

Adoption Code Comparison Chart

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Short title.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-1:</u> This chapter shall be known as and may be cited as the Alabama Adoption Code.</p>	<p><u>§ 26-10E-1:</u> This chapter shall be known as and may be cited as the Alabama <u>Minor</u> Adoption Code.</p>	<p><u>§ 26-10F-1:</u> This chapter shall be known as and may be cited as the Alabama <u>Adult</u> Adoption Code.</p>

Definitions.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-2: The following words and phrases shall have the following meaning whenever used in this chapter except where the context clearly indicates a different meaning:</p> <p>(1) ABANDONMENT. A voluntary and intentional relinquishment of the custody of a minor by parent, or a withholding from the minor, without good cause or excuse, by the parent, of his or her presence, care, love, protection, maintenance, or the opportunity for the display of filial affection, or the failure to claim the rights of a parent, or the failure to perform the duties of a parent.</p> <p>(2) ADOPTEE. The person being adopted.</p> <p>(3) ADULT. A person who is 19 years of age or older or who by statute is otherwise deemed an adult.</p> <p>(4) CONSENT. Voluntarily agreeing to adoption.</p> <p>(5) FATHER. A male person who is the biological father of the minor or is treated by law as the father.</p> <p>(6) LICENSED CHILD PLACING AGENCY. Any adoption agency that is licensed under the provisions of the Alabama Child Care Act of 1971 or</p>	<p>§ 26-10E-2: <u>For the purposes of this chapter, The the following words and phrases terms shall have the following meaning whenever used in this chapter except where the context clearly indicates a different meaning meanings:</u></p> <p>(1) ABANDONMENT. <u>Any of the following:</u></p> <p><u>a. The voluntary and intentional failure or refusal, without good cause or excuse, to claim the rights of a parent.</u></p> <p><u>b. The voluntary and intentional failure or refusal, without good cause or excuse, to perform the duties of a parent.</u></p> <p><u>c. A The voluntary and intentional relinquishment, without good cause or excuse, of the custody of a minor by a parent,.</u></p> <p><u>d. The voluntary and intentional or a withholding from the minor; without good cause or excuse, by the parent, without good cause or excuse, of his or her presence, care, love, protection, maintenance, or the opportunity for the display of filial affection, or the failure to claim the rights of a parent, or the failure to perform the duties of a parent.</u></p>	<p>§ 26-10F-2: <u>The definitions in the Alabama Minor Adoption Code, provided in Section 26-10E-2, are applicable for this chapter and have the same meaning whenever used in this chapter except where the context clearly indicates a different meaning.</u></p> <p>The following words and phrases shall have the following meaning whenever used in this chapter except where the context clearly indicates a different meaning:</p> <p>(1) ABANDONMENT. A voluntary and intentional relinquishment of the custody of a minor by parent, or a withholding from the minor, without good cause or excuse, by the parent, of his or her presence, care, love, protection, maintenance, or the opportunity for the display of filial affection, or the failure to claim the rights of a parent, or the failure to perform the duties of a parent.</p> <p>(2) ADOPTEE. The person being adopted.</p> <p>(3) ADULT. A person who is 19 years of age or older or who by statute is otherwise deemed an adult.</p> <p>(4) CONSENT. Voluntarily agreeing to adoption.</p>

<p>any adoption agency approved by the Department of Human Resources.</p> <p>(7) MINOR. A person under the age of 19 or a person who is not an adult under the law in the jurisdiction where he or she resides. The term includes a minor parent only.</p> <p>(8) MOTHER. A female person who is the biological mother of the minor or is treated by law as the mother.</p> <p>(9) PARENT. Natural or legal father or mother.</p> <p>(10) PARTIES IN INTEREST. The adoptive parents and the natural parents unless the rights of the natural parents have been terminated or relinquished for purposes of adoption then the agency that has custody becomes a party in interest. This phrase does not include the adoptee.</p> <p>(11) PRESUMED FATHER. Any male person as defined in the Alabama Uniform Parentage Act.</p> <p>(12) PUTATIVE FATHER. The alleged or reputed father.</p> <p>(13) RELINQUISHMENT. Giving up the physical custody of a minor for purpose of placement for adoption to a licensed child placing agency or the Department of Human Resources.</p> <p>(14) SPECIAL NEEDS CHILD. A child as defined by the federal</p>	<p>(2) ADOPTEE. The person <u>individual</u> being adopted.</p> <p><u>(3) ADOPTION. The judicial act of creating the legal relationship of parent and minor which previously did not legally exist.</u></p> <p><u>(4) ADULT. A person An individual who is 19 years of age or older, who has reached the majority age in the state in which he or she resides, or who by statute is otherwise deemed an adult by statute or court order.</u></p> <p><u>(4) (5) CONSENT. Voluntarily agreeing to adoption.</u></p> <p><u>(5) (6) COURT REPRESENTATIVE. An individual appointed in an adoption proceeding trained in law, health care, counseling, social work, or other specialty, who is an officer, employee, or special appointee of the court, and has no personal interest in the proceeding.</u></p> <p><u>(7) GRANDPARENT. The parent of a parent, whether the relationship is created biologically or by adoption.</u></p> <p><u>(8) LEGAL FATHER. A male person who is the biological father of the minor or is treated by law as the father individual whose legal status as the father of the adoptee has been established through adoption, legitimation, adjudication, acknowledgement, presumption, or</u></p>	<p>(5) FATHER. A male person who is the biological father of the minor or is treated by law as the father.</p> <p>(6) LICENSED CHILD PLACING AGENCY. Any adoption agency that is licensed under the provisions of the Alabama Child Care Act of 1971 or any adoption agency approved by the Department of Human Resources.</p> <p>(7) MINOR. A person under the age of 19 or a person who is not an adult under the law in the jurisdiction where he or she resides. The term includes a minor parent only.</p> <p>(8) MOTHER. A female person who is the biological mother of the minor or is treated by law as the mother.</p> <p>(9) PARENT. Natural or legal father or mother.</p> <p>(10) PARTIES IN INTEREST. The adoptive parents and the natural parents unless the rights of the natural parents have been terminated or relinquished for purposes of adoption then the agency that has custody becomes a party in interest. This phrase does not include the adoptee.</p> <p>(11) PRESUMED FATHER. Any male person as defined in the Alabama Uniform Parentage Act.</p> <p>(12) PUTATIVE FATHER. The alleged or reputed father.</p>
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<p>Adoption Assistance and Child Welfare Act of 1980.</p>	<p><u>operation of law under the laws of this or any other state, and whose parental rights have not been terminated.</u></p> <p><u>(9) LEGAL MOTHER. A female individual whose legal status as the mother of the adoptee has been established through adoption, legitimation, adjudication, acknowledgement, presumption, or operation of law under the laws of this or any other state, and whose parental rights have not been terminated.</u></p> <p>(6) <u>(10) LICENSED CHILD PLACING AGENCY. Any adoption agency that is licensed under the provisions of the Alabama Child Care Act of 1971, Chapter 7 of Title 38, Code of Alabama 1975, or any adoption agency approved by the Department of Human Resources.</u></p> <p>(7) <u>(11) MARRIED COUPLE. Two individuals who are currently lawfully married in accordance with the laws of this state or any other jurisdiction.</u></p> <p><u>(12) MINOR. A person under the age of 19 An individual 18 years of age or younger or a person an individual who is not an adult under the law in the jurisdiction where he or she resides. The term includes a minor parent only.</u></p> <p>(8) <u>MOTHER. A female person who is the biological mother of the minor or is treated by law as the mother.</u></p>	<p>(13) RELINQUISHMENT. Giving up the physical custody of a minor for purpose of placement for adoption to a licensed child placing agency or the Department of Human Resources.</p> <p>(14) SPECIAL NEEDS CHILD. A child as defined by the federal Adoption Assistance and Child Welfare Act of 1980.</p>
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	<p>(9) <u>(13) MINOR PARENT. An individual 18 years of age or younger or an individual who is not an adult under the law in the jurisdiction where he or she resides who is the biological or legal parent of the adoptee.</u></p> <p>(14) <u>PARENT. Natural or legal father or mother. The biological or legal mother or father of the adopted minor.</u></p> <p>(10) <u>(15) PARTIES IN INTEREST PARTY. The adoptive parents and the natural parents unless the rights of the natural parents have been terminated or relinquished for purposes of adoption then the agency that has custody becomes a party in interest. Any individual who appears before the court for the purposes of petitioning for adoption, consenting to an adoption, withdrawing a consent to adoption, contesting an adoption, securing grandparent visitation rights to an adoptee, or setting aside all or part of a final judgment of adoption, or any other person deemed to be a party by the court. This phrase term does not include the adoptee.</u></p> <p>(11) <u>PRESUMED FATHER. Any male person as defined in the Alabama Uniform Parentage Act.</u></p> <p>(12) <u>(16) PUTATIVE FATHER. The alleged or reputed biological father of the adoptee, unless the issue of</u></p>	
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	<p><u>paternity has been resolved adversely to that individual by final judgment of a court of competent jurisdiction.</u></p> <p>(13) <u>(17) RELINQUISHMENT.</u> Giving up the <u>legal and</u> physical custody of a minor <u>to a licensed child placing agency or the Department of Human Resources</u> for <u>sole</u> purpose of placement for adoption to a licensed child placing agency or the Department of Human Resources.</p> <p>(14) SPECIAL NEEDS CHILD. A child as defined by the federal Adoption Assistance and Child Welfare Act of 1980.</p> <p><u>(18) SPOUSE. The individual who is lawfully married to the petitioner or the legal father or the legal mother at the time of the adoption proceedings.</u></p> <p><u>(19) STEPPARENT. An individual who is the spouse or surviving spouse of a legal mother or legal father of a minor, but who is not a legal parent of the minor and who is not a former spouse by reason of divorce or annulment of the marriage.</u></p>	

Jurisdiction/Related proceedings.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-3:</u> The probate court shall have original jurisdiction over proceedings brought under the chapter. If any party whose consent is required fails to consent or is unable to consent, the proceeding will be transferred to the court having jurisdiction over juvenile matters for the limited purpose of termination of parental rights. The provisions of this chapter shall be applicable to proceedings in the court having jurisdiction over juvenile matters.</p> <p><u>§ 26-10A-21:</u> If, at any time during the pendency of the adoption proceeding, it is determined that any other custody action concerning the adoptee is pending in the courts of this state or any other state or country, any party to the adoption proceeding, or the court on its own motion, may move to stay such adoption proceeding until a determination has been made by an appropriate court with jurisdiction pursuant to the provisions of the Uniform Child Custody Jurisdiction Act (UCCJA) or the Parental Kidnapping Prevention Act (PKPA). The adoption may be transferred and consolidated with a custody proceeding pending in any court in this state.</p>	<p><u>§ 26-10E-3:</u> <u>(a)</u> The probate court shall have original jurisdiction over proceedings <u>cases</u> brought under the <u>pursuant to this</u> chapter. <u>No other court of this state shall have jurisdiction over a case brought under this chapter unless the case, or part of the case, has been transferred from the probate court to the other court in accordance with this section.</u> <u>(b)</u> If any party <u>parent</u> whose consent is required fails to consent or is unable to consent <u>to the adoption of a minor</u>, the proceeding case <u>will shall</u> be transferred <u>from the probate court</u> to the <u>appropriate juvenile</u> court having jurisdiction over juvenile matters for the limited purpose of <u>considering the</u> termination of <u>the</u> parental rights <u>of the non-consenting parent. Upon entry of a final judgment adjudicating the claim for termination of parental rights, the juvenile court shall return the case to the probate court for further dispositional proceedings. The dispositional proceedings shall be stayed pending any appeal of the final judgment of the juvenile court.</u> <u>(c)</u> If, at any time during the pendency of the adoption proceeding <u>a case under this chapter concerning the adoption of a minor</u>, it is determined that any other</p>	<p><u>§ 26-10F-3:</u> The probate court shall have original <u>and exclusive</u> jurisdiction over proceedings brought under the chapter. If any party whose consent is required fails to consent or is unable to consent, the proceeding will be transferred to the court having jurisdiction over juvenile matters for the limited purpose of termination of parental rights. The provisions of this chapter shall be applicable to proceedings in the court having jurisdiction over juvenile matters.</p>

~~custody an action concerning the adoptee is pending in the courts a circuit court or a juvenile court of this state or any other state or country concerning the custody or parentage of the minor, any party to the adoption proceeding case, or the probate court on its own motion, may move to stay such adoption proceeding until a determination has been made by an appropriate court with jurisdiction pursuant to the provisions of the Uniform Child Custody Jurisdiction Act (UCCJA) or the Parental Kidnapping Prevention Act (PKPA) the case or to transfer the case to the circuit court or the juvenile court in which the other action is pending. Upon transfer, the transferee court shall have jurisdiction to decide all matters relating to the adoption and to enter a final judgment resolving the adoption case. After entry of the final judgment by the transferee court, the probate court shall have limited jurisdiction over the case to assure compliance with Sections 26-10E-30 and 26-10E-31. The adoption may be transferred and consolidated with a custody proceeding pending in any court in this state.~~

(d) On motion of either party or of the probate court, a contest of an adoption under Section 26-10E-23 that is pending in a probate court shall be transferred to the juvenile court for the limited purpose

of adjudicating the contest. After entry of a final judgment adjudicating the contest, the juvenile court shall return the case to the probate court for further dispositional proceedings, which dispositional proceedings shall be stayed pending any appeal of the final judgment.

(e) The provisions of this chapter shall be remain applicable to proceedings in the court having jurisdiction over juvenile matters any case transferred to a juvenile court or a circuit court pursuant to this section.

(f) Once an adoption proceeding in the juvenile court has been completed, a copy of all the juvenile court records, including filings and documents originally sent by the probate court upon transfer to the juvenile court shall be forwarded to the original probate court. All other filings and documents that are retained by the juvenile court pertaining to the adoption proceeding shall be sealed, kept as a permanent record of the court, and withheld from inspection except as otherwise ordered by the court for good cause shown.

(g) Notwithstanding any law regarding the confidentiality of records and court proceedings involving a minor or adoptee, a court may communicate with another court of this state, another state, or another country in the same manner as provided in

	<p><u>Section 30-3B-110, and a court may share records with another court of this state, another state, or another country for the limited purposes of determining any jurisdictional issues regarding a case involving the adoption of an adoptee pursuant to this chapter.</u></p>	

Jurisdiction over child custody case involving an adoptee.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
(none)	<u>§ 26-10E-3.1:</u> <u>Jurisdiction over a child custody case involving an adoptee is governed by the Uniform Child Custody Jurisdiction and Enforcement Act, commencing with Section 30-3B-101.</u>	(none)

Venue.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-4: All petitions may be filed in the probate court in the county in which:</p> <ol style="list-style-type: none"> (1) The minor or adult resides or has a legal residence; (2) A petitioner resides, or is in military service; or (3) An office of any agency or institution operating under the laws of this state having guardianship or custody of a minor or an adult is located. 	<p>§ 26-10E-4: (a) All petitions <u>A petition for adoption</u> may be filed in the probate court in the county in which <u>any of the following counties:</u></p> <ol style="list-style-type: none"> (1) The minor or adult <u>The county in which the adoptee is born,</u> resides, or has a legal residence; <u>domicile.</u> (2) A <u>The county in which a</u> petitioner resides; or is in military service; or. (3) An <u>The county in which an</u> office of any agency or institution operating under the laws of this state having guardianship or custody of a minor or an adult <u>an adoptee</u> is located. <p><u>(b) Notwithstanding subsection (a), a petition for adoption may be filed in the probate court in another county if any of the following applied:</u></p> <ol style="list-style-type: none"> <u>(1) The petitioner shows good cause on the record as to why the probate court selected should exercise venue over the adoption case.</u> <u>(2) No party objects to the probate court selected within 30 days of service of the petition.</u> <u>(3) The probate court selected determines in writing that it is in the best interests of the adoptee for the probate court to exercise venue over the adoption case.</u> 	<p>§ 26-10F-4: <u>(a) The petitioner or petitioners, or the adoptee, must be a resident of the State of Alabama.</u></p> <p>(b) All petitions may <u>must</u> be filed in the probate court in the county in which <u>of either of the following counties:</u></p> <ol style="list-style-type: none"> (1) The minor or adult resides or has a legal residence; (2) (1) A petitioner <u>The county in which the adoptee</u> resides, or is in military service; or. <u>(2) The county in which the petitioner or petitioners resides or is in military service.</u> (3) An office of any agency or institution operating under the laws of this state having guardianship or custody of a minor or an adult is located.

Who may adopt.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-5: (a) Any adult person or husband and wife jointly who are adults may petition the court to adopt a minor. (1) No rule or regulation of the Department of Human Resources shall prevent an adoption by a person solely because the person is employed outside the home, provided however, the Department of Human Resources may exercise sound discretion in requiring the person to remain in the home with a minor for a reasonable period of time when a particular minor requires the presence of that person to ensure his or her adjustment. Provided, however, the reasonable period of time shall not exceed 60 consecutive calendar days. (2) No rule or regulation of the Department of Human Resources or any agency shall prevent an adoption by a single person solely because such person is single or shall prevent an adoption solely because such person is of a certain age. (3) Provided however, in cases, where one who purports to be the biological father marries the biological mother, on petition of the parties, the court shall order paternity tests to determine</p>	<p>§ 26-10E-5: (a) Any adult individual <u>An unmarried individual or married couple</u> may petition the court to adopt a minor. <u>(b) An unmarried couple may not adopt a minor.</u> <u>(c) A group of more than two persons may not adopt a minor.</u> <u>(d) If a petitioner is married, the petition for adoption shall be filed jointly by both spouses; provided, however, that when the minor is a stepchild of the party seeking to adopt, the petitioner shall be filed in the name of the stepparent alone.</u> <u>(e) Each petitioner seeking to adopt a minor must be all of the following:</u> <u>(1) An adult.</u> <u>(2) At least 10 years older than the adoptee, unless either of the following are true:</u> <u>a. The petitioner is a stepparent or relative and files for adoption pursuant to Sections 26-10E-27 and 26-10E-28.</u> <u>b. The probate court finds, based on the evidence in the record, that the adoption is in the best interests of the adoptee.</u> <u>(3) A bona fide resident of this state at the filing of the petition for adoption or a bona fide resident of the receiving</u></p>	<p>§ 26-10F-5: (a) Any adult person or husband and wife jointly who are adults <u>individual</u> may petition the court to adopt a minor <u>an adult as provided in this chapter.</u> (1) No rule or regulation of the Department of Human Resources shall prevent an adoption by a person solely because the person is employed outside the home, provided however, the Department of Human Resources may exercise sound discretion in requiring the person to remain in the home with a minor for a reasonable period of time when a particular minor requires the presence of that person to ensure his or her adjustment. Provided, however, the reasonable period of time shall not exceed 60 consecutive calendar days. (2) No rule or regulation of the Department of Human Resources or any agency shall prevent an adoption by a single person solely because such person is single or shall prevent an adoption solely because such person is of a certain age. (3) Provided however, in cases, where one who purports to be the biological father marries the biological mother, on petition of the parties, the court</p>

<p>the true biological father. If the court determines by substantial evidence that the biological father is the man married to the biological mother, then the biological father shall be allowed to adopt the child without the consent of the man who was married to the biological mother at the time of the conception or birth of the child, or both, when the court finds the adoption to be in the best interest of the child.</p> <p>(b) Any adult may petition the court to adopt another adult as provided in this chapter.</p>	<p><u>state when the adoptee was born in this state and was placed in compliance with Sections 38-7-15 and 44-2-20 relating to the Interstate Compact on the Placement of Children.</u></p> <p>(1) <u>(f)</u> No rule or regulation of the Department of Human Resources <u>any state department</u> shall prevent an adoption by a person <u>petitioner</u> solely because the person <u>petitioner</u> is employed outside the home, provided however, <u>the</u> The Department of Human Resources may exercise sound discretion in requiring <u>require</u> the person <u>petitioner</u> to remain in the home with a minor <u>an adoptee</u> for a reasonable period of time, when a particular minor requires the presence of that person to ensure his or her adjustment. Provided, however, the reasonable period of time shall not to exceed 60 consecutive calendar days, <u>when the department determines that the adoptee requires the presence of the petitioner to ensure his or her adjustment.</u></p> <p>(2) <u>(g)</u> No rule or regulation of the Department of Human Resources or any agency <u>state department</u> shall prevent an adoption by a single person <u>an unmarried petitioner</u> solely because such person <u>the petitioner</u> is single <u>unmarried</u>. <u>No rule or regulation of any state department</u> shall prevent an adoption solely because such</p>	<p>shall order paternity tests to determine the true biological father. If the court determines by substantial evidence that the biological father is the man married to the biological mother, then the biological father shall be allowed to adopt the child without the consent of the man who was married to the biological mother at the time of the conception or birth of the child, or both, when the court finds the adoption to be in the best interest of the child.</p> <p>(b) Any adult <u>married couple, both of whom are adults,</u> may <u>jointly</u> petition the court to adopt another <u>an</u> adult as provided in this chapter. <u>An adult who is married may not petition to adopt another adult unless the petition for adoption is filed jointly by his or her spouse, unless that spouse is the biological or legal parent of the adult sought to be adopted.</u></p> <p>(c) <u>Unless the adoptee is biologically related to the petitioner or petitioners, any petitioner seeking to adopt another adult must be at least 10 years older than the adoptee, unless waived by the court for good cause shown.</u></p> <p>(d) <u>An adult may only be adopted as provided in this chapter and for the establishment of a legal parent-child relationship.</u></p>
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	<p>person <u>the petitioner</u> is of a certain age, <u>except as provided in subsection (e).</u></p> <p>(3) Provided however, in cases, where one who purports to be the biological father marries the biological mother, on petition of the parties, the court shall order paternity tests to determine the true biological father. If the court determines by substantial evidence that the biological father is the man married to the biological mother, then the biological father shall be allowed to adopt the child without the consent of the man who was married to the biological mother at the time of the conception or birth of the child, or both, when the court finds the adoption to be in the best interest of the child.</p> <p>(b) Any adult may petition the court to adopt another adult as provided in this chapter.</p> <p><u>(h) The Department of Human Resources shall provide by rule the process through which an individual seeking to participate in foster care or adoption may apply for an exemption from any vaccination requirement for religious or other appropriate reason for himself, herself, or any other individual in his or her household.</u></p>	<p><u>(e) The Department of Human Resources shall provide by rule the process through which an individual seeking to participate in foster care or adoption may apply for an exemption from any vaccination requirement for religious or other appropriate reason for himself, herself, or any other individual in his or her household.</u></p>
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Who may be adopted.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-6:</u> The following persons may be adopted:</p> <p>(1) A minor.</p> <p>(2) An adult under any one of the following conditions:</p> <p>a. He or she is an individual with a total and permanent disability.</p> <p>b. He or she is determined to be a person with an intellectual disability.</p> <p>c. He or she consents in writing to be adopted and is related in any degree of kinship, as defined by the intestacy laws of Alabama, or is a stepchild by marriage.</p> <p>d. He or she consents in writing to be adopted by an adult man and woman who are husband and wife.</p>	<p><u>§ 26-10E-6:</u> The following persons may be adopted:</p> <p>(1) A minor.</p> <p>(2) An adult under any one of the following conditions:</p> <p>a. He or she is an individual with a total and permanent disability.</p> <p>b. He or she is determined to be a person with an intellectual disability.</p> <p>c. He or she consents in writing to be adopted and is related in any degree of kinship, as defined by the intestacy laws of Alabama, or is a stepchild by marriage.</p> <p>d. He or she consents in writing to be adopted by an adult man and woman who are husband and wife.</p> <p><u>Any minor who is available for adoption may be adopted under this chapter.</u></p>	<p><u>§ 26-10F-6:</u> The following persons may be adopted:</p> <p>(1) A minor.</p> <p>(2)</p> <p>An adult <u>may be adopted</u> under any one of the following conditions:</p> <p>a. <u>(1)</u> He or she is an individual with a total and permanent disability.</p> <p>b. <u>(2)</u> He or she is determined to be a person with an intellectual disability <u>has been determined to be an incapacitated person as defined in Section 26-2A-20.</u></p> <p>e. <u>(3)</u> He or she consents in writing to be adopted and is related in any degree of kinship <u>to the petitioner or petitioners</u>, as defined by the intestacy laws of Alabama, or is a stepchild <u>or former stepchild</u> by marriage.</p> <p>d. <u>(4)</u> He or she consents in writing to be adopted by an adult man and woman who are husband and wife <u>had been in a de facto parent-child relationship with each petitioner during the minority of the adoptee for at least one year preceding the filing of the petition and each petitioner has maintained a continuous familial relationship with the adoptee. This provision shall include, but is not</u></p>

		<u>limited to, a foster parent relationship with the adoptee.</u>

Persons whose consents or relinquishments are required.

2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-7: (a) Consent to the petitioner's adoption or relinquishment for adoption to the Department of Human Resources or a licensed child placing agency shall be required of the following:</p> <ul style="list-style-type: none"> (1) The adoptee, if 14 years of age or older, except where the court finds that the adoptee does not have the mental capacity to give consent; (2) The adoptee's mother; (3) The adoptee's presumed father, regardless of paternity, if: <ul style="list-style-type: none"> a. He and the adoptee's mother are or have been married to each other and the adoptee was born during the marriage, or within 300 days after the marriage was terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation was entered by a court; or b. Before the adoptee's birth, he and the adoptee's mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and, <ul style="list-style-type: none"> 1. If the attempted marriage could be declared invalid only by 	<p>§ 26-10E-7: (a) Consent to the petitioner's adoption or relinquishment for adoption to the Department of Human Resources or a licensed child placing agency shall be required <u>by all</u> of the following:</p> <ul style="list-style-type: none"> (1) The adoptee, if 14 years of age or older, except where <u>when</u> the court finds that the adoptee does not have the mental capacity to give consent; (2) The adoptee's <u>legal mother or mothers</u>; (3) <u>The adoptee's legal father or fathers.</u> <p>The adoptee's presumed father, regardless of paternity, if:</p> <ul style="list-style-type: none"> a. He and the adoptee's mother are or have been married to each other and the adoptee was born during the marriage, or within 300 days after the marriage was terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation was entered by a court; or b. Before the adoptee's birth, he and the adoptee's mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the 	<p>§ 26-10F-7: <u>(a) A consent shall be in a sworn writing and signed by the person consenting.</u></p> <ul style="list-style-type: none"> <u>(1) Only the sworn, written consent of a legally competent adoptee shall be required.</u> <u>(2) If the adoptee has been adjudicated incompetent or declared to be an incapacitated person as defined in Section 26-2A-20, the sworn written consent of any legal guardian or conservator of the adoptee and a court appointed guardian ad litem shall be required. The decision to withhold consent by the guardian ad litem may be overruled by the court as provided in Section 26-10F-10.</u> <u>(3) If the court has reason to believe that the adoptee may be unable to give consent, the court shall appoint a guardian ad litem who shall investigate the adoptee's circumstances and that guardian ad litem shall give or withhold consent. The decision to withhold consent by the guardian ad litem may be overruled by the court as provided in Section 26-10F-10.</u> <u>(4) If the adoptee is married and is incapacitated or otherwise unable to consent, the sworn written consent of his or her spouse is also required.</u>

<p>a court, the adoptee was born during the attempted marriage, or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce; or</p> <p>2. If the attempted marriage is invalid without a court order, the adoptee was born within 300 days after the termination of cohabitation; or</p> <p>c. After the adoptee's birth, he and the adoptee's mother have married, or attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and</p> <p>1. With his knowledge or consent, he was named as the adoptee's father on the adoptee's birth certificate; or</p> <p>2. He is obligated to support the adoptee pursuant to a written voluntary promise or agreement or by court order; or</p> <p>d. He received the adoptee into his home and openly held out the adoptee as his own child;</p> <p>(4) The agency to which the adoptee has been relinquished or which holds permanent custody and which has placed the adoptee for adoption,</p>	<p>attempted marriage is or could be declared invalid, and;</p> <p>1. If the attempted marriage could be declared invalid only by a court, the adoptee was born during the attempted marriage, or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce; or</p> <p>2. If the attempted marriage is invalid without a court order, the adoptee was born within 300 days after the termination of cohabitation; or</p> <p>c. After the adoptee's birth, he and the adoptee's mother have married, or attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and</p> <p>1. With his knowledge or consent, he was named as the adoptee's father on the adoptee's birth certificate; or</p> <p>2. He is obligated to support the adoptee pursuant to a written voluntary promise or agreement or by court order; or</p> <p>d. He received the adoptee into his home and openly held out the adoptee as his own child;</p>	<p><u>(b) A motion to withdraw consent may be filed at any time before the dispositional hearing on the adoption petition.</u></p> <p>(a) Consent to the petitioner's adoption or relinquishment for adoption to the Department of Human Resources or a licensed child placing agency shall be required of the following:</p> <p>(1) The adoptee, if 14 years of age or older, except where the court finds that the adoptee does not have the mental capacity to give consent;</p> <p>(2) The adoptee's mother;</p> <p>(3) The adoptee's presumed father, regardless of paternity, if:</p> <p>a. He and the adoptee's mother are or have been married to each other and the adoptee was born during the marriage, or within 300 days after the marriage was terminated by death, annulment, declaration of invalidity, or divorce, or after a decree of separation was entered by a court; or</p> <p>b. Before the adoptee's birth, he and the adoptee's mother have attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and,</p> <p>1. If the attempted marriage could be declared invalid only by</p>
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<p>except that the court may grant the adoption without the consent of the agency if the adoption is in the best interests of the adoptee and there is a finding that the agency has unreasonably withheld its consent; and</p> <p>(5) The putative father if made known by the mother or is otherwise made known to the court provided he complies with Section 26-10C-1 and he responds within 30 days to the notice he receives under Section 26-10A-17(a)(10).</p> <p>(b) A petition to adopt an adult may be granted only if written consent to adopt has been executed by the adult seeking to adopt and his or her spouse or by the guardian or conservator of the adult sought to be adopted pursuant to the requirements of Sections 26-10A-6 and 26-10A-11.</p>	<p><u>(4) If the adoptee has no legal father, the putative father if made known by the mother or is otherwise made known to the court, provided he complies with Section 26-10C-1 and responds within 30 days to the notice received under Section 26-10E-17(a).</u></p> <p><u>(5) Any legal custodian or legal guardian of the adoptee if both parents are dead or presumed dead, if the rights of the parents have been terminated by judicial proceedings, or if the consent of both parents is otherwise not required pursuant to Section 26-10E-10, and if any legal custodian or legal guardian has authority by order of the court to consent to the adoption except that the court may grant the adoption without the consent of that legal custodian or legal guardian if the court determines that such consent was unreasonably withheld. (6) The Department of Human Resources, if the minor has been relinquished to it for the purposes of adoption or it otherwise holds temporary or permanent custody of the minor, except that the court may grant the adoption without the consent of the department if the adoption is in the best interests of the adoptee and there is a finding by the court the</u></p>	<p>a court, the adoptee was born during the attempted marriage, or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce; or</p> <p>2. If the attempted marriage is invalid without a court order, the adoptee was born within 300 days after the termination of cohabitation; or</p> <p>e. After the adoptee's birth, he and the adoptee's mother have married, or attempted to marry each other by a marriage solemnized in apparent compliance with law, although the attempted marriage is or could be declared invalid, and</p> <p>1. With his knowledge or consent, he was named as the adoptee's father on the adoptee's birth certificate; or</p> <p>2. He is obligated to support the adoptee pursuant to a written voluntary promise or agreement or by court order; or</p> <p>d. He received the adoptee into his home and openly held out the adoptee as his own child;</p> <p>(4) The agency to which the adoptee has been relinquished or which holds permanent custody and which has placed the adoptee for adoption,</p>
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	<p><u>department has unreasonably withheld its consent.</u></p> <p><u>(7) The licensed child placing</u> agency to which the adoptee has been relinquished or which holds permanent custody and which has placed the adoptee for adoption, except that the court may grant the adoption without the consent of the agency if the adoption is in the best interests of the adoptee and there is a finding that <u>by the court</u> the agency has unreasonably withheld its consent; and.</p> <p>(5) The putative father if made known by the mother or is otherwise made known to the court provided he complies with Section 26-10C-1 and he responds within 30 days to the notice he receives under Section 26-10A-17(a)(10).</p> <p>(b) A petition to adopt an adult may be granted only if written consent to adopt has been executed by the adult seeking to adopt and his or her spouse or by the guardian or conservator of the adult sought to be adopted pursuant to the requirements of Sections 26-10A-6 and 26-10A-11. <u>The Director of the Department of Human Resources or the designee of the director and the executive head of a licensed child placing agency may appoint an employee of the</u></p>	<p>except that the court may grant the adoption without the consent of the agency if the adoption is in the best interests of the adoptee and there is a finding that the agency has unreasonably withheld its consent; and</p> <p>(5) The putative father if made known by the mother or is otherwise made known to the court provided he complies with Section 26-10C-1 and he responds within 30 days to the notice he receives under Section 26-10A-17(a)(10).</p> <p>(b) A petition to adopt an adult may be granted only if written consent to adopt has been executed by the adult seeking to adopt and his or her spouse or by the guardian or conservator of the adult sought to be adopted pursuant to the requirements of Sections 26-10A-6 and 26-10A-11.</p>
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	<p><u>department or agency to give or to deny consent for adoption of adoptee.</u></p> <p><u>(c) Notwithstanding any law to the contrary, a court having jurisdiction over a case under this chapter shall have the power to determine the biological or legal parentage of a minor to ascertain whose consent shall be required or to adjudicate any other claim or issue in the case.</u></p>	

Consent or relinquishment by a minor parent.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-8:</p> <p>(a) Prior to a minor parent giving consent a guardian ad litem must be appointed to represent the interests of a minor parent whose consent is required. Any minor, 14 years of age and beyond, can nominate a guardian ad litem either prior to the birth of the baby or thereafter.</p> <p>(b) A consent or relinquishment executed by a parent who is a minor shall not be subject to revocation by reason of such minority.</p> <p>(c) A minor father may give his implied consent by his actions. If a court finds by conclusive evidence that a minor father has given implied consent to the adoption, notice and the appointment of a guardian ad litem shall not be necessary.</p>	<p>§ 26-10E-8:</p> <p>(a) Prior to a minor parent <u>parent's</u> giving <u>express</u> consent <u>to an adoption or executing a relinquishment for adoption</u>, a guardian ad litem must be appointed to represent the interests of a <u>the</u> minor parent whose consent is required. Any minor <u>parent</u>, 14 years of age and beyond <u>older</u>, can <u>may</u> nominate a guardian ad litem either prior to the birth of the baby <u>adoptee</u> or thereafter.</p> <p>(b) A consent or relinquishment executed by a parent who is a minor shall not be subject to revocation by reason of such minority <u>minor parent may give his or her implied consent to an adoption in the same manner as an adult parent under Section 26-10E-9. If a court finds by clear and convincing evidence that a minor parent has given implied consent to the adoption, notice and the appointment of a guardian ad litem shall not be necessary. The implied consent of a minor parent may not be withdrawn.</u></p> <p>(c) A minor father may give his implied consent by his actions. If a court finds by conclusive evidence that a minor father has given implied consent to the adoption, notice and the appointment of a guardian ad litem shall not be necessary. <u>The express or implied consent of, or</u></p>	<p>(none)</p>

	<u>relinquishment by, a minor parent shall not be subject to revocation by reason of such minority.</u>	

Implied consent or relinquishment.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-9: (a) A consent or relinquishment required by Section 26-10A-7 may be implied by any of the following acts of a parent:</p> <ol style="list-style-type: none"> (1) Abandonment of the adoptee. Abandonment includes, but is not limited to, the failure of the father, with reasonable knowledge of the pregnancy, to offer financial and/or emotional support for a period of six months prior to the birth. (2) Leaving the adoptee without provision for his or her identification for a period of 30 days. (3) Knowingly leaving the adoptee with others without provision for support and without communication, or not otherwise maintaining a significant parental relationship with the adoptee for a period of six months. (4) Receiving notification of the pendency of the adoption proceedings under Section 26-10A-17 and failing to answer or otherwise respond to the petition within 30 days. (5) Failing to comply with Section 26-10C-1. 	<p>§ 26-10E-9: (a) A consent or relinquishment required by Section 26-10A-7 may be implied by <u>rebuttable presumption that a parent has impliedly consented to the adoption or the relinquishment for adoption of an adoptee arises when clear and convincing evidence shows</u> any of the following acts of a parent:</p> <ol style="list-style-type: none"> (1) Abandonment of the adoptee <u>by the parent during the four months immediately preceding the date of the filing of the petition for adoption.</u> Abandonment includes, but is not limited to, the failure of the father, with reasonable knowledge of the pregnancy, to offer financial and/or emotional support for a period of six months prior to the birth. (2) <u>Abandonment by the legal father or putative father of the biological mother by failing to offer to the biological mother financial or emotional support, or both, during the four months immediately preceding the birth of the adoptee despite knowing or having reason to know of the pregnancy.</u> (3) <u>Leaving The parent, without good cause of excuse, left</u> the adoptee 	<p>(none)</p>

	<p>without provision for his or her identification for a period of 30 days.</p> <p>(3) <u>(4) Knowingly leaving <u>The parent voluntarily and knowingly, without good cause or excuse, left</u> the adoptee with others <u>another person</u> without provision for <u>personally providing support for, and without initiating communication with, or not otherwise maintaining a significant parental substantial</u> relationship with the adoptee for a period of six <u>the four consecutive</u> months <u>immediately preceding the date of the filing of the petition.</u></u></p> <p>(4) Receiving notification of the pendency of the adoption proceedings under Section 26-10A-17 and failing to answer or otherwise respond to the petition within 30 days.</p> <p>(5) Failing to comply with Section 26-10C-1.</p> <p><u>(b) A rebuttable presumption that any individual or agency whose consent is required has impliedly consented to the adoption, or the relinquishment for adoption, of an adoptee arises when clear and convincing evidence shows that the individual or agency has received notification of the pendency of the adoption proceedings pursuant to Section 26-10E-17 and has failed to answer or</u></p>	
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otherwise respond to the petition within 30 days.

(c) Implied consent under ~~subsection~~ subsections (a) or (b) may not be withdrawn by any person.

(d) A putative father who fails to file a notice of intent to claim paternity of an adoptee pursuant to Section 26-10C-1 prior to or within 30 days of the birth of the adoptee shall be deemed to have given irrevocable implied consent to, or relinquishment for, the adoption of the adoptee.

(e) At any time before the birth of the adoptee, a licensed child placing agency, an attorney representing the legal mother, or an attorney representing the prospective adoptive parents may serve a putative father with notice consistent with Section 26-10E-17 that the legal mother is considering an adoptive placement of the unborn child in a form to be developed by the Administrative Office of Courts and the Alabama Law Institute. The notice shall not obligate the legal mother to place the child for adoption. A putative father intending to contest the adoption shall have 30 days from the date of service of the notice to file an action to establish his paternity of the unborn child under Section 26-17-611 and to register with the putative father registry pursuant to Section 26-10C-1. If the notified putative father fails to file

	<u>this action and register with the putative father registry, his failure shall be deemed an irrevocable implied consent to the adoption of the child.</u>	

Persons whose consents or relinquishments are not required.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-10: Notwithstanding the provisions of Section 26-10A-7, the consent or relinquishment of the following persons shall not be required for an adoption:</p> <p>(1) A parent whose rights with reference to the adoptee have been terminated by operation of law in accordance with the Alabama Child Protection Act, Sections 26-18-1 through 26-18-10;</p> <p>(2) A parent who has been adjudged incompetent pursuant to law or a parent whom the court finds to be mentally incapable of consenting or relinquishing and whose mental disability is likely to continue for so long a period that it would be detrimental to the adoptee to delay adoption until restoration of the parent's competency or capacity. The court must appoint independent counsel or a guardian ad litem for an incompetent parent for whom there has been no such prior appointment;</p> <p>(3) A parent who has relinquished his or her minor child to the Department of Human Resources or a licensed child placing agency for an adoption;</p>	<p>§ 26-10E-10: Notwithstanding the provisions of Section 26-10A-7 <u>26-10E-7</u>, the consent or relinquishment of the following persons shall not be required for an adoption <u>or relinquishment for adoption</u>:</p> <p>(1) A parent <u>of the adoptee</u> whose rights with reference to the adoptee have been terminated by operation of law in accordance with the Alabama Child Protection Act, Sections 26-18-1 through 26-18-10; <u>a final judgment of a court of this or any other state.</u></p> <p>(2) A parent <u>of the adoptee</u> who has been adjudged incompetent <u>or incapacitated</u> pursuant to law or a parent whom the court finds to be mentally incapable of consenting or relinquishing and whose mental disability is likely to continue for so long a period that it would be detrimental to the adoptee to delay adoption until restoration of the parent's competency or capacity. The court must appoint independent counsel or a guardian ad litem for an incompetent <u>or incapacitated</u> parent for whom there has been no such prior appointment;</p> <p>(3) A parent <u>of an adoptee</u> who has <u>voluntarily</u> relinquished his or her</p>	(none)

<p>(4) A deceased parent or one who is presumed to be deceased under Alabama law;</p> <p>(5) An alleged father who has signed a written statement denying paternity; or</p> <p>(6) The natural father where the natural mother indicates the natural father is unknown, unless the natural father is otherwise made known to the court.</p>	<p>minor child <u>the adoptee</u> to the Department of Human Resources, <u>a similar agency of another state</u>, or a licensed child placing agency for an adoption; <u>unless the relinquishment has been withdrawn in accordance with this chapter or the law of the state in which the relinquishment was made.</u></p> <p>(4) A deceased parent <u>of the adoptee</u> or one <u>a parent of the adoptee</u> who is presumed to be deceased under Alabama law; <u>this or any other state's law.</u></p> <p>(5) An alleged father <u>A putative father of the adoptee</u> who has signed a written statement denying paternity; or.</p> <p>(6) The natural father where the natural mother indicates the natural father is unknown <u>A putative father of the adoptee when the mother swears in an affidavit pursuant to Section 26-10E-16(c) that the putative father is unknown</u>, unless the natural <u>putative</u> father is otherwise made known to the court.</p> <p><u>(7) A putative father of the adoptee who fails to prove his paternity of the adoptee.</u></p> <p><u>(8) A legal father or putative father when clear and convincing evidence is presented to the court that the adoptee</u></p>	
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	<p><u>was conceived by rape, incest, or sexual assault committed by the legal father or putative father, whose crimes are defined by the laws of this state or, if the crime occurred not in this state, the jurisdiction in which the crime occurred.</u></p> <p><u>(9) A parent of the adoptee who has been convicted of child abuse or other felonious acts against the adoptee as defined by the laws of this state or, if the crime occurred not in this state, the jurisdiction in which the crime occurred.</u></p>	

Consent or relinquishment.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-11: (a) A consent or relinquishment shall be in writing, signed by the person consenting or relinquishing, and shall state the following:</p> <ol style="list-style-type: none"> (1) The date, place, and time of execution. (2) The date of birth or if prior to birth expected date of birth of the adoptee and any names by which the adoptee has been known. (3) The relationship of the person consenting or relinquishing to the adoptee. (4) The name of each petitioner, unless (i) the document is relinquishment of the adoptee to an agency, or (ii) the consent contains a statement that the person executing the consent knows that he or she has a right to know the identity of each petitioner but voluntarily waives this right. (5) That the person executing the document is voluntarily and unequivocally consenting to the adoption of the named adoptee. (6) That by signing the document and subsequent court order to ratify the consent, the person executing the document understands that he or she will forfeit all rights and obligations; 	<p>§ 26-10E-11: (a) A An express consent or relinquishment shall be in writing, signed by the person individual consenting or relinquishing, and shall state all of the following:</p> <ol style="list-style-type: none"> (1) The date, place, and time of execution. (2) The date of birth or, if prior to birth, expected date of birth of the adoptee and any names by which the adoptee has been known. (3) The relationship and date of birth of the person consenting or relinquishing to the adoptee. (4) The If the right to know the identity of each petitioner has not been waived, the legal name of each petitioner, unless (i) the document is relinquishment of the adoptee to an agency, or (ii) the consent contains a statement that the person executing the consent knows that he or she has a right to know the identity of each petitioner but voluntarily waives this right. (5) That the person individual executing the document is voluntarily and unequivocally consenting to the adoption of the named adoptee. If the individual executing the document 	<p>§ 26-10F-10: (a) A consent or relinquishment shall be in writing, signed by the person consenting or relinquishing, and shall state the following: All consents must be acknowledged in open court, unless waived by the court for good cause shown.</p> <ol style="list-style-type: none"> (1) The date, place, and time of execution. (2) The date of birth or if prior to birth expected date of birth of the adoptee and any names by which the adoptee has been known. (3) The relationship of the person consenting or relinquishing to the adoptee. (4) The name of each petitioner, unless (i) the document is relinquishment of the adoptee to an agency, or (ii) the consent contains a statement that the person executing the consent knows that he or she has a right to know the identity of each petitioner but voluntarily waives this right. (5) That the person executing the document is voluntarily and unequivocally consenting to the adoption of the named adoptee. (6) That by signing the document and subsequent court order to ratify the

<p>that he or she understands the consent or relinquishment and executes it freely and voluntarily.</p> <p>(7) That the person executing the document understands that the consent may be irrevocable, and should not execute it if he or she needs or desires psychological or legal advice, guidance, or counseling.</p> <p>(8) The address of the court in which the petition for adoption has been or will be filed, if known, and if not known, the name and address of the agency, the petitioners or their attorney on whom notice of the withdrawal of consent may be served.</p> <p>(9) In the case of relinquishment, the name and address of the agency to which the adoptee has been relinquished.</p> <p>(10) That the person executing the same has received or been offered a copy of the consent or relinquishment.</p> <p>(11) That the person executing a relinquishment waives further notice of the adoption proceeding.</p> <p>(12) That the person executing a consent waives further notice of the adoption proceedings, unless there is a contest or appeal of the adoption proceeding.</p> <p>(b) When the person sought to be adopted is an adult, only the sworn, written</p>	<p><u>consents to the adoption of the adoptee by only a designated individual or married couple, the express consent shall specify that the consent only applies to the individual or married couple, as identified by his, her, or their legal names and that the express consent shall not be construed to apply to any other individual seeking to adopt the adoptee.</u></p> <p>(6) That by signing the document and subsequent court order to ratify the consent, the person <u>individual</u> executing the document understands that, <u>except as otherwise provided in this chapter, upon the entry of the final judgment of adoption,</u> he or she will <u>forfeit forfeits</u> all rights and obligations; <u>to the adoptee and</u> that he or she understands the <u>express</u> consent or relinquishment and executes it freely and voluntarily.</p> <p>(7) <u>That the individual signing the document has been advised and understands that his or her express consent or relinquishment may be withdrawn only in the manner, and within the time periods, as provided in Sections 26-10E-13 and 26-10E-14, and that the adoption may not be collaterally attacked after the entry of the final judgment of adoption, except as authorized in this chapter.</u></p>	<p>consent, the person executing the document understands that he or she will forfeit all rights and obligations; that he or she understands the consent or relinquishment and executes it freely and voluntarily.</p> <p>(7) That the person executing the document understands that the consent may be irrevocable, and should not execute it if he or she needs or desires psychological or legal advice, guidance, or counseling.</p> <p>(8) The address of the court in which the petition for adoption has been or will be filed, if known, and if not known, the name and address of the agency, the petitioners or their attorney on whom notice of the withdrawal of consent may be served.</p> <p>(9) In the case of relinquishment, the name and address of the agency to which the adoptee has been relinquished.</p> <p>(10) That the person executing the same has received or been offered a copy of the consent or relinquishment.</p> <p>(11) That the person executing a relinquishment waives further notice of the adoption proceeding.</p> <p>(12) That the person executing a consent waives further notice of the adoption proceedings, unless there is a</p>
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<p>consent of the adult person sought to be adopted shall be required and no order of reference or any home studies need be issued. If the adult person to be adopted has been adjudicated incompetent, the written consent of the adult person's guardian or conservator shall be required. If the adult person is without a spouse, guardian, or conservator and the court has reason to believe that the adult person is incompetent to give consent, the court shall appoint a guardian ad litem who shall investigate the adult person's circumstances and that guardian ad litem shall give or withhold consent. The guardian ad litem shall file a written report stating the basis for the decision and the court shall afford a hearing to all parties to present evidence as to the best interest of the adult person, and if the court determines upon clear and convincing evidence that the decision to withhold consent by the guardian ad litem is arbitrary and is not in the best interests of the incompetent adult person, it may proceed to make any other orders it deems necessary for the adult person's welfare, including granting the petition for adoption.</p>	<p>(8) <u>(8)</u> That the person executing <u>individual signing</u> the document understands that the <u>express</u> consent may be irrevocable, and <u>that the individual</u> should not execute it if he or she needs or desires psychological or legal advice, guidance, or counseling.</p> <p>(8) <u>(9)</u> The address of the court in which the petition for adoption has been or will be filed, if known, and if not known, the name and address of the agency, the petitioners <u>any petitioner</u>, or their attorney <u>the attorney of any petitioner</u> on whom notice of the withdrawal <u>or relinquishment</u> of <u>express</u> consent may be served.</p> <p>(9) <u>(10)</u> In the case of relinquishment, the name and address of the agency to which the adoptee has been relinquished.</p> <p>(10) <u>(11)</u> That the person <u>individual</u> executing the same <u>document</u> has received or <u>has</u> been offered a copy of the <u>express</u> consent or relinquishment <u>and withdrawal form</u>.</p> <p>(11) <u>(12)</u> That the person <u>individual</u> executing a relinquishment waives further notice of the adoption proceeding.</p> <p>(12) That the person <u>individual</u> executing a <u>an express</u> consent waives</p>	<p>contest or appeal of the adoption proceeding.</p> <p>(b) When the person sought to be adopted is an adult, only the sworn, written consent of the adult person sought to be adopted shall be required and no order of reference or any home studies need be issued. If the adult person to be adopted has been adjudicated incompetent, the written consent of the adult person's guardian or conservator shall be required. If the adult person is without a spouse, guardian, or conservator and the court has reason to believe that the adult person is incompetent to give consent, the court shall appoint a guardian ad litem who shall investigate the adult person's circumstances and that guardian ad litem shall give or withhold consent. If a guardian ad litem has been appointed for the adult sought to be adopted, the following procedures apply:</p> <p><u>(1) The guardian ad litem shall file with the court a written report stating the basis for the decision to give or withhold consent.</u></p> <p><u>(2) and the The court shall afford hold a hearing to allow all parties to present evidence as to whether it would be in the best interest interests of the adult person, to be adopted by the petitioner or petitioners.</u></p>
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	<p>further notice of the adoption proceedings; unless there is a contest or appeal of the adoption proceeding.</p> <p>(b) When the person sought to be adopted is an adult, only the sworn, written consent of the adult person sought to be adopted shall be required and no order of reference or any home studies need be issued. If the adult person to be adopted has been adjudicated incompetent, the written consent of the adult person's guardian or conservator shall be required. If the adult person is without a spouse, guardian, or conservator and the court has reason to believe that the adult person is incompetent to give consent, the court shall appoint a guardian ad litem who shall investigate the adult person's circumstances and that guardian ad litem shall give or withhold consent. The guardian ad litem shall file a written report stating the basis for the decision and the court shall afford a hearing to all parties to present evidence as to the best interest of the adult person, and if the court determines upon clear and convincing evidence that the decision to withhold consent by the guardian ad litem is arbitrary and is not in the best interests of the incompetent adult person, it may proceed to make any other orders it deems necessary for the adult person's welfare, including granting the petition for adoption.</p>	<p>(c) and if If the court determines upon clear and convincing evidence that the decision to withhold consent by the guardian ad litem is arbitrary and is not in the best interests of the incompetent adult incapacitated person, it may proceed to make any other orders it deems necessary for the adult person's welfare, including granting the petition for adoption.</p>
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Persons who may take consent or relinquishment; forms.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-12:</p> <p>(a) A consent of the natural mother taken prior to the birth of a child shall be signed or confirmed before a judge of probate. At the time of taking the consent the judge shall explain to the consenting parent the legal effect of signing the document and the time limits and procedures for withdrawal of the consent and shall provide the parent with a form for withdrawing the consent in accordance with the requirements of Sections 26-10A-13 and 26-10A-14.</p> <p>(b) All other pre-birth or post-birth consents or relinquishments shall be signed or confirmed before:</p> <p>(1) A judge or clerk of any court which has jurisdiction over adoption proceedings, or a public officer appointed by such judge for the purpose of taking consents; or</p> <p>(2) A person appointed to take consents who is appointed by any agency which is authorized to conduct investigations or home studies provided by Section 26-10A-19, or, if the consent is taken out of state, by a person appointed to take consents by any agency which is authorized by that state's law to conduct investigations and home studies for adoptions; or</p>	<p>§ 26-10E-12:</p> <p>(a) A <u>An express</u> consent of the natural <u>biological</u> mother taken prior to the birth of a child <u>an adoptee</u> shall be signed or confirmed before a judge of probate. At the time of taking the <u>express</u> consent, the judge shall explain to the consenting parent the legal effect of signing the document and the time limits and procedures for withdrawal of the <u>express</u> consent and shall provide the <u>consenting</u> parent with a <u>two copies of the</u> form for withdrawing the <u>express</u> consent in accordance with the requirements of Sections 26-10A-13 <u>26-10E-13</u> and 26-10A-14 <u>26-10E-14</u>.</p> <p>(b) All <u>Except as provided in subsection (a), all</u> other pre-birth or post-birth <u>express</u> consents or relinquishments <u>regarding the adoptee</u> shall be signed or confirmed before <u>any of the following</u>:</p> <p>(1) A judge or clerk of any court which <u>that</u> has jurisdiction over adoption proceedings; or a public officer appointed by such <u>the</u> judge for the purpose of taking <u>express</u> consents; or.</p> <p>(2) A person <u>An individual</u> appointed to take <u>express</u> consents who is appointed by any agency which <u>that</u> is authorized to conduct investigations or</p>	<p>(none)</p>

<p>(3) A notary public. (c) Except as otherwise provided in subsection (d), the form for the consent or relinquishment or the withdrawal of the consent or relinquishment shall state in substantially the same form as follows:</p> <p>CONSENT OR RELINQUISHMENT OF MINOR FOR ADOPTION THE STATE OF ALABAMA) _____ COUNTY) KNOW ALL MEN BY THESE PRESENT, that: 1. I, _ (name of person consenting or relinquishing) the _____ _____ of (parents, legal guardian, agency) (a) a minor _ (state any names by which the minor has been known) born _____, _____. (or) (b) an unborn child whose expected date of birth is _____, do hereby: (a) consent to the adoption of the said minor by _ (name of petitioners, unless identity waived) (or)</p>	<p>home studies provided by Section 26-10A-19 <u>26-10E-19</u>, or, if the <u>express</u> consent is taken out of state, by a person <u>an individual</u> appointed to take consents by any agency which <u>that</u> is authorized by that state's law to conduct investigations and home studies for adoptions; or.</p> <p>(3) A notary public. (c) Except as otherwise provided in subsection (d), the form for the consent or relinquishment or the withdrawal of the consent or relinquishment shall state in substantially the same form as follows:</p> <p>CONSENT OR RELINQUISHMENT OF MINOR FOR ADOPTION THE STATE OF ALABAMA) _____ COUNTY) KNOW ALL MEN BY THESE PRESENT, that: 1. I, _ (name of person consenting or relinquishing) the _____ _____ of (parents, legal guardian, agency) (a) a minor _ (state any names by which the minor has been known) born _____, _____. (or)</p>	
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<p>(b) relinquish the said minor for the purpose of adoption to _ (name and address of agency) in order that said minor may have all the privileges which may be accorded to (him) (her) by the laws of Alabama upon (his) (her) legal adoption;</p> <p>2. I am executing this document voluntarily and unequivocally thereby [consenting to the adoption of] [relinquishing] said minor;</p> <p>3. I understand that by signing this document and the subsequent court order to ratify the consent, I will forfeit all rights and obligations and that I understand the [consent to the adoption] [relinquishment] and execute it freely and voluntarily;</p> <p>4. I understand that the [consent to the adoption] [relinquishment] may be irrevocable, and I should not execute it if I need or desire psychological or legal advice, guidance or counseling;</p> <p>5. I have received or been offered a copy of this document;</p> <p>6. I waive the right to know the identity of each petitioner who petitions to adopt the said minor child;</p> <p>7. [I waive further notice of the adoption proceedings by the execution of this relinquishment to the named agency]; (or) [I waive further notice of the adoption proceedings by the execution of this</p>	<p>(b) an unborn child whose expected date of birth is _____, do hereby:</p> <p>(a) consent to the adoption of the said minor by — (name of petitioners, unless identity waived) (or)</p> <p>(b) relinquish the said minor for the purpose of adoption to _ (name and address of agency) in order that said minor may have all the privileges which may be accorded to (him) (her) by the laws of Alabama upon (his) (her) legal adoption;</p> <p>2. I am executing this document voluntarily and unequivocally thereby [consenting to the adoption of] [relinquishing] said minor;</p> <p>3. I understand that by signing this document and the subsequent court order to ratify the consent, I will forfeit all rights and obligations and that I understand the [consent to the adoption] [relinquishment] and execute it freely and voluntarily;</p> <p>4. I understand that the [consent to the adoption] [relinquishment] may be irrevocable, and I should not execute it if I need or desire psychological or legal advice, guidance or counseling;</p> <p>5. I have received or been offered a copy of this document;</p>	
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<p>consent, unless there is a contest or appeal of the adoption proceedings]; (or) [I waive further notice of the adoption proceedings by the execution of this consent, unless there is a contest or appeal of the adoption proceedings]; 8. I understand that notice of withdrawal of [consent] [relinquishment] must be mailed to [_, (county where consent or petition is filed if known) Probate Court at the following address _] or [_(name and address of agency with whom document is filed or the _] petitioners or their attorney if county where petition is filed is unknown) and that such withdrawal must be mailed within five days after the birth of said minor or the execution of this document whichever comes last; or [_ (name and address of agency with whom document is filed or the _] petitioners or their attorney if county where petition is filed is unknown) and that such withdrawal must be mailed within five days after the birth of said minor or the execution of this document whichever comes last; 9. I do hereby request that the judge of probate make all such orders and decrees as may be necessary or proper to legally effectuate said adoption.</p>	<p>6. I waive the right to know the identity of each petitioner who petitions to adopt the said minor child; 7. [I waive further notice of the adoption proceedings by the execution of this relinquishment to the named agency]; (or) [I waive further notice of the adoption proceedings by the execution of this consent, unless there is a contest or appeal of the adoption proceedings]; (or) [I waive further notice of the adoption proceedings by the execution of this consent, unless there is a contest or appeal of the adoption proceedings]; 8. I understand that notice of withdrawal of [consent] [relinquishment] must be mailed to [_, (county where consent or petition is filed if known) Probate Court at the following address _] or [_(name and address of agency with whom document is filed or the _] petitioners or their attorney if county where petition is filed is unknown) and that such withdrawal must be mailed within five days after the birth of said minor or the execution of this document whichever comes last; or [_ (name and address of agency with whom document is filed or the _] petitioners or their attorney if county where petition is filed is unknown)</p>	
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<p>I acknowledge receipt of two copies of this document. _____ (SEAL)</p> <p>Date</p> <p>I _____, on this _____ day of _____, _____, at _____ (affiant) _____ a.m./p.m. in the presence of the two witnesses whose (time of day) signatures and addresses are subscribed below, hereby withdraw the adoption [consent] [relinquishment] previously signed by me.</p> <p>Witness Affiant's Signature</p> <p>Address</p> <p>Witness</p> <p>Address</p> <p>(d) The form for the consent or relinquishment or the withdrawal of consent or relinquishment for an adult, adopted or sought to be adopted, shall be</p>	<p>Subscribed, sworn to and acknowledged before me by _____, this _____ day of _____, _____.</p> <p>SEAL</p> <p>(Signed)</p> <p>(Official Capacity of Officer)</p> <p>I acknowledge receipt of two copies of this document.</p> <p>_____ (SEAL)</p> <p>Date</p> <p>I _____, on this _____ day of _____, _____, at _____ (affiant) _____ a.m./p.m. in the presence of the two witnesses whose (time of day) signatures and addresses are subscribed below, hereby withdraw the adoption [consent] [relinquishment] previously signed by me.</p> <p>Witness</p> <p>Affiant's Signature</p> <p>Address</p> <p>Witness</p>	
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developed by the Administrative Office of Courts.	<p>Address</p> <p>(d) <u>(c)</u> The form for the consent or relinquishment or the withdrawal of consent or relinquishment for an adult, adopted or sought to be adopted, shall be developed by the Administrative Office of Courts, <u>in collaboration with the Alabama Law Institute, a division of the Legislative Services Agency shall prepare the forms necessary to meet the requirements of this chapter.</u></p>	
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Time of consent or relinquishment; filing with court.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-13: (a) A consent or relinquishment may be taken at any time, except that once signed or confirmed, may be withdrawn within five days after birth or within five days after signing of the consent or relinquishment, whichever comes last. (b) Consent or relinquishment can be withdrawn if the court finds that the withdrawal is reasonable under the circumstances and consistent with the best interest of the child within 14 days after the birth of the child or within 14 days after signing of the consent or relinquishment, whichever comes last. (c) All consents or relinquishments required by this act shall be filed with the court in which the petition for adoption is pending before the final decree of adoption is entered.</p>	<p>§ 26-10E-13: (a) <u>All existing express consents or relinquishments required by this chapter shall be filed with the probate court along with the petition. Any other express consents or relinquishments required by this chapter and acquired while the petition for adoption is pending shall be filed with the court overseeing the adoption before the final judgment of adoption is entered.</u> (b) A <u>An express</u> consent or relinquishment may be taken at any time, except that, once signed or confirmed, may be withdrawn <u>for any reason</u> within five <u>business</u> days after <u>the birth of the adoptee</u> or within five <u>business</u> days after signing of the <u>express</u> consent or relinquishment, whichever comes last. (b) Consent or relinquishment can be withdrawn if the court finds that the withdrawal is reasonable under the circumstances and consistent with the best interest of the child within 14 days after the birth of the child or within 14 days after signing of the consent or relinquishment, whichever comes last. (c) All consents or relinquishments required by this act shall be filed with the court in which the petition for adoption is</p>	<p>(none)</p>

	pending before the final decree of adoption is entered.	

Withdrawal of consent or relinquishment.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-14:</p> <p>(a) The consent or relinquishment, once signed or confirmed, may not be withdrawn except:</p> <p>(1) As provided in Section 26-10A-13; or</p> <p>(2) At any time until the final decree upon a showing that the consent or relinquishment was obtained by fraud, duress, mistake, or undue influence on the part of a petitioner or his or her agent or the agency to whom or for whose benefit it was given. After one year from the date of final decree of adoption is entered, a consent or relinquishment may not be challenged on any ground, except in cases where the adoptee has been kidnapped.</p> <p>(3) Upon dismissal of the adoption after a contested hearing as provided in Section 26-10A-24.</p> <p>(b) The withdrawal of consent or relinquishment as provided in Section 26-10A-13(a) shall be effected by the affiant signing and dating the withdrawal form provided pursuant to Section 26-10A-12(c) or other written withdrawal of consent containing the information set forth in Section 26-10A-12(c), and by delivering the withdrawal to the court or having the withdrawal postmarked within</p>	<p>§ 26-10E-14:</p> <p>(a) The consent or relinquishment, once signed or confirmed, may not be withdrawn except <u>in one of the following circumstances</u>:</p> <p>(1) As provided in Section 26-10A-13; <u>26-10E-13.</u></p> <p>(2) <u>At When, at</u> any time until <u>before entry of</u> the final decree <u>judgment of adoption,</u> upon a showing <u>the court determines</u> that the <u>express</u> consent or relinquishment was obtained by fraud, duress, mistake, or undue influence on the part of, <u>or on behalf of,</u> a <u>the</u> petitioner; or his or her agent or the agency to whom or for whose benefit it was given. <u>After provided, however, that, after</u> one year from the date of <u>entry of the</u> final decree <u>judgment</u> of adoption is entered <u>and after all appeals, if any, a</u> <u>an express</u> consent or relinquishment may not be challenged on any ground, except in cases <u>of fraud or cases where in which</u> the adoptee has been kidnapped.</p> <p>(3) Upon dismissal <u>denial</u> of the <u>a petition for</u> adoption after a contested hearing <u>case</u> as provided in Section 26-10A-24 <u>under Section 26-10E-24.</u></p> <p>(b) The withdrawal of <u>express</u> consent or relinquishment as provided in Section 26-</p>	<p>(none)</p>

<p>five days of the child's birth or of signing the consent or relinquishment, whichever comes last.</p> <p>(c) The petition to withdraw consent or relinquishment must be in writing, signed by the person seeking to withdraw the consent or relinquishment, dated, and signed by two witnesses.</p> <p>(d) In adjudicating a petition to withdraw a consent or relinquishment, the person seeking to withdraw the consent or relinquishment shall establish the facts necessary to withdraw the consent or relinquishment by a preponderance of the evidence. The court shall not apply any presumption or preference in favor of the natural parents in reviewing an action brought under this section.</p> <p>(e) If the court directs that the consent or relinquishment be withdrawn, the court shall order the minor restored to the custody of his or her parent or parents, the Department of Human Resources or a licensed child placing agency; otherwise, the court shall deny the withdrawal and declare that the consent or relinquishment is final and binding. Any order made by the court upon a petition to withdraw consent or relinquishment under this section shall be deemed a final order for the purpose of filing an appeal under Section 26-10A-26.</p>	<p>10A-13(a) <u>26-10E-13(b)</u> shall be effected become effective by the affiant <u>affiant's</u> signing and dating the withdrawal form provided pursuant to Section 26-10A-12(e) <u>26-10E-12</u>, or other written withdrawal of consent containing the information set forth in Section 26-10A-12(e), and by delivering the withdrawal to the court or having the withdrawal postmarked <u>filing the withdrawal form</u> within five <u>business</u> days of the child's birth or <u>within five business days</u> of signing the <u>express</u> consent or relinquishment, whichever comes last.</p> <p>(c) The petition to withdraw <u>express</u> consent or relinquishment must be in writing, signed <u>executed</u> by the person seeking to withdraw the <u>express</u> consent or relinquishment, dated, and signed by two witnesses <u>or a notary public</u>.</p> <p>(d) In adjudicating a petition to withdraw a <u>an express</u> consent or relinquishment, the <u>court shall require that the</u> person <u>individual</u> seeking to withdraw the <u>express</u> consent or relinquishment shall establish the facts necessary to withdraw the <u>express</u> consent or relinquishment by a preponderance of the evidence. The court shall not apply any presumption or preference in favor of the natural parents in reviewing an action brought under this section.</p>	
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	<p>(e) If the court directs that the <u>express</u> consent or relinquishment be withdrawn, the court shall order the minor <u>child</u> restored to the custody of his or her parent or parents, the <u>county</u> Department of Human Resources, or a licensed child placing agency, <u>as the case may be</u>; otherwise, the court shall deny the withdrawal and declare that the <u>express</u> consent or relinquishment is final and binding. Any order made by the court upon a petition to withdraw <u>express</u> consent or relinquishment under this section shall be deemed a final order <u>judgment</u> for the purpose of filing an appeal under Section 26-10A-26 <u>26-10E-25</u>.</p>	

Surrender of custody of minor under age of majority.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-15:</u> (a) No health facility shall surrender the physical custody of an adoptee to any person other than the Department of Human Resources, a licensed child placing agency, parent, relative by blood or marriage, or person having legal custody, unless such surrender is authorized in a writing executed after the birth of the adoptee by one of the adoptee's parents or agency or the person having legal custody of the adoptee. (b) A health facility shall report to the Department of Human Resources on forms supplied by the department, the name and address of any person and, in the case of a person acting as an agent for an organization, the name and address of the organization to whose physical custody an adoptee is surrendered. Such report shall be transmitted to the department within 48 hours from the surrendering of custody. (c) No adoptee shall be placed with the petitioners prior to the completion of a pre-placement investigation except for good cause shown and with written notice immediately given to the court, and to the county department of human resources.</p>	<p><u>§ 26-10E-15:</u> (a) No health facility shall surrender the physical custody of an adoptee to any person <u>individual or entity</u> other than the <u>county</u> Department of Human Resources <u>(the department)</u>, a licensed child placing agency, parent, relative by blood or marriage, or person <u>individual</u> having legal custody, unless such <u>this</u> surrender is authorized in a writing executed after the birth of the adoptee by one of the adoptee's parents, or the agency, or the person <u>individual</u> having legal custody of the adoptee. (b) A health facility shall report to the <u>county</u> Department of Human Resources, on forms supplied by the department, the name and address of any person <u>individual</u> and, in the case of a person <u>an individual</u> acting as an agent for an organization, the name and address of the organization to whose physical custody an adoptee is surrendered. Such <u>This</u> report shall be transmitted to the department within 48 hours from the surrendering of custody. (c) No adoptee shall be placed with the petitioners prior to the completion of a pre-placement investigation except for good cause shown and with written notice</p>	(none)

	immediately given to the court, and to the county department of human resources.	

Petition.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-16:</u> (a) A petition for adoption shall be filed with the clerk of the court within 30 days after the minor is placed with the prospective adoptive parent or parents for purposes of adoption unless the minor is in custody of the Department of Human Resources or a licensed child placing agency except that a petition for good cause shown may be filed beyond the 30-day period. The petition shall be signed, and verified by each petitioner, and shall allege:</p> <ol style="list-style-type: none"> (1) The full name, age, and place of residence of each petitioner and, if married, the place and date of marriage; (2) The date and place of birth of the adoptee, except in the case of abandonment; (3) The birth name of the adoptee, any other names by which the adoptee has been known, and the adoptee's proposed new name; (4) Where the adoptee is residing at the time of the filing of the petition, and if the minor is not in the custody of a petitioner, when he, she, or they intend to acquire custody; (5) That each petitioner desires to establish a parent and child 	<p><u>§ 26-10E-16:</u> (a) A petition for adoption shall be filed with the clerk of the court within 30 days after the minor is placed with the prospective adoptive parent or parents for purposes of adoption unless the minor is in custody of the Department of Human Resources or a licensed child placing agency except that a petition for good cause shown may be filed beyond the 30-day period. <u>A petition for adoption of an adoptee shall bear the caption “In the Matter of the Adoption Petition of [each named petitioner.]”</u> The <u>completed</u> petition shall be signed, and verified by each petitioner, and shall <u>allege set forth each of the following:</u></p> <ol style="list-style-type: none"> (1) The full name, <u>age date of birth,</u> and place of residence, <u>and relationship to the adoptee</u> of each petitioner, and, if <u>the petitioners are</u> married, the place and date of <u>their</u> marriage; (2) The date and place of birth of the adoptee, except in the case of abandonment; <u>if known.</u> (3) The birth name of the adoptee, any other names by which the adoptee has been known, and the adoptee's proposed new name <u>by which the adoptee shall be known;</u> 	<p><u>§ 26-10F-8:</u> (a) A petition for adoption shall be filed with the clerk of the court within 30 days after the minor is placed with the prospective adoptive parent or parents for purposes of adoption unless the minor is in custody of the Department of Human Resources or a licensed child placing agency except that a petition for good cause shown may be filed beyond the 30-day period. The petition shall be signed, and verified by each petitioner, and shall allege <u>all of the following:</u></p> <ol style="list-style-type: none"> (1) The full name, <u>age date and place of birth,</u> and place of residence of each petitioner and, if married, the place and date of marriage; (2) The date and place of birth of the adoptee, except in the case of abandonment; (3) The birth name of the adoptee, any other names by which the adoptee has been known, and the adoptee's proposed new name; (4) Where the adoptee is residing at the time of the filing of the petition, and if the minor is not in the custody of a petitioner, when he, she, or they intend to acquire custody; (5) That each petitioner desires to establish a <u>legal</u> parent and child

<p>relationship between himself or herself and the adoptee and that he or she is a fit and proper person able to care for and provide for the adoptee's welfare;</p> <p>(6) The existence and nature of any prior court orders known to the petitioner which affect the custody, visitation, or access to the adoptee;</p> <p>(7) The relationship, if any, of each petitioner to the adoptee;</p> <p>(8) The name and address of the placing agency, if any; and</p> <p>(9) The names and addresses of all persons known to the petitioner at the time of filing from whom consents or relinquishment to the adoption are required;</p> <p>(b) The caption of a petition for adoption shall be styled "In the Matter of the Adoption Petition of _____." Each petitioner shall be designated in the caption.</p> <p>(c) The petition shall be accompanied by a copy of the child's birth certificate or affidavit stating that application for a birth certificate has been made except in cases where the child has been abandoned.</p>	<p>(4) Where the adoptee is residing at the time of the filing of the petition, and if the minor is not in the custody of a petitioner, when he, she, or they intend to acquire custody; <u>That the physical custody of the adoptee has been placed with the petitioner or petitioners for the purpose of adoption and that the adoptee has been residing with the petitioner or petitioners since a specified date, or a statement of good cause as to why placement and physical custody is not required or should be excused or waived.</u></p> <p>(5) That each petitioner desires the petitioner or petitioners desire to establish a parent and child relationship between himself or herself and the adoptee and that he or she is a fit and proper person <u>individual</u> able to care for and provide for the adoptee's welfare;.</p> <p>(6) The existence and nature of any prior court orders <u>or pending judicial proceedings</u> known to the petitioner or petitioners <u>which that</u> affect the custody, visitation with, or access to <u>parentage of,</u> the adoptee;.</p> <p>(7) The relationship, if any, of each petitioner to the adoptee; <u>The name and address of the licensed child placing agency, if any.</u></p>	<p>relationship between himself or herself and the adoptee and that he or she is a fit and proper person able to care for and provide for the adoptee's welfare;.</p> <p>(6) The existence and nature of any prior court orders known to the petitioner which <u>could</u> affect the custody, visitation, or access to <u>adoption of</u> the adoptee;.</p> <p>(7) The relationship, if any, of each petitioner to the adoptee;.</p> <p>(8) The name and address of the placing <u>any</u> agency, if any; and, <u>providing care for the adoptee.</u></p> <p>(9) The names and addresses of all persons <u>individuals</u> known to the petitioner at the time of filing from whom consents or relinquishment <u>notices</u> to the adoption are required;.</p> <p><u>(10) The name and address of the spouse of the adoptee, if any.</u></p> <p>(b) The caption of a petition for <u>adult</u> adoption shall be styled "In the Matter of the Adoption Petition of _____." Each petitioner shall be designated in the caption. <u>There shall be no more than two petitioners.</u></p> <p>(c) The petition shall be accompanied by a copy of the child's birth certificate or affidavit stating that application for a birth certificate has been made except in cases where the child has been abandoned. <u>each of the following:</u></p>
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	<p>(8) The name and address of the placing agency, if any; and <u>The names and addresses of all individuals or agencies known to the petitioner or petitioners at the time of filing from whom consents or relinquishments to the adoption are required and whether the individuals or agencies have given express or implied consent to the adoption.</u></p> <p>(9) The names and addresses of all persons <u>other individuals or agencies known to the petitioner at the time of filing from whom consents or relinquishment to the adoption are required; or petitioners who are entitled to notice of the adoption proceedings under Section 26-10E-17/</u></p> <p>(b) The caption of a petition for adoption shall be styled “In the Matter of the Adoption Petition of _____.” Each petitioner shall be designated in the caption. <u>The petitioner or petitioners shall attach each of the following to the petition:</u></p> <p><u>(1) A government-issued document bearing photographic identification of each petitioner.</u></p> <p><u>(2) If the petitioners are married, a certified document establishing proof of marriage or an affidavit of their common law marriage.</u></p>	<p><u>(1) A certified copy of the adoptee’s birth certificate.</u></p> <p><u>(2) Certified documentation which establishes proof of a marriage of the adoptee, if applicable.</u></p> <p><u>(3) Certified documentation which establishes proof of a marriage of the petitioners, if applicable.</u></p> <p><u>(4) Should common law marriage be alleged, any documentation upon which the petitioners rely to prove the existence of the common law marriage.</u></p>
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	<p><u>(3) A certified copy of the adoptee's birth certificate issued within six months of the date of the filing of the petition or an affidavit stating that application for the birth certificate has been made.</u></p> <p><u>(4) Any written authorization allowing the adoptee to be placed in the home of the petitioner or petitioners.</u></p> <p><u>(5) A copy of any court orders affecting the custody, visitation with, or parentage of, the adoptee accessible to the petitioner or petitioners.</u></p> <p><u>(6) Any and all existing express consents and relinquishments upon which the petitioner or petitioners rely for the adoption.</u></p> <p><u>(7) If a pre-placement investigation is required under this chapter, a copy of the pre-placement investigation report.</u></p> <p><u>(8) An accounting of all anticipated costs and expenses for the adoption.</u></p> <p>(c) The petition shall be accompanied by a copy of the child's birth certificate or affidavit stating that application for a birth certificate has been made except in cases where the child has been abandoned. <u>In the case of an unknown father, a verified affidavit signed by the biological mother, under penalty of perjury, setting forth the following information shall be attached to the petition, unless the whereabouts of the mother are unknown, she is deceased, or</u></p>	
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the parental rights of the mother have been previously terminated as to the adoptee:

(1) Whether the mother was married at the probable time of conception of the adoptee, or at a later time, and if so, the identity and last known address of her husband.

(2) Whether the mother was cohabitating with a man at the probable time of conception of the adoptee, and, if so, the identity of the man, his last known address, and why the mother contends the man is not the legal father or putative father of the adoptee.

(3) Whether the mother has received payments or promise of support from any man with respect to the adoptee or her pregnancy, the identity of the man, his last known address, and why the mother contends the man is not the legal father or putative father of the adoptee.

(4) Whether the mother has named any man as the father on the birth certificate of the adoptee or in connection with applying for or receiving public assistance, and if so, the identity of the man, his last known address, and why the mother contends the man is not the legal father or putative father of the adoptee.

	<p><u>(5) Whether the mother identified any man as the legal father or putative father of the adoptee to any hospital, and, if so, the identity of the man, his last known address, the name and address of the hospital, and why the mother contends the man is not the legal father or putative father of the adoptee.</u></p> <p><u>(6) Whether the mother has informed any man that he may be the legal father or putative father of the adoptee, and, if so, the identity of the man, his last known address, and why the mother contends the man is not the legal father or putative father of the adoptee.</u></p> <p><u>(7) Whether any man has formally or informally acknowledged or claimed paternity of the adoptee in any jurisdiction at the time of the inquiry, and if so, the identity of the man, his last known address, and why the mother contends the man is not the legal father or putative father of the adoptee.</u></p> <p><u>(8) That the mother has been informed that her statement concerning the identity of the legal father or putative father will be used only for the limited purpose of adoption and, once the adoption is complete, that such identity will be sealed.</u></p>	
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	<p><u>(9) That the mother acknowledges she is aware of the remedies available to her for protection from abuse pursuant to Alabama law, commencing with Section 30-5-1.</u></p> <p><u>(d) The petition, the various documents attached thereto as required by this section, or an appendix signed by counsel or other credible individuals shall fully disclose all that is known about the biological parentage of the adoptee.</u></p> <p><u>(e) Except in cases governed by Section 26-10E-26 or Section 26-10E-27, the petition for adoption shall be filed with the clerk of the probate court within 60 days after the adoptee is physically placed with the petitioner or petitioners for purposes of adoption unless the adoptee is in the custody of the Department of Human Resources, a licensed child placing agency, or is currently receiving care in a medical facility, except that, for good cause shown, a petition may be filed beyond the 60-day period. In cases governed Sections 26-10E-26 or 26-10E-27, the petition may be filed at any time.</u></p>	
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Notice of petition.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-17:</u> (a) Unless service has been previously waived, notice of pendency of the adoption proceeding shall be served by the petitioner on:</p> <ol style="list-style-type: none"> (1) Any person, agency, or institution whose consent or relinquishment is required by Section 26-10A-7, unless parental rights have been terminated pursuant to Section 12-15-319. (2) The legally appointed custodian or guardian of the adoptee. (3) The spouse of any petitioner who has not joined in the petition. (4) The spouse of the adoptee. (5) The surviving parent or parents of a deceased parent of the adoptee unless parental rights have been terminated pursuant to Section 12-15-319. (6) Any person known to the petitioners as currently having physical custody of the adoptee, excluding foster parents or other private licensed agencies, or having visitation rights with the adoptee under an existing court order. (7) The agency or individual authorized to investigate the adoption under Section 26-10A-19. 	<p><u>§ 26-10E-17:</u> (a) Unless service has been previously waived <u>as provided in subsection (d)</u>, notice of pendency of the <u>an</u> adoption proceeding shall be served by the petitioner on <u>each of the following</u>:</p> <ol style="list-style-type: none"> (1) Any person <u>individual</u>, agency, or institution whose consent or relinquishment is required by Section 26-10A-7, unless parental rights have been terminated pursuant to Section 12-15-319. (2) The legally appointed custodian or guardian <u>legal father</u> of the adoptee. (3) The spouse of any petitioner who has not joined in the petition. <u>putative father of the adoptee, if made known to the court, provided the putative father has complied with Section 26-10C-1.</u> (4) The spouse <u>legal custodian or guardian</u> of the adoptee. (5) The surviving parent or parents of a deceased parent of the adoptee unless parental rights have been terminated pursuant to Section 12-15-319 <u>spouse of a petitioner who is a stepparent unless express consent is attached to the petition.</u> (6) Any person known to the petitioners as currently having 	<p><u>§ 26-10F-9:</u> (a) Unless service has been previously waived, notice of pendency of the adoption proceeding shall be served by the petitioner on <u>each of the following</u>:</p> <ol style="list-style-type: none"> (1) Any person, agency, or institution <u>individual</u> whose consent or relinquishment is required by Section 26-10A-7, unless parental rights have been terminated pursuant to Section 12-15-319 <u>26-10F-7.</u> (2) The <u>Any</u> legally appointed custodian or guardian of the adoptee. (3) The spouse of any petitioner who has not joined in the petition. (4) The spouse of the adoptee, <u>if the adoptee is married.</u> (5) (4) The surviving <u>Any biological or legal</u> parent or parents of a deceased parent of the adoptee unless parental rights have been terminated pursuant to Section 12-15-319. (6) (5) Any person <u>individual or entity</u> known to the petitioners <u>any petitioner</u> as currently having physical custody of the adoptee, excluding foster parents or other private licensed agencies, or having visitation rights with the adoptee under an existing court order <u>if the adoptee is alleged to be an individual with a total and</u>

<p>(8) Any other person designated by the court.</p> <p>(9) The State of Alabama Department of Human Resources.</p> <p>(10) The father and putative father of the adoptee if made known by the mother or otherwise known by the court unless the court finds that the father or putative father has given implied consent to the adoption, as defined in Section 26-10A-9, or unless parental rights have been terminated pursuant to Section 12-15-319.</p> <p>(b) The notice shall specifically state that the person served must respond to the petitioner within 30 days if he or she intends to contest the adoption. A copy of the petition for adoption shall be delivered to those individuals or agencies in subdivisions (a)(2) through (a)(10). Any notice required by this chapter may be served on a natural parent prior to birth.</p> <p>(c) Service of the notice shall be made in the following manner:</p> <p>(1) Service of process shall be made in accordance with the Alabama Rules of Civil Procedure except as otherwise provided by the Alabama Rules of Juvenile Procedure. If the identity or whereabouts of the parent is unknown, or if one parent fails or refuses to disclose the identity or whereabouts of the other parent, the court shall then</p>	<p>physical custody of the adoptee, excluding foster parents or other private licensed agencies, or having visitation rights with the adoptee under an existing court order. <u>A grandparent of the adoptee if the grandparent's child is a deceased parent of the adoptee and, before his or her death, the deceased parent had not executed an express consent or relinquishment or the deceased parent's parental relationship to the adoptee had not been otherwise terminated.</u></p> <p>(7) The agency or individual authorized to investigate the adoption under Section 26-10A-19. <u>Any person known to the petitioner or petitioners as currently having physical custody of the adoptee or having visitation rights with the adoptee under an existing court order.</u></p> <p>(8) Any other person designated by the court. <u>The agency or individual authorized to investigate 727 the adoption under Section 26-10E-19.</u></p> <p>(9) The State of Alabama Department of Human Resources.</p> <p>(10) The father and putative father of the adoptee if made known by the mother or otherwise known by the court unless the court finds that the father or putative father has given</p>	<p><u>permanent disability or alleged to be an incapacitated person.</u></p> <p><u>(6) The Department of Human Resources.</u></p> <p>(7) The agency or individual authorized to investigate the adoption under Section 26-10A-19.</p> <p>(8) Any other person <u>individual</u> designated by the court.</p> <p>(9) The State of Alabama Department of Human Resources.</p> <p>(10) The father and putative father of the adoptee if made known by the mother or otherwise known by the court unless the court finds that the father or putative father has given implied consent to the adoption, as defined in Section 26-10A-9, or unless parental rights have been terminated pursuant to Section 12-15-319.</p> <p>(b) The notice shall specifically state that the person served must respond to the petitioner within 30 days if he or she intends to contest the adoption. A copy of the petition <u>notice</u> for adoption shall be delivered to <u>served upon</u> those individuals or agencies in subdivisions (a)(2) through (a)(10) <u>subsection (a)</u>. Any notice required by this chapter may be served on a natural parent prior to birth. <u>The form for the notice shall be developed jointly by the Administrative Office of the Courts and the Alabama Law Institute.</u></p>
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<p>issue an order providing for service by publication, by posting, or by any other substituted service.</p> <p>(2) As to the agency or individual referred to in subdivisions (a)(7) and (a)(9), notice shall be by certified mail.</p> <p>(3) As to any other person for whom notice is required under subsection (a), service by certified mail, return receipt requested, shall be sufficient. If such service cannot be completed after two attempts, the court shall issue an order providing for service by publication, by posting, or by any other substituted service.</p> <p>(d) The notice required by this section may be waived in writing by the person entitled to receive notice.</p> <p>(e) Proof of service of the notice on all persons for whom notice is required by this section must be filed with the court before the adjudicational hearing, provided in Section 26-10A-24.</p>	<p>implied consent to the adoption, as defined in Section 26-10A-9, or unless parental rights have been terminated pursuant to Section 12-15-319. <u>If the adoptee is in foster care, the director of the county Department of Human Resources with legal custody of the adoptee.</u></p> <p><u>(11) Any other person designated by the court.</u></p> <p>(b) The notice shall specifically state that the person served must respond to the petitioner within 30 days if he or she intends to contest the adoption. A copy of the petition for adoption shall be delivered to those individuals or agencies in subdivisions (a)(2) through (a)(10). Any notice required by this chapter may be served on a natural parent prior to birth. <u>contain all of the following information:</u></p> <p><u>(1) That a petition for adoption of the adoptee has been filed in the probate court.</u></p> <p><u>(2) That the notified party may appear in the adoption proceeding to contest or to support the petition.</u></p> <p><u>(3) That the notified party has 30 days from the time of proper service of the notice to respond to the notice.</u></p> <p><u>(4) That, if the notified party fails to respond within 30 days of proper service, the court may construe that failure as an implied consent to the</u></p>	<p>(c) Service of the notice shall be made in the following manner:</p> <p>(1) Service of process shall be made in accordance with the Alabama Rules of Civil Procedure except as otherwise provided by the Alabama Rules of Juvenile Procedure. If the identity or whereabouts of the parent <u>person whose consent is required under this chapter</u> is unknown, or if one parent fails or refuses to disclose the identity or whereabouts of the other parent, the court shall then issue an order providing for service by publication, by posting, or by any other substituted service.</p> <p>(2) As to the agency or individual referred to in subdivisions (a)(7) and (a)(9) <u>subsection (a)(6)</u>, notice shall be by certified mail.</p> <p>(3) As to any other person <u>or entity</u> for whom notice is required under subsection (a)(7), service by certified mail, return receipt requested, shall be sufficient. If such service cannot be completed after two attempts, the court shall issue an order providing for service by publication, by posting, or by any other substituted service.</p> <p>(d) The notice required by this section may be waived in writing by the person entitled to receive notice.</p>
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	<p><u>adoption and as a waiver of a right to appear and of further notice of the adoption proceedings.</u></p> <p><u>(5) That, if the adoption is approved, the parental rights of the notified party, if any, will be considered terminated.</u></p> <p>(c) Service of the notice shall be made in the following manner:</p> <p>(1) Service of process shall be made in accordance with the Alabama Rules of Civil Procedure except as <u>unless</u> otherwise provided by the Alabama Rules of Juvenile Procedure <u>herein</u>. If the identity or whereabouts of the parent is unknown, or if one parent fails or refuses to disclose the identity or whereabouts of the other parent, the court shall then issue an order providing for service by publication, by posting, or by any other substituted service. Service on the parties designated in subdivisions (a)(8), (a)(9), and (a)(10) shall be by certified mail. As to any other individual, agency, or institution for whom notice is required under subsection (a), service by certified mail, return receipt requested, shall be sufficient. If this service cannot be completed after two attempts, upon motion and affidavit, the court shall issue an order providing for one of the following:</p> <p>a. Service by publication.</p>	<p>(e) Proof of service of the notice on all persons for whom notice is required by this section must be filed with the court before the adjudicational <u>dispositional</u> hearing, provided in Section 26-10A-24 <u>26-10F-13</u>.</p>
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	<p>b. Posting notice in the courthouse of the court exercising jurisdiction over the adoption proceedings and in the courthouse of the probate court of the county of the last known address.</p> <p>c. Any other substituted service as determined by the court.</p> <p>(2) As to the agency or individual referred to in subdivisions (a)(7) and (a)(9), notice shall be by certified mail.</p> <p>(3) As to any other person for whom notice is required under subsection (a), service by certified mail, return receipt requested, shall be sufficient. If such service cannot be completed after two attempts, the court shall issue an order providing for service by publication, by posting, or by any other substituted service.</p> <p>(d) <u>Service by publication shall be made in the county of the last known address of the mother and the legal or putative father unless no newspaper of general circulation exists in the county, in which case service by publication shall be made in a newspaper with general circulation in that county.</u></p> <p>(e) The notice required by this section may be waived in writing by the person entitled to receive notice. <u>A party listed in subdivisions (a)(8), (a)(9), and (a)(10)</u></p>	
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	<p><u>may appoint an employee to waive notice on its behalf.</u></p> <p>(e) (f) Proof of service of the notice on all persons for whom notice is required by this section must be filed with the court before the adjudicational <u>adjudicatory</u> hearing, <u>of a contest case</u> provided in Section 26-10A-24 <u>26-10E-23</u>.</p>	

Custody pending final decree.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-18:</u> Once a petitioner has received the adoptee into his or her home for the purposes of adoption and a petition for adoption has been filed, an interlocutory decree shall be entered delegating to the petitioner (1) custody, except custody shall be retained by the Department of Human Resources or the licensed child placing agency which held custody at the time of the placement until the entry of the final decree and (2) the responsibility for the care, maintenance, and support of the adoptee, including any necessary medical or surgical treatment, pending further order of the court. This interlocutory decree shall not stop the running of time periods prescribed in Section 26-10A-9.</p>	<p><u>§ 26-10E-18:</u> <u>(a)</u> Once a petitioner <u>or petitioners</u> has received the <u>an</u> adoptee into his or her home for the purpose <u>purpose</u> of adoption and a petition for adoption has been filed, an interlocutory decree shall <u>may</u> be entered delegating to the petitioner <u>or petitioners both of the following:</u> (1) <u>Physical</u> custody, except <u>legal</u> custody shall be retained by the <u>county</u> Department of Human Resources or the licensed child placing agency which held <u>legal</u> custody at the time of the placement until the entry of the final decree and <u>judgment of adoption.</u> (2) the <u>The</u> responsibility for the care, maintenance, and support of the adoptee, including any necessary medical or surgical treatment, pending further order of the court. <u>(b)</u> This interlocutory decree shall not stop the running of time periods prescribed in Section 26-10A-9 <u>26-10E-9.</u></p>	<p>(none)</p>

Investigation.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-19:</u> (a) A pre-placement investigation shall be made to determine the suitability of each petitioner and the home in which the adoptee will be placed. The investigation shall include a criminal background investigation and any other circumstances which might be relevant to the placement of an adoptee with the petitioners. A copy of the pre-placement investigation shall be filed with the court when the petition for adoption is filed. (b) An individual or couple may initiate a pre-placement investigation by request directly through the Department of Human Resources or a licensed child placing agency or by filing a request with the probate court. The court may appoint any agency or individual qualified under subsection (d) to perform the pre-placement investigation. Upon completion of the investigation, a copy of the report shall be sent to the petitioners. The report is to be filed with the court at the time of the filing of the petition for adoption. (c) Unless a pre-placement investigation has been performed within 24 months of the petition or an investigation is dispensed with by court order for good cause shown on the record, no decree for the adoption of any adoptee shall be</p>	<p><u>§ 26-10E-19:</u> (a) A pre-placement investigation shall be made completed to determine the suitability of each petitioner and the home in which the adoptee will be placed. The pre-placement investigation shall include a criminal background investigation and any other circumstances which might be relevant to the placement of an adoptee with the petitioner or petitioners. A copy of the pre-placement investigation shall be filed with the court when the petition for adoption is filed. The investigation must include, but is not limited to, all the following: <u>(1) Letters of suitability for each adult living in the home of the petitioner or petitioners based on the information available in this state or the petitioner's place of residence if other than this state. For the purposes of this section, the term "letters of suitability" refers to the Federal Bureau of Investigation and the State Bureau of Investigation clearances.</u> <u>(2) Child abuse and neglect clearances pursuant to the Adam Walsh Act, Public Law 109-248, for all household members 14 years of age and older from any state in which any petitioner has resided for five years or more.</u></p>	<p><u>§ 26-10F-11:</u> (a) A pre-placement investigation shall be made to determine the suitability of each petitioner and the home in which the adoptee will be placed. The investigation shall include a criminal background investigation and any other circumstances which might be relevant to the placement of an adoptee with the petitioners. A copy of the pre-placement investigation shall be filed with the court when the petition for adoption is filed. <u>No investigation shall be required in any adult adoption unless ordered by the court to determine if the best interests of the adoptee will be served by granting the petition for adoption. The court shall determine the scope of the investigation.</u> (b) An individual or couple may initiate a pre-placement investigation by request directly through the Department of Human Resources or a licensed child placing agency or by filing a request with the probate court. The court may appoint any agency or individual qualified under subsection (d) to perform the pre-placement investigation. Upon completion of the investigation, a copy of the report shall be sent to the petitioners. The report is to be filed with the court at the time of the filing of the petition for adoption. <u>If</u></p>

<p>entered until a full post-placement investigation ordered by the court has been made concerning:</p> <p>(1) The suitability of each petitioner, and his, her, or their home for the adoptee;</p> <p>(2) Why the natural parents, if living, desire to be relieved of the care, support, and guardianship of such minor;</p> <p>(3) Whether the natural parents have abandoned such minor or are otherwise unsuited to have its custody;</p> <p>(4) Any orders, judgments, or decrees affecting the adoptee or any children of the petitioner;</p> <p>(5) Any property owned by the adoptee;</p> <p>(6) The medical histories, both physical and mental, of the adoptee and the biological parents. This history shall be provided to the petitioner in writing before the decree is entered;</p> <p>(7) Criminal background investigations;</p> <p>(8) The costs and expenses connected with the adoption; and</p> <p>(9) Any other circumstances which may be relevant to the placement of the adoptee with the petitioners.</p> <p>(d)</p>	<p><u>(3) The anticipated costs and expenses related to the adoption.</u></p> <p><u>(4) Any agency and social worker licenses.</u></p> <p><u>(5) Six reference letters, four unrelated to the petitioner or petitioners by blood or marriage and two related to the petitioner or petitioners by blood or marriage. If there are two petitioners, one related reference letter shall be written by a member of each petitioner's family.</u></p> <p><u>(6) Medical reports on all individuals living in the home, and letters from any prescribing doctors for any controlled substance prescriptions.</u></p> <p><u>(7) The financial worksheets for each petitioner for the previous tax year or a copy of the previous year's tax returns.</u></p> <p><u>(8) Copies of each petitioner's birth certificates and marriage licenses.</u></p> <p><u>(9) Copies of current pet vaccinations.</u></p> <p><u>(10) Copies of any divorce decrees, if applicable.</u></p> <p><u>(11) Copies of any death certificates, if applicable.</u></p> <p><u>(12) Verification of who will do supervisory visits, if applicable.</u></p> <p><u>(13) A written biography of each petitioner, including medical and social history.</u></p> <p><u>(14) A home safety inspection indicating that the home of the</u></p>	<p><u>the probate court in which a petition for the adoption of an adult is filed considers an investigation to be a necessity, the probate court may order either of the following:</u></p> <p><u>(1) The type of investigation that is conducted in an adoption of a minor adoptee, pursuant to 26-10E-19.</u></p> <p><u>(2) Any other inquiry which the court considers advisable.</u></p> <p>(c) Unless a pre-placement investigation has been performed within 24 months of the petition or an investigation is dispensed with by court order for good cause shown on the record, no decree for the adoption of any adoptee shall be entered until a full post-placement investigation ordered by the court has been made concerning: <u>Any investigation ordered by the court will be performed by the Department of Human Resources or anyone appointed by the court who the court deems as qualified and appropriate based on the scope of the investigation.</u></p> <p><u>(1) The suitability of each petitioner, and his, her, or their home for the adoptee;</u></p> <p><u>(2) Why the natural parents, if living, desire to be relieved of the care, support, and guardianship of such minor;</u></p>
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<p>(1) A pre-placement investigation or a post-placement investigation must be performed by one of the following:</p> <ul style="list-style-type: none"> a. The Department of Human Resources; b. A licensed child placing agency; c. An individual or agency licensed by the department to perform investigations; or d. An individual appointed by the court who is a social worker licensed by the State Board of Social Work Examiners or a social worker II or above who is under the state Merit System who is also certified by the State Board of Social Work Examiners for private independent practice in the social casework specialty, as provided for in Section 34-30-3. <p>(2) Notwithstanding subdivision (d)(1), the court on its own motion may order the post-placement investigation be performed by an agency or individual other than the agency placing the adoptee, when the court has cause to believe the investigation is insufficient.</p> <p>(e) In every adoption proceeding, after a child has been placed in the home, in the post-placement investigation an investigator must observe the adoptee and interview the petitioner in their home as</p>	<p><u>petitioner or petitioners is safe for the adoptee's residency.</u></p> <p><u>(15) Any other requirement pursuant to Title 660 of the Alabama Administrative Code or any other rule adopted by the Department of Human Resources.</u></p> <p>(b) An individual or <u>married</u> couple may initiate a pre-placement investigation by request directly through <u>either of the following individuals:</u> Department of Human Resources or a licensed child placing agency or by filing a request with the probate court. The court may appoint any agency or individual qualified under subsection (d) to perform the pre-placement investigation. Upon completion of the investigation, a copy of the report shall be sent to the petitioners. The report is to be filed with the court at the time of the filing of the petition for adoption.</p> <p><u>(1) Anyone authorized in the jurisdiction in which the petitioner or petitioners reside.</u></p> <p><u>(2) Anyone approved by the probate court under the qualifications of subsection (f) to perform the pre-placement investigation.</u></p> <p>(c) <u>Notwithstanding subdivision (b)(1), the court on its own motion may order the pre-placement investigation be performed by an agency or individual other than the agency placing the adoptee.</u></p>	<p>(3) Whether the natural parents have abandoned such minor or are otherwise unsuited to have its custody;</p> <p>(4) Any orders, judgments, or decrees affecting the adoptee or any children of the petitioner;</p> <p>(5) Any property owned by the adoptee;</p> <p>(6) The medical histories, both physical and mental, of the adoptee and the biological parents. This history shall be provided to the petitioner in writing before the decree is entered;</p> <p>(7) Criminal background investigations;</p> <p>(8) The costs and expenses connected with the adoption; and</p> <p>(9) Any other circumstances which may be relevant to the placement of the adoptee with the petitioners.</p> <p>(d)</p> <p>(1) A pre placement investigation or a post placement investigation must be performed by one of the following:</p> <ul style="list-style-type: none"> a. The Department of Human Resources; b. A licensed child placing agency; c. An individual or agency licensed by the department to perform investigations; or d. An individual appointed by the court who is a social worker licensed by the State Board of
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soon as possible after notice of the placement but in any event within 45 days after the placement.

(f) The investigator shall complete and file his or her written report with the court within 60 days from receipt of notice of the proceeding and shall deliver a copy of the report to the petitioner's attorney or to each petitioner if he or she is appearing pro se. The investigation shall include a verification of all allegations of the petition. The report shall include sufficient facts for the court to determine whether there has been compliance with consent or relinquishment provisions of this chapter. The post-placement investigation shall include all of the information enumerated within subdivisions (c)(1) through (c)(9) that was not obtained in the pre-placement investigation required under subsection (a).

(g) Upon a showing of a good cause and after notice to the petitioners, the court may grant extensions of time to the investigator to file his or her investigation.

(h) Notwithstanding this section no investigations shall be required for those adoptions under Sections 26-10A-27 and 26-10A-28.

(i) When the investigation has been conducted, the investigatory report shall

(d) Upon completion of the pre-placement investigation, a copy of the pre-placement investigative report shall be sent to the petitioner or petitioners. The pre-placement investigative report is to be filed with the court at the time of the filing of the petition for adoption unless the court grants leave to file the report after the filing of the petition for good cause shown on the record. The pre-placement investigation must be performed within 12 months of the filing of the petition for adoption.

(e) Unless a pre-placement investigation has been performed within 24 months of the petition or an investigation is dispensed with by court order for good cause shown on the record, no decree **No judgment** for the adoption of any adoptee shall be entered until a full post-placement investigation ordered by the court investigative report has been made completed and filed with the court concerning all of the following:

(1) The suitability of each petitioner, and his, her, or their home for the adoptee;

(2) Why the natural **biological parents or legal** parents, if living, desire to be relieved of the care, support, and guardianship of such minor; **the adoptee.**

~~Social Work Examiners or a social worker II or above who is under the state Merit System who is also certified by the State Board of Social Work Examiners for private independent practice in the social casework specialty, as provided for in Section 34-30-3.~~

~~(2) Notwithstanding subdivision~~

~~(d)(1), the court on its own motion may order the post-placement investigation be performed by an agency or individual other than the agency placing the adoptee, when the court has cause to believe the investigation is insufficient.~~

~~(e) In every adoption proceeding, after a child has been placed in the home, in the post-placement investigation an investigator must observe the adoptee and interview the petitioner in their home as soon as possible after notice of the placement but in any event within 45 days after the placement.~~

~~(f) The investigator shall complete and file his or her written report with the court within 60 days from receipt of notice of the proceeding and shall deliver a copy of the report to the petitioner's attorney or to each petitioner if he or she is appearing pro se. The investigation shall include a verification of all allegations of the petition. The report shall include~~

<p>not be conclusive but may be considered along with other evidence.</p>	<p>(3) <u>(2)</u> Whether the natural <u>biological parents or legal</u> parents have abandoned such minor <u>the adoptee</u> or are otherwise unsuited to have its <u>custody; custody of the adoptee.</u></p> <p>(4) <u>(3)</u> Any orders, judgments, or decrees affecting the <u>custody of the adoptee</u> or any children of the <u>any</u> petitioner; <u>as can be determined by a due diligence search.</u></p> <p>(5) <u>(4)</u> Any property owned by the adoptee;.</p> <p>(6) <u>(5)</u> The <u>updated</u> medical <u>and mental health</u> histories, both physical and mental, of the adoptee and the biological parents. This history <u>These documents</u> shall <u>also</u> be provided to the petitioner <u>or petitioners</u> in writing before the <u>final</u> decree is entered;.</p> <p><u>(6)</u> <u>The updated medical and mental health histories of the adoptee's biological parents.</u></p> <p>(7) <u>Criminal background investigations;</u></p> <p>(8) <u>The costs and expenses connected with the adoption; and</u></p> <p>(9) Any other circumstances which may be relevant to the placement of the adoptee with the <u>petitioner or petitioners.</u></p> <p><u>(8)</u> <u>The updated letters of suitability, the updated Child Abuse and Neglect Clearances, updated criminal records</u></p>	<p>sufficient facts for the court to determine whether there has been compliance with consent or relinquishment provisions of this chapter. The post placement investigation shall include all of the information enumerated within subdivisions (c)(1) through (c)(9) that was not obtained in the pre placement investigation required under subsection (a).</p> <p>(g) Upon a showing of a good cause and after notice to the petitioners, the court may grant extensions of time to the investigator to file his or her investigation.</p> <p>(h) Notwithstanding this section no investigations shall be required for those adoptions under Sections 26-10A-27 and 26-10A-28.</p> <p>(i) When the investigation has been conducted, the investigatory report shall not be conclusive but may be considered along with other evidence.</p>
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	<p><u>from the county in which the petitioner or petitioners have resided for the two years prior to the finalization of the adoption, and updated results from the National Sex Offender Public Registry.</u></p> <p><u>(9) If applicable to the adoption, the court shall ensure compliance with the Interstate Compact for the Placement of Children, codified as Section 44-2-20. Proof of compliance is determined by the authorized signatures of the sending and receiving states on the Interstate Compact on the Placement of Children Request Form.</u></p> <p>(d)(1) <u>(f)</u> A <u>The required</u> pre-placement investigation or a <u>and</u> post-placement investigation investigations must be performed by one of the following:</p> <ul style="list-style-type: none"> a. <u>(1)</u> The Department of Human Resources; b. <u>(2)</u> A licensed child placing agency; c. <u>An individual or agency licensed by the department to perform investigations; or</u> d. <u>(3)</u> An individual appointed by the court who is a <u>A</u> social worker licensed by the State Board of Social Work Examiners or a social worker II or above who is under the state Merit System who is also certified by the State Board of 	
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	<p>Social Work Examiners for private independent practice in the social casework specialty, as provided for in Section 34-30-3.</p> <p>(2) <u>(g)</u> Notwithstanding subdivision (d)<u>(1)</u> <u>(f)</u>, the court on its own motion may order the post-placement investigation be performed by an agency or individual other than the agency placing the adoptee, when the court has cause to believe the <u>post-placement</u> investigation is insufficient.</p> <p>(e) <u>(h)</u> In every adoption proceeding, after a child has been placed in the home <u>of the petitioner or petitioners</u>, in the post-placement investigation an investigator must observe the adoptee and interview the <u>each</u> petitioner in their <u>his or her</u> home as soon as possible after notice of the placement but in any event within 45 days after the placement.</p> <p>(f) <u>(i)</u> The investigator shall complete and file his or her written report <u>the pre-placement written investigative report</u> with the court within 60 days from receipt of notice of the proceeding and shall deliver a copy of the <u>pre-placement investigative</u> report to the <u>each</u> petitioner's attorney or to each petitioner if he or she is appearing pro se. The investigation <u>pre-placement investigative report</u> shall include a verification of all allegations of the petition. The <u>pre-placement</u></p>	
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investigative report shall include sufficient facts for the court to determine whether there has been compliance with consent or relinquishment provisions of this chapter. The post-placement ~~investigation~~ investigative report shall include all of the information enumerated within subdivisions ~~(e)(1)~~ (a)(1) through ~~(e)(9)~~ (a)(10) that was not obtained in the pre-placement investigation required under subsection (a). The post-placement investigative report shall be submitted in a form developed by the Department of Human Resources in conjunction with the Alabama Probate Judges Association and the Alabama Law Institute.

~~(e)~~ (j) Upon a showing of a good cause and after notice to the petitioners, the court may grant extensions of time to the investigator to file ~~his or her investigation~~ an investigative report. Notwithstanding this extension of time, the pre-placement and post-placement investigative reports must be filed prior to the entry of the final judgment.

~~(h)~~ (k) Notwithstanding this section, no investigations shall be required for those adoptions under Sections ~~26-10A-27 and 26-10A-28~~ 26-10E-26 and 26-10E-27 unless ordered by the court or otherwise required by Article 8 of Section 44-2-20.

~~(i)~~ (l) When ~~the~~ an investigation has been conducted, the investigatory report shall

	<p>not be conclusive but may be considered along with other evidence.</p> <p><u>(m) The court may, in its discretion, order the appointment of a court representative to investigate and evaluate any matters relating to adoption, including the best interests of the adoptee.</u></p>	

Removal of adoptee from county.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-20:</u> After the petitioner has received the adoptee into his or her home, the adoptee shall not be removed from the county in which the petitioner resides until the final decree has been issued for a period of longer than 15 consecutive days unless notice is given to the investigating agency or person..</p>	<p><u>§ 26-10E-20:</u> After the petitioner has <u>or petitioners have</u> received the adoptee into his, or her, <u>or their</u> home, the adoptee shall not be removed from the county in which the petitioner resides <u>or petitioners reside</u> until the final decree <u>judgment</u> has been issued <u>entered</u> for a period of longer than 15 consecutive days, unless notice is given to the investigating <u>investigative</u> agency or person <u>individual</u>.</p>	(none)

Attorney participation and appointment of attorney for the adoptee or other party.

2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-22: (a) In making adoption arrangements, potential adopting parents and birth parents may obtain counsel to provide legal advice and assistance. (b) Upon the motion of any party, or upon the court's own motion, before or after the filing of petition for adoption the court may appoint a guardian ad litem for the adoptee, or for any incompetent or minor who is a party to the proceeding or who would be a party to the proceeding. In the event of a contested adoption, a guardian ad litem shall be appointed. The fees of a guardian ad litem shall be assessed as court costs.</p>	<p>§ 26-10E-21: (a) In making adoption arrangements, potential adopting adoptive parents and birth biological parents may obtain counsel to provide legal advice and assistance. (b) Upon the motion of any party, or upon the court's own motion, before or after the filing of petition for adoption <u>When required by this chapter,</u> the court may appoint a guardian ad litem for the adoptee, or for any incompetent <u>mentally incapacitated person,</u> or a minor who is a party to the proceeding or who would be a party to the proceeding. In the event of a contested adoption, a guardian ad litem shall be appointed. <u>In cases in which a guardian ad litem is not required by this chapter, upon a motion of a party or on its own motion, the court may appoint a guardian ad litem for good cause shown.</u> (c) The fees of a the guardian ad litem shall be assessed <u>by the court and taxed</u> as court costs <u>upon the conclusion of services provided by the guardian ad litem; provided, however, that in contested cases under Section 26-10E-23, the court shall assess and award the guardian ad litem a fee at the time of appointment based on the reasonable amount of fees expected to be incurred. The fees shall be payable by the</u></p>	<p>(none)</p>

	<p><u>contestant and the petitioner proportionately as determined by the court, subject to the authority of the court to revise the amount or proportionate responsibility for the fees upon entry of the final judgment adjudicating the contest.</u></p>	

Fees and charges.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-23:</u> (a) No person, organization, group, agency, or any legal entity may accept any fee whatsoever for bringing the adopting parent or parents together with the adoptee or the natural parents. A violation of this section shall be punished under Section 26-10A-33. (b) Prior to payment, the petitioners must file with the court a full accounting of all charges for expenses, fees, or services they or persons acting on their behalf will be paying relating to the adoption. Payment may be made only with court approval except that fees may be placed in an escrow account prior to court approval. The court may not refuse to approve a fee for documented services on the sole basis that a child has not been placed. The court shall approve all reasonable fees and expenses unless determined by the court to be unreasonable based upon specific written findings of fact. (c) The petitioner must file a sworn statement that is a full accounting of all disbursements paid in the adoption. (d) Under penalty of perjury, the adoptive parents and the parent or parents surrendering the minor for adoption shall, prior to the entry of the final adoption order, sign affidavits stating that no</p>	<p><u>§ 26-10E-22:</u> (a) <u>(1) No person individual, organization, group, agency, or any legal entity may accept any fee whatsoever for bringing the adopting parent or parents any petitioner together with the adoptee or the natural parents of the adoptee.</u> <u>(2) A violation of this section shall be punished under Section 26-10A-33 is a Class A misdemeanor, except that a second or subsequent conviction is a Class C felony.</u> (b) <u>(1) The petitioner or petitioners may provide payment for maternity-connected expenses, medical or hospital expenses, and necessary living expenses of the mother preceding and during pregnancy-related incapacity, provided that the payment is not contingent upon the placement of the minor child for adoption, consent to the adoption, or cooperation in the completion of the adoption.</u> <u>(2) Prior to any payment pursuant to this subsection, the petitioner or</u> petitioners must file with the court a full accounting of all charges for expenses, fees, or services they or</p>	<p>(none)</p>

moneys or other things of value have been paid or received for giving the minor up for adoption. In addition to any penalties for perjury, the payment or receipt of money as referred to herein shall be punished as set forth in Section 26-10A-33.

~~persons~~ individuals acting on their behalf will be paying relating to the adoption. Payment may be made only with court approval except that fees may be placed in an escrow account prior to court approval. The court may not refuse to approve a fee for documented services on the sole basis that a ~~child~~ prospective adoptee has not been placed. The court shall approve all reasonable fees and expenses unless determined by the court to be unreasonable based upon specific written findings of fact.

(c) ~~The~~ Unless otherwise provided in this chapter, the petitioner or petitioners must also file a sworn statement that is a full accounting of all disbursements paid in the adoption.

(d) Under penalty of perjury, the adoptive parents and the parent or parents surrendering the ~~minor~~ adoptee for adoption, prior to the entry of the final judgment of adoption, shall, ~~prior to the entry of the final adoption order,~~ sign affidavits stating that no ~~moneys~~ monies or other things of value have been paid or received in exchange for ~~giving~~ the consent or relinquishment of the minor ~~up~~ for adoption. In addition to any penalties for perjury, the payment or receipt of money as referred to herein in violation of this

	<u>section</u> shall be punished as set forth in Section 26-10A-33 <u>26-10E-33</u> .	

Contested hearing.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-24:</u> (a) Whenever a motion contesting the adoption is filed, the court shall set the matter for a contested hearing to determine:</p> <ol style="list-style-type: none"> (1) Whether the best interests of the adoptee will be served by the adoption. (2) Whether the adoptee is a person capable of being adopted by the petitioner in accordance with the requirements of this chapter. (3) Whether an actual or implied consent or relinquishment to the adoption is valid. (4) Whether a consent or relinquishment may be withdrawn. <p>(b) The court shall give notice of the contested hearing by certified mail to all parties who have appeared before the court. The moving party and each petitioner shall be present at the contested hearing. The guardian ad litem shall appear and represent the interests of the adoptee.</p> <p>(c) The court may continue the hearing from time to time to permit notice to all parties, or to permit further discovery, observation, investigation, or consideration of any fact or circumstances affecting the granting of the adoption</p>	<p><u>§ 26-10E-23:</u> (a) Whenever a motion contesting the adoption is filed <u>Upon the filing of a pleading or a motion by a party contesting the adoption, or upon transfer of a contested case pursuant to Section 26-10E-3,</u> the court shall <u>forthwith</u> set the matter for a contested hearing to determine <u>each of the following:</u></p> <ol style="list-style-type: none"> (1) Whether the best interests of the adoptee will be served by the adoption. (2) Whether the adoptee is a person capable of being adopted <u>available for adoption</u> by the <u>each</u> petitioner in accordance with <u>and whether each petitioner qualifies to adopt an adoptee within</u> the requirements of this chapter. (3) Whether an actual or <u>all necessary express consent,</u> implied consent, or relinquishment to the adoption is <u>has been given and, if so, are</u> valid. (4) Whether a <u>an express</u> consent or relinquishment <u>has been or</u> may be withdrawn. <p>(b) The court shall give <u>at least 14 days of</u> notice of the contested hearing by certified <u>United States</u> mail to all parties who have appeared before the court, <u>unless notice has been waived in writing.</u></p>	<p><u>§ 26-10F-12:</u> (a) Whenever a motion contesting the adoption is filed <u>Upon the filing of a pleading or a motion by a party contesting the adoption,</u> the <u>probate</u> court <u>may not transfer the case or any part of the case to another court of this state, and</u> shall <u>forthwith</u> set the matter for a contested hearing to determine <u>each of the following:</u></p> <ol style="list-style-type: none"> (1) Whether the best interests of the adoptee will be served by the adoption. (2) Whether the adoptee is a person capable of being adopted <u>available for adoption</u> by the <u>each</u> petitioner in accordance with <u>and whether each petitioner qualifies to adopt an adoptee within</u> the requirements of this chapter. (3) Whether an actual or implied <u>all necessary</u> consent or relinquishment to the adoption is <u>has been given and, if so, the valid validity of each consent.</u> (4) Whether a <u>an express</u> consent or relinquishment <u>has been or</u> may be withdrawn. <p>(b) The court shall give <u>at least 14 days of</u> notice of the contested hearing by certified <u>United States</u> mail to all parties</p>

<p>petition. The court may order the investigating officer, appointed under Section 26-10A-19, to investigate the allegations set forth in the motion for a contested hearing or the whereabouts of any person entitled to notice of the proceeding.</p> <p>(d) After hearing evidence at a contested hearing, the court shall dismiss the adoption proceeding if the court finds:</p> <ol style="list-style-type: none"> (1) That the adoption is not in the best interests of the adoptee. (2) That a petitioner is not capable of adopting the adoptee. (3) That a necessary consent cannot be obtained or is invalid. (4) That a necessary consent may be withdrawn. Otherwise the court shall deny the motion of the contesting party. <p>(e) On motion of either party or of the court, a contested adoption hearing may be transferred to the court having jurisdiction over juvenile matters.</p> <p>(f) All references to the names of the parties in the proceedings shall be by initial only.</p> <p>(g) Where the contested hearing is held in the probate court the judge may, upon completion of the contested hearing, immediately proceed with the dispositional hearing as provided in Section 26-10A-25.</p>	<p>The moving party <u>contesting the adoption</u> and each petitioner shall be present at the contested hearing. The <u>A</u> guardian ad litem shall appear and represent the interests of the adoptee. <u>Any contestant who is a mentally incapacitated person or a minor shall also be represented by a guardian ad litem in addition to any counsel retained by the contestant.</u></p> <p>(c) The court may continue the hearing from time to time to permit notice to all parties, or to permit further discovery, observation, investigation, or consideration of any fact or circumstances affecting the granting <u>or denial</u> of the adoption petition. The court may order the investigating officer, <u>investigator</u> appointed under Section 26-10A-19 <u>26-10E-19</u>, <u>or a court representative</u> to investigate the allegations set forth in the motion for a contested hearing <u>underlying the contest</u> or the whereabouts of any person entitled to notice of the proceeding.</p> <p>(d) After hearing evidence at a contested hearing, the court shall dismiss the adoption proceeding if the court finds: <u>decide the contest as soon as practicable. If it is determined by the court that the adoption petition should be denied, the court shall either transfer the case to the appropriate juvenile court pursuant to Section 26-10E-3 for the limited purpose</u></p>	<p>who have appeared before the court <u>unless notice has been waived in writing</u>. The moving party <u>contesting the adoption</u> and each petitioner shall be present at the contested hearing. The <u>A</u> guardian ad litem shall appear and represent the interests of the adoptee. <u>Any contestant who is an incapacitated person shall also be represented by a guardian ad litem in addition to any counsel retained by the contestant.</u></p> <p>(c) The court may continue the hearing from time to time to permit notice to all parties, or to permit further discovery, observation, investigation, or consideration of any fact or circumstances affecting the granting <u>or denial</u> of the adoption petition. The court may order the investigating officer, <u>investigator</u> appointed under Section 26-10A-19 <u>26-10F-11</u>, <u>or a court representative</u> to investigate the allegations set forth in the motion for a contested hearing <u>underlying the contest</u> or the whereabouts of any person entitled to notice of the proceeding.</p> <p>(d) After hearing evidence at a contested hearing, the court shall dismiss the adoption proceeding if the court finds: <u>decide the contest as soon as practicable. If it is determined by the court that the adoption petition should be denied, the court shall enter a final judgment denying</u></p>
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<p>(h) Where there is a contested case hearing, if the adoption is denied, then the probate court or court of competent jurisdiction, unless just cause is shown otherwise by the contestant, shall issue an order for reimbursement to the petitioner or petitioners for adoption for all medical and living expenses incidental to the care and well-being of the minor child for the time the child resided with the petitioner or petitioners for adoption.</p> <p>(i) Where there is a contested hearing and the contest fails, then the probate court or court of competent jurisdiction, unless just cause is shown otherwise by the contestant, shall issue an order for reimbursement to the petitioner or petitioners for adoption for all legal costs incurred which are incidental to the contest.</p>	<p><u>of considering termination of parental rights or it shall enter a final judgment denying the adoption. Otherwise, the court shall enter a final judgment denying the contest and, subject to any post judgment motions and appellate proceedings, the probate court shall proceed as provided in Section 26-10E-24. The entry of a final judgment denying a contest terminates the status of the contestant as a party to the adoption proceedings and terminates the contestant's right to notice of further adoption proceedings.</u></p> <p>(1) That the adoption is not in the best interests of the adoptee.</p> <p>(2) That a petitioner is not capable of adopting the adoptee.</p> <p>(3) That a necessary consent cannot be obtained or is invalid.</p> <p>(4) That a necessary consent may be withdrawn. Otherwise the court shall deny the motion of the contesting party.</p> <p>(e) On motion of either party or of the court, a contested adoption hearing may be transferred to the court having jurisdiction over juvenile matters. <u>At the contested-case hearing, the court shall consider any motion of the petitioner or petitioners to obtain reimbursement for all reasonable medical and living expenses incidental to the care and well-being of the adoptee for the time the adoptee</u></p>	<p><u>the contest. The entry of a final judgment denying a contest terminates the status of the contestant as a party to the adoption proceedings and terminates the contestant's right to notice of further adoption proceedings.</u></p> <p>(1) That the adoption is not in the best interests of the adoptee.</p> <p>(2) That a petitioner is not capable of adopting the adoptee.</p> <p>(3) That a necessary consent cannot be obtained or is invalid.</p> <p>(4) That a necessary consent may be withdrawn. Otherwise the court shall deny the motion of the contesting party.</p> <p>(e) On motion of either party or of the court, a contested adoption hearing may be transferred to the court having jurisdiction over juvenile matters. <u>At the contested-case hearing, the court shall consider any motion of the petitioner or petitioners to obtain reimbursement for all reasonable medical and living expenses incidental to the care and well-being of the adoptee for the time the adoptee resided with the petitioner or petitioners where the adoptee is an incapacitated adult. If the adoption is denied, the probate court shall, unless just cause is shown otherwise by the contestant, order such reimbursement.</u></p>
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	<p><u>resided with the petitioner or petitioners. If the adoption is denied, the probate court, unless just cause is shown otherwise by the contestant, shall order such reimbursement.</u></p> <p>(f) All references to the names of the parties in the proceedings shall be by initial only.</p> <p>(1) Following the entry of a final judgment denying an adoption contest, the court shall enter a temporary custody order determining each of the following:</p> <p>a. Whether it is in the best interests of the minor child for the petitioner or petitioners to retain custody of the minor child or for the minor child to be returned to the person or agency with legal custody of the minor child prior to the filing of the petition.</p> <p>b. Whether a written report should be sent to the county Department of Human Resources pursuant to Chapter 14 of Title 26 for a further determination concerning custody.</p> <p>(2) The custody determination shall remain in effect only until another court of competent jurisdiction enters a custodial order regarding the minor child.</p> <p>(g) Where the contested hearing is held in the probate court the judge may, upon</p>	<p>(f) All references to the names of the parties in the proceedings shall be by initial only.</p> <p>(1) Following the entry of a final judgment denying an adoption contest, the court shall enter a temporary custody order determining each of the following:</p> <p>a. Whether it is in the best interests of the minor child for the petitioner or petitioners to retain custody of the minor child or for the minor child to be returned to the person or agency with legal custody of the minor child prior to the filing of the petition.</p> <p>b. Whether a written report should be sent to the county Department of Human Resources pursuant to Chapter 14 of Title 26 for a further determination concerning custody.</p> <p>(2) The custody determination shall remain in effect only until another court of competent jurisdiction enters a custodial order regarding the minor child.</p> <p>(g) Where the contested hearing is held in the probate court the judge may, upon completion of the contested hearing, immediately proceed with the dispositional hearing as provided in Section 26-10A-25.</p>
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	<p>completion of the contested hearing, immediately proceed with the dispositional hearing as provided in Section 26-10A-25.</p> <p>(h) Where there is a contested case hearing, if the adoption is denied, then <u>Upon denial of a contest</u>, the probate court or court of competent jurisdiction, unless just cause is shown otherwise by the contestant, shall issue an order for reimbursement to the petitioner or petitioners for adoption for all medical and living expenses incidental to the care and well-being of the minor child for the time the child resided with the petitioner or petitioners for adoption.</p> <p>(i) Where there is a contested hearing and the contest fails, then the probate court or court of competent jurisdiction, unless just cause is shown otherwise by the contestant, shall issue an order for reimbursement to the petitioner or petitioners for adoption for all <u>of the</u> legal costs incurred which are <u>by each petitioner</u> incidental to the contest.</p>	<p>(h) Where there is a contested case hearing, if the adoption is denied, then <u>Upon denial of a contest</u>, the probate court or court of competent jurisdiction, unless just cause is shown otherwise by the contestant, shall issue an order for reimbursement to the petitioner or petitioners for adoption for all medical and living expenses incidental to the care and well-being of the minor child for the time the child resided with the petitioner or petitioners for adoption.</p> <p>(i) Where there is a contested hearing and the contest fails, then the probate court or court of competent jurisdiction, unless just cause is shown otherwise by the contestant, shall issue an order for reimbursement to the petitioner or petitioners for adoption for all <u>of the</u> legal costs incurred which are <u>by each petitioner</u> incidental to the contest.</p>

Final decree; dispositional hearing		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-25:</u> (a) When the pre-placement investigation has been completed and approved or the investigation has been waived for good cause shown, the petition for adoption shall be set for a dispositional hearing as soon as possible or no later than 90 days after the filing of the petition. When there has not been a pre-placement investigation or the investigation has not been waived for good cause shown or when the adoptee is a special needs child, the petition for adoption shall be set for a dispositional hearing as soon as possible or no later than 120 days after the filing of the petition. Upon good cause shown, the court may extend the time for the dispositional hearing and entry of the final decree. (b) At the dispositional hearing, the court shall grant a final decree of adoption if it finds on clear and convincing evidence that:</p> <ol style="list-style-type: none"> (1) The adoptee has been in the actual physical custody of the petitioners for a period of 60 days, unless for good cause shown, this requirement is waived by the court; (2) All necessary consents, relinquishments, terminations, or waivers have been obtained and, if 	<p><u>§ 26-10E-24:</u> (a) When the pre-placement investigation has been completed and approved or the investigation has been waived for good cause shown, the petition for adoption shall be set for <u>Once the petition for adoption and any necessary accompanying documentation has been filed, the court shall set</u> a dispositional hearing <u>to take place</u> as soon as possible or practicable, but no later than 90 <u>120</u> days after the filing of the petition. When there has not been a pre-placement investigation or the investigation has not been waived for good cause shown or when the adoptee is a special needs child, the petition for adoption shall be set for a dispositional hearing as soon as possible or no later than 120 days after the filing of the petition. Upon good cause shown, the court may extend the time for the dispositional hearing and entry of the final decree. (b) At the dispositional hearing, the court shall grant a final decree of <u>approve the</u> adoption if it finds, <u>based</u> on clear and convincing evidence, that <u>all of the following:</u></p> <ol style="list-style-type: none"> (1) The adoptee has been in the actual physical custody of the <u>petitioner or</u> petitioners for a period of 60 days, 	<p><u>§ 26-10F-13:</u> (a) When the pre-placement investigation has been completed and approved or the investigation has been waived for good cause shown, the petition for adoption shall be set for <u>The petition for adoption shall be set for</u> a dispositional hearing as soon as possible or no later than 90 <u>within a reasonable period</u> after the filing of the petition <u>and all necessary documents, including an investigative report if ordered by the court.</u> When there has not been a pre-placement investigation or the investigation has not been waived for good cause shown or when the adoptee is a special needs child, the petition for adoption shall be set for a dispositional hearing as soon as possible or no later than 120 days after the filing of the petition. Upon good cause shown, the court may extend the time for the dispositional hearing and entry of the final decree. (b) <u>The court shall enter an order establishing a date, time, and place for the hearing on the petition, and each petitioner and the individual to be adopted shall appear at the hearing in person. If the court determines that such appearance is impossible or impractical, appearance</u></p>

<p>appropriate, have been filed with the court;</p> <p>(3) Service of the notice of pendency of the adoption proceeding has been made or dispensed with as to all persons entitled to receive notice under Section 26-10A-17;</p> <p>(4) All contests brought under Section 26-10A-24 have been resolved in favor of the petitioner;</p> <p>(5) That each petitioner is a suitable adopting parent and desires to establish a parent and child relationship between himself or herself and the adoptee;</p> <p>(6) That the best interests of the adoptee are served by the adoption; and</p> <p>(7) All other requirements of this chapter have been met.</p> <p>(c) The court shall enter its finding in a written decree which shall also include the new name of the adoptee, and shall not include any other name by which the adoptee has been known or the names of the natural or presumed parents. The final decree shall further order that from the date of the decree, the adoptee shall be the child of the petitioners, and that the adoptee shall be accorded the status set forth in Section 26-10A-29.</p> <p>(d) A final decree of adoption may not be collaterally attacked, except in cases of</p>	<p>unless for good cause shown, this requirement is waived by the court;.</p> <p>(2) All necessary consents, relinquishments, terminations, or waivers have been obtained and, if appropriate, have been filed with the court;.</p> <p>(3) <u>All documentation required pursuant to Section 26-10E-19 has been filed with the court, unless excluded under Sections 26-10E-26 and 26-10E-27.</u></p> <p>(4) Service of the notice of pendency of the adoption proceeding has been made or dispensed with as to all persons entitled to receive notice under Section 26-10A-17; <u>26-10E-17.</u></p> <p>(4) (5) All contests brought under Section 26-10A-24 <u>26-10E-23</u> have been resolved in favor of the petitioner; <u>or petitioners.</u></p> <p>(5) (6) That each <u>Each</u> petitioner is a suitable adopting <u>adoptive</u> parent and desires to establish a parent and child relationship between himself or herself and the adoptee;.</p> <p>(6) (7) That the best interests of the adoptee are served by the adoption; and.</p> <p>(7) (8) <u>That each petitioner has been cleared through each of the following background checks:</u></p>	<p><u>may be made by electronic means, upon good cause shown to the court.</u></p> <p>(c) At the dispositional hearing, the court shall grant a final decree <u>judgment</u> of adoption if it finds <u>each of the following based</u> on clear and convincing evidence that:</p> <p>(1) The adoptee has been in the actual physical custody of the petitioners for a period of 60 days, unless for good cause shown, this requirement is waived by the court; <u>meets one of the qualifications under Section 26-10F-6.</u></p> <p>(2) All necessary consents, relinquishments, terminations, or waivers <u>The required consents, relinquishments, terminations, or waivers and all other necessary documents</u> have been obtained and, if appropriate, have been <u>properly obtained and</u> filed with the court; <u>The necessary documents shall include, but are not limited to, each of the following:</u></p> <ol style="list-style-type: none"> <u>a. The petition for adoption.</u> <u>b. All required consents.</u> <u>c. Proof of service of notice on all persons required to receive notice.</u> <u>d. Marriage certificates of the petitioners and adoptee, if applicable.</u> <u>e. Copies of certified birth certificates or the equivalent</u>
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<p>fraud or where the adoptee has been kidnapped, after the expiration of one year from the entry of the final decree and after all appeals, if any.</p>	<p><u>a. The Adam Walsh Act, U.S. Public Law 109-248, including each of the following:</u></p> <ol style="list-style-type: none"> <u>1. State and federal criminal history.</u> <u>2. Child abuse and neglect history.</u> <u>3. Sex Offender Registry history.</u> <p><u>b. Child support payment history.</u></p> <p><u>(9) A sworn statement of full accounting of disbursements pursuant to Section 26-10E-23, if applicable, has been filed.</u></p> <p><u>(10) All other requirements of this chapter have been met.</u></p> <p>(c) The court shall enter its finding in a written decree <u>final judgment of adoption</u>, which shall also include the new name of the adoptee, <u>after adoption</u> and shall not include any other name by which the adoptee has been known or the <u>any</u> names of the natural or presumed parents <u>former parent</u>. The final decree <u>judgment of adoption</u> shall further order that, from the date of the decree <u>entry of judgment</u>, the adoptee shall be the child of the <u>petitioner or</u> petitioners, and that the adoptee shall be accorded the status set forth in Section 26-10A-29 <u>26-10E-28</u>.</p> <p>(d) A final decree of adoption may not be collaterally attacked, except in cases of fraud or where the adoptee has been</p>	<p><u>thereof of each petitioner and adoptee, issued within six months of the filing of the petition.</u></p> <p><u>f. The Alabama Report of Adoption Form.</u></p> <p><u>g. Proof of incapacity or total and permanent disability, if applicable.</u></p> <p><u>h. Proof of kinship or a de facto parent and child relationship pursuant to Section 26-10F-6, if applicable.</u></p> <p><u>i. Any other documentation required by the court.</u></p> <p>(3) Service of the notice of pendency of the adoption proceeding has been made or dispensed with as to all persons entitled to receive notice under Section 26-10A-17;</p> <p>(4) All <u>Any</u> contests brought under Section 26-10A-24 have been resolved in favor of the petitioner; <u>or petitioners.</u></p> <p>(5) (4) That each petitioner is a suitable adopting parent and desires to establish a <u>legal</u> parent and child relationship between himself or herself and the adoptee;</p> <p><u>(5) That all parties, to the best of their ability, understand the significance and ramifications of the adoption and</u></p>
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	<p>kidnapped, after the expiration of one year from the entry of the final decree and after all appeals, if any.</p>	<p><u>are not acting under duress, coercion, or undue influence.</u></p> <p>(6) That the best interests of the adoptee are served by the adoption; and <u>that there is no reason in the public interest or otherwise why the petition should not be granted.</u></p> <p>(7) All <u>That all</u> other requirements of this chapter have been met.</p> <p>(c) <u>(d) The If all the requirements of subsection (b) are met, the</u> court shall <u>may</u> enter its finding in a written decree <u>final judgment of adoption,</u> which shall also include the new name of the adoptee, and shall not include any other name by which the adoptee has been known or the names of the natural or presumed parents <u>granting the petition for adoption.</u> The final decree shall further order that from the date of the decree, the adoptee shall be the child of the petitioners, and that the adoptee shall be accorded the status set forth in Section 26-10A-29.</p> <p>(e) The final judgment of adoption shall terminate the parent child relationship of one or both of the legal parents of the adoptee and shall order the substitution of the name of each legal parent whose relationship has been terminated on the amended birth certificate with the name of each petitioner. There shall be no more than two individuals named as petitioner.</p>
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		<p>(f) If the court grants the adoptee's request for a new name, the adoptee's new name shall be included in the final judgment of adoption and placed on the amended birth certificate.</p> <p>(g) The final judgment of adoption shall further order that from the date of the judgment of adoption, the adoptee shall be the child of the petitioner or petitioners, and that the adoptee shall be accorded the status set forth in Section 26-10F-16(b).</p> <p>(d) <u>(h) A final decree judgment of adoption may not be collaterally attacked after the expiration of one year from the entry of the final judgment of adoption, and after all appeals, if any, except in each of the following situations:</u></p> <ul style="list-style-type: none"> <u>(1) cases of fraud Fraud relating to the adoption proceedings.</u> <u>(2) or where the The adoptee has been kidnapped, after the expiration of one year from the entry of the final decree and after all appeals, if any.</u> <u>(3) An adoptive parent subsequent to the final judgment of adoption has been convicted of a sexual offense, as provided in Section 15-20A-5, involving the adoptee.</u>
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Appeals.

2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-26: (a) Appeals from any final decree of adoption shall be taken to the Alabama Court of Civil Appeals and filed within 14 days from the final decree. (b) An appeal from any final order or decree rendered under this chapter shall have priority in all courts and shall have precedence over all other matters, except for other matters which have been given priority by specific statutory provision or rule of court. The trial court may enter further orders concerning the custody of the adoptee pending appeal. (c) If an order, judgment, or decree rendered under this chapter is appealed, the party who files the appeal shall cause notice of the appeal to be transmitted to all persons entitled to receive notice pursuant to Section 26-10A-17, except for persons for whom consent or relinquishment has been implied under Section 26-10A-9 or whose consent or relinquishment is not required under Section 26-10A-10. Such notice of appeal shall set forth the pendency of the appeal and the right of interested parties to be heard. The notice shall not identify by name the party filing such appeal, unless the appellant is unrepresented, but shall specify the identity of the court in which</p>	<p>§ 26-10E-25: (a) <u>(1) For the purposes of this chapter, a “final judgment” is a judgment in which one of the following is true:</u> a. <u>The court adjudicates whether an express consent or relinquishment has been withdrawn pursuant to Section 26-10E-14.</u> b. <u>The court adjudicates a contest to an adoption pursuant to Section 26-10E-3 or Section 26-10E-23.</u> c. <u>A juvenile court terminates the parental rights of a parent to the adoptee pursuant to Section 26-10E-3 and Section 26-10E-23(d).</u> d. <u>The court grants or denies the petition for adoption.</u> <u>(2) A final judgment under this chapter shall be entered in accordance with Rule 58 of the Alabama Rules of Civil Procedure.</u> <u>(b) A party may file a post judgment motion challenging any final judgment entered under this chapter. Appeals from any final decree of adoption shall be taken to the Alabama Court of Civil Appeals and Any post judgment motion must be filed within 14 days from the final decree of the entry of final judgment and no post</u></p>	<p>§ 26-10F-14: (a) <u>(1) For the purposes of this chapter, a “final judgment” is one of the following:</u> a. <u>The court adjudicates whether a consent has been withdrawn.</u> b. <u>The court adjudicates a contest to an adoption pursuant to Section 26-10F-12.</u> c. <u>The court grants or denies the petition for adoption.</u> <u>(2) A final judgment under this chapter shall be entered in accordance with Rule 58 of the Alabama Rules of Civil Procedure.</u> <u>(b) A party may file a post judgment motion challenging any final judgment entered under this chapter. Appeals from any final decree of adoption shall be taken to the Alabama Court of Civil Appeals and Any post judgment motion must be filed within 14 days from the final decree of the entry of final judgment and no post judgment motion may remain pending for more than 14 days, at which time it shall be deemed denied by operation of law.</u> <u>(c) A party may appeal any final judgment entered by a court under this chapter. An appeal may be made to the Alabama Court of Civil Appeals by the proper filing of a</u></p>

the appeal is pending, the docket number of the petition, the general nature of the appeal, and the name, address, and telephone number of the attorney who has filed the petition. The caption of an appeal shall show only the initials of the adoptee's birthname. Only the initials of the natural parents and the petitioner shall be indicated in all pleadings and briefs.

judgment motion may remain pending for more than 14 days, at which time it shall be deemed denied by operation of law.
(c) A party may appeal any final judgment entered by a court under this chapter. An appeal may be made to the Alabama Court of Civil Appeals by the proper filing of a notice of appeal with the clerk of the court entering the final judgment within 14 days of the entry of the final judgment, subject to Rule 4(a)(3) of the Alabama Rules of Appellate Procedure and Rule 77 (d) of the Alabama Rules of Civil Procedure.

~~(b)~~ (d) An appeal from any final order or decree rendered judgment of adoption entered under this chapter shall have priority in all courts and shall have precedence over all other matters, except for other matters which that have been given priority by specific statutory provision or rule of court. All appeals shall comply with the Alabama Rules of Appellate Procedure.

(e) The trial court from which the appeal is taken may shall enter further orders an order concerning the custody of the adoptee pending appeal. Once the certificate of judgment has been issued by the appellate court, the custody of the adoptee shall remain subject to the custody determination made by the court unless vacated or modified by the appellate court on appeal or unless

notice of appeal with the clerk of the court entering the final judgment within 14 days of the entry of the final judgment, subject to Rule 4(a)(3) of the Alabama Rules of Appellate Procedure and Rule 77 (d) of the Alabama Rules of Civil Procedure.

~~(b) An appeal from any final order or decree rendered under this chapter shall have priority in all courts and shall have precedence over all other matters, except for other matters which have been given priority by specific statutory provision or rule of court. The trial court may enter further orders concerning the custody of the adoptee pending appeal.~~

~~(c) If an order, judgment, or decree rendered under this chapter is appealed, the party who files the appeal shall cause notice of the appeal to be transmitted to all persons entitled to receive notice pursuant to Section 26-10A-17, except for persons for whom consent or relinquishment has been implied under Section 26-10A-9 or whose consent or relinquishment is not required under Section 26-10A-10. Such notice of appeal shall set forth the pendency of the appeal and the right of interested parties to be heard. The notice shall not identify by name the party filing such appeal, unless the appellant is unrepresented, but shall specify the identity of the court in which the appeal is pending, the docket number of the petition,~~

vacated or modified by the court that made the determination or the court that assumed jurisdiction over the custody of the adoptee pursuant to Section 26-10E-24.

~~(c) If an order, judgment, or decree rendered under this chapter is appealed, the party who files the appeal shall cause notice of the appeal to be transmitted to all persons entitled to receive notice pursuant to Section 26-10A-17, except for persons for whom consent or relinquishment has been implied under Section 26-10A-9 or whose consent or relinquishment is not required under Section 26-10A-10. Such notice of appeal shall set forth the pendency of the appeal and the right of interested parties to be heard. The notice shall not identify by name the party filing such appeal, unless the appellant is unrepresented, but shall specify the identity of the court in which the appeal is pending, the docket number of the petition, the general nature of the appeal, and the name, address, and telephone number of the attorney who has filed the petition. The caption of an appeal shall show only the initials of the adoptee's birthname. Only the initials of the natural parents and the petitioner shall be indicated in all pleadings and briefs.~~

(f) A final judgment of adoption may not be collaterally attacked more than one year

~~the general nature of the appeal, and the name, address, and telephone number of the attorney who has filed the petition. The caption of an appeal shall show only the initials of the adoptee's birthname. Only the initials of the natural parents and the petitioner shall be indicated in all pleadings and briefs.~~

	<p><u>after the entry of final judgment of adoption, except for in the following situations:</u></p> <ul style="list-style-type: none"><u>(1) Fraud relating to the adoption proceedings.</u><u>(2) The adoptee has been kidnapped.</u><u>(3) An adoptive parent subsequent to the final judgment of adoption has been convicted of a sexual offense, as provided in Section 15-20A-5, involving the adoptee.</u>	

Stepparent adoptions.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-27: Any person may adopt his or her spouse's child according to the provisions of this chapter, except that:</p> <p>(1) Before the filing of the petition for adoption, the adoptee must have resided for a period of one year with the petitioner, unless this filing provision is waived by the court for good cause shown;</p> <p>(2) No investigation under Section 26-10A-19 shall occur unless otherwise directed by the court, and</p> <p>(3) No report of fees and charges under Section 26-10A-23 shall be made unless ordered by the court.</p>	<p>§ 26-10E-26: Any person <u>A stepparent</u> may adopt his or her spouse's child according to the provisions of <u>petition for adoption of an adoptee under</u> this chapter, except that:</p> <p>(1) Before the filing of the petition for adoption <u>entry of the final judgment</u>, the adoptee must have resided for a period of one year with the <u>stepparent</u> petitioner, unless this filing provision is waived by the court for good cause shown;</p> <p>(2) No <u>An</u> investigation under Section 26-10A-19 shall occur unless otherwise directed by the court, and <u>be conducted to determine the suitability of the stepparent petitioner and the home in which the adoptee will reside, and the report of the investigation, which shall include the information required by subdivisions 26-10E-19(a)(1), (a) (2), and (a) (14), and which may include other information required by Section 26-10E-19(a) as directed by the court, shall be filed with the court no later than within 30 days of the date of the filing of the petition.</u></p> <p>(3) No report of fees and charges under Section 26-10A-23 <u>26-10E-22</u></p>	(none)

	shall be made unless ordered by the court.	

Adoption by other relatives.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-28: A grandfather, a grandmother, great-grandfather, great-grandmother, great-uncle, great-aunt, a brother, or a half-brother, a sister, a half-sister, an aunt or an uncle of the first degree and their respective spouses, if any may adopt a minor grandchild, a minor brother, a minor half-brother, a minor sister, a minor half-sister, a minor nephew, a minor niece, a minor great-grandchild, a minor great niece or a minor great nephew, according to the provisions of this chapter, except that:</p> <p>(1) Before the filing of the petition for adoption, the adoptee must have resided for a period of one year with the petitioner, unless this filing provision is waived by the court for good cause shown;</p> <p>(2) No investigation under Section 26-10A-19 shall occur unless otherwise directed by the court; and</p> <p>(3) No report of fees and charges under Section 26-10A-23 shall be made unless ordered by the court.</p>	<p>§ 26-10E-27: A <u>Subject to Section 26-10E-5, a</u> grandfather, a grandmother, <u>a</u> great-grandfather, <u>a</u> great-grandmother, <u>a</u> great-uncle, <u>a</u> great-aunt, a brother, or a half-brother, a sister, a half-sister, an aunt, or an uncle of the first degree and their respective spouses, if any, may adopt a minor grandchild, <u>a minor great-grandchild, a minor great-niece, a minor great-nephew,</u> a minor brother, a minor half-brother, a minor sister, a minor half-sister, a minor nephew, a minor niece, a minor great-grandchild, a minor great niece or a minor great nephew, according to the provisions of this chapter, except that:</p> <p>(1) Before the filing of the petition for adoption <u>the final judgment of adoption is entered,</u> the adoptee must have resided for a period of one year with the petitioner, unless this filing provision is waived by the court for good cause shown; <u>or petitioners.</u></p> <p>(2) No investigation under Section 26-10A-19 shall occur unless otherwise directed by the court; and <u>An investigation shall be conducted to determine the suitability of each petitioner and the home in which the adoptee will reside, and the report of</u></p>	(none)

	<p><u>the investigation, which shall include the information required by subdivisions 26-10E-19(a)(1), (a)(2), and (a) (14), and which may include other information required by Section 26-10E-19(a) as directed by the court, shall be filed with the court no later than 30 days of the date of the filing of the petition.</u></p> <p>(3) No report of fees and charges under Section 26-10A-23 <u>26-10E-22</u> shall be made unless ordered by the court.</p>	

Name and status of adoptee		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-29: (a) The adoptee shall take the name designated by the petitioner. After adoption, the adoptee shall be treated as the natural child of the adopting parent or parents and shall have all rights and be subject to all of the duties arising from that relation, including the right of inheritance. (b) Upon the final decree of adoption, the natural parents of the adoptee, except for a natural parent who is the spouse of the adopting parent are relieved of all parental responsibility for the adoptee and will have no parental rights over the adoptee.</p>	<p>§ 26-10E-28: (a) The adoptee shall take the name designated by the petitioner: <u>or petitioners; provided, however, that if the adoptee is 14 years of age or older, the adoptee may elect to retain his or her current legal name, unless the court determines that the adoptee lacks the mental capacity to consent.</u> After <u>entry of the final judgment of</u> adoption, the adoptee shall be treated as the natural <u>legal</u> child of the adopting <u>adoptive</u> parent or parents and shall have all rights and be subject to all of the duties arising from that relation, including the right <u>rights</u> of inheritance <u>through the intestacy laws of the state pursuant to Section 43-8-48.</u> (b) Upon the <u>entry of the final decree judgment</u> of adoption, the natural <u>biological or legal</u> parents of the adoptee, except for a natural parent who is the spouse of the adopting parent <u>an adoptive stepparent,</u> are relieved of all parental <u>rights and</u> responsibility for the adoptee and will have no parental rights over the adoptee. <u>Upon the final judgment of adoption, the adoptee loses all rights of inheritance under the laws of intestacy pursuant to Section 43-8-48, from or through the biological or legal parents of the adoptee, except for a biological or legal</u></p>	<p>§ 26-10F-16: (a) The adoptee shall take the name designated by the petitioner. <u>A judgment granting a petition for adoption of an adult may order a change in the name of the adoptee unless the court finds that the change of name is requested for fraudulent or criminal purposes; provided, however, that the court may not change the name of an adoptee who is a sex offender as provided in Section 15-20A-36.</u> (b) After <u>the final judgment of</u> adoption, the adoptee shall be treated as the natural <u>legal</u> child of the <u>each</u> adopting parent or parents and shall have all rights and be subject to all of the duties arising from that relation, including the right of inheritance <u>under the intestacy laws of the state pursuant to Section 43-8-48.</u> (b) (c) Upon the final decree <u>judgment</u> of adoption, the natural <u>biological or legal</u> parents of the adoptee, except for a natural <u>biological or legal</u> parent who is the spouse of the adopting parent, are relieved of all parental <u>rights and</u> responsibility for the adoptee and will have no parental rights over the adoptee. <u>Upon the final judgment of adoption, the adoptee loses all rights of inheritance under the laws of intestacy pursuant to Section 48-8-48, from or</u></p>

	<u>parent who is the spouse of the adopting parent.</u>	<u>through the biological or legal parents of the adoptee, except for a biological or legal parent who is the spouse of the adopting parent.</u>

Grandparent visitation.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-30: Post-adoption visitation rights for the natural grandparents of the adoptee may be granted when the adoptee is adopted by a stepparent, a grandfather, a grandmother, a brother, a half-brother, a sister, a half-sister, an aunt or an uncle and their respective spouses, if any. Such visitation rights may be maintained or granted at the discretion of the court at any time prior to or after the final order of adoption is entered upon petition by the natural grandparents, if it is in the best interest of the child.</p>	<p>§ 26-10E-29: <u>(a) A final judgment of adoption automatically vacates any judgment or order providing a grandparent visitation with an adoptee, unless the adoptee has been adopted pursuant to Section 26-10E-26 or Section 26-10E-27.</u> <u>(b) In an adoption case proceeding under Section 26-10E-26 or Section 26-10E-27, pre-adoption or Post-adoption post-adoption grandparent</u> visitation rights for the natural grandparents of the adoptee may be granted, <u>maintained, or modified by the court at any time before or when</u> the adoptee is adopted by a stepparent, a grandfather, a grandmother, a brother, a half brother, a sister, a half sister, an aunt or an uncle and their respective spouses, if any. Such visitation rights may be maintained or granted at the discretion of the court at any time prior to or after the final order <u>judgment</u> of adoption is entered upon petition by the natural grandparents, if it is in the best interest of the child <u>adoptee</u>. <u>(c) In the case of a stepparent adoption under Section 26-10E-26, no grandparent visitation rights may be granted, maintained, or modified over the objection of the spouse of the adoptive stepparent absent compliance with Section</u></p>	<p>(none)</p>

	<p><u>30-3-4.2. Otherwise, Section 30-3-4.2 shall not apply in a case involving an adoptee but grandparent visitation rights shall be determined based upon the best interests of the adoptee.</u></p> <p><u>(d) An order or judgment regarding grandparent visitation made in a case under this section may only be vacated or modified by the court that entered the order or judgment.</u></p>	

Confidentiality of records, hearing; parties.

2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-31:</u> (a) After the petition is filed and prior to the entry of the final decree, the records in adoption proceedings shall be open to inspection only by the petitioner or his or her attorney, the investigator appointed under Section 26-10A-19, any attorney appointed for the adoptee under Section 26-10A-22, and any attorney retained by or appointed to represent the adoptee. Such records shall be open to other persons only upon order of court for good cause shown. (b) All hearings in adoption proceedings shall be confidential and shall be held in closed court without admittance of any person other than interested parties and their counsel, except with leave of court. (c) After the final decree of adoption has been entered, all papers, pleadings, and other documents pertaining to the adoption shall be sealed, kept as a permanent record of the court, and withheld from inspection except as otherwise provided in this section and in subsection (c) of Section 22-9A-12. No person shall have access to such records except upon order of the court in which the decree of adoption was entered for good cause shown except as provided in subsection (c) of Section 22-9A-12.</p>	<p><u>§ 26-10E-30:</u> (a) After the petition is filed and prior to the entry of the final decree, the records in adoption proceedings shall be open to inspection only by the <u>to each</u> petitioner or his or her attorney, the investigator appointed under Section 26-10A-19 <u>26-10E-19</u>, any attorney <u>guardian ad litem</u> appointed for the adoptee under Section 26-10A-22 <u>26-10E-21</u>, and any attorney retained by or appointed to represent the adoptee. <u>Such These</u> records shall be open to other persons only upon order of court for good cause shown. (b) All hearings in adoption proceedings shall be confidential and shall be held in closed court without admittance of any person <u>individual</u> other than interested parties and their counsel, except with leave of court. (c) After the final decree of adoption has been entered <u>Upon entry of the final judgment of adoption</u>, all papers, pleadings, and other documents pertaining to the adoption shall be sealed, kept as a permanent record of the court, and withheld from inspection, except as otherwise provided in this section and in subsection (c) of Section 22-9A-12 <u>(c)</u>. No person <u>individual</u> shall have access to such records except upon order of the</p>	<p><u>§ 26-10F-15:</u> (a) After the petition is filed and prior to the entry of the final decree, the records in adoption proceedings shall be open to inspection only by the petitioner or his or her attorney, the investigator appointed under Section 26-10A-19, any attorney appointed for the adoptee under Section 26-10A-22, and any attorney retained by or appointed to represent the adoptee. Such records shall be open to other persons only upon order of court for good cause shown. <u>If determined to be in the best interests of the adoptee or parties, the court may determine a hearing shall be closed.</u> (b) All hearings in adoption proceedings shall be confidential and shall be held in closed court without admittance of any person other than interested parties and their counsel, except with leave of court. <u>Upon motion by the adoptee or parties and for good cause shown. the court shall have the jurisdiction to issue any orders deemed necessary to protect the confidentiality of the adoption or adoption proceedings, including, but not limited to, any protective order or injunction to prevent or limit the dissemination of any information contained in confidential or sealed records or any other information</u></p>

<p>(d) When the court issues the adoption order, all licensed agencies or individuals shall send a sealed information summary sheet and the non-identifying information referred to in subsection (g) in a separate summary sheet to the State Department of Human Resources. The following information shall be included:</p> <ol style="list-style-type: none"> (1) Birthname and adoptive name; (2) Date and place of birth of person adopted, except in the case of abandonment; (3) Circumstances under which the child came to be placed for adoption; (4) Physical and mental condition of the person adopted, insofar as this can be determined by the aid of competent medical authority; (5) Name and last known address of natural parents, dates of birth, and Social Security numbers, if known; (6) Age of the natural parents at child's birth; (7) Nationality, ethnic background, race, and religious preference of the natural parents; (8) Educational level of the natural parents; (9) Pre-adoptive brother/sister relationships; (10) Whether the identity and location of the natural father is known or ascertainable. 	<p>court in which the decree <u>final judgment</u> of adoption was entered for good cause shown, except as provided in subsection (e) of Section 22-9A-12(c).</p> <p>(d) When the court issues the adoption order <u>enters a final judgment of adoption</u>, all licensed agencies or individuals shall send a sealed information summary sheet and the non-identifying information referred to in subsection (g) in a separate summary sheet to the State Department of Human Resources. The <u>All of the</u> following information shall be included:</p> <ol style="list-style-type: none"> (1) Birthname <u>The birth name</u> and adoptive name; <u>of the adoptee.</u> (2) Date <u>The date</u> and place of birth of person adopted <u>adoptee</u>, except in the case of abandonment; (3) Circumstances <u>The circumstances</u> under which the child <u>adoptee</u> came to be placed for adoption; (4) Physical <u>The physical</u> and mental condition of the person adopted <u>adoptee</u>, insofar as this can be determined by the aid of competent medical authority; (5) Name <u>The name</u> and last known address of natural parents, dates of birth, and Social Security numbers, if known; <u>of the biological parents of the adoptee.</u> 	<p><u>identifying the adoptee, the parties, or the witnesses in an adoption proceeding. Part or all of the record may also be sealed pursuant to procedure established by applicable and existing case law.</u></p> <p>(c) After the final decree of adoption has been entered, all papers, pleadings, and other documents pertaining to the adoption shall be sealed, kept as a permanent record of the court, and withheld from inspection except as otherwise provided in this section and in subsection (e) of Section 22-9A-12. No person shall have access to such records except upon order of the court in which the decree of adoption was entered for good cause shown except as provided in subsection (e) of Section 22-9A-12. <u>When the court enters a final judgment of adoption, the court shall send a copy of the certified final judgment of adoption to the Department of Human Resources in the manner prescribed by Section 26-10F-17(a).</u></p>
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<p>(e) The State Department of Human Resources and the investigating agency's adoption records must be kept for a minimum term of 75 years. If a licensed child placing agency ceases to operate in Alabama, all adoption records of the agency, including those of the child, the natural family, and the adoptive family, shall be transferred to the Department of Human Resources.</p> <p>(f) Except as otherwise provided in this section and in subsection (c) of Section 22-9A-12, all files of the investigating office or agency appointed by the court under Section 26-10A-19 shall be confidential and shall be withheld from inspection except upon order of the court for good cause shown.</p> <p>(g) Notwithstanding subsection (f) of this section, the State Department of Human Resources or the licensed investigating agency appointed by the court pursuant to Section 26-10A-19(b) and (c), shall furnish, upon request, to the petitioners, natural parents, or an adoptee 19 years of age or older, nonidentifying information which shall be limited to the following:</p> <ol style="list-style-type: none"> (1) Health and medical histories of the adoptee's natural parents; (2) The health and medical history of the adoptee; (3) The adoptee's general family background, including ancestral 	<p>(6) Age <u>The age</u> of the natural <u>biological</u> parents at child's <u>adoptee's</u> birth;</p> <p>(7) Nationality <u>The nationality</u>, ethnic background, race, and religious preference of the natural <u>biological</u> parents; <u>of the adoptee.</u></p> <p>(8) Educational <u>The educational</u> level of the natural <u>biological</u> parents; <u>of the adoptee.</u></p> <p>(9) Pre-adoptive brother/sister <u>Any pre-adoptive brother or sister</u> relationships; <u>of the adoptee.</u></p> <p>(10) Whether the identity and location of the natural <u>biological</u> father <u>of the adoptee</u> is known or ascertainable.</p> <p>(e) The State Department of Human Resources and the investigating agency's adoption records must be kept for a minimum term of 75 years. If a licensed child placing agency ceases to operate in Alabama, all adoption records of the agency, including those of the child <u>adoptee</u>, the natural <u>biological</u> family, and the adoptive family, shall be transferred to the Department of Human Resources <u>department.</u></p> <p>(f) Except as otherwise provided in this section and in subsection (e) <u>subsection (c)</u> of Section 22-9A-12, all files of the investigating office or agency appointed by the court under Section 26-10A-19 <u>26-10E-19</u> shall be confidential and shall be withheld from</p>	
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<p>information, without name references or geographical designations;</p> <p>(4) Physical descriptions;</p> <p>(5) The length of time the adoptee was in the care and custody of one other than the petitioner; and</p> <p>(6) Circumstances under which the child comes to be placed for adoption.</p> <p>(h) Notwithstanding subsection (f), if either the natural mother or the natural or presumed father have given consent in writing under oath to disclosure of identifying information as defined in subsection (d) and which is not otherwise provided in this section and in subsection (c) of Section 22-9A-12, the State Department of Human Resources or a licensed child placing agency shall release such identifying information.</p> <p>(i) If the court finds that any person has a compelling need for nonidentifying information not otherwise available under subsection (e) of this section which only can be obtained through contact with the adoptee, the adoptee's parents, an alleged or presumed father of the adoptee, or the adoptee's adoptive parents, the court shall direct the agency or a mutually agreed upon intermediary, to furnish such information or to establish contact with the adoptee, the adoptee's natural parents, the alleged or presumed father of the adoptee, or the adoptive parents of the</p>	<p>inspection except upon order of the court for good cause shown.</p> <p>(g) Notwithstanding subsection (f) of this section, the State Department of Human Resources or the licensed investigating agency appointed by the court pursuant to Section 26-10A-19(b) <u>26-10E-19(b)</u> and (c), shall furnish, upon request, to the <u>petitioner or</u> petitioners, natural <u>the biological</u> parents, or an adoptee 19 years of age or older, nonidentifying non- <u>identifying</u> information which shall be limited to the following:</p> <ol style="list-style-type: none"> (1) Health <u>The health</u> and medical histories of the adoptee's natural <u>biological</u> parents;. (2) The health and medical history of the adoptee;. (3) The adoptee's general family background, including ancestral information, without name references or geographical designations;. (4) Physical descriptions; <u>of the adoptee's biological parents.</u> (5) The length of time the adoptee was in the care and custody of one <u>anyone</u> other than the petitioner; and . (6) Circumstances <u>The circumstances</u> under which the child comes <u>adoptee</u> came to be placed for adoption. <p>(h) Notwithstanding subsection (f) <u>any other provision herein</u>, if either the natural <u>legal</u> mother or the natural <u>putative</u> or</p>	
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<p>adoptee in order to obtain the information needed without disclosure of identifying information to or about the applicant. The information then shall be filed with the court and released to the applicant within the discretion of the court. However, the identity and whereabouts of the person or persons contacted shall remain confidential.</p> <p>(j) Notwithstanding any subsection of this section to the contrary, when an adult adoptee reaches the age of 19, the adoptee may petition the court for the disclosure of identifying information as defined in subsection (d) and which is not otherwise provided for in this section or in subsection (c) of Section 22-9A-12, if a natural or presumed parent has not previously given consent under subsection (h). The court shall direct an intermediary to contact the natural parents to determine if the natural parents will consent to the release of identifying information. If the natural parents consent to the release of identifying information the court shall so direct. If the natural parents are deceased, cannot be found, or do not consent to the release of identifying information then the court shall weigh the interest and rights of all of the parties and determine if the identifying information should be released without the consent of the natural parents.</p>	<p>presumed legal father before the adoption have <u>has</u> given <u>written</u> consent in writing under oath to disclosure of identifying information as defined in subsection (d) and which that is not otherwise provided in this section and in subsection (c) of Section 22-9A-12<u>(c)</u>, the State Department of Human Resources or a licensed child placing agency shall release such the identifying information.</p> <p>(i) If the court finds that any person has a compelling need for nonidentifying non-<u>identifying non-</u>identifying information not otherwise available under subsection (e) of this section which <u>can</u> only can be obtained through contact with the adoptee, the adoptee's parents, an alleged the putative father or <u>presumed the legal father</u> of the adoptee <u>before the adoption</u>, or the adoptee's adoptive parents, the court shall direct the agency or a mutually agreed upon intermediary, to furnish such information or to establish contact with the adoptee, the adoptee's natural biological parents, the alleged putative or <u>presumed legal</u> father of the adoptee <u>before the adoption</u>, or the adoptive parents of the adoptee in order to obtain the information needed without disclosure of identifying information to or about the applicant. The information then shall be filed with the court and released to the applicant within the discretion of the</p>	
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court. However, the identity and whereabouts of ~~the person or persons~~ any individuals contacted shall remain confidential.

(j) Notwithstanding any subsection of this section to the contrary, when an ~~adult~~ adoptee reaches ~~the age of 19~~ years of age, ~~the adoptee~~ he or she may petition the court for the disclosure of identifying information ~~as defined in subsection (d) and~~ which is not otherwise provided for in this section or in ~~subsection (e) of Section 22-9A-12(c)~~, if a ~~natural or presumed~~ former parent has not previously given consent under subsection (h). The court shall direct an intermediary to contact the ~~natural~~ former parents to determine if ~~the natural parents~~ they will consent to the release of identifying information. If the ~~natural~~ former parent or parents consent to the release of identifying information the court shall so direct. If the ~~natural~~ former parent or parents are deceased, cannot be found, or do not consent to the release of identifying information, ~~then~~ the court shall weigh the interest and rights of all ~~of~~ the parties and determine if the identifying information should be released without the consent of the ~~natural parents~~ former parent.

(k) The court shall have the jurisdiction to issue any orders deemed necessary to protect the confidentiality of the adoption

	<p><u>or adoption proceedings, including, but not limited to, any protective order or injunction to prevent or limit the dissemination of any information contained in confidential or sealed records or any other information identifying the adoptee, the parties, or the witnesses in an adoption proceeding.</u></p>	

Birth certificates.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-32: (a) Within 10 days of the final decree being entered the judge or the clerk of the court shall send a copy of the final order to the Department of Human Resources and shall send a certificate of the final order of adoption to the State Registrar of Vital Statistics of the State Board of Health upon the form supplied by the state registrar for that purpose. (b) Upon receipt of copy of any final order of adoption the State Registrar of Vital Statistics shall cause to be made a new record of the birth in the new name and with the name or names of the adopting parent or parents as contained in the final decree. The state registrar shall then cause to be sealed and filed the original certificate of birth with the decree of the court. (c) Except as otherwise provided by subsection (c) of Section 22-9A-12, after the new birth certificate has been issued, the original birth certificate and the evidence of adoption are not subject to inspection except upon order of the court for good cause shown.</p>	<p>§ 26-10E-31: (a) Within 10 days of the final decree <u>judgment</u> being entered, the judge or the clerk of the court shall send a copy of the <u>certified final order judgment of adoption</u> to the Department of Human Resources <u>electronically or by United States mail</u> and shall send a certificate of <u>copy of the certified final order judgment</u> of adoption to the State Registrar <u>Office</u> of Vital Statistics of the State Board of Health upon the form supplied by the state registrar for that purpose <u>electronically or by United States mail with the report of the adoption in the format developed by the Office of Vital Statistics.</u> (b) Upon receipt of <u>a copy of any a certified final order judgment</u> of adoption <u>from the judge or the clerk of the court for an individual born in this state,</u> the State Registrar <u>Office</u> of Vital Statistics shall cause to be made <u>prepare</u> a new record of the birth in <u>reflecting</u> the <u>registrant's</u> new name and with the name or names of the adopting <u>each adoptive</u> parent or parents as contained in the final decree <u>judgment and report of adoption.</u> The state registrar Office of Vital Statistics shall then cause to be sealed and filed <u>place the evidence of adoption along with</u> the original certificate of birth with the decree of the</p>	<p>§ 26-10F-17: (a) Within 10 days of the final decree <u>judgment</u> being entered, the judge or the clerk of the court shall send a copy of the <u>certified final order judgment of adoption</u> to the Department of Human Resources <u>electronically or by United States mail</u> and shall send a certificate of <u>copy of the certified final order judgment</u> of adoption to the State Registrar <u>Office</u> of Vital Statistics of the State Board of Health upon the form supplied by the state registrar for that purpose <u>electronically or by United States mail with the report of the adoption in the format developed by the Office of Vital Statistics.</u> (b) Upon receipt of <u>a copy of any a certified final order judgment</u> of adoption <u>from the judge or the clerk of the court for an individual born in this state,</u> the State Registrar <u>Office</u> of Vital Statistics shall cause to be made <u>prepare</u> a new <u>an amended</u> record of the birth in <u>reflecting</u> the <u>registrant's</u> new name and with the name or names of the <u>each</u> adopting parent or parents as contained in the final decree <u>judgment and report of adoption.</u> The state registrar shall then cause to be sealed and filed the original certificate of birth with the decree of the court. <u>The original birth certificate or evidence of</u></p>

	<p>court <u>in a sealed file. A Certificate of Foreign Birth and sealed file shall, upon request, be created for a foreign-born individual adopted in a court in this state as provided in Section 22-9A-12(i).</u></p> <p><u>(c) The new certificate of birth will be prepared on the form or in the format prescribed by the Office of Vital Statistics following the requirements in Section 22-9A-12, Section 22-9A-19, and Title 420 of the Alabama Administrative Code, or any other rule adopted by the State Board of Health.</u></p> <p><u>(d) There shall be no more than two parents listed on a new or amended birth certificate. If two parents are designated in the final judgment of adoption, those individuals are required to be married to each other at the time the final judgment of adoption is entered.</u></p> <p><u>(e) A new certificate of birth shall be prepared by the Office of Vital Statistics in accordance with the current laws and rules of this state following a final judgment of adoption being entered in another state, the District of Columbia, a territory of the United States, or a foreign country.</u></p> <p><u>(f) Except as otherwise provided by subsection (e) of Section 22-9A-12(c), after the new birth certificate has been issued <u>filed</u>, the original birth certificate and the evidence of adoption are not subject to inspection except upon order of</u></p>	<p><u>adoption will not be sealed unless otherwise ordered by the court granting the adoption. If the court orders the documents to be sealed, the adoptee may request the original birth certificate and evidence of adoption as provided by Section 22-9A-12(c).</u></p> <p>(c) Except as otherwise provided by subsection (e) of Section 22-9A-12, after the new birth certificate has been issued, the original birth certificate and the evidence of adoption are not subject to inspection except upon order of the court for good cause shown. <u>Upon receipt of a copy of a certified final judgment of adoption from the judge or the clerk of the court for a foreign-born individual adopted in a court in this upon request, create a Certificate of Foreign Birth and sealed file as provided in Section 22-9A-12(i).</u></p>
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	the court <u>of competent jurisdiction</u> for good cause shown.	

Crime to place children for adoption.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-33: Only a parent, a parent of a deceased parent, or a relative of the degree of relationship specified in Section 26-10A-28, the Department of Human Resources or a licensed child placing agency, or an agency approved by the Department of Human Resources may place a minor for adoption. No person or entity other than the Department of Human Resources or a licensed child placing agency shall engage in the business of placing minors for adoption. Any person or entity making more than two unrelated placements of minors for adoption within the preceding twelve-month period shall be deemed to be in the business of placing minors for adoption. Any other person who places a minor for adoption is guilty, upon the first conviction, of a Class A misdemeanor and upon subsequent convictions is guilty of a Class C felony. This section does not intend to make it unlawful for any person not engaged in the business of placing minors for adoption to give advice and assistance to a natural parent in an adoption. In making adoption arrangements, potential adopting parents and birth parents are entitled to the advice and assistance of legal counsel. Surrogate</p>	<p>§ 26-10E-32: Only a parent, a parent of a deceased parent, or a relative of the degree of relationship specified in Section 26-10A-28 <u>26-10E-27</u>, the <u>State</u> Department of Human Resources, or a licensed child placing agency, or an agency approved by the Department of Human Resources <u>department</u> may place, <u>or facilitate the placement of,</u> a minor for adoption. No person or entity other than the Department of Human Resources <u>department</u> or a licensed child placing agency shall engage in the business of placing, <u>or facilitating the placement of,</u> minors for adoption. Any person <u>individual</u> or entity making more than two unrelated <u>separate and distinctive</u> placements of minors <u>who are unrelated to the petitioner or petitioners</u> for adoption within the preceding twelve-month <u>12-month</u> period shall be deemed to be in the business of placing minors for adoption. Any other person who places, <u>or facilitates the placement of,</u> a minor for adoption is, <u>upon the first conviction,</u> guilty, upon the first conviction, of a Class A misdemeanor and, <u>upon subsequent convictions,</u> is guilty of a Class C felony. This section does not intend to make it unlawful for any person not engaged in the business of placing, <u>or facilitating the placement of,</u> minors for</p>	<p>(none)</p>

<p>motherhood is not intended to be covered by this section.</p>	<p>adoption to give advice and assistance to a natural <u>biological</u> parent in an adoption. In making adoption arrangements, potential adopting parents and birth <u>biological</u> parents are entitled to the advice and assistance of legal counsel. Surrogate motherhood is not intended to be covered by this section.</p>	

Payments to parent for placing minor for adoption; maternity expenses; receipt of financial benefits by father.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-34:</p> <p>(a) It shall be a Class A misdemeanor for any person or agency to offer to pay money or anything of value to a parent for the placement for adoption, for the consent to an adoption, or for cooperation in the completion of an adoption of his or her minor. It shall be a Class C felony for any person or agency to pay money or anything of value to a parent for the placement of a child for adoption, for the consent to an adoption, or for cooperation in the completion of an adoption of his or her minor. This section does not make it unlawful to pay the maternity-connected medical or hospital and necessary living expenses of the mother preceding and during pregnancy-related incapacity as an act of charity, as long as the payment is not contingent upon placement of the minor for adoption, consent to the adoption, or cooperation in the completion of the adoption.</p> <p>(b) It shall be a Class C felony for any person or agency to receive any money or other thing of value for placing, assisting, or arranging a minor placement. This section is not intended to prohibit legitimate charges for medical, legal, prenatal, or other professional services.</p>	<p>§ 26-10E-33:</p> <p>(a) It shall be a Class A misdemeanor for any person <u>individual</u> or agency to offer to pay money or anything of value to a parent for the placement for adoption, for the consent to an adoption, or for cooperation in the completion of an adoption of his or her minor <u>child</u>. It shall be a Class C felony for any person <u>individual</u> or agency to pay money or anything of value to a parent for the placement of a child for adoption, for the consent to an adoption, or for cooperation in the completion of an adoption of his or her minor <u>child</u>. This section does not make it unlawful, <u>as provided in Section 26-10E-22</u>, to pay the maternity-connected <u>expenses</u>, medical or hospital <u>expenses</u>, and necessary living expenses of the mother preceding and during pregnancy-related incapacity as an act of charity, as long as the payment is not contingent upon placement of the minor <u>child</u> for adoption, consent to the adoption, or cooperation in the completion of the adoption.</p> <p>(b) It shall be a Class C felony for any person <u>individual</u> or agency to receive any money or other thing of value for placing, assisting, or arranging <u>for the placement of a minor placement for adoption</u>. This section is not intended to prohibit</p>	<p>(none)</p>

<p>(c) Surrogate motherhood is not intended to be covered by this section.</p>	<p>legitimate charges for medical, legal, prenatal, or other professional services. (c) Surrogate motherhood is not intended to be covered by this section.</p>	

Bringing child into state for adoption purposes.

2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-35:</u> Children may be brought into Alabama for purposes of adoption as provided in Section 38-7-15 except that investigations shall be made as provided in Section 26-10A-19(c).</p>	<p><u>§ 26-10E-34:</u> Children <u>Minors</u> may be brought into Alabama for purposes <u>the purpose</u> of adoption as provided in Section <u>Sections</u> 38-7-15 <u>and 44-2-20</u>, except that investigations shall be made as provided in Section 26-10A-19(c) <u>Sections 26-10E-19 and Section 44-2-20</u>.</p>	<p>(none)</p>

Advertisement as to adoption by persons, organizations, etc., not licensed by Department of Human Resources.

2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p>§ 26-10A-36: It shall be unlawful for any person or persons, organizations, corporation, partnership, hospital, association, or any agency to advertise verbally, through print, electronic media, or otherwise that they will:</p> <ul style="list-style-type: none"> (1) Adopt children or assist in the adoption of children in violation of this chapter; (2) Place or assist in the placement of children in foster homes, group homes, or institutions in violation of this chapter; or (3) Pay or offer money or anything of value to the parents of a child in violation of Section 26-10A-34. <p>Any violation of this section shall be punished as a Class A misdemeanor.</p>	<p>§ 26-10E-35: <u>(a)</u> It shall be unlawful for any person or persons <u>individual</u>, organizations <u>organization</u>, corporation, partnership, hospital, association, or any <u>other business entity, or</u> agency to advertise verbally, by word of mouth or through print, electronic media, <u>including social media, telephonically,</u> or otherwise that they will <u>take any of the following actions:</u></p> <ul style="list-style-type: none"> (1) Adopt children <u>minors</u> or assist in the adoption of children <u>minors</u> in violation of this chapter; (2) Place or assist in the placement of children <u>minors</u> in foster homes, group homes, or institutions in violation of this chapter; or. (3) Pay or offer money or anything of value to the <u>parent or</u> parents of a child <u>minor</u> in violation of Section 26-10A-34 <u>Sections 26-10E-32 or 26-10E-33.</u> <p><u>(b)</u> Any violation of this section shall be punished as a Class A misdemeanor.</p>	<p>(none)</p>

Rules of procedure and rules of evidence.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-37:</u> The Rules of Civil Procedure and the Rules of Evidence apply to the probate court in adoption proceedings to the extent they apply under Section 12-13-12.</p>	<p><u>§ 26-10E-36:</u> The <u>Except as expressly provided within this chapter, the Alabama</u> Rules of Civil Procedure and the <u>Alabama</u> Rules of Evidence apply to the probate court in adoption proceedings to the extent they apply under Section 12-13-12 <u>in any case brought under this chapter, including cases transferred to a juvenile court.</u></p>	<p><u>§ 26-10F-18:</u> The <u>Except as expressly provided within this chapter, the Alabama</u> Rules of Civil Procedure and the <u>Alabama</u> Rules of Evidence apply to the probate court in adoption proceedings to the extent they apply under Section 12-13-12 <u>in any case brought under this chapter.</u></p>

Application to existing adoptions.		
2022 Adoption Code	2023 Minor Adoption Code	2023 Adult Adoption Code
<p><u>§ 26-10A-1:</u> Final orders of adoptions entered prior to January 1, 1991, remain in effect on January 1, 1991, even though the statute under which the adoption was made may be repealed or modified by this chapter. Those adoptions continue in effect as they existed prior to this chapter except that proceedings after final orders of adoption previously entered will be governed under this chapter.</p>	<p><u>§ 26-10E-1:</u> Final orders <u>judgments</u> of adoptions entered prior to January 1, 1991 <u>into before January 1, 2024, are valid and</u> remain in effect on January 1, 1991, even though the statute under which the adoption was made may be repealed or modified by this chapter. Those adoptions continue in effect as they existed prior to <u>the enactment of</u> this chapter except that proceedings after final orders <u>judgments</u> of adoption previously entered <u>into before the enactment of this chapter</u> will be governed under this chapter.</p>	<p><u>§ 26-10F-19:</u> <u>(a)</u> Final orders <u>judgments</u> of adoptions entered prior to January 1, 1991 <u>into before January 1, 2024, are valid and</u> remain in effect on January 1, 1991, even though the statute under which the adoption was made may be repealed or modified by this chapter. Those adoptions continue in effect as they existed prior to <u>the enactment of</u> this chapter except that proceedings after final orders <u>judgments</u> of adoption previously entered <u>into before the enactment of this chapter</u> will be governed under this chapter. <u>(b) This chapter shall apply to all proceedings related to adult adoptions that have not been commenced as of December 31, 2023.</u></p>