



**House Children and Senior Advocacy Engrossed
Substitute for HB101**

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A BILL
TO BE ENTITLED
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:



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

31 §26-10E-1

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

34 §26-10E-2

35 For the purposes of this chapter, the following terms
36 have the following meanings:

37 (1) ABANDONMENT. Any of the following:

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

40 b. The voluntary and intentional failure or refusal,
41 without good cause or excuse, to perform the duties of a
42 parent.

43 c. The voluntary and intentional relinquishment,
44 without good cause or excuse, of the custody of a minor by a
45 parent.

46 d. The voluntary and intentional withholding from the
47 minor by the parent, without good cause or excuse, of his or
48 her presence, care, love, protection, support, maintenance, or
49 display of filial affection.

50 (2) ADOPTEE. The individual being adopted.

51 (3) ADOPTION. The judicial act of creating the legal
52 relationship of parent and minor which previously did not
53 legally exist.

54 (4) ADULT. An individual who is 19 years of age or
55 older, who has reached the majority age in the state in which
56 he or she resides, or who is otherwise deemed an adult by



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57 statute or by court order.

58 (5) CONSENT. Voluntarily agreeing to adoption.

59 (6) COURT REPRESENTATIVE. An individual appointed in an
60 adoption proceeding trained in law, health care, counseling,
61 social work, or other specialty, who is an officer, employee,
62 or special appointee of the court, and has no personal
63 interest in the proceeding.

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

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

72 (9) LEGAL MOTHER. A female individual whose legal
73 status as the mother of the adoptee has been established
74 through adoption, legitimation, adjudication, acknowledgment,
75 presumption, or operation of law under the laws of this or any
76 other state, and whose parental rights have not been
77 terminated.

78 (10) LICENSED CHILD PLACING AGENCY. Any adoption agency
79 that is licensed under the provisions of the Alabama Child
80 Care Act of 1971, Chapter 7 of Title 38, Code of Alabama 1975,
81 or any adoption agency approved by the State Department of
82 Human Resources.

83 (11) MARRIED COUPLE. Two individuals who are currently
84 lawfully married in accordance with the laws of this state or



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85 any other jurisdiction.

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

89 (13) MINOR PARENT. An individual 18 years of age or
90 younger or an individual who is not an adult under the law in
91 the jurisdiction where he or she resides who is the biological
92 or legal parent of the adoptee.

93 (14) PARENT. The biological or legal mother or father
94 of the adopted minor.

95 (15) PARTY. Any individual who appears before the court
96 for the purposes of petitioning for adoption, consenting to an
97 adoption, withdrawing a consent to adoption, contesting an
98 adoption, securing grandparent visitation rights to an
99 adoptee, or setting aside all or part of a final judgment of
100 adoption, or any other person deemed to be a party by the
101 court. This term does not include the adoptee.

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

106 (17) RELINQUISHMENT. Giving up the legal and physical
107 custody of a minor to a licensed child placing agency or the
108 Department of Human Resources for the sole purpose of
109 placement for adoption.

110 (18) SPOUSE. The individual who is lawfully married to
111 the petitioner or the legal father or the legal mother at the
112 time of the adoption proceedings.



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113 (19) STEPPARENT. An individual who is the spouse or
114 surviving spouse of a legal mother or legal father of a minor,
115 but who is not a legal parent of the minor and who is not a
116 former spouse by reason of divorce or annulment of the
117 marriage.

118 §26-10E-3

119 (a) The probate court shall have original jurisdiction
120 over cases brought pursuant to this chapter. No other court of
121 this state shall have jurisdiction over a case brought under
122 this chapter unless the case, or part of the case, has been
123 transferred from the probate court to the other court in
124 accordance with this section.

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

136 (c) If, at any time during the pendency of a case under
137 this chapter concerning the adoption of a minor, an action is
138 pending in a circuit court or a juvenile court of this state
139 concerning the custody or parentage of the minor, any party to
140 the case, or the probate court on its own motion, may move to



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141 stay the case or to transfer the case to the circuit court or
142 the juvenile court in which the other action is pending. Upon
143 transfer, the transferee court shall have jurisdiction to
144 decide all matters relating to the adoption and to enter a
145 final judgment resolving the adoption case. After entry of the
146 final judgment by the transferee court, the probate court
147 shall have limited jurisdiction over the case to assure
148 compliance with Sections 26-10E-30 and 26-10E-31.

149 (d) On motion of either party or of the probate court,
150 a contest of an adoption under Section 26-10E-23 that is
151 pending in a probate court shall be transferred to the
152 juvenile court for the limited purpose of adjudicating the
153 contest. After entry of a final judgment adjudicating the
154 contest, the juvenile court shall return the case to the
155 probate court for further dispositional proceedings, which
156 dispositional proceedings shall be stayed pending any appeal
157 of the final judgment.

158 (e) The provisions of this chapter shall remain
159 applicable to any case transferred to a juvenile court or a
160 circuit court pursuant to this section.

161 (f) Once an adoption proceeding in the juvenile court
162 has been completed, a copy of all the juvenile court records,
163 including filings and documents originally sent by the probate
164 court upon transfer to the juvenile court shall be forwarded
165 to the original probate court. All other filings and documents
166 that are retained by the juvenile court pertaining to the
167 adoption proceeding shall be sealed, kept as a permanent
168 record of the court, and withheld from inspection except as



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169 otherwise ordered by the court for good cause shown.

170 (g) Notwithstanding any law regarding the
171 confidentiality of records and court proceedings involving a
172 minor or adoptee, a court may communicate with another court
173 another state, or another country in the same manner as
174 provided in Section 30-3B-110, and a court may share records
175 with another court of this state, another state, or another
176 country for the limited purposes of determining any
177 jurisdictional issues regarding a case involving the adoption
178 of an adoptee pursuant to this chapter.

179 §26-10E-3.1

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

183 §26-10E-4

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

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

188 (2) The county in which a petitioner resides or is in
189 military service.

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

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

196 (1) The petitioner shows good cause on the record as to



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197 why the probate court selected should exercise venue over the
198 adoption case.

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

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

204 §26-10E-5

205 (a) An unmarried individual or a married couple may
206 petition to adopt a minor.

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

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

210 (d) If a petitioner is married, the petition for
211 adoption shall be filed jointly by both spouses; provided,
212 however, that when the minor is a stepchild of the party
213 seeking to adopt, the petition shall be filed in the name of
214 the stepparent alone.

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

217 (1) An adult.

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

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

222 b. The probate court finds, based on evidence in the
223 record, that the adoption is in the best interests of the
224 adoptee.



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225 (3) A bona fide resident of this state at the filing of
226 the petition for adoption or a bona fide resident of the
227 receiving state when the adoptee was born in this state and
228 was placed in compliance with Sections 38-7-15 and 44-2-20
229 relating to the Interstate Compact on the Placement of
230 Children.

231 (f) No rule or regulation of any state department shall
232 prevent an adoption by a petitioner solely because the
233 petitioner is employed outside the home. The Department of
234 Human Resources may require the petitioner to remain in the
235 home with an adoptee for a reasonable period of time, not to
236 exceed 60 calendar days, when the department determines that
237 the adoptee requires the presence of the petitioner to ensure
238 his or her adjustment.

239 (g) No rule or regulation of any state department shall
240 prevent an adoption by an unmarried petitioner solely because
241 the petitioner is unmarried. No rule or regulation of any
242 state department shall prevent an adoption solely because the
243 petitioner is of a certain age, except as provided in
244 subsection (e).

245 §26-10E-6

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

248 §26-10E-7

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



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253 (1) The adoptee, if 14 years of age or older, except
254 when the court finds that the adoptee does not have the mental
255 capacity to give consent.

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

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

258 (4) If the adoptee has no legal father, the putative
259 father if made known by the mother or is otherwise made known
260 to the court, provided he complies with Section 26-10C-1 and
261 responds within 30 days to the notice received under Section
262 26-10E-17(a).

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

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

280 (7) The licensed child placing agency to which the



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281 child has been relinquished for adoption, except that the
282 court may grant the adoption without the consent of the agency
283 if the adoption is in the best interests of the adoptee and
284 there is a finding by the court the agency has unreasonably
285 withheld its consent.

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

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

296 §26-10E-8

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

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



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309 may not be withdrawn.

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

313 §26-10E-9

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

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

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

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

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

335 (b) A rebuttable presumption that any individual or
336 agency whose consent is required has impliedly consented to



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

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

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

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



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365 fails to file this action and register with the putative
366 father registry, his failure shall be deemed an irrevocable
367 implied consent to the adoption of the child.

368 §26-10E-10

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

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

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

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

391 (4) A deceased parent of the adoptee or a parent of the
392 adoptee who is presumed to be deceased under this or any other



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393 state's law.

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

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

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

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

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

413 §26-10E-11

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

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

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



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421 (3) The relationship and date of birth of the person
422 consenting or relinquishing to the adoptee.

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

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

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

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



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

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

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

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

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

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

470 §26-10E-12

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



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477 provide the consenting parent with two copies of the form for
478 withdrawing the express consent in accordance with the
479 requirements of Sections 26-10E-13 and 26-10E-14.

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

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

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

494 (3) A notary public.

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

499 §26-10E-13

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



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505 court overseeing the adoption before the final judgment of
506 adoption is entered.

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

513 §26-10E-14

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

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

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

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

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



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533 form within five business days of the child's birth or within
534 five business days of signing the express consent or
535 relinquishment, whichever comes last.

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

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

546 (e) If the court directs that the express consent or
547 relinquishment be withdrawn, the court shall order the child
548 restored to the custody of his or her parent or parents, the
549 county Department of Human Resources, or a licensed child
550 placing agency, as the case may be; otherwise, the court shall
551 deny the withdrawal and declare that the express consent or
552 relinquishment is final and binding. Any order made by the
553 court upon a petition to withdraw express consent or
554 relinquishment under this section shall be deemed a final
555 judgment for the purpose of filing an appeal under Section
556 26-10E-25.

557 §26-10E-15

558 (a) No health facility shall surrender the physical
559 custody of an adoptee to any individual or entity other than
560 the county Department of Human Resources (the department), a



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

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

574 §26-10E-16

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

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

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

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



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

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

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

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

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

611 (9) The names and addresses of all other individuals or
612 agencies known to the petitioner or petitioners who are
613 entitled to notice of the adoption proceedings under Section
614 26-10E-17.

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



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617 (1) A government-issued document bearing photographic
618 identification of each petitioner.

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

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

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

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

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

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

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

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



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645 to the adoptee:

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

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

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

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

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

671 (6) Whether the mother has informed any man that he may
672 be the legal father or putative father of the adoptee, and, if



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673 so, the identity of the man, his last known address, and why
674 the mother contends the man is not the legal father or
675 putative father of the adoptee.

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

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

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

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

694 (e) Except in cases governed by Section 26-10E-26 or
695 Section 26-10E-27, the petition for adoption shall be filed
696 with the clerk of the probate court within 60 days after the
697 adoptee is physically placed with the petitioner or
698 petitioners for purposes of adoption unless the adoptee is in
699 the custody of the Department of Human Resources, a licensed
700 child placing agency, or is currently receiving care in a



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701 medical facility, except that, for good cause shown, a
702 petition may be filed beyond the 60-day period. In cases
703 governed by Sections 26-10E-26 or 26-10E-27, the petition may
704 be filed at any time.

705 §26-10E-17

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

710 (1) Any individual, agency, or institution whose
711 consent or relinquishment is required.

712 (2) The legal father of the adoptee.

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

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

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

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

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

728 (8) The agency or individual authorized to investigate



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729 the adoption under Section 26-10E-19.

730 (9) The Alabama Department of Human Resources.

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

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

735 (b) The notice shall contain all of the following
736 information:

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

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

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

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

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

751 (c) Service of the notice shall be made in the
752 following manner:

753 (1) Service of process shall be made in accordance with
754 the Alabama Rules of Civil Procedure unless otherwise provided
755 herein. Service on the parties designated in subdivisions

756 (a) (8), (a) (9), and (a) (10) shall be by certified mail. As to



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757 any other individual, agency, or institution for whom notice
758 is required under subsection (a), service by certified mail,
759 return receipt requested, shall be sufficient. If this service
760 cannot be completed after two attempts, upon motion and
761 affidavit, the court shall issue an order providing for one of
762 the following:

763 a. Service by publication.

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

768 c. Any other substituted service as determined by the
769 court.

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

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

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

784 §26-10E-18



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785 (a) Once a petitioner or petitioners has received an
786 adoptee into his or her home for the purposes of adoption and
787 a petition for adoption has been filed, an interlocutory order
788 may be entered delegating to the petitioner or petitioners
789 both of the following:

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

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

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

800 §26-10E-19

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

809 (1) Letters of suitability for each adult living in the
810 home of the petitioner or petitioners based on the information
811 available in this state or the petitioner's place of residence
812 if other than this state. For the purposes of this section,



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813 the term "letters of suitability" refers to the Federal Bureau
814 of Investigation and the State Bureau of Investigation
815 clearances.

816 (2) Child abuse and neglect clearances pursuant to the
817 Adam Walsh Act, Public Law 109-248, for all household members
818 14 years of age and older from any state in which any
819 petitioner has resided for five years or more.

820 (3) The anticipated costs and expenses related to the
821 adoption.

822 (4) Any agency and social worker licenses.

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

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

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

834 (8) Copies of each petitioner's birth certificates and
835 marriage licenses.

836 (9) Copies of current pet vaccinations.

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

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

839 (12) Verification of who will do supervisory visits, if
840 applicable.



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

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

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

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

852 (1) Anyone authorized in the jurisdiction in which the
853 petitioner or petitioners reside.

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

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

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



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869 of the petition for adoption.

870 (e) No judgment for the adoption of any adoptee shall
871 be entered until a full post-placement investigative report
872 has been completed and filed with the court concerning all of
873 the following:

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

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

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

883 (4) Any property owned by the adoptee.

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

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

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

893 (8) The updated letters of suitability, the updated
894 Child Abuse and Neglect Clearances, updated criminal records
895 from the county in which the petitioner or petitioners have
896 resided for the two years prior to the finalization of the



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897 adoption, and updated results from the National Sex Offender
898 Public Registry.

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

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

907 (1) The Department of Human Resources.

908 (2) A licensed child placing agency.

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

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

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

924 (i) The investigator shall complete and file the



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925 pre-placement written investigative report with the court
926 within 60 days from receipt of notice of the proceeding and
927 shall deliver a copy of the pre-placement investigative report
928 to each petitioner's attorney or to each petitioner appearing
929 pro se. The pre-placement investigative report shall include a
930 verification of all allegations of the petition. The
931 pre-placement investigative report shall include sufficient
932 facts for the court to determine whether there has been
933 compliance with consent or relinquishment provisions of this
934 chapter. The post-placement investigative report shall include
935 all the information enumerated within subdivisions (a)(1)
936 through (a)(10) that was not obtained in the pre-placement
937 investigation required under subsection (a). The
938 post-placement investigative report shall be submitted in a
939 form developed by the Department of Human Resources in
940 conjunction with the Alabama Probate Judges Association and
941 the Alabama Law Institute.

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

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

952 (l) When an investigation has been conducted, the



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953 investigatory report shall not be conclusive but may be
954 considered along with other evidence.

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

959 §26-10E-20

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

966 §26-10E-21

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

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

976 (c) The fees of the guardian ad litem shall be assessed
977 by the court and taxed as costs upon the conclusion of
978 services provided by the guardian ad litem; provided, however,
979 that in contested cases under Section 26-10E-23, the court
980 shall assess and award the guardian ad litem a fee at the time



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981 of appointment based on the reasonable amount of fees expected
982 to be incurred. The fees shall be payable by the contestant
983 and the petitioner proportionately as determined by the court,
984 subject to the authority of the court to revise the amount or
985 proportionate responsibility for the fees upon entry of the
986 final judgment adjudicating the contest.

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

990 §26-10E-22

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

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

998 (b) (1) The petitioner or petitioners may provide
999 payment for maternity-connected expenses, medical or hospital
1000 expenses, and necessary living expenses of the mother
1001 preceding and during pregnancy-related incapacity, provided
1002 that the payment is not contingent upon the placement of the
1003 minor child for adoption, consent to the adoption, or
1004 cooperation in the completion of the adoption.

1005 (2) Prior to any payment pursuant to this subsection,
1006 the petitioner or petitioners must file with the court a full
1007 accounting of all charges for expenses, fees, or services they
1008 or individuals acting on their behalf will be paying relating



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1009 to the adoption. Payment may be made only with court approval
1010 except that fees may be placed in an escrow account prior to
1011 court approval. The court may not refuse to approve a fee for
1012 documented services on the sole basis that a prospective
1013 adoptee has not been placed. The court shall approve all
1014 reasonable fees and expenses unless determined by the court to
1015 be unreasonable based upon specific written findings of fact.

1016 (c) Unless otherwise provided in this chapter, the
1017 petitioner or petitioners must also file a sworn statement
1018 that is a full accounting of all disbursements paid in the
1019 adoption.

1020 (d) Under penalty of perjury, the adoptive parents and
1021 the parent or parents surrendering the adoptee for adoption,
1022 prior to the entry of the final judgment of adoption, shall
1023 sign affidavits stating that no monies or other things of
1024 value have been paid or received in exchange for the consent
1025 or relinquishment of the minor for adoption. In addition to
1026 any penalties for perjury, the payment or receipt of money in
1027 violation of this section shall be punished as set forth in
1028 Section 26-10E-33.

1029 §26-10E-23

1030 (a) Upon the filing of a pleading or a motion by a
1031 party contesting the adoption, or upon transfer of a contested
1032 case pursuant to Section 26-10E-3, the court shall forthwith
1033 set the matter for a contested hearing to determine each of
1034 the following:

1035 (1) Whether the best interests of the adoptee will be
1036 served by the adoption.



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1037 (2) Whether the adoptee is available for adoption by
1038 each petitioner and whether each petitioner qualifies to adopt
1039 an adoptee within the requirements of this chapter.

1040 (3) Whether all necessary express consent, implied
1041 consent, or relinquishment to the adoption have been given
1042 and, if so, are valid.

1043 (4) Whether an express consent or relinquishment has
1044 been or may be withdrawn.

1045 (b) The court shall give at least 14 days of notice of
1046 the contested hearing by United States mail to all parties who
1047 have appeared before the court, unless notice has been waived
1048 in writing. The party contesting the adoption and each
1049 petitioner shall be present at the contested hearing. A
1050 guardian ad litem shall appear and represent the interests of
1051 the adoptee. Any contestant who is a mentally incapacitated
1052 person or a minor shall also be represented by a guardian ad
1053 litem in addition to any counsel retained by the contestant.

1054 (c) The court may continue the hearing from time to
1055 time to permit notice to all parties, or to permit further
1056 discovery, observation, investigation, or consideration of any
1057 fact or circumstance affecting the granting or denial of the
1058 adoption petition. The court may order the investigator
1059 appointed under Section 26-10E-19, or a court representative
1060 to investigate allegations underlying the contest or the
1061 whereabouts of any person entitled to notice of the
1062 proceeding.

1063 (d) After hearing evidence at a contested hearing, the
1064 court shall decide the contest as soon as practicable. If it



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1065 is determined by the court that the adoption petition should
1066 be denied, the court shall either transfer the case to the
1067 appropriate juvenile court pursuant to Section 26-10E-3 for
1068 the limited purpose of considering termination of parental
1069 rights or it shall enter a final judgment denying the
1070 adoption. Otherwise, the court shall enter a final judgment
1071 denying the contest and, subject to any post judgment motions
1072 and appellate proceedings, the probate court shall proceed as
1073 provided in Section 26-10E-24. The entry of a final judgment
1074 denying a contest terminates the status of the contestant as a
1075 party to the adoption proceedings and terminates the
1076 contestant's right to notice of further adoption proceedings.

1077 (e) At the contested-case hearing, the court shall
1078 consider any motion of the petitioner or petitioners to obtain
1079 reimbursement for all reasonable medical and living expenses
1080 incidental to the care and well-being of the adoptee for the
1081 time the adoptee resided with the petitioner or petitioners.
1082 If the adoption is denied, the probate court, unless just
1083 cause is shown otherwise by the contestant, shall order such
1084 reimbursement.

1085 (f) (1) Following the entry of a final judgment denying
1086 an adoption contest, the court shall enter a temporary custody
1087 order determining each of the following:

1088 a. Whether it is in the best interests of the minor
1089 child for the petitioner or petitioners to retain custody of
1090 the minor child or for the minor child to be returned to the
1091 person or agency with legal custody of the minor child prior
1092 to the filing of the petition.



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1093 b. Whether a written report should be sent to the
1094 county Department of Human Resources pursuant to Chapter 14 of
1095 Title 26 for a further determination concerning custody.

1096 (2) The custody determination shall remain in effect
1097 only until another court of competent jurisdiction enters a
1098 custodial order regarding the minor child.

1099 (g) Upon denial of a contest, the court, unless just
1100 cause is shown otherwise by the contestant, shall issue an
1101 order for reimbursement to the petitioner or petitioners of
1102 the legal costs incurred by each petitioner incidental to the
1103 contest.

1104 §26-10E-24

1105 (a) Once the petition for adoption and any necessary
1106 accompanying documentation has been filed, the court shall set
1107 a dispositional hearing to take place as soon as practicable,
1108 but no later than 120 days after the filing. Upon good cause
1109 shown, the court may extend the time for the dispositional
1110 hearing.

1111 (b) At the dispositional hearing, the court shall
1112 approve the adoption if it finds, based on clear and
1113 convincing evidence, all of the following:

1114 (1) The adoptee has been in the actual physical custody
1115 of the petitioner or petitioners for a period of 60 days,
1116 unless for good cause shown, this requirement is waived by the
1117 court.

1118 (2) All necessary consents, relinquishments,
1119 terminations, or waivers have been obtained and, if
1120 appropriate, filed with the court.



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1121 (3) All documentation required pursuant to Section
1122 26-10E-19 has been filed with the court, unless excluded under
1123 Sections 26-10E-26 and 26-10E-27.

1124 (4) Service of the notice of pendency of the adoption
1125 proceeding has been made or dispensed with as to all persons
1126 entitled to receive notice under Section 26-10E-17.

1127 (5) All contests brought under Section 26-10E-23 have
1128 been resolved in favor of the petitioner or petitioners.

1129 (6) Each petitioner is a suitable adoptive parent and
1130 desires to establish a parent and child relationship between
1131 himself or herself and the adoptee.

1132 (7) That the best interests of the adoptee are served
1133 by the adoption.

1134 (8) That each petitioner has been cleared through each
1135 of the following background checks:

1136 a. The Adam Walsh Act, U.S. Public Law 109-248,
1137 including each of the following:

1138 1. State and federal criminal history.

1139 2. Child abuse and neglect history.

1140 3. Sex Offender Registry history.

1141 b. Child support payment history.

1142 (9) A sworn statement of full accounting of
1143 disbursements pursuant to Section 26-10E-23, if applicable,
1144 has been filed.

1145 (10) All other requirements of this chapter have been
1146 met.

1147 (c) The court shall enter its finding in a written
1148 final judgment of adoption, which shall also include the new



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1149 name of the adoptee after adoption and shall not include any
1150 other name by which the adoptee has been known or any names of
1151 the former parent. The final judgment of adoption shall
1152 further order that, from the date of the entry of judgment,
1153 the adoptee shall be the child of the petitioner or
1154 petitioners, and that the adoptee shall be accorded the status
1155 set forth in Section 26-10E-28.

1156 §26-10E-25

1157 (a) (1) For the purposes of this chapter, a "final
1158 judgment" is a judgment in which one of the following is true:

1159 a. The court adjudicates whether an express consent or
1160 relinquishment has been withdrawn pursuant to Section
1161 26-10E-14.

1162 b. The court adjudicates a contest to an adoption
1163 pursuant to Section 26-10E-3 or Section 26-10E-23.

1164 c. A juvenile court terminates the parental rights of a
1165 parent to the adoptee pursuant to Section 26-10E-3 and Section
1166 26-10E-23(d).

1167 d. The court grants or denies the petition for
1168 adoption.

1169 (2) A final judgment under this chapter shall be
1170 entered in accordance with Rule 58 of the Alabama Rules of
1171 Civil Procedure.

1172 (b) A party may file a post judgment motion challenging
1173 any final judgment entered under this chapter. Any post
1174 judgment motion must be filed within 14 days of the entry of
1175 final judgment and no post judgment motion may remain pending
1176 for more than 14 days, at which time it shall be deemed denied



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1177 by operation of law.

1178 (c) A party may appeal any final judgment entered by a
1179 court under this chapter. An appeal may be made to the Alabama
1180 Court of Civil Appeals by the proper filing of a notice of
1181 appeal with the clerk of the court entering the final judgment
1182 within 14 days of the entry of the final judgment, subject to
1183 Rule 4(a)(3) of the Alabama Rules of Appellate Procedure and
1184 Rule 77(d) of the Alabama Rules of Civil Procedure.

1185 (d) An appeal from any judgment of adoption entered
1186 under this chapter shall have priority in all courts and shall
1187 have precedence over all other matters, except for other
1188 matters that have been given priority by specific statutory
1189 provision or rule of court. All appeals shall comply with the
1190 Alabama Rules of Appellate Procedure.

1191 (e) The court from which the appeal is taken shall
1192 enter an order concerning the custody of the adoptee pending
1193 appeal. Once the certificate of judgment has been issued by
1194 the appellate court, the custody of the adoptee shall remain
1195 subject to the custody determination made by the court unless
1196 vacated or modified by the appellate court on appeal or unless
1197 vacated or modified by the court that made the determination
1198 or the court that assumed jurisdiction over the custody of the
1199 adoptee pursuant to Section 26-10E-24.

1200 (f) A final judgment of adoption may not be
1201 collaterally attacked more than one year after the entry of
1202 final judgment of adoption, except for in the following
1203 situations:

1204 (1) Fraud relating to the adoption proceedings.



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1205 (2) The adoptee has been kidnapped.

1206 (3) An adoptive parent subsequent to the final judgment
1207 of adoption has been convicted of a sexual offense, as
1208 provided in Section 15-20A-5, involving the adoptee.

1209 §26-10E-26

1210 A stepparent of the adoptee may petition for adoption
1211 of an adoptee under this chapter, except that:

1212 (1) Before the entry of the final judgment, the adoptee
1213 must have resided for a period of one year with the stepparent
1214 petitioner.

1215 (2) An investigation shall be conducted to determine
1216 the suitability of the stepparent petitioner and the home in
1217 which the adoptee will reside, and the report of the
1218 investigation, which shall include the information required by
1219 subdivisions 26-10E-19(a)(1), (a)(2), and (a)(14), and which
1220 may include other information required by Section 26-10E-19(a)
1221 as directed by the court, shall be filed with the court no
1222 later than within 30 days of the date of the filing of the
1223 petition.

1224 (3) No report of fees and charges under Section
1225 26-10E-22 shall be made unless ordered by the court.

1226 §26-10E-27

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



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1233 minor great-nephew, a minor brother, a minor half-brother, a
1234 minor sister, a minor half-sister, a minor nephew, a minor
1235 niece, according to the provisions of this chapter, except
1236 that:

1237 (1) Before the final judgment of adoption is entered,
1238 the adoptee must have resided for a period of one year with
1239 the petitioner or petitioners.

1240 (2) An investigation shall be conducted to determine
1241 the suitability of each petitioner and the home in which the
1242 adoptee will reside, and the report of the investigation,
1243 which shall include the information required by subdivisions
1244 26-10E-19(a)(1), (a)(2), and (a)(14), and which may include
1245 other information required by Section 26-10E-19(a) as directed
1246 by the court, shall be filed with the court no later than 30
1247 days of the date of the filing of the petition.

1248 (3) No report of fees and charges under Section
1249 26-10E-22 shall be made unless ordered by the court.

1250 §26-10E-28

1251 (a) The adoptee shall take the name designated by the
1252 petitioner or petitioners; provided, however, that if the
1253 adoptee is 14 years of age or older, the adoptee may elect to
1254 retain his or her current legal name, unless the court
1255 determines that the adoptee lacks the mental capacity to
1256 consent. After entry of the final judgment of adoption, the
1257 adoptee shall be treated as the legal child of the adoptive
1258 parent or parents and shall have all rights and be subject to
1259 all the duties arising from that relation, including the
1260 rights of inheritance through the intestacy laws of the state



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1261 pursuant to Section 43-8-48.

1262 (b) Upon the entry of the final judgment of adoption,
1263 the biological or legal parents of the adoptee, except for the
1264 spouse of an adoptive stepparent, are relieved of all parental
1265 rights and responsibility for the adoptee and will have no
1266 parental rights over the adoptee. Upon the final judgment of
1267 adoption, the adoptee loses all rights of inheritance under
1268 the laws of intestacy pursuant to Section 43-8-48, from or
1269 through the biological or legal parents of the adoptee, except
1270 for a biological or legal parent who is the spouse of the
1271 adopting parent.

1272 §26-10E-29

1273 (a) A final judgment of adoption automatically vacates
1274 any judgment or order providing a grandparent visitation with
1275 an adoptee, unless the adoptee has been adopted pursuant to
1276 Section 26-10E-26 or Section 26-10E-27.

1277 (b) In an adoption case proceeding under Section
1278 26-10E-26 or Section 26-10E-27, pre-adoption or post-adoption
1279 visitation rights may be granted, maintained, or modified by
1280 the court at any time before or after the final judgment of
1281 adoption is entered if it is in the best interests of the
1282 adoptee.

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



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1289 of the adoptee.

1290 (d) An order or judgment regarding grandparent
1291 visitation made in a case under this section may only be
1292 vacated or modified by the court that entered the order or
1293 judgment.

1294 §26-10E-30

1295 (a) The records in adoption proceedings shall be open
1296 to inspection only to each petitioner or his or her attorney,
1297 the investigator appointed under Section 26-10E-19, any
1298 guardian ad litem appointed for the adoptee under Section
1299 26-10E-21, and any attorney retained by or appointed to
1300 represent the adoptee. These records shall be open to other
1301 persons only upon order of court for good cause shown.

1302 (b) All hearings in adoption proceedings shall be
1303 confidential and shall be held in closed court without
1304 admittance of any individual other than the parties and their
1305 counsel, except with leave of court.

1306 (c) Upon entry of the final judgment of adoption, all
1307 papers, pleadings, and other documents pertaining to the
1308 adoption shall be sealed, kept as a permanent record of the
1309 court, and withheld from inspection, except as otherwise
1310 provided in this section and in Section 22-9A-12(c). No
1311 individual shall have access to such records except upon order
1312 of the court in which the final judgment of adoption was
1313 entered for good cause shown, except as provided in Section
1314 22-9A-12(c).

1315 (d) When the court enters a final judgment of adoption,
1316 all licensed agencies or individuals shall send a sealed



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1317 information summary sheet and the non-identifying information
1318 referred to in subsection (g) in a separate summary sheet to
1319 the Department of Human Resources. All of the following
1320 information shall be included:

1321 (1) The birth name and adoptive name of the adoptee.

1322 (2) The date and place of birth of the adoptee, except
1323 in the case of abandonment.

1324 (3) The circumstances under which the adoptee came to
1325 be placed for adoption.

1326 (4) The physical and mental condition of the adoptee,
1327 insofar as this can be determined by the aid of competent
1328 medical authority.

1329 (5) The name and last known address, dates of birth,
1330 and Social Security numbers, if known, of the biological
1331 parents of the adoptee.

1332 (6) The age of the biological parents at the adoptee's
1333 birth.

1334 (7) The nationality, ethnic background, race, and
1335 religious preference of the biological parents of the adoptee.

1336 (8) The educational level of the biological parents of
1337 the adoptee.

1338 (9) Any pre-adoptive brother or sister relationships of
1339 the adoptee.

1340 (10) Whether the identity and location of the
1341 biological father of the adoptee is known or ascertainable.

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



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1345 ceases to operate in Alabama, all adoption records of the
1346 agency, including those of the adoptee, the biological family,
1347 and the adoptive family, shall be transferred to the
1348 department.

1349 (f) Except as otherwise provided in this section and in
1350 Section 22-9A-12(c), all files of the investigating office or
1351 agency appointed by the court under Section 26-10E-19 shall be
1352 confidential and shall be withheld from inspection except upon
1353 order of the court for good cause shown.

1354 (g) Notwithstanding subsection (f), the Department of
1355 Human Resources or the licensed investigating agency appointed
1356 by the court pursuant to Section 26-10E-19(b) and (c), shall
1357 furnish, upon request, to the petitioner or petitioners, the
1358 biological parents, or an adoptee 19 years of age or older,
1359 non-identifying information which shall be limited to the
1360 following:

1361 (1) The health and medical histories of the adoptee's
1362 biological parents.

1363 (2) The health and medical history of the adoptee.

1364 (3) The adoptee's general family background, including
1365 ancestral information, without name references or geographical
1366 designations.

1367 (4) Physical descriptions of the adoptee's biological
1368 parents.

1369 (5) The length of time the adoptee was in the care and
1370 custody of anyone other than the petitioner.

1371 (6) The circumstances under which the adoptee came to
1372 be placed for adoption.



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1373 (h) Notwithstanding any other provision herein, if
1374 either the legal mother or the putative or legal father before
1375 the adoption has given written consent under oath to
1376 disclosure of identifying information that is not otherwise
1377 provided in this section and in Section 22-9A-12(c), the
1378 Department of Human Resources or a licensed child placing
1379 agency shall release the identifying information.

1380 (i) If the court finds that any person has a compelling
1381 need for non-identifying information not otherwise available
1382 under subsection (e) which can only be obtained through
1383 contact with the adoptee, the adoptee's parents, the putative
1384 father or the legal father of the adoptee before the adoption,
1385 or the adoptee's adoptive parents, the court shall direct the
1386 agency or a mutually agreed upon intermediary, to furnish the
1387 information or to establish contact with the adoptee, the
1388 adoptee's biological parents, the putative or legal father of
1389 the adoptee before the adoption, or the adoptive parents of
1390 the adoptee in order to obtain the information needed without
1391 disclosure of identifying information to or about the
1392 applicant. The information then shall be filed with the court
1393 and released to the applicant within the discretion of the
1394 court. However, the identity and whereabouts of any
1395 individuals contacted shall remain confidential.

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



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1401 previously given consent under subsection (h). The court shall
1402 direct an intermediary to contact the former parents to
1403 determine if they will consent to the release of identifying
1404 information. If the former parent or parents consent to the
1405 release of identifying information the court shall so direct.
1406 If the former parent or parents are deceased, cannot be found,
1407 or do not consent to the release of identifying information,
1408 the court shall weigh the interest and rights of all the
1409 parties and determine if the identifying information should be
1410 released without the consent of the former parent.

1411 (k) The court shall have the jurisdiction to issue any
1412 orders deemed necessary to protect the confidentiality of the
1413 adoption or adoption proceedings, including, but not limited
1414 to, any protective order or injunction to prevent or limit the
1415 dissemination of any information contained in confidential or
1416 sealed records or any other information identifying the
1417 adoptee, the parties, or the witnesses in an adoption
1418 proceeding.

1419 §26-10E-31

1420 (a) Within 10 days of the final judgment being entered,
1421 the judge or the clerk of the court shall send a copy of the
1422 certified final judgment of adoption to the Department of
1423 Human Resources electronically or by United States mail and
1424 shall send a copy of the certified final judgment of adoption
1425 to the Office of Vital Statistics electronically or by United
1426 States mail with the report of adoption in the format
1427 developed by the Office of Vital Statistics.

1428 (b) Upon receipt of a copy of a certified final



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1429 judgment of adoption from the judge or the clerk of the court
1430 for an individual born in this state, the Office of Vital
1431 Statistics shall prepare a new record of birth reflecting the
1432 registrant's new name and the name of each adoptive parent as
1433 contained in the final judgment and report of adoption. The
1434 Office of Vital Statistics shall then place the evidence of
1435 adoption along with the original certificate of birth in a
1436 sealed file. A Certificate of Foreign Birth and sealed file
1437 shall, upon request, be created for a foreign-born individual
1438 adopted in a court in this state as provided in Section
1439 22-9A-12(i).

1440 (c) The new certificate of birth will be prepared on
1441 the form or in the format prescribed by the Office of Vital
1442 Statistics following the requirements in Section 22-9A-12,
1443 Section 22-9A-19, and Title 420 of the Alabama Administrative
1444 Code, or any other rule adopted by the State Board of Health.

1445 (d) There shall be no more than two parents listed on a
1446 new or amended birth certificate. If two parents are
1447 designated in the final judgment of adoption, those
1448 individuals are required to be married to each other at the
1449 time the final judgment of adoption is entered.

1450 (e) A new certificate of birth shall be prepared by the
1451 Office of Vital Statistics in accordance with the current laws
1452 and rules of this state following a final judgment of adoption
1453 being entered in another state, the District of Columbia, a
1454 territory of the United States, or a foreign country.

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



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1457 the original birth certificate and the evidence of adoption
1458 are not subject to inspection except upon order of a court of
1459 competent jurisdiction for good cause shown.

1460 §26-10E-32

1461 Only a parent, a parent of a deceased parent, or a
1462 relative of the degree of relationship specified in Section
1463 26-10E-27, the State Department of Human Resources, a licensed
1464 child placing agency, or an agency approved by the department
1465 may place, or facilitate the placement of, a minor for
1466 adoption. No person or entity other than the department or a
1467 licensed child placing agency shall engage in the business of
1468 placing, or facilitating the placement of, minors for
1469 adoption. Any individual or entity making more than two
1470 separate and distinctive placements of minors who are
1471 unrelated to the petitioner or petitioners for adoption within
1472 the preceding 12-month period shall be deemed to be in the
1473 business of placing minors for adoption. Any other person who
1474 places, or facilitates the placement of, a minor for adoption
1475 is, upon the first conviction, guilty of a Class A misdemeanor
1476 and, upon subsequent convictions, is guilty of a Class C
1477 felony. This section does not intend to make it unlawful for
1478 any person not engaged in the business of placing, or
1479 facilitating the placement of, minors for adoption to give
1480 advice and assistance to a biological parent in an adoption.
1481 In making adoption arrangements, potential adopting parents
1482 and biological parents are entitled to the advice and
1483 assistance of legal counsel. Surrogate motherhood is not
1484 intended to be covered by this section.



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1485 §26-10E-33

1486 (a) It shall be a Class A misdemeanor for any
1487 individual or agency to offer to pay money or anything of
1488 value to a parent for the placement for adoption, for the
1489 consent to an adoption, or for cooperation in the completion
1490 of an adoption of his or her minor child. It shall be a Class
1491 C felony for any individual or agency to pay money or anything
1492 of value to a parent for the placement of a child for
1493 adoption, for the consent to an adoption, or for cooperation
1494 in the completion of an adoption of his or her minor child.
1495 This section does not make it unlawful, as provided in Section
1496 26-10E-22, to pay the maternity-connected expenses, medical or
1497 hospital expenses, and necessary living expenses of the mother
1498 preceding and during pregnancy-related incapacity, as long as
1499 the payment is not contingent upon placement of the minor
1500 child for adoption, consent to the adoption, or cooperation in
1501 the completion of the adoption.

1502 (b) It shall be a Class C felony for any individual or
1503 agency to receive any money or other thing of value for
1504 placing, assisting, or arranging for the placement of a minor
1505 for adoption. This section is not intended to prohibit
1506 legitimate charges for medical, legal, prenatal, or other
1507 professional services.

1508 (c) Surrogate motherhood is not intended to be covered
1509 by this section.

1510 §26-10E-34

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



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1513 that investigations shall be made as provided in Sections
1514 26-10E-19 and Section 44-2-20.

1515 §26-10E-35

1516 (a) It shall be unlawful for any individual,
1517 organization, corporation, partnership, hospital, association,
1518 any other business entity, or agency to advertise by word of
1519 mouth or through print, electronic media, including social
1520 media, telephonically, or otherwise that they will take any of
1521 the following actions:

1522 (1) Adopt minors or assist in the adoption of minors in
1523 violation of this chapter.

1524 (2) Place or assist in the placement of minors in
1525 foster homes, group homes, or institutions in violation of
1526 this chapter.

1527 (3) Pay or offer money or anything of value to the
1528 parent or parents of a minor in violation of Sections
1529 26-10E-32 or 26-10E-33.

1530 (b) Any violation of this section shall be punished as
1531 a Class A misdemeanor.

1532 §26-10E-36

1533 Except as expressly provided within this chapter, the
1534 Alabama Rules of Civil Procedure and the Alabama Rules of
1535 Evidence apply in any case brought under this chapter,
1536 including cases transferred to a juvenile court.

1537 §26-10E-37

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



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1541 proceedings after final judgments of adoption entered into
1542 before the enactment of this chapter will be governed under
1543 this chapter.

1544 (b) This chapter shall apply to all proceedings related
1545 to minor adoptions that have not been commenced as of December
1546 31, 2023.

1547 Section 2. Chapter 10F is added to Title 26 of the Code
1548 of Alabama 1975, to read as follows:

1549 §26-10F-1

1550 This chapter shall be known and may be cited as the
1551 Alabama Adult Adoption Code.

1552 §26-10F-2

1553 The definitions in the Alabama Minor Adoption Code,
1554 provided in Section 26-10E-2, are applicable for this chapter
1555 and have the same meaning whenever used in this chapter except
1556 where the context clearly indicates a different meaning.

1557 §26-10F-3

1558 The probate court shall have original and exclusive
1559 jurisdiction over proceedings brought under this chapter.

1560 §26-10F-4

1561 (a) The petitioner or petitioners, or the adoptee, must
1562 be a resident of the State of Alabama.

1563 (b) All petitions must be filed in the probate court of
1564 either of the following counties:

1565 (1) The county in which the adoptee resides, or is in
1566 military service.

1567 (2) The county in which the petitioner or petitioners
1568 resides or is in military service.



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1569 §26-10F-5

1570 (a) Any adult individual may petition the court to
1571 adopt an adult as provided in this chapter.

1572 (b) Any married couple, both of whom are adults, may
1573 jointly petition the court to adopt an adult as provided in
1574 this chapter. An adult who is married may not petition to
1575 adopt another adult unless the petition for adoption is filed
1576 jointly by his or her spouse, unless that spouse is the
1577 biological or legal parent of the adult sought to be adopted.

1578 (c) Unless the adoptee is biologically related to the
1579 petitioner or petitioners, any petitioner seeking to adopt
1580 another adult must be at least 10 years older than the
1581 adoptee, unless waived by the court for good cause shown.

1582 (d) An adult may only be adopted as provided in this
1583 chapter and for the establishment of a legal parent-child
1584 relationship.

1585 §26-10F-6

1586 An adult may be adopted under any of the following
1587 conditions:

1588 (1) He or she is an individual with a total and
1589 permanent disability.

1590 (2) He or she has been determined to be an
1591 incapacitated person as defined in Section 26-2A-20.

1592 (3) He or she consents in writing to be adopted and is
1593 related in any degree of kinship to the petitioner or
1594 petitioners, as defined by the intestacy laws of Alabama, or
1595 is a stepchild or former stepchild by marriage.

1596 (4) He or she had been in a de facto parent-child



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1597 relationship with each petitioner during the minority of the
1598 adoptee for at least one year preceding the filing of the
1599 petition and each petitioner has maintained a continuous
1600 familial relationship with the adoptee. This provision shall
1601 include, but is not limited to, a foster parent relationship
1602 with the adoptee.

1603 §26-10F-7

1604 (a) A consent shall be in a sworn writing and signed by
1605 the person consenting.

1606 (1) Only the sworn, written consent of a legally
1607 competent adoptee shall be required.

1608 (2) If the adoptee has been adjudicated incompetent or
1609 declared to be an incapacitated person as defined in Section
1610 26-2A-20, the sworn written consent of any legal guardian or
1611 conservator of the adoptee and a court appointed guardian ad
1612 litem shall be required. The decision to withhold consent by
1613 the guardian ad litem may be overruled by the court as
1614 provided in Section 26-10F-10.

1615 (3) If the court has reason to believe that the adoptee
1616 may be unable to give consent, the court shall appoint a
1617 guardian ad litem who shall investigate the adoptee's
1618 circumstances and that guardian ad litem shall give or
1619 withhold consent. The decision to withhold consent by the
1620 guardian ad litem may be overruled by the court as provided in
1621 Section 26-10F-10.

1622 (4) If the adoptee is married and is incapacitated or
1623 otherwise unable to consent, the sworn written consent of his
1624 or her spouse is also required.



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1625 (b) A motion to withdraw consent may be filed at any
1626 time before the dispositional hearing on the adoption
1627 petition.

1628 §26-10F-8

1629 (a) A petition for adoption shall be filed with the
1630 clerk of the court. The petition shall be signed and verified
1631 by each petitioner and shall allege all of the following:

1632 (1) The full name, date and place of birth, and place
1633 of residence of each petitioner and, if married, the place and
1634 date of their marriage.

1635 (2) The date and place of birth of the adoptee.

1636 (3) The birth name of the adoptee, any other names by
1637 which the adoptee has been known, and the adoptee's proposed
1638 new name.

1639 (4) Where the adoptee is residing at the time of the
1640 filing of the petition.

1641 (5) That each petitioner desires to establish a legal
1642 parent and child relationship between himself or herself and
1643 the adoptee and that he or she is a fit and proper person able
1644 to care for and provide for the adoptee's welfare.

1645 (6) The existence and nature of any prior court orders
1646 known to the petitioner which could affect the adoption of the
1647 adoptee.

1648 (7) The relationship, if any, of each petitioner to the
1649 adoptee.

1650 (8) The name and address of any agency, if any,
1651 providing care for the adoptee.

1652 (9) The names and addresses of all individuals known to



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1653 the petitioner at the time of filing from whom consents or
1654 notice to the adoption are required.

1655 (10) The name and address of the spouse of the adoptee,
1656 if any.

1657 (b) The caption of a petition for adult adoption shall
1658 be styled "In the Matter of the Adoption Petition of _____."
1659 Each petitioner shall be designated in the caption. There
1660 shall be no more than two petitioners.

1661 (c) The petition shall be accompanied by each of the
1662 following:

1663 (1) A certified copy of the adoptee's birth
1664 certificate.

1665 (2) Certified documentation which establishes proof of
1666 a marriage of the adoptee, if applicable.

1667 (3) Certified documentation which establishes proof of
1668 a marriage of the petitioners, if applicable.

1669 (4) Should common law marriage be alleged, any
1670 documentation upon which the petitioners rely to prove the
1671 existence of the common law marriage.

1672 §26-10F-9

1673 (a) Unless service has been previously waived, notice
1674 of pendency of the adoption proceeding shall be served by the
1675 petitioner on each of the following:

1676 (1) Any individual whose consent is required by Section
1677 26-10F-7.

1678 (2) Any legally appointed custodian or guardian of the
1679 adoptee.

1680 (3) The spouse of the adoptee, if the adoptee is



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1681 married.

1682 (4) Any biological or legal parent of the adoptee.

1683 (5) Any individual or entity known to any petitioner as
1684 currently having physical custody of the adoptee, if the
1685 adoptee is alleged to be an individual with a total and
1686 permanent disability or alleged to be an incapacitated person.

1687 (6) The Department of Human Resources.

1688 (7) Any other individual designated by the court.

1689 (b) A copy of the notice for adoption shall be served
1690 upon those individuals or agencies provided in subsection (a).
1691 The form for the notice shall be developed jointly by the
1692 Administrative Office of Courts and the Alabama Law Institute.

1693 (c) Service of the notice shall be made in the
1694 following manner:

1695 (1) Service of process shall be made in accordance with
1696 the Alabama Rules of Civil Procedure. If the identity or
1697 whereabouts of the person whose consent is required under this
1698 chapter is unknown, the court shall then issue an order
1699 providing for service by publication, by posting, or by any
1700 other substituted service.

1701 (2) As to the agency or individual referred to in
1702 subsection (a) (6), notice shall be by certified mail.

1703 (3) As to any other person or entity for whom notice is
1704 required under subsection (a) (7), service by certified mail,
1705 return receipt requested, shall be sufficient. If such service
1706 cannot be completed after two attempts, the court shall issue
1707 an order providing for service by publication, by posting, or
1708 by any other authorized substituted service.



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1709 (d) The notice required by this section may be waived
1710 in writing by the person or entity entitled to receive notice.

1711 (e) Proof of service of the notice on all persons for
1712 whom notice is required by this section must be filed with the
1713 court before the dispositional hearing provided in Section
1714 26-10F-13.

1715 §26-10F-10

1716 (a) All consents must be acknowledged in open court,
1717 unless waived by the court for good cause shown.

1718 (b) If a guardian ad litem has been appointed for the
1719 adult sought to be adopted, the following procedures apply:

1720 (1) The guardian ad litem shall file with the court a
1721 written report stating the basis for the decision to give or
1722 withhold consent.

1723 (2) The court shall hold a hearing to allow all parties
1724 to present evidence as to whether it would be in the best
1725 interests of the adult person to be adopted by the petitioner
1726 or petitioners.

1727 (c) If the court determines upon clear and convincing
1728 evidence that the decision to withhold consent by the guardian
1729 ad litem is arbitrary and is not in the best interests of the
1730 incapacitated person, it may proceed to make any other orders
1731 it deems necessary for the adult person's welfare, including
1732 granting the petition for adoption.

1733 §26-10F-11

1734 (a) No investigation shall be required in any adult
1735 adoption unless ordered by the court to determine if the best
1736 interests of the adoptee will be served by granting the



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1737 petition for adoption. The court shall determine the scope of
1738 the investigation.

1739 (b) If the probate court in which a petition for the
1740 adoption of an adult is filed considers an investigation to be
1741 a necessity, the probate court may order either of the
1742 following:

1743 (1) The type of investigation that is conducted in an
1744 adoption of a minor adoptee, pursuant to 26-10E-19.

1745 (2) Any other inquiry which the court considers
1746 advisable.

1747 (c) Any investigation ordered by the court will be
1748 performed by the Department of Human Resources or anyone
1749 appointed by the court who the court deems as qualified and
1750 appropriate based on the scope of the investigation.

1751 §26-10F-12

1752 (a) Upon the filing of a pleading or a motion by a
1753 party contesting the adoption, the probate court may not
1754 transfer the case or any part of the case to another court of
1755 this state, and shall forthwith set the matter for a contested
1756 hearing to determine each of the following:

1757 (1) Whether the best interests of the adoptee will be
1758 served by the adoption.

1759 (2) Whether the adoptee is available for adoption by
1760 each petitioner and whether each petitioner qualifies to adopt
1761 the adoptee within the requirements of this chapter.

1762 (3) Whether all necessary consent has been given and,
1763 if so, the validity of each consent.

1764 (4) Whether an express consent has been or may be



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1765 withdrawn.

1766 (b) The court shall give at least 14 days of notice of
1767 the contested hearing by United States mail to all parties who
1768 have appeared before the court unless notice has been waived
1769 in writing. The party contesting the adoption and each
1770 petitioner shall be present at the contested hearing. A
1771 guardian ad litem shall appear and represent the interests of
1772 the adoptee. Any contestant who is an incapacitated person
1773 shall also be represented by a guardian ad litem in addition
1774 to any counsel retained by the contestant.

1775 (c) The court may continue the hearing from time to
1776 time to permit notice to all parties, or to permit further
1777 discovery, observation, investigation, or consideration of any
1778 fact or circumstance affecting the granting or denial of the
1779 adoption petition. The court may order the investigator
1780 appointed under Section 26-10F-11, or a court representative
1781 to investigate allegations underlying the contest or the
1782 whereabouts of any person entitled to notice of the
1783 proceeding.

1784 (d) After hearing evidence at a contested hearing, the
1785 court shall decide the contest as soon as practicable. If it
1786 is determined by the court that the adoption petition should
1787 be denied, the court shall enter a final judgment denying the
1788 contest. The entry of a final judgment denying a contest
1789 terminates the status of the contestant as a party to the
1790 adoption proceedings and terminates the contestant's right to
1791 notice of further adoption proceedings.

1792 (e) At the contested-case hearing, the court shall



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1793 consider any motion of the petitioner or petitioners to obtain
1794 reimbursement for all reasonable medical and living expenses
1795 incidental to the care and well-being of the adoptee for the
1796 time the adoptee resided with the petitioner or petitioners
1797 where the adoptee is an incapacitated adult. If the adoption
1798 is denied, the probate court shall, unless just cause is shown
1799 otherwise by the contestant, order such reimbursement.

1800 (f) Upon denial of a contest, the court, unless just
1801 cause is shown otherwise by the contestant, shall issue an
1802 order for reimbursement to the petitioner or petitioners of
1803 the legal costs incurred by each petitioner incidental to the
1804 contest.

1805 §26-10F-13

1806 (a) The petition for adoption shall be set for a
1807 dispositional hearing within a reasonable period after the
1808 filing of the petition and all necessary documents, including
1809 an investigative report if ordered by the court.

1810 (b) The court shall enter an order establishing a date,
1811 time, and place for the hearing on the petition, and each
1812 petitioner and the individual to be adopted shall appear at
1813 the hearing in person. If the court determines that such
1814 appearance is impossible or impractical, appearance may be
1815 made by electronic means, upon good cause shown to the court.

1816 (c) At the dispositional hearing, the court shall grant
1817 a final judgment of adoption if it finds each of the following
1818 based on clear and convincing evidence:

1819 (1) The adoptee meets one of the qualifications under
1820 Section 26-10F-6.



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1821 (2) The required consents and all other necessary
1822 documents have been properly executed and have been filed with
1823 the court. The necessary documents shall include, but are not
1824 limited to, each of the following:

1825 a. The petition for adoption.

1826 b. All required consents.

1827 c. Proof of service of notice on all persons required
1828 to receive notice.

1829 d. Marriage certificates of the petitioners and
1830 adoptee, if applicable.

1831 e. Copies of certified birth certificates or the
1832 equivalent thereof of each petitioner and adoptee, issued
1833 within six months of the filing of the petition.

1834 f. The Alabama Report of Adoption Form.

1835 g. Proof of incapacity or total and permanent
1836 disability, if applicable.

1837 h. Proof of kinship or a de facto parent and child
1838 relationship pursuant to Section 26-10F-6, if applicable.

1839 i. Any other documentation required by the court.

1840 (3) Any contests have been resolved in favor of the
1841 petitioner or petitioners.

1842 (4) That each petitioner is a suitable adopting parent
1843 and desires to establish a legal parent and child relationship
1844 between himself or herself and the adoptee.

1845 (5) That all parties, to the best of their ability,
1846 understand the significance and ramifications of the adoption
1847 and are not acting under duress, coercion, or undue influence.

1848 (6) That the best interests of the adoptee are served



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1849 by the adoption and that there is no reason in the public
1850 interest or otherwise why the petition should not be granted.

1851 (7) That all other requirements of this chapter have
1852 been met.

1853 (d) If all the requirements of subsection (b) are met,
1854 the court may enter its finding in a written final judgment of
1855 adoption, granting the petition for adoption.

1856 (e) The final judgment of adoption shall terminate the
1857 parent child relationship of one or both of the legal parents
1858 of the adoptee and shall order the substitution of the name of
1859 each legal parent whose relationship has been terminated on
1860 the amended birth certificate with the name of each
1861 petitioner. There shall be no more than two individuals named
1862 as petitioner.

1863 (f) If the court grants the adoptee's request for a new
1864 name, the adoptee's new name shall be included in the final
1865 judgment of adoption and placed on the amended birth
1866 certificate.

1867 (g) The final judgment of adoption shall further order
1868 that from the date of the judgment of adoption, the adoptee
1869 shall be the child of the petitioner or petitioners, and that
1870 the adoptee shall be accorded the status set forth in Section
1871 26-10F-16(b).

1872 (h) A final judgment of adoption may not be
1873 collaterally attacked after the expiration of one year from
1874 the entry of the final judgment of adoption, and after all
1875 appeals, if any, except in each of the following situations:

1876 (1) Fraud relating to the adoption proceedings.



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1877 (2) The adoptee has been kidnapped.

1878 (3) An adoptive parent subsequent to the final judgment
1879 of adoption has been convicted of a sexual offense, as
1880 provided in Section 15-20A-5, involving the adoptee.

1881 §26-10F-14

1882 (a) (1) For the purposes of this chapter, a final
1883 judgment is one of the following:

1884 a. The court adjudicates whether a consent has been
1885 withdrawn.

1886 b. The court adjudicates a contest to an adoption
1887 pursuant to Section 26-10F-12.

1888 c. The court grants or denies the petition for
1889 adoption.

1890 (2) A final judgment under this chapter shall be
1891 entered in accordance with Rule 58 of the Alabama Rules of
1892 Civil Procedure.

1893 (b) A party may file a post judgment motion challenging
1894 any final judgment entered under this chapter. Any post
1895 judgment motion must be filed within 14 days of the entry of
1896 final judgment and no post judgment motion may remain pending
1897 for more than 14 days, at which time it shall be deemed denied
1898 by operation of law.

1899 (c) A party may appeal any final judgment entered by a
1900 court under this chapter. An appeal may be made to the Alabama
1901 Court of Civil Appeals by the proper filing of a notice of
1902 appeal with the clerk of the court entering the final judgment
1903 within 14 days of the entry of the final judgment, subject to
1904 Rule 4(a) (3) of the Alabama Rules of Appellate Procedure and



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1905 Rule 77(d) of the Alabama Rules of Civil Procedure.

1906 §26-10F-15

1907 (a) If determined to be in the best interests of the
1908 adoptee or parties, the court may determine a hearing shall be
1909 closed.

1910 (b) Upon motion by the adoptee or parties and for good
1911 cause shown, the court shall have the jurisdiction to issue
1912 any orders deemed necessary to protect the confidentiality of
1913 the adoption or adoption proceedings, including, but not
1914 limited to, any protective order or injunction to prevent or
1915 limit the dissemination of any information contained in
1916 confidential or sealed records or any other information
1917 identifying the adoptee, the parties, or the witnesses in an
1918 adoption proceeding. Part or all of the record may also be
1919 sealed pursuant to procedure established by applicable
1920 statute, rule, and existing case law.

1921 (c) When the court enters a final judgment of adoption,
1922 the court shall send a copy of the certified final judgment of
1923 adoption to the Department of Human Resources in the manner
1924 prescribed by Section 26-10F-17(a).

1925 §26-10F-16

1926 (a) A judgment granting a petition for adoption of an
1927 adult may order a change in the name of the adoptee unless the
1928 court finds that the change of name is requested for
1929 fraudulent or criminal purposes; provided, however, that the
1930 court may not change the name of an adoptee who is a sex
1931 offender as provided in Section 15-20A-36.

1932 (b) After the final judgment of adoption, the adoptee



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1933 shall be treated as the legal child of each adopting parent
1934 and shall have all rights and be subject to all the duties
1935 arising from that relation, including the right of inheritance
1936 under the intestacy laws of the state pursuant to Section
1937 43-8-48.

1938 (c) Upon the final judgment of adoption, the biological
1939 or legal parents of the adoptee, except for a biological or
1940 legal parent who is the spouse of the adopting parent, are
1941 relieved of all parental rights and responsibilities for the
1942 adoptee. Upon the final judgment of adoption, the adoptee
1943 loses all rights of inheritance under the laws of intestacy
1944 pursuant to Section 48-8-48, from or through the biological or
1945 legal parents of the adoptee, except for a biological or legal
1946 parent who is the spouse of the adopting parent.

1947 §26-10F-17

1948 (a) Within 10 days of the final judgment being entered,
1949 the judge or the clerk of the court shall send a copy of the
1950 certified final judgment of adoption to the Department of
1951 Human Resources electronically or by United States mail and
1952 shall send a copy of the certified final judgment of adoption
1953 to the Office of Vital Statistics electronically or by United
1954 States mail with the report of adoption in the format
1955 developed by the Office of Vital Statistics.

1956 (b) Upon receipt of a copy of any certified final
1957 judgment of adoption from the judge or the clerk of the court
1958 for an individual born in this state, the Office of Vital
1959 Statistics shall prepare an amended record of birth reflecting
1960 the registrant's new name and the name of each adopting parent



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1961 as contained in the final judgment and report of adoption. The
1962 original birth certificate or evidence of adoption will not be
1963 sealed unless otherwise ordered by the court granting the
1964 adoption. If the court orders the documents to be sealed, the
1965 adoptee may request the original birth certificate and
1966 evidence of adoption as provided by Section 22-9A-12(c).

1967 (c) Upon receipt of a copy of a certified final
1968 judgment of adoption from the judge or the clerk of the court
1969 for a foreign-born individual adopted in a court in this
1970 state, the Office of Vital Statistics, shall, upon request,
1971 create a Certificate of Foreign Birth and sealed file as
1972 provided in Section 22-9A-12(i).

1973 §26-10F-18

1974 Except as expressly provided within this chapter, the
1975 Alabama Rules of Civil Procedure and the Alabama Rules of
1976 Evidence apply in any case brought under this chapter.

1977 §26-10F-19

1978 (a) Final judgments of adoptions entered into before
1979 January 1, 2024, are valid and remain in effect as they
1980 existed prior to the enactment of this chapter except that
1981 proceedings after final judgments of adoption entered into
1982 before the enactment of this chapter will be governed under
1983 this chapter.

1984 (b) This chapter shall apply to all proceedings related
1985 to adult adoptions that have not been commenced as of December
1986 31, 2023.

1987 Section 3. Section 12-15-115.1 is added to the Code of
1988 Alabama 1975, to read as follows:



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1989 §12-15-115.1

1990 Once an adoption proceeding in the juvenile court has
1991 been completed, a copy of all the juvenile court records,
1992 including filings and documents originally sent upon transfer
1993 by the probate court, shall be forwarded to the probate court
1994 from which the case was transferred. All other filings and
1995 documents that are retained by the juvenile court pertaining
1996 to the adoption proceeding shall be sealed, kept as a
1997 permanent record of the court, and withheld from inspection
1998 except as otherwise ordered by the court for good cause shown.

1999 Section 4. Section 12-15-133, Code of Alabama 1975, is
2000 amended to read as follows:

2001 "§12-15-133

2002 (a) The following records, reports, and information
2003 acquired or generated in juvenile courts concerning children
2004 shall be confidential and shall not be released to any ~~person~~
2005 individual, department, agency, or entity, except as provided
2006 elsewhere in this section:

2007 (1) Juvenile legal files ~~(,~~ , including formal documents
2008 as petitions, notices, motions, legal memoranda, orders, and
2009 decrees ~~).~~

2010 (2) Social records, including but not limited to:

- 2011 a. Records of juvenile probation officers.
2012 b. Records of the Department of Human Resources.
2013 c. Records of the Department of Youth Services.
2014 d. Medical records.



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- 2015 e. Psychiatric or psychological records.
- 2016 f. Reports of preliminary inquiries and predisposition
2017 studies.
- 2018 g. Supervision records.
- 2019 h. Birth certificates.
- 2020 i. Individualized service plans.
- 2021 j. Education records, including, but not limited to,
2022 individualized education plans.
- 2023 k. Detention records.
- 2024 l. Demographic information that identifies a child or
2025 the family of a child.
- 2026 (3) State Criminal Justice Information System records.
- 2027 (4) Juvenile criminal sex offender notification
2028 records.
- 2029 (b) The records, reports, and information described in
2030 subsection (a) shall be filed separately from other files and
2031 records of the court. The juvenile legal files described in
2032 subdivision ~~(1) of subsection~~ (a) (1) shall be maintained in a
2033 separate file from all other juvenile records, reports, and
2034 information.
- 2035 (c) Subject to applicable federal law, the records,
2036 reports, and information described in subsection (a) shall be
2037 open to inspection and copying only by the following, under
2038 the specified circumstances:



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2039 (1) The judge, juvenile probation officers, and
2040 professional staff assigned to serve or contracted for service
2041 to the juvenile court.

2042 (2) Representatives of a public or private agency or
2043 department providing supervision or having legal custody of
2044 the child.

2045 (3) The parent~~+,~~+ except when parental rights have been
2046 terminated~~+~~, the legal guardian of the child, and the legal
2047 custodian of the child.

2048 (4) The subject of the proceedings and his or her
2049 counsel and guardian ad litem. As used in this section, the
2050 term "counsel" means a child's attorney and an attorney for a
2051 criminal defendant who was formerly a child subject to
2052 proceedings in juvenile court.

2053 (5) The judge, probation, prosecutor, and other
2054 professional staff serving a court handling criminal cases for
2055 investigating or considering youthful offender applications
2056 for an individual, who, prior thereto, had been the subject of
2057 proceedings in juvenile court.

2058 (6) The judge, probation, and other professional staff,
2059 including the prosecutor and the attorney for the defendant,
2060 serving a court handling criminal cases for completing
2061 sentencing standards worksheets and considering the sentence
2062 upon~~a person~~ an individual charged with a criminal offense



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2063 who, prior thereto, had been the subject of proceedings in
2064 juvenile court.

2065 (7) The principal of the school in which the child is
2066 enrolled, or the representative of the principal, upon written
2067 petition to the juvenile court setting forth the reasons why
2068 the safety or welfare, or both, of the school, its students,
2069 or personnel, necessitate production of the information and
2070 without which the safety and welfare of the school, its
2071 students, and personnel, would be threatened; provided,
2072 however, certain information concerning children adjudicated
2073 delinquent of certain offenses shall be provided as set forth
2074 in Section 12-15-217.

2075 (8) The Alabama Sentencing Commission, as set forth in
2076 Section 12-25-11.

2077 (9) In any criminal proceeding, including a criminal
2078 proceeding in which ~~a person~~ an individual is adjudicated a
2079 youthful offender, as well as any juvenile proceeding pursuant
2080 to Section 12-15-105, the prosecutor representing the State of
2081 Alabama shall have access to all juvenile legal files
2082 specified in subdivision (a)(1) on that ~~person~~ individual
2083 regardless of the jurisdiction from which the files originate.

2084 (d) Upon determining a legitimate need for access, and
2085 subject to applicable federal law, the juvenile court may also
2086 grant access to specific records, reports, and information to



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2087 a prosecutor representing the State of Alabama, department,
2088 entity, or agency. The determination of legitimate need by the
2089 juvenile court shall be based upon a written request filed
2090 with the juvenile court stating the following:

2091 (1) The reason the ~~person~~ individual, department,
2092 entity, or agency is requesting the information.

2093 (2) The use to be made of the information.

2094 (3) The names of those ~~persons~~ individuals or entities
2095 that will have access to the information.

2096 (e) Petitions, motions, juvenile court notices, or
2097 dispositions shall be open to inspection and copying by the
2098 victim.

2099 (f) Subject to applicable confidentiality disclosure
2100 and case restrictions imposed by federal or state law,
2101 confidential juvenile legal files, as described in subdivision
2102 ~~(1) of subsection~~ (a) (1), may be placed on an automated
2103 information sharing system to be shared with the child's
2104 counsel and guardian ad litem, prosecutors, departments,
2105 agencies, or entities who are entitled to access pursuant to
2106 this section.

2107 (g) Except for the purposes permitted and in the manner
2108 provided by this section, whoever discloses or makes use of or
2109 knowingly permits the use of information identifying a child,
2110 or the family of a child, who is or was under the jurisdiction



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2111 of the juvenile court, where this information is directly or
2112 indirectly derived from the records of the juvenile court or
2113 acquired in the course of official duties, upon conviction
2114 ~~thereof~~, shall be guilty of a Class A misdemeanor under the
2115 jurisdiction of the juvenile court and also may be subject to
2116 civil sanctions. Provided, however, that nothing in this
2117 section shall be construed to prohibit or otherwise limit
2118 counsel from disclosing confidential information obtained from
2119 the juvenile court file of the child as needed to investigate
2120 the case of the client or prepare a defense for that client,
2121 provided that the disclosure is in furtherance of counsel's
2122 representation of the party.

2123 (h) Anytime that a child commits a violent offense and
2124 is adjudicated delinquent, if that child as an adult commits
2125 the same or a similar offense, the court records pertaining to
2126 the juvenile offense may be used in the prosecution of the
2127 adult offense.

2128 (i) This section does not prohibit juvenile courts from
2129 communicating with and sharing otherwise confidential
2130 information with any court of this state in accordance with
2131 Section 26-10E-30 that is currently handling an adoption
2132 matter or has entered a final adoption judgment regarding a
2133 juvenile. All records shared between the courts are to remain
2134 under seal and shall not be shared with the parties or



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2135 [released to the public.](#)"

2136 Section 5. Section 12-12-35, Code of Alabama 1975,
2137 relating to the transfer of adoption proceedings, and Chapter
2138 10A of Title 26, Code of Alabama 1975, commencing with Section
2139 26-10A-1, relating to adoption, are repealed.

2140 Section 6. Although this bill would have as its purpose
2141 or effect the requirement of a new or increased expenditure of
2142 local funds, the bill is excluded from further requirements
2143 and application under Section 111.05 of the Constitution of
2144 Alabama of 2022, because the bill defines a new crime or
2145 amends the definition of an existing crime.

2146 Section 7. This act shall become effective on January
2147 1, 2024, following its passage and approval by the Governor,
2148 or its otherwise becoming law.