



Adoption
is Love!

BEGINNER'S GUIDE
— TO GEORGIA —
ADOPTION LAW

How To Make The Right Decision
And Move Forward

Judy D. Sartain, Esq.

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PREFACE

This book is not intended to be an exhaustive instructional guide for the legal practitioner to learn adoption law. It is intended to be an overview of the different types of adoptions available to birth parents, adoptive parents and the legal community in Georgia.

During my over twenty-five years of the practice of law in Georgia, I have been fortunate enough to finalize a tad over 800 adoptions in my home state of Georgia, with children from all over the United States, and the domestication of many foreign adoptions.

In Georgia, Adoption law is code-driven, complex and ever-changing, making the selection of an adoption attorney critical to both the prospective adoptive parent and the birth parent or parents.

DEDICATION

To James B. Outman, the Father of Adoption Law in Georgia. More than a mentor to me and many others, always willing to listen and lend a hand to many attorneys who have “just one more question” and to listen to those adoptive parents who are desperate for assistance when things have gone terribly wrong in their adoption cases.

And to my family, my husband Mike, my children, Jessica, Catherine, Sam, Hannah, and Stephen, who have had many evenings, weekends and holidays disrupted by mom going to the hospital to discharge a birth mom and baby to excited adoptive parents.

DISCLAIMER

This publication is intended to be used for educational purposes only. No legal advice is being given, and no attorney-client relationship is intended to be created by reading this material. The author assumes no liability for any errors or omissions or for how this book or its contents are used or interpreted, or for any consequences resulting directly or indirectly from the use of this book. For legal or any other advice, please consult an experienced attorney or the appropriate expert, who is aware of the specific facts of your case and is knowledgeable in the law in your jurisdiction.

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TESTIMONIALS

“After filing for a step parent adoption with a previous lawyer who did not know the law, we found Judy. She has been a lifesaver for our family. Judy knows family law (heck she helped write some of it) like the back of her hand. She isn’t afraid to put up a fight to protect your family. Judy convinced a judge to make a ruling from the bench to terminate rights of an absent father and grant the adoption of my two sons to me. I’m so thankful for the work she has done, she completed in a matter of weeks after hiring her what it has taken us years of fighting for. She was without a doubt the best lawyer for the job. Professional, Experienced, knowledgeable, fierce, quick, full of wit, and a joy to work with.”

- Devin

“Judy Sartain is an amazing professional lawyer, but even more is a person who cares deeply for everyone that she helps through the adoption process. Judy has outstanding success, and we felt confident during every step because Judy takes the time to explain what is going on and what we needed. Even when we felt discouraged, Judy was right there to encourage us and love us through the uncertainties. Thank you Judy for helping us complete our family!”

- James

“If you are able hire Judy Sartain. It will be well worth it. Attorney Sartain took the time to review my case and started working on it immediately. I have been kept up to date and all my calls and questions were addressed immediately by herself and staff. It is also very helpful to see a monthly statement of what is being performed on your behalf.”

- Chandra

“Ms. Sartain performed the services of 2 adoptions for our family. I found her to be very professional, thorough, and helpful. I would not have anyone else do an adoption for my family. In my opinion she is the best attorney in her field. I would highly recommend if you need an adoption to hire Judy Sartain.”

- Robin

“Judy was very knowledgeable and preformed her duties in the adoption of our grandchildren with speed and accuracy to the point even the Judge was impressed. Highly recommend her!”

- Alan

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ABOUT THE AUTHOR



My name is Judy Sartain and I have been practicing law in Georgia for over 25 years. During my first year of practice, I found adoption law to be very interesting. While I didn't actively seek it out, it quickly became my favorite area of law; it's complicated, which is the way it should be since it involves such serious matters. Forging through the different nuances of the adoption code and understanding the many scenarios that could take place requires a certain level of fortitude. It's unlike other areas of law, and certainly not as straightforward as handling a divorce case or creating an estate plan, although certain circumstances may call

for knowledge in those areas as well. The Georgia Court of Appeals and Georgia Supreme Court have said that adoption law must be strictly construed, which means it has to be carefully and exactly followed. I happen to have the technical kind of brain required to strategize through the process, and over the last 25 years, I've been able to help hundreds of people create their forever family. In fact, I have finalized just over 800 adoptions. It's a very gratifying area of the law because it's not about the emotional part of divorce for a family, but it is all about bringing a family together.

What Does It Mean For Your Clients To Know That You Personally Have Been Through The Adoption Process?

I believe it gives my clients a great deal of comfort to know that I understand the emotional rollercoaster that they are going through. I suffered from secondary infertility, which means there was a 14-year gap between giving birth to my first child and delivering my second child. I then lost my third child through miscarriage, and gave birth to my last biological child. I wanted more children (crazy, right?).

As an only child, I knew I didn't want a small family, but I wanted my children to have a large family and a sense of belonging within that large family. We decided to grow our family through adoption. I adopted my last two children from Russia before they closed the doors to international adoption. Russia was a very popular place for Americans to go for adoptions because the laws were very friendly, younger children could be adopted, and the children seemed to integrate well into an existing family. I was an attorney at the time of the adoptions, but nonetheless, the paperwork required was absolutely overwhelming. In fact, it essentially became a part-time job for me. Once the paperwork was submitted, all we could do was wait, which was so difficult. The whole time, it felt as though my heart was in my throat, and I was overcome by emotion, fear, and questions about the uncertainty of what was to come. So I understand the emotions that come with adoption.

Who Is This Book For, And What Was Your Motivation Behind Writing It?

Up front, this book is strictly about Georgia adoption law. Please do not use this book as a guide

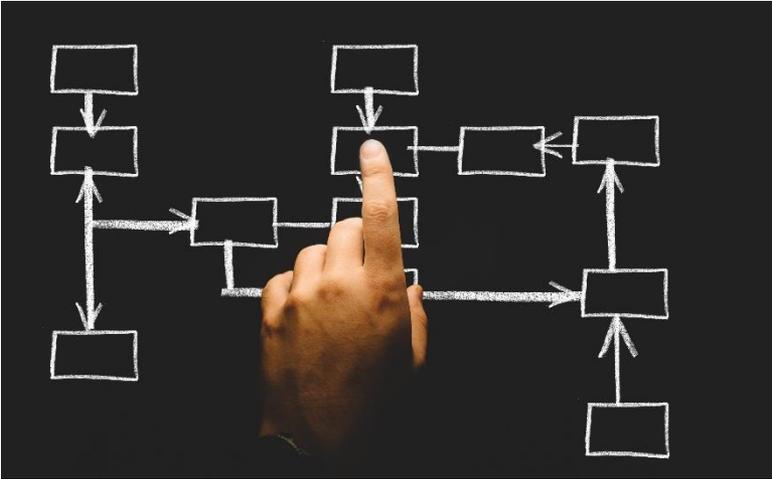
about adoption law for any other State. I want this book to be available for anyone who is interested in adoption and could benefit from an overview of adoption law. It's not meant to be an exhaustive discussion of every aspect of the law, because it's just too complicated, but this book is meant to be more comprehensive than what people can ascertain from vague Google searches. Families take on all shapes and sizes these days, and I want to be able to help them all—whether that means discussing what type of clients I serve, how detail-oriented and precise adoption laws can be, and how important it is to navigate this landscape with the help of an adoption attorney. I want adoptive families to be able to enjoy being parents, not worry endlessly about the paperwork, like I did.

In 2018, the adoption code in Georgia was totally revamped. For the general practitioner who might handle one or two adoptions a year, this meant needing to become very familiar with an entirely different, redrafted code. This can be difficult for someone who doesn't deal with this type of law day-in

and day-out. For this reason, attorneys who are interested in becoming more familiar with the statutory nature of the adoption code in Georgia may find this book to be useful. I would recommend that they also participate in the continuing legal education seminar that is held every year in November and presented by James Outman, my mentor and friend. Over the past several decades, Outman has played an integral role in the complete writing and re-writing of each change of the Georgia adoption code. I've had the benefit of having Jim as a mentor along the way who has helped me, encouraged me, and taught me so many invaluable lessons, not only about adoption, but also about living life.

CHAPTER 1

WHAT IS THE PROCESS OF ADOPTION IN GEORGIA?



Each type of adoption is described in the laws of Georgia under its own code section. An agency adoption is described under O.C.G.A. (Official Code of Georgia Annotated) § 19-8-4, and can be a private adoption agency, or an adoption through the Department of Family and Children Services (DFCS). The process of an adoption through an agency requires a thorough home study. Fortunately, I have a friend and colleague who has been writing my home studies for

over 20 years. She does a great job and can write home studies for agencies and also for independent adoptions that enables people to become eligible to adopt in Georgia or anywhere in the United States (an Interstate Compact Adoption [an ICPC adoption]). If prospective adoptive parents contract with an adoption agency, someone from the agency may be assigned to write the home study, and will then present their profile to as many birth parents as possible. Sometimes the match happens quickly, and sometimes it can take longer.

When adoptive parents adopt through DFCS, they have most likely had the child or children in their home for at least six months. These children are typically older, and they may consist of a sibling group. I have many friends who are foster parents and I have handled many foster care adoptions. It is always important to remember that the primary purpose of the Department is to reunify the child with the biological family. If that cannot happen, then the judge will terminate the rights of the biological parents and the children will become free for adoption. Since the foster parent will have already had the child in their

home for some time, they will already know the child's personality and how to effectively parent the child.

I always recommend that adoptive parents read the late Dr. Karyn Purvis's book, *The Connected Child*. This book will guide them in learning that all adoptions come with loss and some amount of trauma. This is especially true when dealing with a child who has been in foster care for several years, or who has been through traumatic experiences of neglect or physical, emotional, or sexual abuse. It is important that people prepare themselves and become equipped to handle the loss that the child has experienced.

Who Actually Approves The Adoption In Georgia?

The social worker who writes the home study, who is either an employee of the agency or an independent home study agent, analyzes the situation of the adoptive family and either approves them as adoptive parents or tells the court that the adoption is not recommended. When they come to an adoptive parent's house for the home study, they are not looking

for a mansion, nor are they doing the white-glove inspection; they are just evaluating the home to make sure that there is sufficient room for the child, and necessary child-proofing measures in the home (e.g. safely stored hazards such as cleaning supplies, prescription medications or firearms, drowning prevention near a swimming pool).

Ultimately, a judge approves the adoption when they sign the decree of adoption, but the judge relies on the information presented in the home study. I always try to weave the adoption story into my pleadings so that the judge can get a real sense of why the family wants to adopt the child. It's always helpful for the judge to have as much information as possible to make an informed decision. It is truly a wonderful thing to see them take out that pen and sign their name, finalizing the adoption.

How Long Does The Adoption Process Generally Take In Georgia?

In Georgia, the adoption process can take a year or more, or just several weeks. No adoption case is the

same. The requirements vary depending on the type of adoption case at hand, and these requirements often dictate how long it will take for the adoption to be finalized. If there is written consent of both biological parents, the criminal background checks have been done, and all the paperwork is complete, then the process can be a breeze. Recently, I finalized an adoption that took about seven weeks from the time of discharge from the hospital to finalization. In that case, the adoptive parents were quick and efficient with every step of the process, quickly providing all of the necessary paperwork, getting their home study completed prior to the birth of the baby and even helping the birth mother complete her paperwork, which was very helpful.

CHAPTER 2

GENERAL QUALIFICATIONS FOR ADOPTIVE PARENTS UNDER GEORGIA LAW



The adoptive parent must be at least 25 years old or married, and at least 10 years older than the child who is being adopted. In order to adopt a relative, the adoptive parent must be at least 21 years old. In addition, an adoptive parent must be a resident of the state of Georgia for six months prior to filing the Petition for adoption, and financially, physically, and mentally able to have permanent custody of the child. If the adoptive

parent is married, then both spouses must adopt. There are minor exceptions to these qualifications. Having an experienced adoption attorney there to navigate the maze is necessary.

What Is An Agency Adoption?

If someone is fostering with the Department of Family And Children Services (DFCS), the foster placement will lead to either a reunification with the biological parents, or a termination of parental rights and adoption. Since some people aren't emotionally prepared to face a possible reunification of their foster child with the birth parents, they choose the private agency route. This involves getting all of the paperwork done, and waiting for the agency to match the adoptive parents with birth parents. The agency takes care of all the expenditures on behalf of the biological mom (e.g. medical bills), and handles the termination of rights. Then, the adoption packet is simply handed to the adoption attorney who files the proper pleadings for an agency adoption. These adoptions have different sets of pleadings and

requirements, which are tailored to every kind of adoption that exists. This is why it's so complicated for the average attorney.

Private agencies can be very costly. When people narrow their criteria for a child (e.g. a healthy newborn with no drug or alcohol exposure during the pregnancy), the wait for a match can be long and expensive. When people are willing to broaden their expectations and become foster parents before becoming adoptive parents through the department, the costs are low, and it's sometimes free. The wait for the department can be agonizingly long, but the benefit is that the child is in the home of the parent, so they can begin the bonding process at that time.

All agencies are not created equal. I would strongly recommend that prospective adoptive parents conduct research and read reviews that might provide insights as to what agency would be the best fit for their adoption journey. People should be cautioned about adoption facilitators, because they are not licensed with the state, and are simply illegal in

Georgia because they are not licensed child-placing agencies. I strongly advise against getting involved with an adoption facilitator. There are also instances of fraud in which women have pretended to be pregnant in order to either steal money from desperate adoptive parents or prey on the emotions of adoption parents.

What Are Some Of The Reasons That Adoptions Fail?

The most common reason for a failed adoption is that the biological parent changes their mind, even after the adoptive parents have spent money for agency and living expenses, funds to begin the paperwork process started and have even met with the biological parents. The absolute worst-case scenario – which thankfully has never happened to me as an attorney – is when incorrectly-drafted adoption paperwork results in a denial of the adoption by a judge.

CHAPTER 3

WHAT IS A PRIVATE OR INDEPENDENT ADOPTION?



The documentation required for an independent adoption is described thoroughly in O.C.G.A § 19-8-5. Independent adoptions happen quite frequently, and involve direct placement of a child between the birth parents and adoptive parents. I often tell my prospective adoptive parents to tell everyone they know that they want to adopt. With social media and the mobility of our society, several thousand people can know within a couple of weeks that a couple is looking

to adopt. Often, a friend or family member will know someone who wants to place a child for adoption but they simply do not know what to do.

The benefits of a private or independent adoption is that the adoptive parents typically know much more about the child's genetic makeup and whether or not drugs or alcohol were used during pregnancy. In addition, they are typically much less expensive. Georgia law has changed recently to permit specific living expenses to be paid to the biological mother during and after the pregnancy, but only under carefully monitored conditions by the adoption agency or attorney. In an independent adoption, it is best to have an experienced attorney advise on what expenses are and are not appropriate.

The drawback to a private adoption is that the biological mother or father may want much more from an adoptive placement than the adoptive parents are willing or able to provide. Often, the birth parent and adoptive parent will go to the doctor visits together, and the adoptive parent might even cut the cord in the delivery room. The strong emotional connection

between the biological mother and adoptive parent can blur the lines. In other words, the biological parents may begin to see the adoptive parents as family, which some adoptive parents may not be comfortable with. Georgia law does permit a Post-Adoption Contact Agreement (PACA), which used to be called an open adoption agreement. This agreement allows both parties to negotiate how much or how little contact the biological family will have with the adoptive family. It is important that parents choose what's comfortable for them; if they feel like liberal visitation terms of some PACAs are too intrusive but the biological parents demand it, then it might not be a good match.

Who Approves Or Qualifies The Adoptive Parents In A Private Adoption?

In all adoptions, including private adoptions, the Superior Court in Georgia has exclusive jurisdiction to either approve or deny the adoption petition. To make this decision, judges rely on the home study, criminal background checks, and the investigator who ensures that all the allegations in the petition for adoption are true and correct. I try to

include as much information in the petition as possible, so as to help the judge feel comfortable signing the decree of adoption and making it final. The judge has the big responsibility of essentially creating a family and entrusting a child to people whom they've never before met. There are times when the judge has a difficult time making a decision, but I try to make it a very satisfying experience for judges.

It's a very emotional process, but it's important to be prepared to answer all sorts of questions regarding birthing plans, the child's name, what happens after the surrender, etc. My staff and I do a lot of handholding and provide a lot of reassurance during the process. I want to make sure my adoptive clients/parents are informed and well-educated as to what is happening every step of the way. I believe that my many years of experience in the field and my own personal experience as an adoptive parent creates trust between me and my clients, which helps when I explain why the letter of the law must be followed.

What Is Your Role As The Attorney When It Comes To Private Or Independent Adoptions?

In 2018, additional requirements pertaining to the surrender process were implemented under Georgia law. Specifically, the status of the father and the father's rights must be established. If the father is in the military, his rights will need to be treated in an entirely different way because the adoption code protects members of the military from parental rights issues (e.g. not seeing their child, not knowing they have a child) that can arise on deployment.

If a woman is married to someone when she gets pregnant by another man, then there will be both a legal father and a biological father. Under such circumstances, a surrender or termination consent form must be provided by the legal father and biological father. There are very specific forms that must be used and followed with great specificity. As an adoption attorney, it is my job to make sure that I obtain all of the necessary information. If either biological parent claims a Native American heritage or is a registered member of a federally-recognized tribe, then a federal law called

Indian Child Welfare Act (ICWA) must be followed strictly or else the adoption could be put in jeopardy or even denied by the judge.

CHAPTER 4

HOW DO RELATIVE ADOPTIONS DIFFER FROM PRIVATE ADOPTIONS?



The description for the preparation of Relative Adoptions can be found in Georgia law in O.C.G.A. § 19-8-6. I have worked with many grandparents, aunts, uncles, and great uncles or great aunts who adopt family members. In situations where the biological parents are struggling with addiction problems, it is not uncommon for a relative to step in and seek to adopt the child of their relative. A lack of parenting

skills can be generational when a biological parent doesn't know how to parent or in some cases is too young to parent. In other cases, biological parents are unable or unequipped to remain employed, keep a roof over the child's head, stay out of trouble with the law, keep the child in school, make sure the child is well-nourished, and ensure the child is emotionally and physically taken care of. Relative adoptions secure the child in a family relationship that is stable and secure; and this benefits society, because when a child is raised in a stable and secure home, the odds on them growing up to be a productive citizen and member of society are much greater. This also reduces the burden on the State having to assume the financial responsibility of caring for a child in foster care.

Do The Biological Parents Of A Child Who's Been Adopted By A Relative Play A Role In The Child's Life?

It is up to the adoptive parents to decide how active a role the biological parents have in the child's life. Often, when a biological parent suffers from drug abuse or is in a violent or toxic relationship, the adoptive

parents can choose to limit the interaction with the child's biological family. The biological parents might surrender their rights to the child to the relative, or the relative may go through all the required elements and terminate the rights in a contested adoption.

Who Is Considered A Relative When It Comes To Relative Adoptions?

In Georgia, a relative is classified as a grandparent, a great grandparent, an aunt, an uncle, a great aunt, a great uncle, or a sibling of the child. Georgia does not view cousins as relatives, so that type of adoption would have to be completed as an independent private adoption. There are relatives who have begun taking an active role in raising children, but unless they fall into those categories, it is not considered a relative adoption; it is a private adoption. The process for relative adoptions is similar to other adoptions. Again, there is required information to be provided in the pleadings that must be used, and special set of circumstances and elements that must be present in the adoption petition.

The state (e.g. DFCS) typically has no role in a relative adoptions, although sometimes the child will have first been in foster care. In relative adoptions, there must be a home study of the petitioners unless the judge chooses to waive that home study, which judges have a right to do under certain circumstances. Without exception, petitioners must undergo a criminal background check with fingerprints and obtain FBI and GBI (Georgia Bureau of Investigations for Georgia adoptions) clearance. The Georgia Superior Court then reviews everything to ensure that the adoptive parents will provide a safe and secure home for the child. At that point, a court date will be set, and the adoption will be well on its way to finalization.

CHAPTER 5

WHY ARE STEPPARENT ADOPTIONS NECESSARY?



The elements for stepparent adoptions are thoroughly described in O.C.G.A. § 19-8-7. In some cases, a biological parent will have been absent from the child's life, and the spouse of the custodial legal parent will have a desire to legalize their relationship with the child through adoption. Unless the child is legally adopted by the stepparent, the biological parent has the legal right to custody of that child in the event something happens to the custodial legal parent.

Depending on the circumstances of the case and the family dynamic, this could totally tear apart the stable family structure and result in the child being ripped away from the family, including stepsiblings and halfsiblings, they know. Unfortunately, this does happen. To protect the child from this type of psychological damage, many spouses will choose to legally adopt the child.

Can A Stepparent Make Medical Decisions For The Child?

A stepparent who has not legally adopted the child cannot make medical decisions for that child. If the legal parent is absent or is traveling for work and the child needs emergency surgery, it can be tricky. A stepparent must have the legal right to sign the paperwork and authorize medical procedures.

What Steps Must Be Taken In Order For A Stepparent To Adopt?

The first step for a positive outcome in a stepparent adoption is to hire an experienced adoption attorney. While some general practice attorneys are

quick to assume that these are easy cases, some of my most hardest fought and contested adoptions were stepparent adoptions. There are strict notice requirements and the pleadings must contain the correct information required by law. I have spent significant amounts of time amending and fixing petitions that were filed pro se by the client, or by attorneys who made mistakes and omissions. Typically, it ends up being more expensive for me to amend such errors once they have been made than to work on the case to begin with and ensure the mistakes are never made in the first place.

Does The Other Parent Always Need To Give Up Parental Rights In Order For The New Stepparent To Step In As A Legal Parent?

The rights of a biological parent can be terminated so long as there is evidence that they have abandoned the child. This means that it is not always necessary for a stepparent to obtain permission from the biological parent before pursuing legal adoption. However, this requires the help of an experienced adoption attorney who knows what they are doing.

How Is The Court Involved In A Stepparent Adoption?

The Superior Court has exclusive jurisdiction over all kinds of adoptions. Until the Superior Court judge signs the decree of adoption, the adoption is not legal nor final.

Should Someone Hire An Adoption Attorney To Help With A Stepparent Adoption?

On many occasions, I have received total messes from other attorneys who tried to handle stepparent adoption cases. Some people obtain blank adoption pleadings from the internet, which are not Georgia-specific documents and will not be accepted by the judge and will not result in the finalization of an adoption. The judge's staff attorney is not allowed by law to correct the mistakes in a filed adoption petition. Pleadings must be written in a manner which satisfies all of the necessary statutory requirements pertaining to the specific adoption at hand. In Georgia, there are packets for people who want to file for divorce without being represented by an attorney, but there is no such

packet for people who want to adopt. Furthermore, the requirements and forms necessary for adoption differ from state to state. Often, adoption petitions are rejected because they are not appropriate for the given state or adoption situation. Under these circumstances, the judge will tell the pro se (self-represented) petitioner to seek out an experienced adoption attorney or will appoint a special master to amend the pleadings so that the judge can make a ruling. In some cases, an attorney will fail to file statutorily correct pleadings, and the judge will appoint a special master in those instances as well. It is generally less expensive to just hire an experienced adoption attorney from the beginning.

CHAPTER 6

WHAT IS THE DOMESTICATION OF FOREIGN ADOPTIONS?



The details of International adoptions are discussed in O.C.G.A .§ 19-8-8. Sadly, international adoptions have decreased significantly since the 80s and 90s, although they still occur. To begin with, the prospective adoptive parent must work with an accredited agency in the United States that has contacts in the foreign country and can locate the child. Homeland Security regulations and Immigration and Naturalization Service regulations must be complied

with strictly. The Hague Convention also plays a huge role in the international adoptions in terms of whether or not a child can legally enter the United States and become a US Citizen. The ultimate goal of anyone who adopts a child internationally is to have that child become a US citizen. Typically, the adoption attorney in Georgia only domesticates the foreign adoption that was finalized in the other country.

I often receive calls from people who have adopted from other countries, and who say that they have been told they must re-adopt their child. The truth is that these are not re-adoptions, but rather are domestications of foreign adoptions that were adjudicated and finalized in a court of competent jurisdiction in another country. Some adoptions that are done in other countries are not eligible for domestication, and that is tragic. It's essential that anyone who wants to adopt internationally work with an accredited international adoption agency. Once they are with the child and in the US on the right visa, they should have an experienced adoption attorney domesticate the foreign adoption, if possible.

The length of the international adoption process varies widely between the countries and the enormous role that the prospective adoptive parents assume in gathering the tremendous amount of paperwork. That paper chase can consume as much time as a part-time job, but it has to be done. There are many nuances in the process and deadlines to watch, details as minute as when the notary stamp on the documents expire.

How Long Does It Generally Take For An International Adoption To Go Through?

In total, it could take years for an international adoption to go through. If someone has agreed to accept a child who has some physical challenges or disabilities, then there is not as long of a wait. It depends on the country and what the prospective parents are willing to accept. After returning to the United States, the adoptive parents would need to have an adoption attorney review all of the documents and draft the petition for adoption. There is no termination of rights that the US attorney must handle, because that will have already been handled in the other country. The US attorney's role in the domestication of the foreign adoption can be fairly quick.

***When Dealing With International Adoptions,
Why Is It Critical To Have An Attorney Who
Has Hands-On Experience, Not Just Book
Experience?***

The paperwork will be written in the language of the foreign country, and the translation must be done by a certified translator in that foreign country. It's necessary to have someone who knows exactly what to look for in the documents, which is why it's necessary to rely on someone who has hands-on experience. Anyone can watch a YouTube video on how to remove an appendix, but would anyone pull out a knife and try it on themselves? I doubt it.

CHAPTER 7

CIRCUMSTANCES THAT LEAD TO AN ADULT ADOPTION



Adult adoptions are very gratifying, however, many people don't realize that they are possible. The process outlining an adult adoption is described in O.C.G.A. § 19-8-21. Often, they arise when there is a stepparent who has raised a child to adulthood and decides they want to legalize the relationship with the child. The child then becomes the beneficiary of the adoptive parent, and the laws of inheritance and things of that nature apply to the child, just as they would if it

were their biological parent. Since the person being adopted is an adult, they are able to make the decision to be adopted, rather than be reliant upon the biological parent's consent to the adoption. With that said, the biological parent's rights are terminated in these cases.

I've finalized adult adoptions between adults and close family friends. In some cases, the parents may have died, or some other circumstance will lead a person to wonder whether they can adopt an adult. A lot of lawyers won't touch these cases because they don't understand them, but I believe they are enjoyable and fulfilling. It doesn't matter how old a person is, people want to have family members. Mother's Day is one of the hardest days of the year for me because my mother is deceased. Who doesn't want to be able to pick up the phone and call their mother on Mother's Day, or send her flowers? Everyone wants to belong somewhere, and this is a desire that does not diminish as people age. Families can be created in almost all circumstances and situations.

The legal process for an adult adoption is quite different than it is for many other types of adoption.

The adult being adopted must consent to the adoption, and then the other legal benefits and responsibilities are created in the new legal relationship. It's permanent, it terminates the legal relationships between the adopted individual and the other relatives, and it grants them the right to inherit from their adoptive parent. At the same time, it eliminates their ability to inherit from the former parent unless they're specifically named in a will, deed, or other legal document. An experienced adoption attorney is a must for an adult adoption because the guidance found in the adoption code is not nearly as detailed for adult adoptions as it is for other types of adoption.

CHAPTER 8

WHAT ARE THE BIGGEST FEARS OF ADOPTION CLIENTS?



With the internet containing thousands of articles, blogs, and social media pages with information, most people come to me with some practical knowledge of the procedure of adoption. However, adoption laws vary greatly from state to state; there's no national adoption code, and no one-size-fits-all adoption. This means that people can't just use generalized forms from the internet. Some clients who come to me have absolutely no idea what needs to be done. I've actually

heard of birth mothers handing their infants to family members without anyone doing any paperwork. As one might imagine, such situations become messy very quickly once it is time to take the child to the doctor or enroll them in school, and the legal status of the caretaker is called into question. I literally had one person call me who was handed a child at the hospital, and needed to enroll the child in kindergarten and had no legal rights to the child whatsoever. They had never adopted the child, had no legal custody or guardianship over the child at all. That was a frightening situation.

One of the biggest fears that clients have is that the birth mother or biological father will change their mind about placing their child for adoption. Unfortunately, some people do spend money on adoptions that fail, either with agencies or through private adoptions. In this way, adoption law can be very emotional, perhaps even more so than divorce law because it deals with a person's innate desire to parent a child.

What Is Your Approach In Dealing With Particularly Emotional Adoption Cases?

Thankfully, I'm able to draw on many years of experience, and there really isn't a fact pattern or scenario that I have not already seen. It's tough to discount that level of experience, especially when I can say that I went through a difficult adoption process personally. I find that it gives clients a sense of calm and comfort to know that I have handled so many of these cases, and that I know what I am doing. Many of my clients come back to me for a second, third, or fourth adoption, which just goes to show that they have confidence that I'll continue doing it right.

I always talk plainly to my clients about what to expect; I don't use big fancy words that most people wouldn't understand. There are times when I feel more like a counselor than attorney, holding the hand of a biological or adoptive parent, just trying to provide comfort or listen to them speak about their desire to be a parent. Many people turn to adoption after they've been through long and expensive infertility treatments or failed adoptions; they're emotionally drained and in dire need of someone who understands, which I do. When adoptions fail, it's a

tragic thing, but people need to maintain realistic expectations. Part of being able to do this involves having an attorney who is honest and straightforward, and who won't just tell the client what they want to hear, but is honest and truthful from the beginning.

What Are Some Questions That You Would Encourage Prospective Adoptive Parents To Ask Themselves?

Prospective adoptive parents need to do some serious soul searching before embarking on the emotional rollercoaster that is the adoption process. I have talked with many people who are worried that they might not love or connect with an adopted child as deeply as they would if the child was their own biological child. As an adoptive mom, I can honestly say that I do not feel any difference between my biological children and my adopted children; they are all mine. I tell my daughter that when I was at the Russian orphanage and they put her in my arms, I would have died for her that very moment. It is amazing to me that the emotion you feel for an adopted child is just as strong as it is for a biological child.

Some families might discourage adoption because of cultural or religious reasons, and those who choose to place their child for adoption can be prejudiced by some people for having made a “mistake” by getting pregnant. In my view, having no child would be a mistake, and there are no unwanted children—only untimely pregnancies. Interracial adoptions can be embraced or rejected by the extended family. I have known families who were rejected because of their extended family’s biases or disappointment that the child did not resemble the adoptive extended family. Fortunately, many of those biases are being erased by the obvious love shown by the adoptive family for their child or children and the breaking down of cultural barriers in our society.

An adopted child might face physical or emotional challenges due to genetics or environmental factors during pregnancy (e.g. physical diseases, mental health issues, and alcohol or drug exposure in utero). The adoptive parents must be able to accept both the joys and the challenges that an adopted child can bring to their family, and I promise...there are both. There are

people who are desperate to adopt but don't know where to start; I'm hoping that this book will help fill that information gap and guide them in their next steps.

CHAPTER 9

WHAT ARE THE WAYS THAT PEOPLE DERAIL THEIR OWN ADOPTION?



The most common way that people derail or delay the adoption process is by failing to review and sign the paperwork in a timely manner. They also drag their feet in getting paperwork done for their home study agent, and don't timely turn in paperwork to their adoption attorney. If you are asked to complete paperwork, it is because it is necessary, not just because it is "busy work". We actually need the

documents to be completed! Some prospective adoptive parents will withhold necessary information from their attorney, thinking it's not necessary to share it or feel embarrassed to share it. Sometimes I'll receive a criminal background record that surprises me or hear about it from a judge on adoption day – and that is a very bad way to learn about a criminal record. Under those circumstances, I ask for a brief recess and have a very frank conversation with that adoptive parent to discuss when the crimes occurred, whether they have rehabilitated, and how they can show the judge that they are trustworthy enough to care for a child. It's important for people to be upfront and open from the start, whether that means talking about a criminal past, a previous marriage, or a time in the past when they placed a child for adoption.

I recently had a case where a prospective adoptive parent had a checkered past but had been walking the straight and narrow for ten years. He was rehabilitated, had a good, steady job and he and his wife needed to adopt the children of a relative. I asked him to write a letter to the judge, explaining what he

had done in his youth, and how he had changed. He ended up handing the letter to the judge and spoke from the heart as to how he had changed and that he knew he had to be a good father to these children who desperately needed a good daddy. By the time he finished, there wasn't a dry eye in the judge's chambers. Even the hardened judge who had seen and heard everything (including death penalty cases) was moved by his testimony and granted the adoption. Prospective adoptive parents have to be willing to bare their souls and be ready to share all of their personal information in the confidential setting between client and attorney.

Adoption has been around for thousands of years. It is frequently mentioned in the Bible: Abraham was going to adopt his servant to be his heir unless God blessed them with a child, Joseph was essentially adopted by a Pharaoh in Egypt and saved that whole area of the world from the great famine, and Jesus was adopted by Joseph, who raised him as his own son but was not his biological father. Adoption is truly a blessing. People tell me that by adopting, I "did such a wonderful

thing,” and I say, “My children did a wonderful thing for me, because I benefitted more than they did.”

What Else Can You Say About Your Professional Or Personal Experience That Helps You Serve Your Clients?

The practice of adoption law has become, at least for me, a niche practice. Becoming a capable and experienced adoption attorney requires much studying, and discussion with capable colleagues and mentors. He’s worth mentioning again: without James Outman, I simply would not be where I am today in my practice.

I am a fellow with the Georgia Council of Adoption Lawyers and a fellow with the Academy of Adoption and Assisted Reproduction Attorneys, both of which are very prestigious professional organizations. My affiliation with these organizations shows that I have been fully vetted and am extremely experienced in the field of adoption law. I keep up with the changes in the law and was nominated for membership into these organizations by my peers. Keeping up with changes in the law is absolutely necessary. When I’m retained by a

client, I know exactly what to do in order to finalize their adoption quickly and efficiently. And if I don't know what to do, I'm not embarrassed or ashamed to reach out to colleagues for assistance and help to better serve my clients. My clients can expect exemplary work from me and my staff, and I'm often pleased to be praised by judges. Other attorneys reach out to me on a regular basis for advice and assistance with questions on adoption law.

With every adoption comes joy and loss. The adoptive parent will always need to recognize the fact that there is loss, and prepare themselves for the day when their adoptive child needs the reassurance and unconditional love that's necessary for a child to grow and thrive. It's common to hear stories of adopted children wanting to reconnect with their biological family. Typically, this isn't a threat to their adoptive family because they will always be the parents who raised them, but there may still be an emotional need for the child to see the faces of those they resemble and may also be important to find out their medical background. It can be hard for adoptive parents to

cope with this, because they might feel that they are losing their exclusive relationship with their child. However, they need to understand and encourage their adoptive child's need-to-know.

I am actually going through this right now, as my youngest daughter wants to go to Russia and hire a private investigator to find her birth mother. Once Russia is a safer place to travel to and COVID-19 restrictions ease, she may very well go and do that. If she does, I know that it might satisfy her curiosity. I also know that she may end up disappointed, and if that is the case, I will need to be there for her as her "heart" mother who raised her to provide comfort, encouragement, and unconditional love. On the other hand, she may reconnect and have a great experience meeting her biological family, and I need to be emotionally prepared to celebrate that with her. It is a tough job to be an adoptive parent, but extremely worth it.

For the same reason that a person wouldn't hire a general practice physician to perform neurosurgery on

them, they shouldn't hire a general practice attorney to handle a case that calls for an expert adoption attorney.

I have turned down adoptions because I just did not have a good feeling about the people. If I see anything which suggests that the adoption might not be in the best interests of the child, then I simply won't do it. I am not trying to play God, but there are times when it feels like that is what I am doing. If a biological mom asks me to find someone who may be ready and willing to care for her child, I will look at many profiles and determine the best fit for the child and family. This is a difficult thing to do. That rarely happens, however. It is much more often that adoptive parents have already met the birth mother or birth parents and come to me to help them through the adoption process.

Adoption is an area of the law that, for some reason, I'm good at and really enjoy. My experience and knowledge is valuable to people. I don't have a product to sell; I provide my clients with the education and the insights I've gained from my experience and much study. Adoption law is difficult for a reason; the

court wants to ensure that adoptions are properly prepared, and that the rights of all of the parties - the biological parents, the child and the adoptive parents are protected. Most importantly, the court wants to make sure that the adoption is in the *best interest of the child*, because that is the overriding theme of adoption; this differentiates adoption law from all other areas of law, even those that deal with children. To me, this is a very special thing that comes with a very heavy responsibility. Although I practice all types of family law, including divorce, child custody, and modifications; when I practice adoption law, I know I have the best job in the world.

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NOTES

BEGINNER'S GUIDE TO GEORGIA ADOPTION LAW

How To Make The Right Decision And Move Forward



Judy D. Sartain, Esq.

My name is Judy Sartain and I have been practicing law in Georgia for over 25 years. During my first year of practice, I found adoption law to be very interesting. While I didn't actively seek it out, it quickly became my favorite area of law; it's complicated, which is the way it should be since it involves such serious matters. Forging through the different nuances of the adoption code and understanding the many scenarios that could take place requires a certain level of fortitude. It's unlike other areas of law, and certainly not as straightforward as handling a divorce case or creating an estate plan, although certain circumstances may call for knowledge in those areas as well. The Georgia Court of Appeals and Georgia Supreme Court have said that adoption law must be strictly construed, which means it has to be carefully and exactly followed. I happen to have the technical kind of brain required to strategize through the process, and over the last 25 years, I've been able to help hundreds of people create their forever family. In fact, I have finalized just over 800 adoptions. It's a very gratifying area of the law because it's not about the emotional part of divorce for a family, but it is all about bringing a family together.

"After filing for a step parent adoption with a previous lawyer who did not know the law, we found Judy. She has been a lifesaver for our family. Judy knows family law (heck she helped write some of it) like the back of her hand. She isn't afraid to put up a fight to protect your family. Judy convinced a judge to make a ruling from the bench to terminate rights of an absent father and grant the adoption of my two sons to me. I'm so thankful for the work she has done, she completed in a matter of weeks after hiring her what it has taken us years of fighting for. She was without a doubt the best lawyer for the job. Professional, Experienced, knowledgeable, fierce, quick, full of wit, and a joy to work with."

- Devin

"If you are able hire Judy Sartain. It will be well worth it. Attorney Sartain took the time to review my case and started working on it immediately. I have been kept up to date and all my calls and questions were addressed immediately by herself and staff. It is also very helpful to see a monthly statement of what is being performed on your behalf."

- Chandra

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