the information given to the parent(s) concerning the child;
 4. All legal documents pertaining to the adoption; and
 5. A summary narrative on the pre-placement and post-placement contacts with the prospective adoptive family and the adopted child. Entries shall be dated and shall identify the caseworker making the contacts.
- (b) Adoption records shall be maintained permanently following finalization of the adoption. Immediately upon receipt of the final order or certificate of adoption,

each individual record shall be sealed and secured from unauthorized scrutiny in accordance with the provisions of O.C.G.A. Sec. [19-8-23](#).

- (c) For adoptions finalized after the effective date of these rules, the adoption records shall be converted to non-paper format, such as microfilm or computer format, within six months from the date of finalization of the adoption. The format type and date must be clearly labeled on the exterior of the record container.
- (d) Records of evaluation of applicants for adoption services which do not result in the finalization of an adoption shall be maintained for at least one year following date of written notification to applicants of their unapproved status.
- (e) All adoption records shall be stored in fireproof file cabinets, or maintained electronically in accordance with policies that protect against fire and theft, ensure access to authorized users, and provide safeguards against access by unauthorized users.
- (f) All records relating to adoption shall be kept confidential.

(10) Behavior Management and Emergency Safety Interventions.

- (a) Child training, behavior management, and emergency safety interventions may be administered by the prospective adoptive parent(s) when appropriate and shall be appropriate for the child's age, intelligence, emotional makeup, and past experience.
- (b) The use of positive techniques for child training and behavior management shall be encouraged and supported by the Agency.
- (c) Behavior Management.
 - 1. The agency shall make available to prospective adoptive parent(s) information on the kinds of behavioral problems of the children that might arise and appropriate techniques of behavior management for dealing with such behaviors.
 - 2. The following forms of behavior management shall not be used by prospective adoptive parent(s) receiving services through the licensed agency;
 - (i) Assignment of excessive or unreasonable work tasks;
 - (ii) Denial of meals and hydration;
 - (iii) Denial of sleep;
 - (iv) Denial of shelter, clothing, or essential personal needs;
 - (v) Denial of essential services;
 - (vi) Verbal abuse, ridicule, or humiliation;

- (vii) Restraint, manual holds, and seclusion used as a means of coercion, discipline, convenience, or retaliation;
 - (viii) Corporal punishment;
 - (ix) Seclusion or confinement of a child in a room or area which may reasonably be expected to cause physical or emotional damage to the child; or
 - (x) Seclusion or confinement of a child to a room or area for periods longer than those appropriate to the child's age, intelligence, emotional makeup and previous experience, or confinement to a room or area without the supervision or monitoring necessary to ensure the child's safety and well-being.
3. Children shall not be permitted to participate in the behavior management of other children.
 4. Agencies shall submit to the Department electronically or by facsimile a report within 24 hours, whenever the Agency becomes aware of an incident, which results in any injury to a child requiring medical treatment beyond first aid that is received by a child as a result of or in connection with any behavior management or emergency safety intervention.
 5. The Agency shall take appropriate corrective action when it becomes aware of or observes the use of prohibited forms of behavior management, as specified in sections .06(10)(c)2. through (xi) or inappropriate emergency safety interventions. Documentation of the incident and the corrective action taken by the Agency shall be maintained in the case records of the child and family.
 6. Prospective adoptive parent(s) shall be made aware of each child's known or apparent medical and psychological conditions and family history, as evidenced by written acknowledgement of such awareness, to ensure that the prospective adoptive parent(s) have adequate knowledge to deliver safe and healthy care to the child.
 7. The Agency shall require the prospective adoptive parent(s) to report to the agency within 24 hours whenever a child receiving services through the Agency requires medical attention as a result of or in connection with the use of a behavior management techniques or emergency safety interventions.

Authority: O.C.G.A. Secs. 19-8-1 et. seq., 49-5-3, 49-5-8, 49-5-12, 49-5-60.