

HB101 ENROLLED



1 IV7IWW-3

2 By Representatives Shaver, Kitchens, Wood (D), Collins,
3 Almond, Shirey, Crawford, Estes, Gidley, Simpson, Sorrells,
4 Marques, Lee, Smith, Standridge, Wadsworth, Brown, Ingram,
5 Mooney, Moore (P), Butler, Lipscomb, Kirkland, Shaw, Givens,
6 Colvin, Rigsby, Shedd, Woods, Robertson, Lomax, Stadthagen,
7 Sells, Hulsey, DuBose, Wilcox, Lamb, Hill, Holk-Jones, Hurst,
8 Underwood, Cole, Harrison, Ledbetter, Reynolds

9 RFD: Children and Senior Advocacy

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Enrolled, An Act,

Relating to adoption; to add Chapter 10E and Chapter 10F to Title 26 of the Code of Alabama 1975, and Section 12-15-115.1 to the Code of Alabama 1975; to amend Section 12-15-133 of the Code of Alabama 1975; to repeal Section 12-12-35 of the Code of Alabama 1975, and Chapter 10A of Title 26 of the Code of Alabama 1975; to create the Alabama Minor Adoption Code and the Alabama Adult Adoption Code; to provide for jurisdictional and procedural requirements relating to adoptions; to provide for the communication of certain courts handling adoption-related proceedings; to provide that certain individuals must consent to an adoption; to provide for the confidentiality of certain adoption records; to provide for investigative requirements for the adoption of a minor; to provide procedures to adopt an adult; and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Section 111.05 of the Constitution of Alabama of 2022.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Chapter 10E is added to Title 26 of the Code of Alabama 1975, to read as follows:

§26-10E-1

This chapter shall be known as and may be cited as the Alabama Minor Adoption Code.

§26-10E-2

For the purposes of this chapter, the following terms



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29 have the following meanings:

30 (1) ABANDONMENT. Any of the following:

31 a. The voluntary and intentional failure or refusal,
32 without good cause or excuse, to claim the rights of a parent.

33 b. The voluntary and intentional failure or refusal,
34 without good cause or excuse, to perform the duties of a
35 parent.

36 c. The voluntary and intentional relinquishment,
37 without good cause or excuse, of the custody of a minor by a
38 parent.

39 d. The voluntary and intentional withholding from the
40 minor by the parent, without good cause or excuse, of his or
41 her presence, care, love, protection, support, maintenance, or
42 display of filial affection.

43 (2) ADOPTEE. The individual being adopted.

44 (3) ADOPTION. The judicial act of creating the legal
45 relationship of parent and minor which previously did not
46 legally exist.

47 (4) ADULT. An individual who is 19 years of age or
48 older, who has reached the majority age in the state in which
49 he or she resides, or who is otherwise deemed an adult by
50 statute or by court order.

51 (5) CONSENT. Voluntarily agreeing to adoption.

52 (6) COURT REPRESENTATIVE. An individual appointed in an
53 adoption proceeding trained in law, health care, counseling,
54 social work, or other specialty, who is an officer, employee,
55 or special appointee of the court, and has no personal
56 interest in the proceeding.



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57 (7) GRANDPARENT. The parent of a parent, whether the
58 relationship is created biologically or by adoption.

59 (8) LEGAL FATHER. A male individual whose legal status
60 as the father of the adoptee has been established through
61 adoption, legitimation, adjudication, acknowledgment,
62 presumption, or operation of law under the laws of this or any
63 other state, and whose parental rights have not been
64 terminated.

65 (9) LEGAL MOTHER. A female individual whose legal
66 status as the mother of the adoptee has been established
67 through adoption, legitimation, adjudication, acknowledgment,
68 presumption, or operation of law under the laws of this or any
69 other state, and whose parental rights have not been
70 terminated.

71 (10) LICENSED CHILD PLACING AGENCY. Any adoption agency
72 that is licensed under the provisions of the Alabama Child
73 Care Act of 1971, Chapter 7 of Title 38, Code of Alabama 1975,
74 or any adoption agency approved by the State Department of
75 Human Resources.

76 (11) MARRIED COUPLE. Two individuals who are currently
77 lawfully married in accordance with the laws of this state or
78 any other jurisdiction.

79 (12) MINOR. An individual 18 years of age or younger or
80 an individual who is not an adult under the law in the
81 jurisdiction where he or she resides.

82 (13) MINOR PARENT. An individual 18 years of age or
83 younger or an individual who is not an adult under the law in
84 the jurisdiction where he or she resides who is the biological



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85 or legal parent of the adoptee.

86 (14) PARENT. The biological or legal mother or father
87 of the adopted minor.

88 (15) PARTY. Any individual who appears before the court
89 for the purposes of petitioning for adoption, consenting to an
90 adoption, withdrawing a consent to adoption, contesting an
91 adoption, securing grandparent visitation rights to an
92 adoptee, or setting aside all or part of a final judgment of
93 adoption, or any other person deemed to be a party by the
94 court. This term does not include the adoptee.

95 (16) PUTATIVE FATHER. The alleged or reputed biological
96 father of the adoptee, unless the issue of paternity has been
97 resolved adversely to that individual by final judgment of a
98 court of competent jurisdiction.

99 (17) RELINQUISHMENT. Giving up the legal and physical
100 custody of a minor to a licensed child placing agency or the
101 Department of Human Resources for the sole purpose of
102 placement for adoption.

103 (18) SPOUSE. The individual who is lawfully married to
104 the petitioner or the legal father or the legal mother at the
105 time of the adoption proceedings.

106 (19) STEPPARENT. An individual who is the spouse or
107 surviving spouse of a legal mother or legal father of a minor,
108 but who is not a legal parent of the minor and who is not a
109 former spouse by reason of divorce or annulment of the
110 marriage.

111 §26-10E-3

112 (a) The probate court shall have original jurisdiction



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113 over cases brought pursuant to this chapter. No other court of
114 this state shall have jurisdiction over a case brought under
115 this chapter unless the case, or part of the case, has been
116 transferred from the probate court to the other court in
117 accordance with this section.

118 (b) If any parent whose consent is required fails to
119 consent or is unable to consent to the adoption of a minor,
120 upon a motion of a party, the case shall be transferred from
121 the probate court to the appropriate juvenile court for the
122 limited purpose of considering the termination of the parental
123 rights of the non-consenting parent. Upon entry of a final
124 judgment adjudicating the claim for termination of parental
125 rights, the juvenile court shall return the case to the
126 probate court for further dispositional proceedings. The
127 dispositional proceedings shall be stayed pending any appeal
128 of the final judgment of the juvenile court.

129 (c) If, at any time during the pendency of a case under
130 this chapter concerning the adoption of a minor, an action is
131 pending in a circuit court or a juvenile court of this state
132 concerning the custody or parentage of the minor, any party to
133 the case, or the probate court on its own motion, may move to
134 stay the case or to transfer the case to the circuit court or
135 the juvenile court in which the other action is pending. Upon
136 transfer, the transferee court shall have jurisdiction to
137 decide all matters relating to the adoption and to enter a
138 final judgment resolving the adoption case. After entry of the
139 final judgment by the transferee court, the probate court
140 shall have limited jurisdiction over the case to assure



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141 compliance with Sections 26-10E-30 and 26-10E-31.

142 (d) On motion of either party or of the probate court,
143 a contest of an adoption under Section 26-10E-23 that is
144 pending in a probate court shall be transferred to the
145 juvenile court for the limited purpose of adjudicating the
146 contest. After entry of a final judgment adjudicating the
147 contest, the juvenile court shall return the case to the
148 probate court for further dispositional proceedings, which
149 dispositional proceedings shall be stayed pending any appeal
150 of the final judgment.

151 (e) The provisions of this chapter shall remain
152 applicable to any case transferred to a juvenile court or a
153 circuit court pursuant to this section.

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

163 (g) Notwithstanding any law regarding the
164 confidentiality of records and court proceedings involving a
165 minor or adoptee, a court may communicate with another court
166 of this state, another state, or another country in the same
167 manner as provided in Section 30-3B-110, and a court may share
168 records with another court of this state, another state, or



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169 another country for the limited purposes of determining any
170 jurisdictional issues regarding a case involving the adoption
171 of an adoptee pursuant to this chapter.

172 §26-10E-3.1

173 Jurisdiction over a child custody case involving an
174 adoptee is governed by the Uniform Child Custody Jurisdiction
175 and Enforcement Act, commencing with Section 30-3B-101.

176 §26-10E-4

177 (a) A petition for adoption may be filed in the probate
178 court in any of the following counties:

179 (1) The county in which the adoptee is born, resides,
180 or has a legal domicile.

181 (2) The county in which a petitioner resides or is in
182 military service.

183 (3) The county in which an office of any agency or
184 institution operating under the laws of this state having
185 guardianship or custody of an adoptee is located.

186 (b) Notwithstanding subsection (a), a petition for
187 adoption may be filed in the probate court in another county
188 if any of the following apply:

189 (1) The petitioner shows good cause on the record as to
190 why the probate court selected should exercise venue over the
191 adoption case.

192 (2) No party objects to the probate court selected
193 within 30 days of service of the petition.

194 (3) The probate court selected determines in writing
195 that it is in the best interests of the adoptee for the
196 probate court to exercise venue over the adoption case.



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197 §26-10E-5

198 (a) An unmarried individual or a married couple may
199 petition to adopt a minor.

200 (b) An unmarried couple may not adopt a minor.

201 (c) A group of more than two persons may not adopt a
202 minor.

203 (d) If a petitioner is married, the petition for
204 adoption shall be filed jointly by both spouses; provided,
205 however, that when the minor is a stepchild of the party
206 seeking to adopt, the petition shall be filed in the name of
207 the stepparent alone.

208 (e) Each petitioner seeking to adopt a minor must be
209 all of the following:

210 (1) An adult.

211 (2) At least 10 years older than the adoptee, unless
212 either of the following are true:

213 a. The petitioner is a stepparent or relative and files
214 for adoption pursuant to Sections 26-10E-27 or 26-10E-28.

215 b. The probate court finds, based on evidence in the
216 record, that the adoption is in the best interests of the
217 adoptee.

218 (3) A bona fide resident of this state at the filing of
219 the petition for adoption or a bona fide resident of the
220 receiving state when the adoptee was born in this state and
221 was placed in compliance with Sections 38-7-15 and 44-2-20
222 relating to the Interstate Compact on the Placement of
223 Children.

224 (f) No rule or regulation of any state department shall



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225 prevent an adoption by a petitioner solely because the
226 petitioner is employed outside the home. The Department of
227 Human Resources may require the petitioner to remain in the
228 home with an adoptee for a reasonable period of time, not to
229 exceed 60 calendar days, when the department determines that
230 the adoptee requires the presence of the petitioner to ensure
231 his or her adjustment.

232 (g) No rule or regulation of any state department shall
233 prevent an adoption by an unmarried petitioner solely because
234 the petitioner is unmarried. No rule or regulation of any
235 state department shall prevent an adoption solely because the
236 petitioner is of a certain age, except as provided in
237 subsection (e).

238 (h) The Department of Human Resources shall provide by
239 rule the process through which an individual seeking to
240 participate in foster care or adoption may apply for an
241 exemption from any vaccination requirement for religious or
242 other appropriate reason for himself, herself, or any other
243 individual in his or her household.

244 §26-10E-6

245 Any minor who is available for adoption may be adopted
246 under this chapter.

247 §26-10E-7

248 (a) Consent to the petitioner's adoption or
249 relinquishment for adoption to the Department of Human
250 Resources or a licensed child placing agency shall be required
251 by all of the following:

252 (1) The adoptee, if 14 years of age or older, except



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253 when the court finds that the adoptee does not have the mental
254 capacity to give consent.

255 (2) The adoptee's legal mother or mothers.

256 (3) The adoptee's legal father or fathers.

257 (4) If the adoptee has no legal father, the putative
258 father if made known by the mother or is otherwise made known
259 to the court, provided he complies with Section 26-10C-1 and
260 responds within 30 days to the notice received under Section
261 26-10E-17(a).

262 (5) Any legal custodian or legal guardian of the
263 adoptee if both parents are dead or presumed dead, if the
264 rights of the parents have been terminated by judicial
265 proceedings, or if the consent of both parents is otherwise
266 not required pursuant to Section 26-10E-10, and if any legal
267 custodian or legal guardian has authority by order of the
268 court to consent to the adoption except that the court may
269 grant the adoption without the consent of that legal custodian
270 or legal guardian if the court determines that such consent
271 was unreasonably withheld.

272 (6) The Department of Human Resources, if the minor has
273 been relinquished to it for the purposes of adoption or it
274 otherwise holds temporary or permanent custody of the minor,
275 except that the court may grant the adoption without the
276 consent of the department if the adoption is in the best
277 interests of the adoptee and there is a finding by the court
278 the department has unreasonably withheld its consent.

279 (7) The licensed child placing agency to which the
280 child has been relinquished for adoption, except that the



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281 court may grant the adoption without the consent of the agency
282 if the adoption is in the best interests of the adoptee and
283 there is a finding by the court the agency has unreasonably
284 withheld its consent.

285 (b) The Director of the Department of Human Resources
286 or the designee of the director and the executive head of a
287 licensed child placing agency may appoint an employee of the
288 department or agency to give or to deny consent for adoption
289 of adoptee.

290 (c) Notwithstanding any law to the contrary, a court
291 having jurisdiction over a case under this chapter shall have
292 the power to determine the biological or legal parentage of a
293 minor to ascertain whose consent shall be required or to
294 adjudicate any other claim or issue in the case.

295 §26-10E-8

296 (a) Prior to a minor parent's giving express consent to
297 an adoption or executing a relinquishment for adoption, a
298 guardian ad litem must be appointed to represent the interests
299 of the minor parent whose consent is required. Any minor
300 parent, 14 years of age and older, may nominate a guardian ad
301 litem either prior to the birth of the adoptee or thereafter.

302 (b) A minor parent may give his or her implied consent
303 to an adoption in the same manner as an adult parent under
304 Section 26-10E-9. If a court finds by clear and convincing
305 evidence that a minor parent has given implied consent to the
306 adoption, notice and the appointment of a guardian ad litem
307 shall not be necessary. The implied consent of a minor parent
308 may not be withdrawn.



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309 (c) The express or implied consent of, or
310 relinquishment by, a minor parent shall not be subject to
311 revocation by reason of such minority.

312 §26-10E-9

313 (a) A rebuttable presumption that a parent has
314 impliedly consented to the adoption or the relinquishment for
315 adoption of an adoptee arises when clear and convincing
316 evidence shows any of the following:

317 (1) Abandonment of the adoptee by the parent during the
318 four months immediately preceding the date of the filing of
319 the petition for adoption.

320 (2) Abandonment by the legal father or putative father
321 of the biological mother by failing to offer to the biological
322 mother financial or emotional support, or both, during the
323 four months immediately preceding the birth of the adoptee
324 despite knowing or having reason to know of the pregnancy.

325 (3) The parent, without good cause of excuse, left the
326 adoptee without provision for his or her identification for a
327 period of 30 days.

328 (4) The parent voluntarily and knowingly, without good
329 cause or excuse, left the adoptee with another person without
330 personally providing support for, initiating communication
331 with, or otherwise maintaining a substantial relationship with
332 the adoptee for the four consecutive months immediately
333 preceding the date of the filing of the petition.

334 (b) A rebuttable presumption that any individual or
335 agency whose consent is required has impliedly consented to
336 the adoption, or the relinquishment for adoption, of an



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337 adoptee arises when clear and convincing evidence shows that
338 the individual or agency has received notification of the
339 pendency of the adoption proceedings pursuant to Section
340 26-10E-17 and has failed to answer or otherwise respond to the
341 petition within 30 days.

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

344 (d) A putative father who fails to file a notice of
345 intent to claim paternity of an adoptee pursuant to Section
346 26-10C-1 prior to or within 30 days of the birth of the
347 adoptee shall be deemed to have given irrevocable implied
348 consent to, or relinquishment for, the adoption of the
349 adoptee.

350 (e) At any time before the birth of the adoptee, a
351 licensed child placing agency, an attorney representing the
352 legal mother, or an attorney representing the prospective
353 adoptive parents may serve a putative father with notice
354 consistent with Section 26-10E-17 that the legal mother is
355 considering an adoptive placement of the unborn child in a
356 form to be developed by the Administrative Office of Courts
357 and the Alabama Law Institute. The notice shall not obligate
358 the legal mother to place the child for adoption. A putative
359 father intending to contest the adoption shall have 30 days
360 from the date of service of the notice to file an action to
361 establish his paternity of the unborn child under Section
362 26-17-611 and to register with the putative father registry
363 pursuant to Section 26-10C-1. If the notified putative father
364 fails to file this action and register with the putative



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365 father registry, his failure shall be deemed an irrevocable
366 implied consent to the adoption of the child.

367 §26-10E-10

368 Notwithstanding the provisions of Section 26-10E-7, the
369 consent of the following persons shall not be required for an
370 adoption or relinquishment for adoption:

371 (1) A parent of the adoptee whose rights with reference
372 to the adoptee have been terminated by a final judgment of a
373 court of this or any other state.

374 (2) A parent of the adoptee who has been adjudged
375 incompetent or incapacitated pursuant to law or a parent whom
376 the court finds to be mentally incapable of consenting or
377 relinquishing and whose mental disability is likely to
378 continue for so long a period that it would be detrimental to
379 the adoptee to delay adoption until restoration of the
380 parent's competency or capacity. The court must appoint
381 independent counsel or a guardian ad litem for an incompetent
382 or incapacitated parent for whom there has been no such prior
383 appointment.

384 (3) A parent of an adoptee who has voluntarily
385 relinquished the adoptee to the Department of Human Resources,
386 a similar agency of another state, or a licensed child placing
387 agency for an adoption, unless this relinquishment has been
388 withdrawn in accordance with this chapter or the law of the
389 state in which the relinquishment was made.

390 (4) A deceased parent of the adoptee or a parent of the
391 adoptee who is presumed to be deceased under this or any other
392 state's law.



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393 (5) A putative father of the adoptee who has signed a
394 written statement denying paternity.

395 (6) A putative father of the adoptee when the mother
396 swears in an affidavit pursuant to Section 26-10E-16(c) that
397 the putative father is unknown, unless the putative father is
398 otherwise made known to the court.

399 (7) A putative father of the adoptee who fails to prove
400 his paternity of the adoptee.

401 (8) A legal father or putative father when clear and
402 convincing evidence is presented to the court that the adoptee
403 was conceived by rape, incest, or sexual assault committed by
404 the legal father or putative father, whose crimes are defined
405 by the laws of this state or, if the crime occurred not in
406 this state, the jurisdiction in which the crime occurred.

407 (9) A parent of the adoptee who has been convicted of
408 child abuse or other felonious acts against the adoptee as
409 defined by the laws of this state or, if the crime occurred
410 not in this state, the jurisdiction in which the crime
411 occurred.

412 §26-10E-11

413 An express consent or relinquishment shall be in
414 writing, signed by the individual consenting or relinquishing,
415 and shall state all of the following:

416 (1) The date, place, and time of execution.

417 (2) The date of birth or, if prior to birth, the
418 expected date of birth of the adoptee and any names by which
419 the adoptee has been known.

420 (3) The relationship and date of birth of the person



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421 consenting or relinquishing to the adoptee.

422 (4) If the right to know the identity of each
423 petitioner has not been waived, the legal name of each
424 petitioner, unless the document is a relinquishment of the
425 adoptee to an agency.

426 (5) That the individual executing the document is
427 voluntarily and unequivocally consenting to the adoption of
428 the adoptee. If the individual executing the document consents
429 to the adoption of the adoptee by only a designated individual
430 or married couple, the express consent shall specify that the
431 consent applies only to that individual or married couple, as
432 identified by his, her, or their legal names and that the
433 express consent shall not be construed to apply to any other
434 individual seeking to adopt the adoptee.

435 (6) That by signing the document, the individual
436 executing the document understands that, except as otherwise
437 provided in this chapter, upon the entry of the final judgment
438 of adoption, he or she forfeits all rights and obligations to
439 the adoptee and that he or she understands the express consent
440 or relinquishment and executes it freely and voluntarily.

441 (7) That the individual signing the document has been
442 advised and understands that his or her express consent or
443 relinquishment may be withdrawn only in the manner, and within
444 the time periods, as provided in Sections 26-10E-13 and
445 26-10E-14, and that the adoption may not be collaterally
446 attacked after the entry of the final judgment of adoption,
447 except as authorized in this chapter.

448 (8) That the individual signing the document



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449 understands that the express consent may become irrevocable,
450 and that the individual should not execute it if he or she
451 needs or desires psychological or legal advice, guidance, or
452 counseling.

453 (9) The address of the court in which the petition for
454 adoption has been or will be filed, if known, and if not
455 known, the name and address of the agency, any petitioner, or
456 the attorney of any petitioner on whom notice of the
457 withdrawal or relinquishment of express consent may be served.

458 (10) In the case of relinquishment, the name and
459 address of the agency to which the adoptee has been
460 relinquished.

461 (11) That the individual executing the document has
462 received or has been offered a copy of the express consent or
463 relinquishment and withdrawal form.

464 (12) That the individual executing a relinquishment
465 waives further notice of the adoption proceeding.

466 (13) That the individual executing an express consent
467 waives further notice of the adoption proceedings unless there
468 is a contest or appeal of the adoption proceeding.

469 §26-10E-12

470 (a) An express consent of the biological mother taken
471 prior to the birth of an adoptee shall be signed or confirmed
472 before a judge of probate. At the time of taking the express
473 consent, the judge shall explain to the consenting parent the
474 legal effect of signing the document and the time limits and
475 procedures for withdrawal of the express consent and shall
476 provide the consenting parent with two copies of the form for



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477 withdrawing the express consent in accordance with the
478 requirements of Sections 26-10E-13 and 26-10E-14.

479 (b) Except as provided in subsection (a), all other
480 pre-birth or post-birth express consents or relinquishments
481 regarding the adoptee shall be signed or confirmed before any
482 of the following:

483 (1) A judge or clerk of any court that has jurisdiction
484 over adoption proceedings or a public officer appointed by the
485 judge for the purpose of taking express consents.

486 (2) An individual appointed to take express consents
487 who is appointed by any agency that is authorized to conduct
488 investigations or home studies provided by Section 26-10E-19,
489 or, if the express consent is taken out of state, by an
490 individual appointed to take consents by any agency that is
491 authorized by that state's law to conduct investigations and
492 home studies for adoptions.

493 (3) A notary public.

494 (c) The Administrative Office of Courts, in
495 collaboration with the Alabama Law Institute, a division of
496 the Legislative Services Agency, shall prepare the forms
497 necessary to meet the requirements of this chapter.

498 §26-10E-13

499 (a) All existing express consents or relinquishments
500 required by this chapter shall be filed with the probate court
501 along with the petition. Any other express consents or
502 relinquishments required by this chapter and acquired while
503 the petition for adoption is pending shall be filed with the
504 court overseeing the adoption before the final judgment of



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505 adoption is entered.

506 (b) An express consent or relinquishment may be taken
507 at any time, except that, once signed or confirmed, may be
508 withdrawn for any reason within five business days after the
509 birth of the adoptee or within five business days after the
510 signing of the express consent or relinquishment, whichever
511 comes last.

512 §26-10E-14

513 (a) The consent or relinquishment, once signed or
514 confirmed, may not be withdrawn except in one of the following
515 circumstances:

516 (1) As provided in Section 26-10E-13.

517 (2) When, at any time before entry of the final
518 judgment of adoption, the court determines that the express
519 consent or relinquishment was obtained by fraud, duress,
520 mistake, or undue influence on the part of, or on behalf of,
521 the petitioner; provided, however, that, after one year from
522 the date of entry of the final judgment of adoption and after
523 all appeals, if any, an express consent or relinquishment may
524 not be challenged on any ground, except in cases of fraud or
525 cases in which the adoptee has been kidnapped.

526 (3) Upon denial of a petition for adoption after a
527 contested case under Section 26-10E-24.

528 (b) The withdrawal of express consent or relinquishment
529 as provided in Section 26-10E-13(b) shall become effective by
530 the affiant's signing and dating the withdrawal form provided
531 pursuant to Section 26-10E-12, or by filing the withdrawal
532 form within five business days of the child's birth or within



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533 five business days of signing the express consent or
534 relinquishment, whichever comes last.

535 (c) The petition to withdraw express consent or
536 relinquishment must be in writing, executed by the individual
537 seeking to withdraw the express consent or relinquishment,
538 dated, and signed by two witnesses or a notary public.

539 (d) In adjudicating a petition to withdraw an express
540 consent or relinquishment, the court shall require that the
541 individual seeking to withdraw the express consent or
542 relinquishment shall establish the facts necessary to withdraw
543 the express consent or relinquishment by a preponderance of
544 the evidence.

545 (e) If the court directs that the express consent or
546 relinquishment be withdrawn, the court shall order the child
547 restored to the custody of his or her parent or parents, the
548 county Department of Human Resources, or a licensed child
549 placing agency, as the case may be; otherwise, the court shall
550 deny the withdrawal and declare that the express consent or
551 relinquishment is final and binding. Any order made by the
552 court upon a petition to withdraw express consent or
553 relinquishment under this section shall be deemed a final
554 judgment for the purpose of filing an appeal under Section
555 26-10E-25.

556 §26-10E-15

557 (a) No health facility shall surrender the physical
558 custody of an adoptee to any individual or entity other than
559 the county Department of Human Resources (the department), a
560 licensed child placing agency, parent, relative by blood or



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561 marriage, or individual having legal custody, unless this
562 surrender is authorized in a writing executed after the birth
563 of the adoptee by one of the adoptee's parents, the agency, or
564 the individual having legal custody of the adoptee.

565 (b) A health facility shall report to the county
566 Department of Human Resources, on forms supplied by the
567 department, the name and address of any individual and, in the
568 case of an individual acting as an agent for an organization,
569 the name and address of the organization to whose physical
570 custody an adoptee is surrendered. This report shall be
571 transmitted to the department within 48 hours from the
572 surrendering of custody.

573 §26-10E-16

574 (a) A petition for adoption of an adoptee shall bear
575 the caption "In the Matter of the Adoption Petition of [each
576 named petitioner.]" The completed petition shall be signed and
577 verified by each petitioner and shall set forth each of the
578 following:

579 (1) The full name, date of birth, place of residence,
580 and relationship to the adoptee of each petitioner, and, if
581 the petitioners are married, the place and date of their
582 marriage.

583 (2) The date and place of birth of the adoptee, if
584 known.

585 (3) The birth name of the adoptee, any other names by
586 which the adoptee has been known, and the name by which the
587 adoptee shall be known.

588 (4) That the physical custody of the adoptee has been



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589 placed with the petitioner or petitioners for the purpose of
590 adoption and that the adoptee has been residing with the
591 petitioner or petitioners since a specified date, or a
592 statement of good cause as to why placement and physical
593 custody is not required or should be excused or waived.

594 (5) That the petitioner or petitioners desire to
595 establish a parent and child relationship between himself or
596 herself and the adoptee and that he or she is a fit and proper
597 individual able to care for and provide for the adoptee's
598 welfare.

599 (6) The existence and nature of any prior or pending
600 judicial proceedings known to the petitioner or petitioners
601 that affect the custody, visitation with, or parentage of, the
602 adoptee.

603 (7) The name and address of the licensed child placing
604 agency, if any.

605 (8) The names and addresses of all individuals or
606 agencies known to the petitioner or petitioners at the time of
607 filing from whom consents or relinquishments to the adoption
608 are required and whether the individuals or agencies have
609 given express or implied consent to the adoption.

610 (9) The names and addresses of all other individuals or
611 agencies known to the petitioner or petitioners who are
612 entitled to notice of the adoption proceedings under Section
613 26-10E-17.

614 (b) The petitioner or petitioners shall attach each of
615 the following to the petition:

616 (1) A government-issued document bearing photographic



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617 identification of each petitioner.

618 (2) If the petitioners are married, a certified
619 document establishing proof of marriage or an affidavit of
620 their common law marriage.

621 (3) A certified copy of the adoptee's birth certificate
622 issued within six months of the date of the filing of the
623 petition or an affidavit stating that application for the
624 birth certificate has been made.

625 (4) Any written authorization allowing the adoptee to
626 be placed in the home of the petitioner or petitioners.

627 (5) A copy of any court orders affecting the custody,
628 visitation with, or parentage of, the adoptee accessible to
629 the petitioner or petitioners.

630 (6) Any and all existing express consents and
631 relinquishments upon which the petitioner or petitioners rely
632 for the adoption.

633 (7) If a pre-placement investigation is required under
634 this chapter, a copy of the pre-placement investigation
635 report.

636 (8) An accounting of all anticipated costs and expenses
637 for the adoption.

638 (c) In the case of an unknown father, a verified
639 affidavit signed by the biological mother, under penalty of
640 perjury, setting forth the following information shall be
641 attached to the petition, unless the whereabouts of the mother
642 are unknown, she is deceased, or the parental rights of the
643 mother have been previously terminated as to the adoptee:

644 (1) Whether the mother was married at the probable time



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645 of conception of the adoptee, or at a later time, and if so,
646 the identity and last known address of her husband.

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

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

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

663 (5) Whether the mother identified any man as the legal
664 father or putative father of the adoptee to any hospital
665 personnel, and, if so, the identity of the man, his last known
666 address, the name and address of the hospital, and why the
667 mother contends the man is not the legal father or putative
668 father of the adoptee.

669 (6) Whether the mother has informed any man that he may
670 be the legal father or putative father of the adoptee, and, if
671 so, the identity of the man, his last known address, and why
672 the mother contends the man is not the legal father or



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673 putative father of the adoptee.

674 (7) Whether any man has formally or informally
675 acknowledged or claimed paternity of the adoptee in any
676 jurisdiction at the time of the inquiry, and if so, the
677 identity of the man, his last known address, and why the
678 mother contends the man is not the legal father or putative
679 father of the adoptee.

680 (8) That the mother has been informed that her
681 statement concerning the identity of the legal father or
682 putative father will be used only for the limited purpose of
683 adoption and, once the adoption is complete, that such
684 identity will be sealed.

685 (9) That the mother acknowledges she is aware of the
686 remedies available to her for protection from abuse pursuant
687 to Alabama law, commencing with Section 30-5-1.

688 (d) The petition, the various documents attached
689 thereto as required by this section, or an appendix signed by
690 counsel or other credible individuals shall fully disclose all
691 that is known about the biological parentage of the adoptee.

692 (e) Except in cases governed by Section 26-10E-26 or
693 Section 26-10E-27, the petition for adoption shall be filed
694 with the clerk of the probate court within 60 days after the
695 adoptee is physically placed with the petitioner or
696 petitioners for purposes of adoption unless the adoptee is in
697 the custody of the Department of Human Resources, a licensed
698 child placing agency, or is currently receiving care in a
699 medical facility, except that, for good cause shown, a
700 petition may be filed beyond the 60-day period. In cases



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701 governed by Sections 26-10E-26 or 26-10E-27, the petition may
702 be filed at any time.

703 §26-10E-17

704 (a) Unless notice has been previously waived as
705 provided in subsection (d), notice of pendency of an adoption
706 proceeding shall be served by the petitioner on each of the
707 following:

708 (1) Any individual, agency, or institution whose
709 consent or relinquishment is required.

710 (2) The legal father of the adoptee.

711 (3) The putative father of the adoptee, if made known
712 to the court, provided the putative father has complied with
713 Section 26-10C-1.

714 (4) The legal custodian or guardian of the adoptee.

715 (5) The spouse of a petitioner who is a stepparent
716 unless express consent is attached to the petition.

717 (6) A grandparent of the adoptee if the grandparent's
718 child is a deceased parent of the adoptee and, before his or
719 her death, the deceased parent had not executed an express
720 consent or relinquishment or the deceased parent's parental
721 relationship to the adoptee had not been otherwise terminated.

722 (7) Any person known to the petitioner or petitioners
723 as currently having physical custody of the adoptee or having
724 visitation rights with the adoptee under an existing court
725 order.

726 (8) The agency or individual authorized to investigate
727 the adoption under Section 26-10E-19.

728 (9) The Alabama Department of Human Resources.



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729 (10) If the adoptee is in foster care, the director of
730 the county Department of Human Resources with legal custody of
731 the adoptee.

732 (11) Any other person designated by the court.

733 (b) The notice shall contain all of the following
734 information:

735 (1) That a petition for adoption of the adoptee has
736 been filed in the probate court.

737 (2) That the notified party may appear in the adoption
738 proceeding to contest or to support the petition.

739 (3) That the notified party has 30 days from the time
740 of proper service of the notice to respond to the notice.

741 (4) That, if the notified party fails to respond within
742 30 days of proper service, the court may construe that failure
743 as an implied consent to the adoption and as a waiver of a
744 right to appear and of further notice of the adoption
745 proceedings.

746 (5) That, if the adoption is approved, the parental
747 rights of the notified party, if any, will be considered
748 terminated.

749 (c) Service of the notice shall be made in the
750 following manner:

751 (1) Service of process shall be made in accordance with
752 the Alabama Rules of Civil Procedure unless otherwise provided
753 herein. Service on the parties designated in subdivisions
754 (a) (8), (a) (9), and (a) (10) shall be by certified mail. As to
755 any other individual, agency, or institution for whom notice
756 is required under subsection (a), service by certified mail,



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757 return receipt requested, shall be sufficient. If this service
758 cannot be completed after two attempts, upon motion and
759 affidavit, the court shall issue an order providing for one of
760 the following:

761 a. Service by publication.

762 b. Posting notice in the courthouse of the court
763 exercising jurisdiction over the adoption proceedings and in
764 the courthouse of the probate court of the county of the
765 biological parents' last known address.

766 c. Any other substituted service as determined by the
767 court.

768 (d) Service by publication shall be made in the county
769 of the last known address of the mother and the legal or
770 putative father unless no newspaper of general circulation
771 exists in the county, in which case service by publication
772 shall be made in a newspaper with general circulation in that
773 county.

774 (e) The notice required by this section may be waived
775 in writing by the person entitled to receive notice. A party
776 listed in subdivisions (a)(8), (a)(9), and (a)(10) may appoint
777 an employee to waive notice on its behalf.

778 (f) Proof of service of the notice on all persons for
779 whom notice is required by this section must be filed with the
780 court before the adjudicatory hearing of a contested case
781 provided for in Section 26-10E-23.

782 §26-10E-18

783 (a) Once a petitioner or petitioners has received an
784 adoptee into his or her home for the purposes of adoption and



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785 a petition for adoption has been filed, an interlocutory order
786 may be entered delegating to the petitioner or petitioners
787 both of the following:

788 (1) Physical custody, except legal custody shall be
789 retained by the county Department of Human Resources or the
790 licensed child placing agency which held legal custody at the
791 time of the placement until the entry of final judgment of
792 adoption.

793 (2) The responsibility for the care, maintenance, and
794 support of the adoptee, including any necessary medical or
795 surgical treatment, pending further order of the court.

796 (b) This interlocutory order shall not stop the running
797 of the time periods proscribed in Section 26-10E-9.

798 §26-10E-19

799 (a) A pre-placement investigation shall be completed to
800 determine the suitability of each petitioner and the home in
801 which the adoptee will be placed. The pre-placement
802 investigation shall include a criminal background
803 investigation and any other circumstances which might be
804 relevant to the placement of an adoptee with the petitioner or
805 petitioners. The investigation must include, but is not
806 limited to, all the following:

807 (1) Letters of suitability for each adult living in the
808 home of the petitioner or petitioners based on the information
809 available in this state or the petitioner's place of residence
810 if other than this state. For the purposes of this section,
811 the term "letters of suitability" refers to the Federal Bureau
812 of Investigation and the State Bureau of Investigation



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813 clearances.

814 (2) Child abuse and neglect clearances pursuant to the
815 Adam Walsh Act, Public Law 109-248, for all household members
816 14 years of age and older from any state in which any
817 petitioner has resided for five years or more.

818 (3) The anticipated costs and expenses related to the
819 adoption.

820 (4) Any agency and social worker licenses.

821 (5) Six reference letters, four unrelated to the
822 petitioner or petitioners by blood or marriage and two related
823 to the petitioner or petitioners by blood or marriage. If
824 there are two petitioners, one related reference letter shall
825 be written by a member of each petitioner's family.

826 (6) Medical reports on all individuals living in the
827 home, and letters from any prescribing doctors for any
828 controlled substance prescriptions.

829 (7) The financial worksheets for each petitioner for
830 the previous tax year or a copy of the previous year's tax
831 returns.

832 (8) Copies of each petitioner's birth certificates and
833 marriage licenses.

834 (9) Copies of current pet vaccinations.

835 (10) Copies of any divorce decrees, if applicable.

836 (11) Copies of any death certificates, if applicable.

837 (12) Verification of who will do supervisory visits, if
838 applicable.

839 (13) A written biography of each petitioner, including
840 medical and social history.



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841 (14) A home safety inspection indicating that the home
842 of the petitioner or petitioners is safe for the adoptee's
843 residency.

844 (15) Any other requirement pursuant to Title 660 of the
845 Alabama Administrative Code or any other rule adopted by the
846 Department of Human Resources.

847 (b) An individual or married couple may initiate a
848 pre-placement investigation by request through either of the
849 following individuals:

850 (1) Anyone authorized in the jurisdiction in which the
851 petitioner or petitioners reside.

852 (2) Anyone approved by the probate court under the
853 qualifications of subsection (f) to perform the pre-placement
854 investigation.

855 (c) Notwithstanding subdivision (b)(1), the court on
856 its own motion may order the pre-placement investigation be
857 performed by an agency or individual other than the agency
858 placing the adoptee.

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

868 (e) No judgment for the adoption of any adoptee shall



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869 be entered until a full post-placement investigative report
870 has been completed and filed with the court concerning all of
871 the following:

872 (1) Why the biological parents or legal parents, if
873 living, desire to be relieved of the care, support, and
874 guardianship of the adoptee.

875 (2) Whether the biological parents or legal parents
876 have abandoned the adoptee or are otherwise unsuited to have
877 custody of the adoptee.

878 (3) Any orders, judgments, or decrees affecting the
879 custody of the adoptee or any children of any petitioner as
880 can be determined by a due diligence search.

881 (4) Any property owned by the adoptee.

882 (5) The updated medical and mental health histories of
883 the adoptee. These documents shall also be provided to the
884 petitioner or petitioners in writing before the final decree
885 is entered.

886 (6) The updated medical and mental health histories of
887 the adoptee's biological parents.

888 (7) Any other circumstances which may be relevant to
889 the placement of the adoptee with the petitioner or
890 petitioners.

891 (8) The updated letters of suitability, the updated
892 Child Abuse and Neglect Clearances, updated criminal records
893 from the county in which the petitioner or petitioners have
894 resided for the two years prior to the finalization of the
895 adoption, and updated results from the National Sex Offender
896 Public Registry.



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897 (9) If applicable to the adoption, the court shall
898 ensure compliance with the Interstate Compact for the
899 Placement of Children, codified as Section 44-2-20. Proof of
900 compliance is determined by the authorized signatures of the
901 sending and receiving states on the Interstate Compact on the
902 Placement of Children Request Form.

903 (f) The required pre-placement and post-placement
904 investigations must be performed by one of the following:

905 (1) The Department of Human Resources.

906 (2) A licensed child placing agency.

907 (3) A social worker licensed by the State Board of
908 Social Work Examiners who is also certified by the State Board
909 of Social Work Examiners for private independent practice in
910 the social casework specialty, as provided in Section 34-30-3.

911 (g) Notwithstanding subdivision (f), the court on its
912 own motion may order the post-placement investigation be
913 performed by an agency or individual other than the agency
914 placing the adoptee when the court has cause to believe the
915 post-placement investigation is insufficient.

916 (h) In every adoption proceeding, after a child has
917 been placed in the home of the petitioner or petitioners, the
918 post-placement investigator must observe the adoptee and
919 interview each petitioner in his or her home as soon as
920 possible after notice of the placement but within 45 days
921 after the placement.

922 (i) The investigator shall complete and file the
923 pre-placement written investigative report with the court
924 within 60 days from receipt of notice of the proceeding and



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925 shall deliver a copy of the pre-placement investigative report
926 to each petitioner's attorney or to each petitioner appearing
927 pro se. The pre-placement investigative report shall include a
928 verification of all allegations of the petition. The
929 pre-placement investigative report shall include sufficient
930 facts for the court to determine whether there has been
931 compliance with consent or relinquishment provisions of this
932 chapter. The post-placement investigative report shall include
933 all the information enumerated within subdivisions (a)(1)
934 through (a)(10) that was not obtained in the pre-placement
935 investigation required under subsection (a). The
936 post-placement investigative report shall be submitted in a
937 form developed by the Department of Human Resources in
938 conjunction with the Alabama Probate Judges Association and
939 the Alabama Law Institute.

940 (j) Upon a showing of good cause and after notice to
941 the petitioners, the court may grant extensions of time to the
942 investigator to file an investigative report. Notwithstanding
943 this extension of time, the pre-placement and post-placement
944 investigative reports must be filed prior to the entry of the
945 final judgment.

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

950 (l) When an investigation has been conducted, the
951 investigatory report shall not be conclusive but may be
952 considered along with other evidence.



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953 (m) The court may, in its discretion, order the
954 appointment of a court representative to investigate and
955 evaluate any matters relating to adoption, including the best
956 interests of the adoptee.

957 §26-10E-20

958 After the petitioner or petitioners have received the
959 adoptee into his, her, or their home, the adoptee shall not be
960 removed from the county in which the petitioner or petitioners
961 reside until the final judgment has been entered for a period
962 of longer than 15 consecutive days, unless notice is given to
963 the investigative agency or individual.

964 §26-10E-21

965 (a) In making adoption arrangements, potential adoptive
966 parents and biological parents may obtain counsel to provide
967 legal advice and assistance.

968 (b) When required by this chapter, the court may
969 appoint a guardian ad litem for the adoptee, any mentally
970 incapacitated person, or a minor. In cases in which a guardian
971 ad litem is not required by this chapter, upon a motion of a
972 party or on its own motion, the court may appoint a guardian
973 ad litem for good cause shown.

974 (c) The fees of the guardian ad litem shall be assessed
975 by the court and taxed as costs upon the conclusion of
976 services provided by the guardian ad litem; provided, however,
977 that in contested cases under Section 26-10E-23, the court
978 shall assess and award the guardian ad litem a fee at the time
979 of appointment based on the reasonable amount of fees expected
980 to be incurred. The fees shall be payable by the contestant



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981 and the petitioner proportionately as determined by the court,
982 subject to the authority of the court to revise the amount or
983 proportionate responsibility for the fees upon entry of the
984 final judgment adjudicating the contest.

985 (d) The court shall have the power to enforce any award
986 of fees to the guardian ad litem through contempt or other
987 enforcement proceedings.

988 §26-10E-22

989 (a) No individual, organization, group, agency, or any
990 legal entity may accept any fee whatsoever for bringing any
991 petitioner together with the adoptee or the parents of the
992 adoptee.

993 (2) A violation of this section is a Class A
994 misdemeanor, except that a second or subsequent conviction is
995 a Class C felony.

996 (b) (1) The petitioner or petitioners may provide
997 payment for maternity-connected expenses, medical or hospital
998 expenses, and necessary living expenses of the mother
999 preceding and during pregnancy-related incapacity, provided
1000 that the payment is not contingent upon the placement of the
1001 minor child for adoption, consent to the adoption, or
1002 cooperation in the completion of the adoption.

1003 (2) Prior to any payment pursuant to this subsection,
1004 the petitioner or petitioners must file with the court a full
1005 accounting of all charges for expenses, fees, or services they
1006 or individuals acting on their behalf will be paying relating
1007 to the adoption. Payment may be made only with court approval
1008 except that fees may be placed in an escrow account prior to



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1009 court approval. The court may not refuse to approve a fee for
1010 documented services on the sole basis that a prospective
1011 adoptee has not been placed. The court shall approve all
1012 reasonable fees and expenses unless determined by the court to
1013 be unreasonable based upon specific written findings of fact.

1014 (c) Unless otherwise provided in this chapter, the
1015 petitioner or petitioners must also file a sworn statement
1016 that is a full accounting of all disbursements paid in the
1017 adoption.

1018 (d) Under penalty of perjury, the adoptive parents and
1019 the parent or parents surrendering the adoptee for adoption,
1020 prior to the entry of the final judgment of adoption, shall
1021 sign affidavits stating that no monies or other things of
1022 value have been paid or received in exchange for the consent
1023 or relinquishment of the minor for adoption. In addition to
1024 any penalties for perjury, the payment or receipt of money in
1025 violation of this section shall be punished as set forth in
1026 Section 26-10E-33.

1027 §26-10E-23

1028 (a) Upon the filing of a pleading or a motion by a
1029 party contesting the adoption, or upon transfer of a contested
1030 case pursuant to Section 26-10E-3, the court shall forthwith
1031 set the matter for a contested hearing to determine each of
1032 the following:

1033 (1) Whether the best interests of the adoptee will be
1034 served by the adoption.

1035 (2) Whether the adoptee is available for adoption by
1036 each petitioner and whether each petitioner qualifies to adopt



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1037 an adoptee within the requirements of this chapter.

1038 (3) Whether all necessary express consent, implied
1039 consent, or relinquishment to the adoption have been given
1040 and, if so, are valid.

1041 (4) Whether an express consent or relinquishment has
1042 been or may be withdrawn.

1043 (b) The court shall give at least 14 days of notice of
1044 the contested hearing by United States mail to all parties who
1045 have appeared before the court, unless notice has been waived
1046 in writing. The party contesting the adoption and each
1047 petitioner shall be present at the contested hearing. A
1048 guardian ad litem shall appear and represent the interests of
1049 the adoptee. Any contestant who is a mentally incapacitated
1050 person or a minor shall also be represented by a guardian ad
1051 litem in addition to any counsel retained by the contestant.

1052 (c) The court may continue the hearing from time to
1053 time to permit notice to all parties, or to permit further
1054 discovery, observation, investigation, or consideration of any
1055 fact or circumstance affecting the granting or denial of the
1056 adoption petition. The court may order the investigator
1057 appointed under Section 26-10E-19, or a court representative
1058 to investigate allegations underlying the contest or the
1059 whereabouts of any person entitled to notice of the
1060 proceeding.

1061 (d) After hearing evidence at a contested hearing, the
1062 court shall decide the contest as soon as practicable. If it
1063 is determined by the court that the adoption petition should
1064 be denied, the court shall either transfer the case to the



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1065 appropriate juvenile court pursuant to Section 26-10E-3 for
1066 the limited purpose of considering termination of parental
1067 rights or it shall enter a final judgment denying the
1068 adoption. Otherwise, the court shall enter a final judgment
1069 denying the contest and, subject to any post judgment motions
1070 and appellate proceedings, the probate court shall proceed as
1071 provided in Section 26-10E-24. The entry of a final judgment
1072 denying a contest terminates the status of the contestant as a
1073 party to the adoption proceedings and terminates the
1074 contestant's right to notice of further adoption proceedings.

1075 (e) At the contested-case hearing, the court shall
1076 consider any motion of the petitioner or petitioners to obtain
1077 reimbursement for all reasonable medical and living expenses
1078 incidental to the care and well-being of the adoptee for the
1079 time the adoptee resided with the petitioner or petitioners.
1080 If the adoption is denied, the probate court, unless just
1081 cause is shown otherwise by the contestant, shall order such
1082 reimbursement.

1083 (f) (1) Following the entry of a final judgment denying
1084 an adoption contest, the court shall enter a temporary custody
1085 order determining each of the following:

1086 a. Whether it is in the best interests of the minor
1087 child for the petitioner or petitioners to retain custody of
1088 the minor child or for the minor child to be returned to the
1089 person or agency with legal custody of the minor child prior
1090 to the filing of the petition.

1091 b. Whether a written report should be sent to the
1092 county Department of Human Resources pursuant to Chapter 14 of



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1093 Title 26 for a further determination concerning custody.

1094 (2) The custody determination shall remain in effect
1095 only until another court of competent jurisdiction enters a
1096 custodial order regarding the minor child.

1097 (g) Upon denial of a contest, the court, unless just
1098 cause is shown otherwise by the contestant, shall issue an
1099 order for reimbursement to the petitioner or petitioners of
1100 the legal costs incurred by each petitioner incidental to the
1101 contest.

1102 §26-10E-24

1103 (a) Once the petition for adoption and any necessary
1104 accompanying documentation has been filed, the court shall set
1105 a dispositional hearing to take place as soon as practicable,
1106 but no later than 120 days after the filing. Upon good cause
1107 shown, the court may extend the time for the dispositional
1108 hearing.

1109 (b) At the dispositional hearing, the court shall
1110 approve the adoption if it finds, based on clear and
1111 convincing evidence, all of the following:

1112 (1) The adoptee has been in the actual physical custody
1113 of the petitioner or petitioners for a period of 60 days,
1114 unless for good cause shown, this requirement is waived by the
1115 court.

1116 (2) All necessary consents, relinquishments,
1117 terminations, or waivers have been obtained and, if
1118 appropriate, filed with the court.

1119 (3) All documentation required pursuant to Section
1120 26-10E-19 has been filed with the court, unless excluded under



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1121 Sections 26-10E-26 and 26-10E-27.

1122 (4) Service of the notice of pendency of the adoption
1123 proceeding has been made or dispensed with as to all persons
1124 entitled to receive notice under Section 26-10E-17.

1125 (5) All contests brought under Section 26-10E-23 have
1126 been resolved in favor of the petitioner or petitioners.

1127 (6) Each petitioner is a suitable adoptive parent and
1128 desires to establish a parent and child relationship between
1129 himself or herself and the adoptee.

1130 (7) That the best interests of the adoptee are served
1131 by the adoption.

1132 (8) That each petitioner has been cleared through each
1133 of the following background checks:

1134 a. The Adam Walsh Act, U.S. Public Law 109-248,
1135 including each of the following:

- 1136 1. State and federal criminal history.
- 1137 2. Child abuse and neglect history.
- 1138 3. Sex Offender Registry history.

1139 b. Child support payment history.

1140 (9) A sworn statement of full accounting of
1141 disbursements pursuant to Section 26-10E-23, if applicable,
1142 has been filed.

1143 (10) All other requirements of this chapter have been
1144 met.

1145 (c) The court shall enter its finding in a written
1146 final judgment of adoption, which shall also include the new
1147 name of the adoptee after adoption and shall not include any
1148 other name by which the adoptee has been known or any names of



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1149 the former parent. The final judgment of adoption shall
1150 further order that, from the date of the entry of judgment,
1151 the adoptee shall be the child of the petitioner or
1152 petitioners, and that the adoptee shall be accorded the status
1153 set forth in Section 26-10E-28.

1154 §26-10E-25

1155 (a) (1) For the purposes of this chapter, a "final
1156 judgment" is a judgment in which one of the following is true:

1157 a. The court adjudicates whether an express consent or
1158 relinquishment has been withdrawn pursuant to Section
1159 26-10E-14.

1160 b. The court adjudicates a contest to an adoption
1161 pursuant to Section 26-10E-3 or Section 26-10E-23.

1162 c. A juvenile court terminates the parental rights of a
1163 parent to the adoptee pursuant to Section 26-10E-3 and Section
1164 26-10E-23(d).

1165 d. The court grants or denies the petition for
1166 adoption.

1167 (2) A final judgment under this chapter shall be
1168 entered in accordance with Rule 58 of the Alabama Rules of
1169 Civil Procedure.

1170 (b) A party may file a post judgment motion challenging
1171 any final judgment entered under this chapter. Any post
1172 judgment motion must be filed within 14 days of the entry of
1173 final judgment and no post judgment motion may remain pending
1174 for more than 14 days, at which time it shall be deemed denied
1175 by operation of law.

1176 (c) A party may appeal any final judgment entered by a



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1177 court under this chapter. An appeal may be made to the Alabama
1178 Court of Civil Appeals by the proper filing of a notice of
1179 appeal with the clerk of the court entering the final judgment
1180 within 14 days of the entry of the final judgment, subject to
1181 Rule 4(a)(3) of the Alabama Rules of Appellate Procedure and
1182 Rule 77(d) of the Alabama Rules of Civil Procedure.

1183 (d) An appeal from any judgment of adoption entered
1184 under this chapter shall have priority in all courts and shall
1185 have precedence over all other matters, except for other
1186 matters that have been given priority by specific statutory
1187 provision or rule of court. All appeals shall comply with the
1188 Alabama Rules of Appellate Procedure.

1189 (e) The court from which the appeal is taken shall
1190 enter an order concerning the custody of the adoptee pending
1191 appeal. Once the certificate of judgment has been issued by
1192 the appellate court, the custody of the adoptee shall remain
1193 subject to the custody determination made by the court unless
1194 vacated or modified by the appellate court on appeal or unless
1195 vacated or modified by the court that made the determination
1196 or the court that assumed jurisdiction over the custody of the
1197 adoptee pursuant to Section 26-10E-24.

1198 (f) A final judgment of adoption may not be
1199 collaterally attacked more than one year after the entry of
1200 final judgment of adoption, except for in the following
1201 situations:

- 1202 (1) Fraud relating to the adoption proceedings.
- 1203 (2) The adoptee has been kidnapped.
- 1204 (3) An adoptive parent subsequent to the final judgment



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1205 of adoption has been convicted of a sexual offense, as
1206 provided in Section 15-20A-5, involving the adoptee.

1207 §26-10E-26

1208 A stepparent of the adoptee may petition for adoption
1209 of an adoptee under this chapter, except that:

1210 (1) Before the entry of the final judgment, the adoptee
1211 must have resided for a period of one year with the stepparent
1212 petitioner.

1213 (2) An investigation shall be conducted to determine
1214 the suitability of the stepparent petitioner and the home in
1215 which the adoptee will reside, and the report of the
1216 investigation, which shall include the information required by
1217 subdivisions 26-10E-19(a)(1), (a)(2), and (a)(14), and which
1218 may include other information required by Section 26-10E-19(a)
1219 as directed by the court, shall be filed with the court no
1220 later than within 30 days of the date of the filing of the
1221 petition.

1222 (3) No report of fees and charges under Section
1223 26-10E-22 shall be made unless ordered by the court.

1224 §26-10E-27

1225 Subject to Section 26-10E-5, a grandfather, a
1226 grandmother, a great-grandfather, a great-grandmother, a
1227 great-uncle, a great-aunt, a brother, a half-brother, a
1228 sister, a half-sister, an aunt, or an uncle of the first
1229 degree and their respective spouses, if any, may adopt a minor
1230 grandchild, a minor great-grandchild, a minor great-niece, a
1231 minor great-nephew, a minor brother, a minor half-brother, a
1232 minor sister, a minor half-sister, a minor nephew, a minor



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1233 niece, according to the provisions of this chapter, except
1234 that:

1235 (1) Before the final judgment of adoption is entered,
1236 the adoptee must have resided for a period of one year with
1237 the petitioner or petitioners.

1238 (2) An investigation shall be conducted to determine
1239 the suitability of each petitioner and the home in which the
1240 adoptee will reside, and the report of the investigation,
1241 which shall include the information required by subdivisions
1242 26-10E-19(a)(1), (a)(2), and (a)(14), and which may include
1243 other information required by Section 26-10E-19(a) as directed
1244 by the court, shall be filed with the court no later than 30
1245 days of the date of the filing of the petition.

1246 (3) No report of fees and charges under Section
1247 26-10E-22 shall be made unless ordered by the court.

1248 §26-10E-28

1249 (a) The adoptee shall take the name designated by the
1250 petitioner or petitioners; provided, however, that if the
1251 adoptee is 14 years of age or older, the adoptee may elect to
1252 retain his or her current legal name, unless the court
1253 determines that the adoptee lacks the mental capacity to
1254 consent. After entry of the final judgment of adoption, the
1255 adoptee shall be treated as the legal child of the adoptive
1256 parent or parents and shall have all rights and be subject to
1257 all the duties arising from that relation, including the
1258 rights of inheritance through the intestacy laws of the state
1259 pursuant to Section 43-8-48.

1260 (b) Upon the entry of the final judgment of adoption,



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1261 the biological or legal parents of the adoptee, except for the
1262 spouse of an adoptive stepparent, are relieved of all parental
1263 rights and responsibility for the adoptee and will have no
1264 parental rights over the adoptee. Upon the final judgment of
1265 adoption, the adoptee loses all rights of inheritance under
1266 the laws of intestacy pursuant to Section 43-8-48, from or
1267 through the biological or legal parents of the adoptee, except
1268 for a biological or legal parent who is the spouse of the
1269 adopting parent.

1270 §26-10E-29

1271 (a) A final judgment of adoption automatically vacates
1272 any judgment or order providing a grandparent visitation with
1273 an adoptee, unless the adoptee has been adopted pursuant to
1274 Section 26-10E-26 or Section 26-10E-27.

1275 (b) In an adoption case proceeding under Section
1276 26-10E-26 or Section 26-10E-27, pre-adoption or post-adoption
1277 grandparent visitation rights may be granted, maintained, or
1278 modified by the court at any time before or after the final
1279 judgment of adoption is entered if it is in the best interests
1280 of the adoptee.

1281 (c) In the case of a stepparent adoption under Section
1282 26-10E-26, no grandparent visitation rights may be granted,
1283 maintained, or modified over the objection of the spouse of
1284 the adoptive stepparent absent compliance with Section
1285 30-3-4.2. Otherwise, Section 30-3-4.2 shall not apply in a
1286 case involving an adoptee but grandparent visitation rights
1287 shall be determined based upon the best interests of the
1288 adoptee.



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1289 (d) An order or judgment regarding grandparent
1290 visitation made in a case under this section may only be
1291 vacated or modified by the court that entered the order or
1292 judgment.

1293 §26-10E-30

1294 (a) The records in adoption proceedings shall be open
1295 to inspection only to each petitioner or his or her attorney,
1296 the investigator appointed under Section 26-10E-19, any
1297 guardian ad litem appointed for the adoptee under Section
1298 26-10E-21, and any attorney retained by or appointed to
1299 represent the adoptee. These records shall be open to other
1300 persons only upon order of court for good cause shown.

1301 (b) All hearings in adoption proceedings shall be
1302 confidential and shall be held in closed court without
1303 admittance of any individual other than the parties and their
1304 counsel, except with leave of court.

1305 (c) Upon entry of the final judgment of adoption, all
1306 papers, pleadings, and other documents pertaining to the
1307 adoption shall be sealed, kept as a permanent record of the
1308 court, and withheld from inspection, except as otherwise
1309 provided in this section and in Section 22-9A-12(c). No
1310 individual shall have access to such records except upon order
1311 of the court in which the final judgment of adoption was
1312 entered for good cause shown, except as provided in Section
1313 22-9A-12(c).

1314 (d) When the court enters a final judgment of adoption,
1315 all licensed agencies or individuals shall send a sealed
1316 information summary sheet and the non-identifying information



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1317 referred to in subsection (g) in a separate summary sheet to
1318 the Department of Human Resources. All of the following
1319 information shall be included:

1320 (1) The birth name and adoptive name of the adoptee.

1321 (2) The date and place of birth of the adoptee, except
1322 in the case of abandonment.

1323 (3) The circumstances under which the adoptee came to
1324 be placed for adoption.

1325 (4) The physical and mental condition of the adoptee,
1326 insofar as this can be determined by the aid of competent
1327 medical authority.

1328 (5) The name and last known address, dates of birth,
1329 and Social Security numbers, if known, of the biological
1330 parents of the adoptee.

1331 (6) The age of the biological parents at the adoptee's
1332 birth.

1333 (7) The nationality, ethnic background, race, and
1334 religious preference of the biological parents of the adoptee.

1335 (8) The educational level of the biological parents of
1336 the adoptee.

1337 (9) Any pre-adoptive brother or sister relationships of
1338 the adoptee.

1339 (10) Whether the identity and location of the
1340 biological father of the adoptee is known or ascertainable.

1341 (e) The Department of Human Resources and the
1342 investigating agency's adoption records must be kept for a
1343 minimum term of 75 years. If a licensed child placing agency
1344 ceases to operate in Alabama, all adoption records of the



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1345 agency, including those of the adoptee, the biological family,
1346 and the adoptive family, shall be transferred to the
1347 department.

1348 (f) Except as otherwise provided in this section and in
1349 Section 22-9A-12(c), all files of the investigating office or
1350 agency appointed by the court under Section 26-10E-19 shall be
1351 confidential and shall be withheld from inspection except upon
1352 order of the court for good cause shown.

1353 (g) Notwithstanding subsection (f), the Department of
1354 Human Resources or the licensed investigating agency appointed
1355 by the court pursuant to Section 26-10E-19(b) and (c), shall
1356 furnish, upon request, to the petitioner or petitioners, the
1357 biological parents, or an adoptee 19 years of age or older,
1358 non-identifying information which shall be limited to the
1359 following:

1360 (1) The health and medical histories of the adoptee's
1361 biological parents.

1362 (2) The health and medical history of the adoptee.

1363 (3) The adoptee's general family background, including
1364 ancestral information, without name references or geographical
1365 designations.

1366 (4) Physical descriptions of the adoptee's biological
1367 parents.

1368 (5) The length of time the adoptee was in the care and
1369 custody of anyone other than the petitioner.

1370 (6) The circumstances under which the adoptee came to
1371 be placed for adoption.

1372 (h) Notwithstanding any other provision herein, if



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1373 either the legal mother or the putative or legal father before
1374 the adoption has given written consent under oath to
1375 disclosure of identifying information that is not otherwise
1376 provided in this section and in Section 22-9A-12(c), the
1377 Department of Human Resources or a licensed child placing
1378 agency shall release the identifying information.

1379 (i) If the court finds that any person has a compelling
1380 need for non-identifying information not otherwise available
1381 under subsection (e) which can only be obtained through
1382 contact with the adoptee, the adoptee's parents, the putative
1383 father or the legal father of the adoptee before the adoption,
1384 or the adoptee's adoptive parents, the court shall direct the
1385 agency or a mutually agreed upon intermediary, to furnish the
1386 information or to establish contact with the adoptee, the
1387 adoptee's biological parents, the putative or legal father of
1388 the adoptee before the adoption, or the adoptive parents of
1389 the adoptee in order to obtain the information needed without
1390 disclosure of identifying information to or about the
1391 applicant. The information then shall be filed with the court
1392 and released to the applicant within the discretion of the
1393 court. However, the identity and whereabouts of any
1394 individuals contacted shall remain confidential.

1395 (j) Notwithstanding any subsection of this section to
1396 the contrary, when an adoptee reaches 19 years of age, he or
1397 she may petition the court for the disclosure of identifying
1398 information which is not otherwise provided for in this
1399 section or in Section 22-9A-12(c) if a former parent has not
1400 previously given consent under subsection (h). The court shall



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1401 direct an intermediary to contact the former parents to
1402 determine if they will consent to the release of identifying
1403 information. If the former parent or parents consent to the
1404 release of identifying information the court shall so direct.
1405 If the former parent or parents are deceased, cannot be found,
1406 or do not consent to the release of identifying information,
1407 the court shall weigh the interest and rights of all the
1408 parties and determine if the identifying information should be
1409 released without the consent of the former parent.

1410 (k) The court shall have the jurisdiction to issue any
1411 orders deemed necessary to protect the confidentiality of the
1412 adoption or adoption proceedings, including, but not limited
1413 to, any protective order or injunction to prevent or limit the
1414 dissemination of any information contained in confidential or
1415 sealed records or any other information identifying the
1416 adoptee, the parties, or the witnesses in an adoption
1417 proceeding.

1418 §26-10E-31

1419 (a) Within 10 days of the final judgment being entered,
1420 the judge or the clerk of the court shall send a copy of the
1421 certified final judgment of adoption to the Department of
1422 Human Resources electronically or by United States mail and
1423 shall send a copy of the certified final judgment of adoption
1424 to the Office of Vital Statistics electronically or by United
1425 States mail with the report of adoption in the format
1426 developed by the Office of Vital Statistics.

1427 (b) Upon receipt of a copy of a certified final
1428 judgment of adoption from the judge or the clerk of the court



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1429 for an individual born in this state, the Office of Vital
1430 Statistics shall prepare a new record of birth reflecting the
1431 registrant's new name and the name of each adoptive parent as
1432 contained in the final judgment and report of adoption. The
1433 Office of Vital Statistics shall then place the evidence of
1434 adoption along with the original certificate of birth in a
1435 sealed file. A Certificate of Foreign Birth and sealed file
1436 shall, upon request, be created for a foreign-born individual
1437 adopted in a court in this state as provided in Section
1438 22-9A-12(i).

1439 (c) The new certificate of birth will be prepared on
1440 the form or in the format prescribed by the Office of Vital
1441 Statistics following the requirements in Section 22-9A-12,
1442 Section 22-9A-19, and Title 420 of the Alabama Administrative
1443 Code, or any other rule adopted by the State Board of Health.

1444 (d) There shall be no more than two parents listed on a
1445 new or amended birth certificate. If two parents are
1446 designated in the final judgment of adoption, those
1447 individuals are required to be married to each other at the
1448 time the final judgment of adoption is entered.

1449 (e) A new certificate of birth shall be prepared by the
1450 Office of Vital Statistics in accordance with the current laws
1451 and rules of this state following a final judgment of adoption
1452 being entered in another state, the District of Columbia, a
1453 territory of the United States, or a foreign country.

1454 (f) Except as otherwise provided by Section
1455 22-9A-12(c), after the new birth certificate has been filed,
1456 the original birth certificate and the evidence of adoption



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1457 are not subject to inspection except upon order of a court of
1458 competent jurisdiction for good cause shown.

1459 §26-10E-32

1460 Only a parent, a parent of a deceased parent, or a
1461 relative of the degree of relationship specified in Section
1462 26-10E-27, the State Department of Human Resources, a licensed
1463 child placing agency, or an agency approved by the department
1464 may place, or facilitate the placement of, a minor for
1465 adoption. No person or entity other than the department or a
1466 licensed child placing agency shall engage in the business of
1467 placing, or facilitating the placement of, minors for
1468 adoption. Any individual or entity making more than two
1469 separate and distinctive placements of minors who are
1470 unrelated to the petitioner or petitioners for adoption within
1471 the preceding 12-month period shall be deemed to be in the
1472 business of placing minors for adoption. Any other person who
1473 places, or facilitates the placement of, a minor for adoption
1474 is, upon the first conviction, guilty of a Class A misdemeanor
1475 and, upon subsequent convictions, is guilty of a Class C
1476 felony. This section does not intend to make it unlawful for
1477 any person not engaged in the business of placing, or
1478 facilitating the placement of, minors for adoption to give
1479 advice and assistance to a biological parent in an adoption.
1480 In making adoption arrangements, potential adopting parents
1481 and biological parents are entitled to the advice and
1482 assistance of legal counsel. Surrogate motherhood is not
1483 intended to be covered by this section.

1484 §26-10E-33



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1485 (a) It shall be a Class A misdemeanor for any
1486 individual or agency to offer to pay money or anything of
1487 value to a parent for the placement for adoption, for the
1488 consent to an adoption, or for cooperation in the completion
1489 of an adoption of his or her minor child. It shall be a Class
1490 C felony for any individual or agency to pay money or anything
1491 of value to a parent for the placement of a child for
1492 adoption, for the consent to an adoption, or for cooperation
1493 in the completion of an adoption of his or her minor child.
1494 This section does not make it unlawful, as provided in Section
1495 26-10E-22, to pay the maternity-connected expenses, medical or
1496 hospital expenses, and necessary living expenses of the mother
1497 preceding and during pregnancy-related incapacity, as long as
1498 the payment is not contingent upon placement of the minor
1499 child for adoption, consent to the adoption, or cooperation in
1500 the completion of the adoption.

1501 (b) It shall be a Class C felony for any individual or
1502 agency to receive any money or other thing of value for
1503 placing, assisting, or arranging for the placement of a minor
1504 for adoption. This section is not intended to prohibit
1505 legitimate charges for medical, legal, prenatal, or other
1506 professional services.

1507 (c) Surrogate motherhood is not intended to be covered
1508 by this section.

1509 §26-10E-34

1510 Minors may be brought into Alabama for the purpose of
1511 adoption as provided in Sections 38-7-15 and 44-2-20, except
1512 that investigations shall be made as provided in Sections



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1513 26-10E-19 and Section 44-2-20.

1514 §26-10E-35

1515 (a) It shall be unlawful for any individual,
1516 organization, corporation, partnership, hospital, association,
1517 any other business entity, or agency to advertise by word of
1518 mouth or through print, electronic media, including social
1519 media, telephonically, or otherwise that they will take any of
1520 the following actions:

1521 (1) Adopt minors or assist in the adoption of minors in
1522 violation of this chapter.

1523 (2) Place or assist in the placement of minors in
1524 foster homes, group homes, or institutions in violation of
1525 this chapter.

1526 (3) Pay or offer money or anything of value to the
1527 parent or parents of a minor in violation of Sections
1528 26-10E-32 or 26-10E-33.

1529 (b) Any violation of this section shall be punished as
1530 a Class A misdemeanor.

1531 §26-10E-36

1532 Except as expressly provided within this chapter, the
1533 Alabama Rules of Civil Procedure and the Alabama Rules of
1534 Evidence apply in any case brought under this chapter,
1535 including cases transferred to a juvenile court.

1536 §26-10E-37

1537 (a) Final judgments of adoptions entered into before
1538 January 1, 2024, are valid and remain in effect as they
1539 existed prior to the enactment of this chapter except that
1540 proceedings after final judgments of adoption entered into



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1541 before the enactment of this chapter will be governed under
1542 this chapter.

1543 (b) This chapter shall apply to all proceedings related
1544 to minor adoptions that have not been commenced as of December
1545 31, 2023.

1546 Section 2. Chapter 10F is added to Title 26 of the Code
1547 of Alabama 1975, to read as follows:

1548 §26-10F-1

1549 This chapter shall be known and may be cited as the
1550 Alabama Adult Adoption Code.

1551 §26-10F-2

1552 The definitions in the Alabama Minor Adoption Code,
1553 provided in Section 26-10E-2, are applicable for this chapter
1554 and have the same meaning whenever used in this chapter except
1555 where the context clearly indicates a different meaning.

1556 §26-10F-3

1557 The probate court shall have original and exclusive
1558 jurisdiction over proceedings brought under this chapter.

1559 §26-10F-4

1560 (a) The petitioner or petitioners, or the adoptee, must
1561 be a resident of the State of Alabama.

1562 (b) All petitions must be filed in the probate court of
1563 either of the following counties:

1564 (1) The county in which the adoptee resides, or is in
1565 military service.

1566 (2) The county in which the petitioner or petitioners
1567 resides or is in military service.

1568 §26-10F-5



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1569 (a) Any adult individual may petition the court to
1570 adopt an adult as provided in this chapter.

1571 (b) Any married couple, both of whom are adults, may
1572 jointly petition the court to adopt an adult as provided in
1573 this chapter. An adult who is married may not petition to
1574 adopt another adult unless the petition for adoption is filed
1575 jointly by his or her spouse, unless that spouse is the
1576 biological or legal parent of the adult sought to be adopted.

1577 (c) Unless the adoptee is biologically related to the
1578 petitioner or petitioners, any petitioner seeking to adopt
1579 another adult must be at least 10 years older than the
1580 adoptee, unless waived by the court for good cause shown.

1581 (d) An adult may only be adopted as provided in this
1582 chapter and for the establishment of a legal parent-child
1583 relationship.

1584 (e) The Department of Human Resources shall provide by
1585 rule the process through which an individual seeking to
1586 participate in foster care or adoption may apply for an
1587 exemption from any vaccination requirement for religious or
1588 other appropriate reason for himself, herself, or any other
1589 individual in his or her household.

1590 §26-10F-6

1591 An adult may be adopted under any of the following
1592 conditions:

1593 (1) He or she is an individual with a total and
1594 permanent disability.

1595 (2) He or she has been determined to be an
1596 incapacitated person as defined in Section 26-2A-20.



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1597 (3) He or she consents in writing to be adopted and is
1598 related in any degree of kinship to the petitioner or
1599 petitioners, as defined by the intestacy laws of Alabama, or
1600 is a stepchild or former stepchild by marriage.

1601 (4) He or she had been in a de facto parent-child
1602 relationship with each petitioner during the minority of the
1603 adoptee for at least one year preceding the filing of the
1604 petition and each petitioner has maintained a continuous
1605 familial relationship with the adoptee. This provision shall
1606 include, but is not limited to, a foster parent relationship
1607 with the adoptee.

1608 §26-10F-7

1609 (a) A consent shall be in a sworn writing and signed by
1610 the person consenting.

1611 (1) Only the sworn, written consent of a legally
1612 competent adoptee shall be required.

1613 (2) If the adoptee has been adjudicated incompetent or
1614 declared to be an incapacitated person as defined in Section
1615 26-2A-20, the sworn written consent of any legal guardian or
1616 conservator of the adoptee and a court appointed guardian ad
1617 litem shall be required. The decision to withhold consent by
1618 the guardian ad litem may be overruled by the court as
1619 provided in Section 26-10F-10.

1620 (3) If the court has reason to believe that the adoptee
1621 may be unable to give consent, the court shall appoint a
1622 guardian ad litem who shall investigate the adoptee's
1623 circumstances and that guardian ad litem shall give or
1624 withhold consent. The decision to withhold consent by the



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1625 guardian ad litem may be overruled by the court as provided in
1626 Section 26-10F-10.

1627 (4) If the adoptee is married and is incapacitated or
1628 otherwise unable to consent, the sworn written consent of his
1629 or her spouse is also required.

1630 (b) A motion to withdraw consent may be filed at any
1631 time before the dispositional hearing on the adoption
1632 petition.

1633 §26-10F-8

1634 (a) A petition for adoption shall be filed with the
1635 clerk of the court. The petition shall be signed and verified
1636 by each petitioner and shall allege all of the following:

1637 (1) The full name, date and place of birth, and place
1638 of residence of each petitioner and, if married, the place and
1639 date of their marriage.

1640 (2) The date and place of birth of the adoptee.

1641 (3) The birth name of the adoptee, any other names by
1642 which the adoptee has been known, and the adoptee's proposed
1643 new name.

1644 (4) Where the adoptee is residing at the time of the
1645 filing of the petition.

1646 (5) That each petitioner desires to establish a legal
1647 parent and child relationship between himself or herself and
1648 the adoptee and that he or she is a fit and proper person able
1649 to care for and provide for the adoptee's welfare.

1650 (6) The existence and nature of any prior court orders
1651 known to the petitioner which could affect the adoption of the
1652 adoptee.



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1653 (7) The relationship, if any, of each petitioner to the
1654 adoptee.

1655 (8) The name and address of any agency, if any,
1656 providing care for the adoptee.

1657 (9) The names and addresses of all individuals known to
1658 the petitioner at the time of filing from whom consents or
1659 notice to the adoption are required.

1660 (10) The name and address of the spouse of the adoptee,
1661 if any.

1662 (b) The caption of a petition for adult adoption shall
1663 be styled "In the Matter of the Adoption Petition of _____."
1664 Each petitioner shall be designated in the caption. There
1665 shall be no more than two petitioners.

1666 (c) The petition shall be accompanied by each of the
1667 following:

1668 (1) A certified copy of the adoptee's birth
1669 certificate.

1670 (2) Certified documentation which establishes proof of
1671 a marriage of the adoptee, if applicable.

1672 (3) Certified documentation which establishes proof of
1673 a marriage of the petitioners, if applicable.

1674 (4) Should common law marriage be alleged, any
1675 documentation upon which the petitioners rely to prove the
1676 existence of the common law marriage.

1677 §26-10F-9

1678 (a) Unless service has been previously waived, notice
1679 of pendency of the adoption proceeding shall be served by the
1680 petitioner on each of the following:



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1681 (1) Any individual whose consent is required by Section
1682 26-10F-7.

1683 (2) Any legally appointed custodian or guardian of the
1684 adoptee.

1685 (3) The spouse of the adoptee, if the adoptee is
1686 married.

1687 (4) Any biological or legal parent of the adoptee.

1688 (5) Any individual or entity known to any petitioner as
1689 currently having physical custody of the adoptee, if the
1690 adoptee is alleged to be an individual with a total and
1691 permanent disability or alleged to be an incapacitated person.

1692 (6) The Department of Human Resources.

1693 (7) Any other individual designated by the court.

1694 (b) A copy of the notice for adoption shall be served
1695 upon those individuals or agencies provided in subsection (a).
1696 The form for the notice shall be developed jointly by the
1697 Administrative Office of Courts and the Alabama Law Institute.

1698 (c) Service of the notice shall be made in the
1699 following manner:

1700 (1) Service of process shall be made in accordance with
1701 the Alabama Rules of Civil Procedure. If the identity or
1702 whereabouts of the person whose consent is required under this
1703 chapter is unknown, the court shall then issue an order
1704 providing for service by publication, by posting, or by any
1705 other substituted service.

1706 (2) As to the agency or individual referred to in
1707 subsection (a) (6), notice shall be by certified mail.

1708 (3) As to any other person or entity for whom notice is



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1709 required under subsection (a)(7), service by certified mail,
1710 return receipt requested, shall be sufficient. If such service
1711 cannot be completed after two attempts, the court shall issue
1712 an order providing for service by publication, by posting, or
1713 by any other authorized substituted service.

1714 (d) The notice required by this section may be waived
1715 in writing by the person or entity entitled to receive notice.

1716 (e) Proof of service of the notice on all persons for
1717 whom notice is required by this section must be filed with the
1718 court before the dispositional hearing provided in Section
1719 26-10F-13.

1720 §26-10F-10

1721 (a) All consents must be acknowledged in open court,
1722 unless waived by the court for good cause shown.

1723 (b) If a guardian ad litem has been appointed for the
1724 adult sought to be adopted, the following procedures apply:

1725 (1) The guardian ad litem shall file with the court a
1726 written report stating the basis for the decision to give or
1727 withhold consent.

1728 (2) The court shall hold a hearing to allow all parties
1729 to present evidence as to whether it would be in the best
1730 interests of the adult person to be adopted by the petitioner
1731 or petitioners.

1732 (c) If the court determines upon clear and convincing
1733 evidence that the decision to withhold consent by the guardian
1734 ad litem is arbitrary and is not in the best interests of the
1735 incapacitated person, it may proceed to make any other orders
1736 it deems necessary for the adult person's welfare, including



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1737 granting the petition for adoption.

1738 §26-10F-11

1739 (a) No investigation shall be required in any adult
1740 adoption unless ordered by the court to determine if the best
1741 interests of the adoptee will be served by granting the
1742 petition for adoption. The court shall determine the scope of
1743 the investigation.

1744 (b) If the probate court in which a petition for the
1745 adoption of an adult is filed considers an investigation to be
1746 a necessity, the probate court may order either of the
1747 following:

1748 (1) The type of investigation that is conducted in an
1749 adoption of a minor adoptee, pursuant to 26-10E-19.

1750 (2) Any other inquiry which the court considers
1751 advisable.

1752 (c) Any investigation ordered by the court will be
1753 performed by the Department of Human Resources or anyone
1754 appointed by the court who the court deems as qualified and
1755 appropriate based on the scope of the investigation.

1756 §26-10F-12

1757 (a) Upon the filing of a pleading or a motion by a
1758 party contesting the adoption, the probate court may not
1759 transfer the case or any part of the case to another court of
1760 this state, and shall forthwith set the matter for a contested
1761 hearing to determine each of the following:

1762 (1) Whether the best interests of the adoptee will be
1763 served by the adoption.

1764 (2) Whether the adoptee is available for adoption by



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1765 each petitioner and whether each petitioner qualifies to adopt
1766 the adoptee within the requirements of this chapter.

1767 (3) Whether all necessary consent has been given and,
1768 if so, the validity of each consent.

1769 (4) Whether an express consent has been or may be
1770 withdrawn.

1771 (b) The court shall give at least 14 days of notice of
1772 the contested hearing by United States mail to all parties who
1773 have appeared before the court unless notice has been waived
1774 in writing. The party contesting the adoption and each
1775 petitioner shall be present at the contested hearing. A
1776 guardian ad litem shall appear and represent the interests of
1777 the adoptee. Any contestant who is an incapacitated person
1778 shall also be represented by a guardian ad litem in addition
1779 to any counsel retained by the contestant.

1780 (c) The court may continue the hearing from time to
1781 time to permit notice to all parties, or to permit further
1782 discovery, observation, investigation, or consideration of any
1783 fact or circumstance affecting the granting or denial of the
1784 adoption petition. The court may order the investigator
1785 appointed under Section 26-10F-11, or a court representative
1786 to investigate allegations underlying the contest or the
1787 whereabouts of any person entitled to notice of the
1788 proceeding.

1789 (d) After hearing evidence at a contested hearing, the
1790 court shall decide the contest as soon as practicable. If it
1791 is determined by the court that the adoption petition should
1792 be denied, the court shall enter a final judgment denying the



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1793 contest. The entry of a final judgment denying a contest
1794 terminates the status of the contestant as a party to the
1795 adoption proceedings and terminates the contestant's right to
1796 notice of further adoption proceedings.

1797 (e) At the contested-case hearing, the court shall
1798 consider any motion of the petitioner or petitioners to obtain
1799 reimbursement for all reasonable medical and living expenses
1800 incidental to the care and well-being of the adoptee for the
1801 time the adoptee resided with the petitioner or petitioners
1802 where the adoptee is an incapacitated adult. If the adoption
1803 is denied, the probate court shall, unless just cause is shown
1804 otherwise by the contestant, order such reimbursement.

1805 (f) Upon denial of a contest, the court, unless just
1806 cause is shown otherwise by the contestant, shall issue an
1807 order for reimbursement to the petitioner or petitioners of
1808 the legal costs incurred by each petitioner incidental to the
1809 contest.

1810 §26-10F-13

1811 (a) The petition for adoption shall be set for a
1812 dispositional hearing within a reasonable period after the
1813 filing of the petition and all necessary documents, including
1814 an investigative report if ordered by the court.

1815 (b) The court shall enter an order establishing a date,
1816 time, and place for the hearing on the petition, and each
1817 petitioner and the individual to be adopted shall appear at
1818 the hearing in person. If the court determines that such
1819 appearance is impossible or impractical, appearance may be
1820 made by electronic means, upon good cause shown to the court.



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1821 (c) At the dispositional hearing, the court shall grant
1822 a final judgment of adoption if it finds each of the following
1823 based on clear and convincing evidence:

1824 (1) The adoptee meets one of the qualifications under
1825 Section 26-10F-6.

1826 (2) The required consents and all other necessary
1827 documents have been properly executed and have been filed with
1828 the court. The necessary documents shall include, but are not
1829 limited to, each of the following:

1830 a. The petition for adoption.

1831 b. All required consents.

1832 c. Proof of service of notice on all persons required
1833 to receive notice.

1834 d. Marriage certificates of the petitioners and
1835 adoptee, if applicable.

1836 e. Copies of certified birth certificates or the
1837 equivalent thereof of each petitioner and adoptee, issued
1838 within six months of the filing of the petition.

1839 f. The Alabama Report of Adoption Form.

1840 g. Proof of incapacity or total and permanent
1841 disability, if applicable.

1842 h. Proof of kinship or a de facto parent and child
1843 relationship pursuant to Section 26-10F-6, if applicable.

1844 i. Any other documentation required by the court.

1845 (3) Any contests have been resolved in favor of the
1846 petitioner or petitioners.

1847 (4) That each petitioner is a suitable adopting parent
1848 and desires to establish a legal parent and child relationship



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1849 between himself or herself and the adoptee.

1850 (5) That all parties, to the best of their ability,
1851 understand the significance and ramifications of the adoption
1852 and are not acting under duress, coercion, or undue influence.

1853 (6) That the best interests of the adoptee are served
1854 by the adoption and that there is no reason in the public
1855 interest or otherwise why the petition should not be granted.

1856 (7) That all other requirements of this chapter have
1857 been met.

1858 (d) If all the requirements of subsection (b) are met,
1859 the court may enter its finding in a written final judgment of
1860 adoption, granting the petition for adoption.

1861 (e) The final judgment of adoption shall terminate the
1862 parent child relationship of one or both of the legal parents
1863 of the adoptee and shall order the substitution of the name of
1864 each legal parent whose relationship has been terminated on
1865 the amended birth certificate with the name of each
1866 petitioner. There shall be no more than two individuals named
1867 as petitioner.

1868 (f) If the court grants the adoptee's request for a new
1869 name, the adoptee's new name shall be included in the final
1870 judgment of adoption and placed on the amended birth
1871 certificate.

1872 (g) The final judgment of adoption shall further order
1873 that from the date of the judgment of adoption, the adoptee
1874 shall be the child of the petitioner or petitioners, and that
1875 the adoptee shall be accorded the status set forth in Section
1876 26-10F-16(b).



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1877 (h) A final judgment of adoption may not be
1878 collaterally attacked after the expiration of one year from
1879 the entry of the final judgment of adoption, and after all
1880 appeals, if any, except in each of the following situations:

1881 (1) Fraud relating to the adoption proceedings.

1882 (2) The adoptee has been kidnapped.

1883 (3) An adoptive parent subsequent to the final judgment
1884 of adoption has been convicted of a sexual offense, as
1885 provided in Section 15-20A-5, involving the adoptee.

1886 §26-10F-14

1887 (a) (1) For the purposes of this chapter, a final
1888 judgment is one of the following:

1889 a. The court adjudicates whether a consent has been
1890 withdrawn.

1891 b. The court adjudicates a contest to an adoption
1892 pursuant to Section 26-10F-12.

1893 c. The court grants or denies the petition for
1894 adoption.

1895 (2) A final judgment under this chapter shall be
1896 entered in accordance with Rule 58 of the Alabama Rules of
1897 Civil Procedure.

1898 (b) A party may file a post judgment motion challenging
1899 any final judgment entered under this chapter. Any post
1900 judgment motion must be filed within 14 days of the entry of
1901 final judgment and no post judgment motion may remain pending
1902 for more than 14 days, at which time it shall be deemed denied
1903 by operation of law.

1904 (c) A party may appeal any final judgment entered by a



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1905 court under this chapter. An appeal may be made to the Alabama
1906 Court of Civil Appeals by the proper filing of a notice of
1907 appeal with the clerk of the court entering the final judgment
1908 within 14 days of the entry of the final judgment, subject to
1909 Rule 4(a)(3) of the Alabama Rules of Appellate Procedure and
1910 Rule 77(d) of the Alabama Rules of Civil Procedure.

1911 §26-10F-15

1912 (a) If determined to be in the best interests of the
1913 adoptee or parties, the court may determine a hearing shall be
1914 closed.

1915 (b) Upon motion by the adoptee or parties and for good
1916 cause shown, the court shall have the jurisdiction to issue
1917 any orders deemed necessary to protect the confidentiality of
1918 the adoption or adoption proceedings, including, but not
1919 limited to, any protective order or injunction to prevent or
1920 limit the dissemination of any information contained in
1921 confidential or sealed records or any other information
1922 identifying the adoptee, the parties, or the witnesses in an
1923 adoption proceeding. Part or all of the record may also be
1924 sealed pursuant to procedure established by applicable
1925 statute, rule, and existing case law.

1926 (c) When the court enters a final judgment of adoption,
1927 the court shall send a copy of the certified final judgment of
1928 adoption to the Department of Human Resources in the manner
1929 prescribed by Section 26-10F-17(a).

1930 §26-10F-16

1931 (a) A judgment granting a petition for adoption of an
1932 adult may order a change in the name of the adoptee unless the



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1933 court finds that the change of name is requested for
1934 fraudulent or criminal purposes; provided, however, that the
1935 court may not change the name of an adoptee who is a sex
1936 offender as provided in Section 15-20A-36.

1937 (b) After the final judgment of adoption, the adoptee
1938 shall be treated as the legal child of each adopting parent
1939 and shall have all rights and be subject to all the duties
1940 arising from that relation, including the right of inheritance
1941 under the intestacy laws of the state pursuant to Section
1942 43-8-48.

1943 (c) Upon the final judgment of adoption, the biological
1944 or legal parents of the adoptee, except for a biological or
1945 legal parent who is the spouse of the adopting parent, are
1946 relieved of all parental rights and responsibilities for the
1947 adoptee. Upon the final judgment of adoption, the adoptee
1948 loses all rights of inheritance under the laws of intestacy
1949 pursuant to Section 48-8-48, from or through the biological or
1950 legal parents of the adoptee, except for a biological or legal
1951 parent who is the spouse of the adopting parent.

1952 §26-10F-17

1953 (a) Within 10 days of the final judgment being entered,
1954 the judge or the clerk of the court shall send a copy of the
1955 certified final judgment of adoption to the Department of
1956 Human Resources electronically or by United States mail and
1957 shall send a copy of the certified final judgment of adoption
1958 to the Office of Vital Statistics electronically or by United
1959 States mail with the report of adoption in the format
1960 developed by the Office of Vital Statistics.



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1961 (b) Upon receipt of a copy of any certified final
1962 judgment of adoption from the judge or the clerk of the court
1963 for an individual born in this state, the Office of Vital
1964 Statistics shall prepare an amended record of birth reflecting
1965 the registrant's new name and the name of each adopting parent
1966 as contained in the final judgment and report of adoption. The
1967 original birth certificate or evidence of adoption will not be
1968 sealed unless otherwise ordered by the court granting the
1969 adoption. If the court orders the documents to be sealed, the
1970 adoptee may request the original birth certificate and
1971 evidence of adoption as provided by Section 22-9A-12(c).

1972 (c) Upon receipt of a copy of a certified final
1973 judgment of adoption from the judge or the clerk of the court
1974 for a foreign-born individual adopted in a court in this
1975 state, the Office of Vital Statistics, shall, upon request,
1976 create a Certificate of Foreign Birth and sealed file as
1977 provided in Section 22-9A-12(i).

1978 §26-10F-18

1979 Except as expressly provided within this chapter, the
1980 Alabama Rules of Civil Procedure and the Alabama Rules of
1981 Evidence apply in any case brought under this chapter.

1982 §26-10F-19

1983 (a) Final judgments of adoptions entered into before
1984 January 1, 2024, are valid and remain in effect as they
1985 existed prior to the enactment of this chapter except that
1986 proceedings after final judgments of adoption entered into
1987 before the enactment of this chapter will be governed under
1988 this chapter.



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1989 (b) This chapter shall apply to all proceedings related
1990 to adult adoptions that have not been commenced as of December
1991 31, 2023.

1992 Section 3. Section 12-15-115.1 is added to the Code of
1993 Alabama 1975, to read as follows:

1994 §12-15-115.1

1995 Once an adoption proceeding in the juvenile court has
1996 been completed, a copy of all the juvenile court records,
1997 including filings and documents originally sent upon transfer
1998 by the probate court, shall be forwarded to the probate court
1999 from which the case was transferred. All other filings and
2000 documents that are retained by the juvenile court pertaining
2001 to the adoption proceeding shall be sealed, kept as a
2002 permanent record of the court, and withheld from inspection
2003 except as otherwise ordered by the court for good cause shown.

2004 Section 4. Section 12-15-133, Code of Alabama 1975, is
2005 amended to read as follows:

2006 "§12-15-133

2007 (a) The following records, reports, and information
2008 acquired or generated in juvenile courts concerning children
2009 shall be confidential and shall not be released to any ~~person~~
2010 individual, department, agency, or entity, except as provided
2011 elsewhere in this section:

2012 (1) Juvenile legal files ~~(, including formal documents~~
2013 as petitions, notices, motions, legal memoranda, orders, and
2014 decrees ~~).~~



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2015 (2) Social records, including but not limited to:

2016 a. Records of juvenile probation officers.

2017 b. Records of the Department of Human Resources.

2018 c. Records of the Department of Youth Services.

2019 d. Medical records.

2020 e. Psychiatric or psychological records.

2021 f. Reports of preliminary inquiries and predisposition

2022 studies.

2023 g. Supervision records.

2024 h. Birth certificates.

2025 i. Individualized service plans.

2026 j. Education records, including, but not limited to,

2027 individualized education plans.

2028 k. Detention records.

2029 l. Demographic information that identifies a child or

2030 the family of a child.

2031 (3) State Criminal Justice Information System records.

2032 (4) Juvenile criminal sex offender notification

2033 records.

2034 (b) The records, reports, and information described in

2035 subsection (a) shall be filed separately from other files and

2036 records of the court. The juvenile legal files described in

2037 subdivision ~~(1) of subsection~~ (a) (1) shall be maintained in a

2038 separate file from all other juvenile records, reports, and



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2039 information.

2040 (c) Subject to applicable federal law, the records,
2041 reports, and information described in subsection (a) shall be
2042 open to inspection and copying only by the following, under
2043 the specified circumstances:

2044 (1) The judge, juvenile probation officers, and
2045 professional staff assigned to serve or contracted for service
2046 to the juvenile court.

2047 (2) Representatives of a public or private agency or
2048 department providing supervision or having legal custody of
2049 the child.

2050 (3) The parent ~~—~~l, except when parental rights have been
2051 terminated~~r~~, the legal guardian of the child, and the legal
2052 custodian of the child.

2053 (4) The subject of the proceedings and his or her
2054 counsel and guardian ad litem. As used in this section, the
2055 term "counsel" means a child's attorney and an attorney for a
2056 criminal defendant who was formerly a child subject to
2057 proceedings in juvenile court.

2058 (5) The judge, probation, prosecutor, and other
2059 professional staff serving a court handling criminal cases for
2060 investigating or considering youthful offender applications
2061 for an individual, who, prior thereto, had been the subject of
2062 proceedings in juvenile court.



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2063 (6) The judge, probation, and other professional staff,
2064 including the prosecutor and the attorney for the defendant,
2065 serving a court handling criminal cases for completing
2066 sentencing standards worksheets and considering the sentence
2067 upon ~~a person~~ an individual charged with a criminal offense
2068 who, prior thereto, had been the subject of proceedings in
2069 juvenile court.

2070 (7) The principal of the school in which the child is
2071 enrolled, or the representative of the principal, upon written
2072 petition to the juvenile court setting forth the reasons why
2073 the safety or welfare, or both, of the school, its students,
2074 or personnel, necessitate production of the information and
2075 without which the safety and welfare of the school, its
2076 students, and personnel, would be threatened; provided,
2077 however, certain information concerning children adjudicated
2078 delinquent of certain offenses shall be provided as set forth
2079 in Section 12-15-217.

2080 (8) The Alabama Sentencing Commission, as set forth in
2081 Section 12-25-11.

2082 (9) In any criminal proceeding, including a criminal
2083 proceeding in which ~~a person~~ an individual is adjudicated a
2084 youthful offender, as well as any juvenile proceeding pursuant
2085 to Section 12-15-105, the prosecutor representing the State of
2086 Alabama shall have access to all juvenile legal files



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2087 specified in subdivision (a) (1) on that ~~person~~ individual
2088 regardless of the jurisdiction from which the files originate.

2089 (d) Upon determining a legitimate need for access, and
2090 subject to applicable federal law, the juvenile court may also
2091 grant access to specific records, reports, and information to
2092 a prosecutor representing the State of Alabama, department,
2093 entity, or agency. The determination of legitimate need by the
2094 juvenile court shall be based upon a written request filed
2095 with the juvenile court stating the following:

2096 (1) The reason the ~~person~~ individual, department,
2097 entity, or agency is requesting the information.

2098 (2) The use to be made of the information.

2099 (3) The names of those ~~persons~~ individuals or entities
2100 that will have access to the information.

2101 (e) Petitions, motions, juvenile court notices, or
2102 dispositions shall be open to inspection and copying by the
2103 victim.

2104 (f) Subject to applicable confidentiality disclosure
2105 and case restrictions imposed by federal or state law,
2106 confidential juvenile legal files, as described in subdivision
2107 ~~(1) of subsection~~ (a) (1), may be placed on an automated
2108 information sharing system to be shared with the child's
2109 counsel and guardian ad litem, prosecutors, departments,
2110 agencies, or entities who are entitled to access pursuant to



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2111 this section.

2112 (g) Except for the purposes permitted and in the manner
2113 provided by this section, whoever discloses or makes use of or
2114 knowingly permits the use of information identifying a child,
2115 or the family of a child, who is or was under the jurisdiction
2116 of the juvenile court, where this information is directly or
2117 indirectly derived from the records of the juvenile court or
2118 acquired in the course of official duties, upon conviction
2119 ~~thereof~~, shall be guilty of a Class A misdemeanor under the
2120 jurisdiction of the juvenile court and also may be subject to
2121 civil sanctions. Provided, however, that nothing in this
2122 section shall be construed to prohibit or otherwise limit
2123 counsel from disclosing confidential information obtained from
2124 the juvenile court file of the child as needed to investigate
2125 the case of the client or prepare a defense for that client,
2126 provided that the disclosure is in furtherance of counsel's
2127 representation of the party.

2128 (h) Anytime that a child commits a violent offense and
2129 is adjudicated delinquent, if that child as an adult commits
2130 the same or a similar offense, the court records pertaining to
2131 the juvenile offense may be used in the prosecution of the
2132 adult offense.

2133 (i) This section does not prohibit juvenile courts from
2134 communicating with and sharing otherwise confidential



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2135 information with any court of this state in accordance with
2136 Section 26-10E-30 that is currently handling an adoption
2137 matter or has entered a final adoption judgment regarding a
2138 juvenile. All records shared between the courts are to remain
2139 under seal and shall not be shared with the parties or
2140 released to the public."

2141 Section 5. Section 12-12-35, Code of Alabama 1975,
2142 relating to the transfer of adoption proceedings, and Chapter
2143 10A of Title 26, Code of Alabama 1975, commencing with Section
2144 26-10A-1, relating to adoption, are repealed.

2145 Section 6. Although this bill would have as its purpose
2146 or effect the requirement of a new or increased expenditure of
2147 local funds, the bill is excluded from further requirements
2148 and application under Section 111.05 of the Constitution of
2149 Alabama of 2022, because the bill defines a new crime or
2150 amends the definition of an existing crime.

2151 Section 7. This act shall become effective on January
2152 1, 2024, following its passage and approval by the Governor,
2153 or its otherwise becoming law.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 23-Mar-23, as amended.

John Treadwell
Clerk

Senate 13-APR-23 Passed and Amended

House_ 18-APR-23 Concurred in Senate
Amendment