

SB94 ENROLLED



1 SB94
2 G1DA6CC-2
3 By Senator Orr
4 RFD: Children and Youth Health
5 First Read: 05-Feb-25



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Enrolled, An Act,

Relating to adoption; to amend Sections 26-10-28, 26-10C-1, 26-10E-2, 26-10E-4, 26-10E-5, 26-10E-7, 26-10E-8, 26-10E-9, 26-10E-10, 26-10E-11, 26-10E-14, 26-10E-15, 26-10E-16, 26-10E-17, 26-10E-18, 26-10E-19, 26-10E-23, 26-10E-24, 26-10E-26, 26-10E-27, 26-10E-28, 26-10E-29, 26-10E-30, 26-10E-31, 26-10E-32, 26-10E-34, 26-10F-2, 26-10F-5, 26-10F-6, 26-10F-9, 26-10F-10, 26-10F-11, 26-10F-12, 26-10F-13, 26-10F-15, 26-10F-16, 26-10F-17, and 30-3-4.2, Code of Alabama 1975; to revise the Alabama Minor Adoption Code and the Alabama Adult Adoption Code; to revise procedures relating to the adoption of a minor and the availability of records relating to a minor adoption; to further provide for investigations and investigative reports related to minor adoptions; to revise procedures related to service of notice for a minor adoption and an adult adoption; to further provide for the adoption of an adult; to further define terms; to further provide for the role of the State Department of Human Resources; to add Section 26-10E-19.1 to the Code of Alabama 1975, relating to investigative reports; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 26-10-28, 26-10C-1, 26-10E-2, 26-10E-4, 26-10E-5, 26-10E-7, 26-10E-8, 26-10E-9, 26-10E-10, 26-10E-11, 26-10E-14, 26-10E-15, 26-10E-16, 26-10E-17, 26-10E-18, 26-10E-19, 26-10E-23, 26-10E-24, 26-10E-26,



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26-10E-27, 26-10E-28, 26-10E-29, 26-10E-30, 26-10E-31,
26-10E-32, 26-10E-34, 26-10F-2, 26-10F-5, 26-10F-6, 26-10F-9,
26-10F-10, 26-10F-11, 26-10F-12, 26-10F-13, 26-10F-15,
26-10F-16, 26-10F-17, and 30-3-4.2, Code of Alabama 1975, are
amended to read as follows:

"§26-10-28

All records regarding subsidized adoption shall be
confidential and may be disclosed only in accordance with
Sections ~~26-10A-31, 26-10A-32~~ 26-10E-30, 26-10E-31, 26-10F-15,
26-10F-17, 38-2-6(8), and 38-7-13."

"§26-10C-1

(a) The State Department of Human Resources shall
establish a putative father registry which shall record the
names, Social Security number, date of birth, and addresses of
the following:

(1) Any ~~person~~ individual adjudicated by a court of
this state to be the father of a child born out of wedlock.

(2) Any ~~person~~ individual who has filed with the
registry before or after the birth of a child born out of
wedlock, a notice of intent to claim paternity of the child,
which includes the information required in subsection (c)
~~below.~~

(3) Any ~~person~~ individual adjudicated by a court of
another state or territory of the United States to be the
father of a child born out of wedlock, where a certified copy
of the court order has been filed with the registry by the
~~person~~ individual or any other ~~person~~ individual.

(4) Any ~~person~~ individaul who has filed with the



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registry an instrument acknowledging paternity pursuant to Sections 26-11-1 to 26-11-3, inclusive.

(b) The clerk of the court ~~which~~ that determines a man to be the father of a child born out of wedlock shall immediately notify the State Department of Human Resources of the determination of paternity and include therein the information required under subsection (c) ~~below~~.

(c) (1) An individual ~~A person~~ filing a notice of intent to claim paternity of a child or an acknowledgment of paternity shall include all of the following:

a. ~~(1)~~ The father's name, Social Security number, date of birth, and current address.

b. ~~(2)~~ The mother's name, including all other names known to the putative father ~~that~~ which have been used by the mother, Social Security number, date of birth, and address, if known.

c. ~~(3)~~ The father's current income and financial information by attaching a child support obligation income statement/affidavit form to be prescribed by ~~regulations~~ rules of the department.

d. ~~(4)~~ The child's name and place of birth, if known.

e. ~~(5)~~ The possible date or dates of sexual intercourse.

(2) ~~The person~~ individual filing shall notify the registry of any change of address pursuant to the procedures prescribed by ~~regulation~~ rule of the state department. The registration ~~must~~ shall be on a form prescribed by the state department and signed by the putative father and notarized.

(3) The putative father may file his notice of intent



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to claim paternity prior to the birth of the child.

(d) ~~A person~~ An individual who has filed a notice of intent to claim paternity may at any time revoke a notice of intent to claim paternity previously filed ~~and, upon~~. Upon receipt of the notification by the registry, the revoked notice of intent to claim paternity shall be deemed a nullity nunc pro tunc.

(e) An unrevoked notice of intent to claim paternity of a child may be introduced in evidence by any party, other than the ~~person~~ individual who filed the notice, in any proceeding in which the fact may be relevant.

(f) The State Department of Human Resources shall, upon request, provide the names and addresses of ~~persons~~ individuals listed with the registry to any court. The information ~~shall~~ may not be divulged to any other person except upon order of a court for good cause shown. Immediately after receiving notice pursuant to Section 26-10E-17 of the pendency of any adoption proceeding wherein the proposed adoptee is a child born within 300 days of the date of any sexual intercourse listed in the registry and to the same biological mother listed in the registry, the State ~~The~~ Department of Human Resources shall ~~further after receiving notice pursuant to Section 26-10A-17 of the pendency of any adoption proceeding wherein the proposed adoptee is a child born within 300 days of the date or dates of sexual intercourse listed in the registry and to the same biological mother listed in the registry, immediately~~ send a copy of the notice of intent to claim paternity to the court handling the



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113 adoption. When the court handling the adoption receives the
114 notice of the intent to claim paternity, that court shall
115 forthwith give notice of the pendency of the adoption
116 proceeding to the putative father listed in ~~such~~ the notice of
117 intent to claim paternity and at the address therein listed,
118 and additionally notify the biological mother that the
119 putative father has registered in conformity with the putative
120 father registry.

121 (g) The State Department of Human Resources shall
122 create a form titled "Notice of Intent to Claim Paternity" to
123 be used when ~~a person~~ an individual files notice of intent to
124 claim paternity, ~~and which~~ The form shall include the
125 information required under subsection (c), the name of the
126 mother who has given birth or may give birth to a child born
127 out of wedlock, and the possible date or dates of sexual
128 intercourse.

129 (h) The registry, except as provided by subsection (f),
130 shall be kept confidential and not open for public inspection.

131 (i) (1) ~~Any person~~ individual who claims to be the
132 natural father of a child and fails to file his notice of
133 intent to claim paternity pursuant to subsection (a) prior to
134 or within 30 days of the birth of a child born out of wedlock,
135 shall be deemed to have given an irrevocable implied consent
136 in any adoption proceeding.

137 (2) This subsection shall be the exclusive procedure
138 available for ~~any person~~ individual who claims to be the
139 natural father of a child born out of wedlock on or after
140 January 1, 1997, to entitle that person to notice of and the



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141 opportunity to contest any adoption proceeding filed and
142 pending on or after January 1, 1997.

143 (j) (1) ~~A person~~ An individual who knowingly or
144 intentionally registers false information under this section
145 commits a Class A misdemeanor.

146 (2) ~~A person~~ An individual who knowingly or
147 intentionally releases confidential information in violation
148 of this section commits a Class A misdemeanor. However, it is
149 a defense under this subsection if the State Department of
150 Human Resources releases confidential information while
151 acting:

152 a. In good faith ~~;~~ and

153 b. With reasonable diligence."

154 "§26-10E-2

155 For the purposes of this chapter, the following terms
156 have the following meanings:

157 (1) ABANDONMENT. Any of the following:

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

160 b. The voluntary and intentional failure or refusal,
161 without good cause or excuse, to perform the duties of a
162 parent.

163 c. The voluntary and intentional relinquishment,
164 without good cause or excuse, of the custody of a minor by a
165 parent.

166 d. The voluntary and intentional withholding from the
167 minor by the parent, without good cause or excuse, of his or
168 her presence, care, love, protection, support, maintenance, or



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display of filial affection.

(2) ADOPTEE. The individual being adopted.

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

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

(5) CONSENT. Voluntarily agreeing to adoption.

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

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

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

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



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197 terminated.

198 (10) ~~LICENSED-CHILD-PLACING~~ CHILD-PLACING AGENCY. Any
199 adoption agency that is licensed under the provisions of the
200 Child Care Act of 1971, Chapter 7 of Title 38, or any adoption
201 agency approved by the State Department of Human Resources.

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

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

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

212 (14) PARENT. The biological or legal mother or father
213 of the adopted minor.

214 (15) PARTY. Any individual who appears before the court
215 for the purposes of petitioning for adoption, consenting to an
216 adoption, withdrawing a consent to adoption, contesting an
217 adoption, securing grandparent visitation rights to an
218 adoptee, or setting aside all or part of a final judgment of
219 adoption, or any other person deemed to be a party by the
220 court. This term does not include the adoptee.

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



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

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

(19) STATE DEPARTMENT OF HUMAN RESOURCES or STATE DEPARTMENT. The State Department of Human Resources, as established in Section 38-2-1.

(20) STEPPARENT. An individual who is the spouse or surviving spouse of a legal mother or legal father of a minor, but who is not a legal parent of the minor and who is not a former spouse by reason of divorce or annulment of the marriage."

"§26-10E-4

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

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

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

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

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



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

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

(3) The probate court selected determines in writing that it is in the best-~~interests~~ interest of the adoptee for the probate court to exercise venue over the adoption case."

"§26-10E-5

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

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

(c) A group of more than two individuals may not adopt a minor.

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

(e) Each petitioner seeking to adopt a minor-~~must~~ shall be all of the following:

(1) An adult.

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

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

b. The probate court finds, based on evidence in the record, that the adoption is in the best-~~interests~~ interest of



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the adoptee.

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

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

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

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

"§26-10E-7



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

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

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

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

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

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

(6) The State Department of Human Resources or the county department of human resources, if the minor has been relinquished to it for the purposes of adoption or it otherwise holds temporary or permanent custody of the minor,



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except that the court may grant the adoption without the consent of the State Department of Human Resources or the county department of human resources if the adoption is in the ~~best-interests~~ interest of the adoptee and ~~there is a finding by the court~~ finds that the State Department of Human Resources or the county department of human resources has unreasonably withheld its consent.

(7) The licensed ~~child-placing~~ child-placing agency to which the child has been relinquished for adoption, except that the court may grant the adoption without the consent of the agency if the adoption is in the ~~best-interests~~ interest of the adoptee and there is a finding by the court the agency has unreasonably withheld its consent.

(b) The Director of the State Department of Human Resources, the director of the county department of human resources, or the designee of ~~the~~ either director, and the executive head of a licensed ~~child-placing~~ child-placing agency may appoint an employee of the department or agency to give or to deny consent for adoption of the adoptee.

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

"§26-10E-8

(a) Prior to a minor parent's giving express consent to an adoption or executing a relinquishment for adoption, a guardian ad litem ~~must~~ shall be appointed to represent the



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365 ~~interests~~ interest of the minor parent whose consent is
366 required. Any minor parent, 14 years of age and older, may
367 nominate a guardian ad litem either prior to the birth of the
368 adoptee or thereafter.

369 (b) A minor parent may give his or her implied consent
370 to an adoption in the same manner as an adult parent under
371 Section 26-10E-9. If a court finds by clear and convincing
372 evidence that a minor parent has given implied consent to the
373 adoption, ~~notice and~~ the appointment of a guardian ad litem
374 shall not be necessary. The implied consent of a minor parent
375 may not be withdrawn.

376 (c) The express or implied consent of, or
377 relinquishment by, a minor parent shall not be subject to
378 revocation by reason of such minority."

379 "§26-10E-9

380 (a) A rebuttable presumption that a parent has
381 impliedly consented to the adoption or the relinquishment for
382 adoption of an adoptee arises when clear and convincing
383 evidence shows any of the following:

384 (1) Abandonment of the adoptee by the parent during the
385 four months immediately preceding the date of the filing of
386 the petition for adoption.

387 (2) Abandonment of the biological mother by the legal
388 father or putative father ~~of the biological mother~~ by failing
389 to offer to the biological mother financial or emotional
390 support, or both, during the four months immediately preceding
391 the birth of the adoptee despite knowing or having reason to
392 know of the pregnancy.



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

396 (4) The parent voluntarily and knowingly, without good
397 cause or excuse, left the adoptee with another person without
398 personally providing support for, initiating communication
399 with, or otherwise maintaining a substantial relationship with
400 the adoptee for the four consecutive months immediately
401 preceding the date of the filing of the petition.

402 (b) A rebuttable presumption that any individual or
403 agency whose consent is required has impliedly consented to
404 the adoption, or the relinquishment for adoption, of an
405 adoptee arises when clear and convincing evidence shows that
406 the individual or agency has received notification of the
407 pendency of the adoption proceedings pursuant to Section
408 26-10E-17 and has failed to answer or otherwise respond to the
409 petition within 30 days.

410 (c) Implied consent under subsections (a) or (b) may
411 not be withdrawn by any individual.

412 (d) A putative father who fails to file a notice of
413 intent to claim paternity of an adoptee pursuant to Section
414 26-10C-1 prior to or within 30 days of the birth of the
415 adoptee shall be deemed to have given irrevocable implied
416 consent to, or relinquishment for, the adoption of the
417 adoptee.

418 (e) At any time before the birth of the adoptee, a
419 ~~licensed-child-placing~~ child-placing agency, an attorney
420 representing the legal mother, or an attorney representing the



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prospective adoptive parents may serve a putative father with notice consistent with Section 26-10E-17 that the legal mother is considering an adoptive placement of the unborn child in a form to be developed by the Administrative Office of Courts and the Alabama Law Institute. The notice shall not obligate the legal mother to place the child for adoption. A putative father intending to contest the adoption shall have 30 days from the date of service of the notice to file an action to establish his paternity of the unborn child under Section 26-17-611 and to register with the putative father registry pursuant to Section 26-10C-1. If the notified putative father fails to file this action and register with the putative father registry, his failure shall be deemed an irrevocable implied consent to the adoption of the child."

"§26-10E-10

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

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

(2) A parent of the adoptee who has been adjudged incompetent or incapacitated pursuant to law or a parent whom the court finds to be mentally incapable of consenting or relinquishing and whose mental disability is likely to continue for so long a period that it would be detrimental to the adoptee to delay adoption until restoration of the parent's competency or capacity. The court ~~must~~ shall appoint



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independent counsel or a guardian ad litem for an incompetent or incapacitated parent for whom there has been no such prior appointment.

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

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

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

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

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

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

(9) A parent of the adoptee who has been convicted of



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child abuse or other felonious acts against the adoptee as defined by the laws of this state or, if the crime occurred not in this state, the jurisdiction in which the crime occurred."

"§26-10E-11

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

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

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

(3) The date of birth of the individual consenting or relinquishing and his or her relationship and date of birth of the individual consenting or relinquishing to the adoptee.

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

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



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

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

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

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

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

(11) That the individual executing the document has received or has been offered a copy of the express consent or



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relinquishment and withdrawal form.

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

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

"§26-10E-14

(a) The consent or relinquishment, once signed or confirmed, may not be withdrawn ~~except in~~ unless the consent or relinquishment is executed in writing and one of the following circumstances applies:

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

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

(3) Upon denial of a petition for adoption after a contested case under ~~Section 26-10E-24~~ Section 26-10E-23.

(b) For the ~~The~~ withdrawal of express consent or relinquishment as provided in Section 26-10E-13(b) ~~shall to~~ become effective ~~by the affiant's signing and dating the:~~

(1) The individual seeking to withdraw the express consent or relinquishment must sign and date the withdrawal



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form provided pursuant to Section 26-10E-12 and have the
withdrawal form signed by two witnesses or a notary public;
and, or by filing

(2) The individual seeking to withdraw the express
consent or relinquishment shall either:

a. File the withdrawal form with the court within five
business days of the child's birth or within five business
days of signing the express consent or relinquishment,
whichever comes last; or

b. Mail the withdrawal form to the court bearing a
postmark dated within five business days of the child's birth
or within five business days of the signing of the express
consent or relinquishment, whichever comes last.

(c) (1) A ~~The~~ petition to withdraw express consent or
relinquishment under subdivision (a) (1) must be filed with the
court in which the consent or relinquishment was listed on the
withdrawal form. The pending adoption shall proceed to a
contest as provided under Section 26-10E-23 ~~must be in~~
~~writing, executed by the individual seeking to withdraw the~~
~~express consent or relinquishment, dated, and signed by two~~
~~witnesses or a notary public.~~

(2) If a petition for adoption is filed with a court
and includes an express consent or relinquishment with a
different court listed on the withdrawal form, the probate
court in which the adoption proceeding is pending shall
contact the court listed on the withdrawal form to ascertain
whether a withdrawal of the express consent or relinquishment
has been filed. The court listed on the withdrawal form shall



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589 notify the court in which the adoption proceeding is pending
590 of any subsequent filings.

591 (d) In adjudicating a petition to withdraw an express
592 consent or relinquishment under subsection (a), the court
593 shall require that the individual seeking to withdraw the
594 express consent or relinquishment shall establish the facts
595 necessary to withdraw the express consent or relinquishment by
596 a preponderance of the evidence.

597 (e) (1) If an ~~If the court directs that the~~ express
598 consent or relinquishment ~~be~~ is properly withdrawn under
599 subdivision (a) (1) and the probate court has issued an
600 interlocutory order, the interlocutory order shall be set
601 aside and, the court shall order the legal custody of the
602 minor child restored to the custody of his or her parent or
603 parents, the county department of human resources, or a
604 licensed child placing agency, as the case may be; otherwise,
605 individual or agency with legal custody of the minor child
606 prior to the issuing of the interlocutor order. If the court
607 determines that an attempted withdrawal under subdivision
608 (a) (1) fails to comply with the statutory requirements of
609 subdivision (a) (1), the court shall deny the withdrawal and
610 declare that the express consent or relinquishment is final
611 and binding.

612 (2) If an express consent or relinquishment is filed
613 under subdivision (a) (2) and the petition to withdraw is filed
614 prior to the entry of the final judgment of adoption, the
615 determination of the validity of the withdrawal shall proceed
616 pursuant to Section 26-10E-23.



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(3) An express consent or relinquishment may be withdrawn under subdivision (a) (3) if the petition for adoption is denied after a contested case under Section 23-10E-23.

(4) Any order made by the court upon a petition to withdraw express consent or relinquishment under this section shall be deemed a final judgment for the purpose of filing an appeal under Section 26-10E-25."

"§26-10E-15

(a) No health facility shall surrender the physical custody of an adoptee to any individual or entity other than the county department of human resources, a licensed ~~child placing~~ child-placing agency, parent, relative by blood or marriage, or individual having legal custody, unless this surrender of physical custody is authorized in a writing executed after the birth of the adoptee by one of the adoptee's parents, the agency, or the individual having legal custody of the adoptee.

(b) A health facility shall report to the county department of human resources, on forms supplied by the ~~department~~ State Department of Human Resources, the name and address of any individual and, in the case of an individual acting as an agent for an organization, the name and address of the organization to whose physical custody an adoptee is surrendered. This report shall be transmitted to the ~~department~~ State Department of Human Resources within 48 hours from the surrendering of physical custody."

"§26-10E-16



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

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

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

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

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

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

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



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673 adoptee.

674 (7) The name and address of the licensed ~~child placing~~
675 child-placing agency, if any.

676 (8) The names and addresses of all individuals or
677 agencies known to the petitioner or petitioners at the time of
678 filing from whom consents or relinquishments to the adoption
679 are required and whether the individuals or agencies have
680 given express or implied consent to the adoption.

681 (9) The names and addresses of all other individuals or
682 agencies known to the petitioner or petitioners who are
683 entitled to notice of the adoption proceedings under Section
684 26-10E-17.

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

687 (1) A government-issued document bearing photographic
688 identification of each petitioner.

689 (2) If the petitioners are married, a certified
690 document establishing proof of marriage or an affidavit of
691 their common law marriage.

692 (3) A certified copy of the adoptee's birth certificate
693 issued within six months of the date of the filing of the
694 petition or an affidavit stating that application for the
695 birth certificate has been made. This subdivision does not
696 apply when the adoptee is in the permanent custody of the
697 State Department of Human Resources.

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

700 (5) A copy of any court orders affecting the custody,



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visitation with, or parentage of, the adoptee accessible to the petitioner or petitioners.

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

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

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

(c) In the case of an unknown father, ~~a verified affidavit signed by~~ the biological mother, under penalty of perjury, shall sign a verified affidavit setting forth the following information ~~shall be attached~~ and attach the affidavit to the petition, unless the whereabouts of the mother are unknown, she is deceased, ~~or~~ the parental rights of the mother have been previously terminated as to the adoptee, or the adoption is a stepparent or relative adoption as provided under Sections 26-10E-26 or 26-10E-27:

(1) Whether the mother has declared that she does not know the identity of the biological father or she refuses to identify the name of the biological father.

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

(3) ~~(2)~~ Whether the mother was cohabitating with a man at the probable time of conception of the adoptee, and, if so, the identity of the man, his last known address, and why the



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729 mother contends the man is not the legal father or putative
730 father of the adoptee.

731 (4)~~(3)~~ Whether the mother has received payments or
732 promise of support from any man with respect to the adoptee or
733 her pregnancy, and, if so, the identity of the man, his last
734 known address, and why the mother contends the man is not the
735 legal father or putative father of the adoptee.

736 (5)~~(4)~~ Whether the mother has named any man as the
737 father on the birth certificate of the adoptee or in
738 connection with applying for or receiving public assistance,
739 and if so, the identity of the man, his last known address,
740 and why the mother contends the man is not the legal father or
741 putative father of the adoptee.

742 (6)~~(5)~~ Whether the mother identified any man as the
743 legal father or putative father of the adoptee to any hospital
744 personnel, and, if so, the identity of the man, his last known
745 address, the name and address of the hospital, and why the
746 mother contends the man is not the legal father or putative
747 father of the adoptee.

748 (7)~~(6)~~ Whether the mother has informed any man that he
749 may be the legal father or putative father of the adoptee,
750 and, if so, the identity of the man, his last known address,
751 and why the mother contends the man is not the legal father or
752 putative father of the adoptee.

753 (8)~~(7)~~ Whether any man has formally or informally
754 acknowledged or claimed paternity of the adoptee in any
755 jurisdiction at the time of the inquiry, and if so, the
756 identity of the man, his last known address, and why the



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757 mother contends the man is not the legal father or putative
758 father of the adoptee.

759 (9)~~(8)~~ That the mother has been informed~~that~~ her
760 statement concerning the identity of the legal father or
761 putative father will be used only for the limited purpose of
762 adoption and, once the adoption is complete, that such
763 identity will be sealed.

764 (10)~~(9)~~ That the mother acknowledges she is aware of
765 the remedies available to her for protection from abuse
766 pursuant to Chapter 5 of Title 30.

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

771 (e) Except in cases governed by Section 26-10E-26 or
772 Section 26-10E-27, the petition for adoption shall be filed
773 with the clerk of the probate court within 60 days after the
774 adoptee is physically placed with the petitioner or
775 petitioners for purposes of adoption unless the adoptee is in
776 the custody of the State Department of Human Resources,~~is~~ or
777 a licensed~~child-placing~~ child-placing agency, or is currently
778 receiving care in a medical facility, except that, for good
779 cause shown, a petition may be filed beyond the 60-day period.
780 In cases governed by Sections 26-10E-26 or 26-10E-27, the
781 petition may be filed at any time."

782 "§26-10E-17

783 (a) Unless notice has been previously waived as
784 provided in subsection (d), notice of the pendency of an



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adoption proceeding shall be served by the petitioner on each of the following:

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

(2) The legal father of the adoptee.

(3) If no legal father has been determined, the unknown father.

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

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

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

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

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

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

(10) ~~(9)~~ The ~~Alabama~~ Alabama State Department of Human Resources.

(11) ~~(10)~~ If the adoptee is in foster care, the director



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of the county department of human resources awarded ~~Department of Human Resources with~~ legal custody of the adoptee.

(12) ~~(11)~~ Any other person designated by the court.

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

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

(2) That ~~the~~ a notified party ~~may appear in the adoption proceeding~~ shall file a written response within 30 days from the time of proper service of the notice stating if he or she intends to contest or ~~to~~ support the ~~petition~~ adoption.

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

~~(4)~~ That if the notified party is a party from whom consent is required and he or she fails to respond file a written response within 30 days of proper service, the court may construe that failure as an implied consent to the adoption and as a waiver of a right to appear and of further notice of the adoption proceedings.

(4) That if the notified party is a party from whom consent is not required and he or she fails to file a written response within 30 days of proper service, the court may construe that failure as a waiver of the right to appear and of further notice of the adoption proceedings.

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



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

(1) Service of process shall be made in accordance with the Alabama Rules of Civil Procedure.

(2) If service cannot be perfected in accordance with the Alabama Rules of Civil Procedure, the court may order, in its discretion, an alternative method of notice. ~~unless otherwise provided herein. Service on the parties designated in subdivisions (a) (8), (a) (9), and (a) (10) shall be by certified mail. As to any other individual, agency, or institution for whom notice is required under subsection (a), service by certified mail, return receipt requested, shall be sufficient. If this service cannot be completed after two attempts, upon motion and affidavit, the court shall issue an order providing for one of the following:~~

~~a. Service by publication.~~

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

~~c. Any other substituted service as determined by the court.~~

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



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869 ~~(e)~~ The notice required by this section may be waived
870 in writing by the person entitled to receive notice. A party
871 listed in subdivisions ~~(a)(8)~~, (a)(9), ~~and~~ (a)(10), and
872 (a)(11) may appoint an employee to waive notice on its behalf.

873 (e) ~~(f)~~ Proof of service of the notice on all persons
874 for whom notice is required by this section ~~must~~ shall be
875 filed with the court before the ~~adjudicatory~~ hearing of a
876 contested case provided for in Section 26-10E-23."

877 "§26-10E-18

878 (a) Once a petitioner or petitioners has received an
879 adoptee into his or her home for the purposes of adoption and
880 a petition for adoption has been filed, an interlocutory order
881 may be entered delegating to the petitioner or petitioners
882 both of the following:

883 (1) Physical custody, except legal custody shall be
884 retained by the county department of human resources or the
885 licensed ~~child placing~~ child-placing agency that held legal
886 custody at the time of the placement until the entry of final
887 judgment of adoption.

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

891 (b) This interlocutory order shall not stop the running
892 of the time periods prescribed in Section 26-10E-9."

893 "§26-10E-19

894 (a) Except as provided in Sections 26-10E-19.1,
895 26-10E-26, and 26-10E-27, all minor adoptions shall include an
896 investigation as provided under this section. A pre-placement



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investigation shall be completed to determine the suitability of each petitioner and the home in which the adoptee will be placed. The pre-placement investigation shall include a criminal background investigation and any other circumstances which might be relevant to the placement of an adoptee with the petitioner or petitioners. The investigation ~~must~~ shall include, but is not limited to, all the following:

(1) Letters of suitability, pursuant to Chapter 13 of Title 38, for each adult living in the home of the petitioner or petitioners based on the information available in this state ~~or~~ and the petitioner's place of residence if other than this state. ~~For the purposes of this section, the term "letters of suitability" refers to the Federal Bureau of Investigation and the State Bureau of Investigation clearances.~~

(2) Child abuse and neglect clearances pursuant to the Adam Walsh Child Protection and Safety Act, Public Law 109-248, as amended, for all household members 14 years of age and older from any state in which any petitioner has resided in the preceding five years.

(3) A printed copy of the search on the Dru Sjodin National Sex Offender Public Website for all household members 14 years of age and older.

(4) The ~~anticipated~~ costs and expenses related to the adoption known or anticipated at the time of the pre-placement investigation.

(5) Agency ~~(4) Any agency~~ and social worker licenses.

(6) (5) Six reference letters, four of which are from



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925 individuals unrelated to the petitioner or petitioners by
926 blood or marriage ~~and two~~. The other two reference letters
927 shall be from individuals related to the petitioner or
928 petitioners by blood or marriage. If there are two
929 petitioners, a member from each petitioner's family shall
930 submit a reference. ~~one related reference letter shall be~~
931 ~~written by a member of each petitioner's family.~~

932 (7) ~~(6)~~ Medical reports on all individuals living in the
933 home, and letters from ~~any~~ prescribing doctors for any
934 controlled substance prescriptions.

935 (8) ~~(7)~~ The financial worksheets for each petitioner for
936 the previous tax year or a copy of the previous year's tax
937 returns.

938 (9) ~~(8)~~ Copies of each petitioner's birth certificates
939 and marriage licenses or marriage certificates.

940 ~~(9) Copies of current pet vaccinations.~~

941 (10) Copies of any divorce decrees and settlement
942 agreements pursuant to the divorce, if applicable.

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

944 (12) ~~Verification~~ The identity of who will ~~do~~
945 ~~supervisory visits, if applicable~~ perform the post-placement
946 investigation.

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

949 (14) A home safety inspection indicating that the home
950 of the petitioner or petitioners is safe for the adoptee's
951 residency.

952 (15) Any custody orders:



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953 a. Pertaining to the adoptee;

954 b. Pertaining to the petitioner or petitioners; or

955 c. Pertaining to both the adoptee and the petitioner or
956 petitioners.

957 (16) Any other requirement pursuant to Title 660 of the
958 Alabama Administrative Code or any other rule adopted by the
959 State Department of Human Resources.

960 (17) Any additional information required by the court
961 in its discretion.

962 (18) The court, in its discretion, may allow a
963 deviation in the investigation requirements, for good cause
964 shown, only as it relates to any household members 14 years of
965 age and older. Good cause must be demonstrated on the record
966 with, at minimum, an affidavit from the investigator as to why
967 the deviation is warranted.

968 (b) (1) The pre-placement investigative report shall be
969 filed with the court at the time of the filing of the petition
970 for adoption. The information to be included in the
971 pre-placement investigation shall be obtained within 12 months
972 preceding the filing of the petition for adoption.

973 (2) Upon completion of the pre-placement investigation,
974 the person or entity performing the investigation shall send a
975 copy of the pre-placement investigative report to the
976 petitioner or petitioners, except that the individual or
977 entity performing the investigation may omit the reference
978 letters from the copy of the pre-placement investigative
979 report that is sent to the petitioner or petitioners.

980 (c) In cases when an adoptee has resided in the



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petitioner's home prior to the filing of a petition for adoption, the information required in the pre-placement investigative report shall be included in the post-placement investigative report and cannot be waived.

(d) In every adoption proceeding, after a child has been placed in the home of the petitioner or petitioners, the post-placement investigator shall observe the adoptee and interview each petitioner in his or her home as soon as possible after notice of the placement but within 45 days after the placement. The individual or entity performing the investigation shall complete and file the post-placement investigative report with the court within 60 days from receipt of notice of the proceeding and shall deliver a copy of the post-placement investigative report to each petitioner's attorney or to each petitioner appearing pro se. The post-placement investigative report shall include, but is not limited to, all of the following:

(1) Full and updated physical medical evaluations of the adoptee.

(2) Full and updated psychological and mental health evaluations of the adoptee, if applicable.

(3) The circumstances resulting in the placement of the adoptee with the petitioners.

(4) The status of adjustment of the adoptee in the home, including, but not limited to, the following:

a. The bonding of the adoptee to the household members.

b. The adoptee's academic, social, and medical status.

(5) Any counseling or therapeutic services involving



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1009 the adoptee or petitioners, or both.

1010 (6) Any property or assets in which the adoptee has a
1011 financial interest or is otherwise entitled to receive in the
1012 future.

1013 (7) Any current orders issued by another court:

1014 a. Pertaining to the adoptee;

1015 b. Pertaining to the petitioner or petitioners; or

1016 c. Pertaining to both the adoptee and the petitioner or
1017 petitioners.

1018 (8) Updated letters of suitability, pursuant to Chapter
1019 13 of Title 38, for each adult living in the home of the
1020 petitioner or petitioners based on the information available
1021 in this state or the petitioner's place of residence if other
1022 than this state.

1023 (9) Child abuse and neglect clearances pursuant to the
1024 Adam Walsh Child Protection and Safety Act, Public Law
1025 109-248, as amended, for all household members 14 years of age
1026 and older from any state in which any petitioner has resided
1027 in the preceding five years.

1028 (10) A printed copy of the search on the Dru Sjojin
1029 National Sex Offender Public Website for all household members
1030 14 years of age and older from any state in which any
1031 petitioners have resided.

1032 (11) Any additional information required by the court
1033 in its discretion.

1034 (12) The court, in its discretion, may allow a
1035 deviation in the investigation requirements, for good cause
1036 shown, only as it relates to any household members 14 years of



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1037 age and older. Good cause must be demonstrated on the record
1038 with, at minimum, an affidavit from the investigator as to why
1039 the deviation is warranted.

1040 (e) (1) An individual or entity authorized to perform an
1041 investigation under subsection (h) who has not already
1042 performed an investigation for the pending adoption shall
1043 perform an investigation on any legal or putative parent of
1044 the adoptee in an adoption that is not a stepparent or
1045 relative adoption under Sections 26-10E-26 and 26-10E-27. This
1046 investigation shall include, but is not limited to, the
1047 medical and social history of the legal or putative parents as
1048 required by the form developed by the Alabama Probate Judges
1049 Association the Alabama Law Institute.

1050 (2) The individual or entity performing an
1051 investigation required by subdivision (1) shall submit the
1052 investigative report to the court within 60 days of the filing
1053 of the petition, and the individual or entity performing the
1054 investigation shall also deliver a nonidentifying copy of the
1055 report to the petitioner or petitioners.

1056 (3) Notwithstanding subdivisions (1) and (2), the court
1057 may require additional information or accept the required
1058 information provided in a different format.

1059 (f) Any prospective petitioner or petitioners may
1060 directly request an individual or entity listed under
1061 subsection (h) to initiate a pre-placement investigation.

1062 (g) Upon a showing of good cause and after notice to
1063 the petitioners, the court may grant extensions of time to the
1064 individual or entity performing any investigation under this



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section to file an investigative report. The final judgment of adoption shall not be rendered until such time as all required investigative reports are completed, filed, and determined by the court to be sufficient. ~~An individual or married couple may initiate a pre-placement investigation by request through either of the following individuals:~~

~~(1) An individual authorized in the jurisdiction in which the petitioner or petitioners reside.~~

~~(2) An individual approved by the probate court under the qualifications of subsection (f) to perform the pre-placement investigation.~~

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

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

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



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1093 ~~(1) Why the biological parents or legal parents, if~~
1094 ~~living, desire to be relieved of the care, support, and~~
1095 ~~guardianship of the adoptee.~~

1096 ~~(2) Whether the biological parents or legal parents~~
1097 ~~have abandoned the adoptee or are otherwise unsuited to have~~
1098 ~~custody of the adoptee.~~

1099 ~~(3) Any orders, judgments, or decrees affecting the~~
1100 ~~custody of the adoptee or any children of any petitioner as~~
1101 ~~can be determined by a due diligence search.~~

1102 ~~(4) Any property owned by the adoptee.~~

1103 ~~(5) The updated medical and mental health histories of~~
1104 ~~the adoptee. These documents shall also be provided to the~~
1105 ~~petitioner or petitioners in writing before the final decree~~
1106 ~~is entered.~~

1107 ~~(6) The updated medical and mental health histories of~~
1108 ~~the adoptee's biological parents.~~

1109 ~~(7) Any other circumstances which may be relevant to~~
1110 ~~the placement of the adoptee with the petitioner or~~
1111 ~~petitioners.~~

1112 ~~(8) The updated letters of suitability, the updated~~
1113 ~~Child Abuse and Neglect Clearances, updated criminal records~~
1114 ~~from the county in which the petitioner or petitioners have~~
1115 ~~resided for the two years prior to the finalization of the~~
1116 ~~adoption, and updated results from the National Sex Offender~~
1117 ~~Public Registry.~~

1118 ~~(9) If applicable to the adoption, the court shall~~
1119 ~~ensure compliance with the Interstate Compact for the~~
1120 ~~Placement of Children, codified as Section 44-2-20. Proof of~~



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~~compliance is determined by the authorized signatures of the sending and receiving states on the Interstate Compact on the Placement of Children Request Form.~~

(h) Any investigation required under this section shall~~(f) The required pre-placement and post-placement investigations must~~ be performed by one of the following:

(1) The State Department of Human Resources.

(2) A licensed~~child placing~~ child-placing agency.

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

(4) An individual or agency in the petitioner's residential state that is authorized by that state to perform such investigations.

(i)~~(g)~~ Notwithstanding ~~subdivision (f)~~ subsection (h), the court on its own motion may order ~~the post-placement~~ any investigation under this section be performed by an agency or individual other than the agency placing the adoptee when the court has cause to believe the ~~post-placement~~ investigation is insufficient.

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



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~~(i) The investigator shall complete and file the pre-placement written investigative report with the court within 60 days from receipt of notice of the proceeding and shall deliver a copy of the pre-placement investigative report to each petitioner's attorney or to each petitioner appearing pro se. The pre-placement investigative report shall include a verification of all allegations of the petition. The pre-placement investigative report shall include sufficient facts for the court to determine whether there has been compliance with consent or relinquishment provisions of this chapter. The post-placement investigative report shall include all the information enumerated within subdivisions (a)(1) through (a)(10) that was not obtained in the pre-placement investigation required under subsection (a). The post-placement investigative report shall be submitted in a form developed by the Department of Human Resources in conjunction with the Alabama Probate Judges Association and the Alabama Law Institute.~~

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

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



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1177 (j)~~(l)~~ When an investigation has been conducted, the
1178 ~~investigatory~~ investigative report shall not be conclusive but
1179 may be considered along with other evidence.

1180 (k)~~(m)~~ The court may, in its discretion, order the
1181 appointment of a court representative to investigate and
1182 evaluate any matters relating to adoption, including the best
1183 ~~interests~~ interest of the adoptee

1184 (1) If applicable to the adoption, the court shall
1185 ensure compliance with the Interstate Compact on the Placement
1186 of Children, Article 2, Chapter 2 of Title 44. Proof of
1187 compliance is determined by the authorized signatures of the
1188 sending and receiving states on the Interstate Compact on the
1189 Placement of Children Request Form."

1190 "§26-10E-23

1191 (a) Upon the filing of a pleading or a motion by a
1192 party contesting the adoption, or upon transfer of a contested
1193 case pursuant to Section 26-10E-3, the court shall forthwith
1194 set the matter for a contested hearing to determine each of
1195 the following:

1196 (1) Whether the best~~-interests~~ interest of the adoptee
1197 will be served by the adoption.

1198 (2) Whether the adoptee is available for adoption by
1199 each petitioner and whether each petitioner qualifies to adopt
1200 an adoptee within the requirements of this chapter.

1201 (3) Whether all necessary express consent, implied
1202 consent, or relinquishment to the adoption have been given
1203 and, if so, are valid.

1204 (4) Whether an express consent or relinquishment has



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1205 been or may be withdrawn.

1206 (b) The court shall give at least 14 days of notice of
1207 the contested hearing by United States mail to all parties who
1208 have appeared before the court, unless notice has been waived
1209 in writing. The party contesting the adoption and each
1210 petitioner shall be present at the contested hearing. A
1211 guardian ad litem shall appear and represent the ~~interests~~
1212 interest of the adoptee. Any contestant who is an individual
1213 with a developmental disability or a minor shall also be
1214 represented by a guardian ad litem in addition to any counsel
1215 retained by the contestant.

1216 (c) The court may continue the hearing from time to
1217 time to permit notice to all parties, or to permit further
1218 discovery, observation, investigation, or consideration of any
1219 fact or circumstance affecting the granting or denial of the
1220 adoption petition. The court may order the investigator
1221 appointed under Section 26-10E-19, or a court representative,
1222 to investigate allegations underlying the contest or the
1223 whereabouts of any individual entitled to notice of the
1224 proceeding.

1225 (d) ~~After hearing evidence at a~~ At the conclusion of
1226 the contested hearing, the court shall decide the contest as
1227 soon as practicable. If it is determined by the court that the
1228 adoption petition should be denied, the court shall either
1229 transfer the case to the appropriate juvenile court pursuant
1230 to Section 26-10E-3 for the limited purpose of considering
1231 termination of parental rights or it shall enter a final
1232 judgment denying the adoption. Otherwise, the court shall



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enter a final judgment denying the contest and, subject to any post judgment motions and appellate proceedings, the probate court shall proceed as provided in Section 26-10E-24. The entry of a final judgment denying a contest terminates the status of the contestant as a party to the adoption proceedings and terminates the contestant's right to notice of further adoption proceedings.

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

(f)(1) Following the entry of a final judgment denying a petition for adoption, the court shall enter a temporary custody order determining each of the following:

a. Whether it is in the best-~~interests~~ interest of the minor child for the petitioner or petitioners to retain custody of the minor child or for the minor child to be returned to the person or agency with legal custody of the minor child prior to the filing of the petition.

b. Whether a written report should be sent to the county department of human resources pursuant to Chapter 14 of Title 26 for a further determination concerning custody.

(2) The custody determination shall remain in effect only until another court of competent jurisdiction enters a



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1261 custodial order regarding the minor child.

1262 (g) Upon denial of a contest, the court, unless just
1263 cause is shown otherwise by the contestant, shall issue an
1264 order for reimbursement to the petitioner or petitioners of
1265 the legal costs incurred by each petitioner incidental to the
1266 contest."

1267 "§26-10E-24

1268 (a) Once the petition for adoption and any necessary
1269 accompanying documentation has been filed, the court shall set
1270 a dispositional hearing to take place as soon as practicable,
1271 but no later than 120 days after the filing. Upon good cause
1272 shown, the court may extend the time for the dispositional
1273 hearing.

1274 (b) At the dispositional hearing, the court shall
1275 approve the adoption if it finds, based on clear and
1276 convincing evidence, all of the following:

1277 (1) The adoptee has been in the actual physical custody
1278 of the petitioner or petitioners for a period of 60 days,
1279 unless for good cause shown, this requirement is waived by the
1280 court.

1281 (2) All necessary consents, relinquishments,
1282 terminations, or waivers have been obtained and, if
1283 appropriate, filed with the court.

1284 (3) All documentation required pursuant to Section
1285 26-10E-19 or 26-10E-19.1, where applicable, has been filed
1286 with the court, unless excluded under Sections 26-10E-26 and
1287 26-10E-27.

1288 (4) Service of the notice of pendency of the adoption



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1289 proceeding has been made or dispensed with as to all persons
1290 entitled to receive notice under Section 26-10E-17.

1291 (5) All contests brought under Section 26-10E-23 have
1292 been resolved in favor of the petitioner or petitioners.

1293 (6) Each petitioner is a suitable adoptive parent and
1294 desires to establish a parent and child relationship between
1295 himself or herself and the adoptee.

1296 (7) That the best ~~interests~~ interest of the adoptee ~~are~~
1297 is served by the adoption.

1298 (8) That each petitioner has been cleared through each
1299 of the following background checks:

1300 a. Letters of suitability, pursuant to Chapter 13 of
1301 Title 38, for each adult living in the home of the petitioner
1302 or petitioners based on the information available in this
1303 state.

1304 b. Child abuse and neglect clearances pursuant to the
1305 Adam Walsh Child Protection and Safety Act, Public Law
1306 109-248, as amended, for all household members 14 years of age
1307 and older from any state in which any petitioners have resided
1308 in the preceding five years.

1309 c. A printed copy of the search on the Dru Sjodin
1310 National Sex Offender Public Website for all household members
1311 14 years of age and older. ~~The Adam Walsh Child Protection and~~
1312 ~~Safety Act, U.S. Public Law 109-248, including each of the~~
1313 ~~following:~~

1314 ~~1. State and federal criminal history.~~

1315 ~~2. Child abuse and neglect history.~~

1316 ~~3. Sex Offender Registry history.~~



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~~b. Child support payment history.~~

(9) That the petitioner has no known history of failure to pay child support.

(10) A sworn statement of full accounting of disbursements pursuant to Section ~~26-10E-23~~ 26-10E-22, if applicable, has been filed.

~~(11)-(10)~~ All other requirements of this chapter have been met.

(c) The court shall enter its finding in a written final judgment of adoption, which ~~shall~~:

(1) Shall also include the new name of the adoptee after adoption, except: (i) in cases of relative adoption under Section 26-10E-27 where the adoptee shares the relative's same last name; or (ii) in cases where an adoptee is 14 years of age or older and does not want to change his or her name as provided in Section 26-10E-28, provided that the final judgment may and shall not include any other name by which the adoptee has been known or any names of the former parent;

~~(2) Shall~~ ~~The final judgment of adoption shall~~ further order that, from the date of the entry of judgment, the adoptee shall be the child of the petitioner or petitioners, and that the adoptee shall be accorded the status set forth in Section 26-10E-28; and

(3) Shall include any other information required by federal law or federal regulation."

"§26-10E-26

A stepparent of the adoptee may petition for adoption



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1345 of an adoptee under this chapter, except that:

1346 (1) Before the entry of the final judgment, the adoptee
1347 must have resided for a period of one year with the stepparent
1348 petitioner.

1349 (2) a. A limited~~An~~ investigation shall be conducted to
1350 determine the suitability of the stepparent petitioner and the
1351 home in which the adoptee~~will reside~~ resides, and the report
1352 of the investigation, which shall include~~the information~~
1353 ~~required by subdivisions 26-10E-19(a)(1), (a)(2), and (a)(14),~~
1354 but is not limited to, all of the following:

1355 1. Excluding the legal parent of the adoptee, letters
1356 of suitability pursuant to Chapter 13 of Title 38, for each
1357 adult living in the home of the petitioner or petitioners
1358 based on the information available in this state.

1359 2. Excluding the legal parent of the adoptee, child
1360 abuse and neglect clearances pursuant to the Adam Walsh Child
1361 Protection and Safety Act, Public Law 109-248, as amended, for
1362 all household members 14 years of age and older from any state
1363 in which any petitioners have resided in the preceding five
1364 years.

1365 3. Excluding the legal parent of the adoptee, a printed
1366 copy of the search on the Dru Sjodin National Sex Offender
1367 Public Website for all household members 14 years of age and
1368 older.

1369 4. A home safety inspection indicating that the home of
1370 the petitioner or petitioners is safe for adoptee's residency.

1371 b. The limited investigation~~and which~~ may also include
1372 other information required by Section 26-10E-19~~(a)~~ as directed



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by the court⁷. The limited investigation shall be filed with the court no later than within 30 days of the date of the filing of the petition.

(3) The court, in its discretion, may:

a. Require additional information; and

b. Allow a deviation in the investigation requirements, for good cause shown, only as it relates to any household members 14 years of age and older. Good cause must be demonstrated on the record with, at minimum, an affidavit from the investigator as to why the deviation is warranted.

(4) The investigative report shall be submitted in a form developed by the Alabama Probate Judges Association and the Alabama Law Institute. The investigative report shall contain information obtained within 12 months preceding the hearing on the final judgment of adoption.

(5) The investigation shall be performed by one of the following:

a. The State Department of Human Resources.

b. A licensed child-placing agency.

c. A social worker licensed by the Alabama Board of Social Work Examiners who is also certified by the Alabama Board of Social Work Examiners for private independent practice in the social casework specialty, as provided in Section 34-30-3.

(6) Other than those individuals and entities listed in subdivision (5), the court on its own motion may order the investigation be performed by an alternative individual or entity when the court has cause to believe the investigation



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1401 is insufficient.

1402 (7) When an investigation has been conducted, the
1403 investigative report shall not be conclusive but may be
1404 considered along with other evidence.

1405 (8) The court may order the appointment of a court
1406 representative to investigate and evaluate any matters
1407 relating to adoption, including the best interest of the
1408 adoptee.

1409 (9) No report of fees and charges under Section
1410 26-10E-22 shall be made unless ordered by the court."

1411 "§26-10E-27

1412 Subject to Section 26-10E-5, a grandfather, a
1413 grandmother, a great-grandfather, a great-grandmother, a
1414 great-uncle, a great-aunt, a brother, a half-brother, a
1415 sister, a half-sister, an aunt, or an uncle of the first
1416 degree and their respective spouses, if any, may adopt a minor
1417 grandchild, a minor great-grandchild, a minor great-niece, a
1418 minor great-nephew, a minor brother, a minor half-brother, a
1419 minor sister, a minor half-sister, a minor nephew, a minor
1420 niece, in accordance with this chapter, except that:

1421 (1) Before the final judgment of adoption is entered,
1422 the adoptee must have resided for a period of one year with
1423 the petitioner or petitioners.

1424 (2)a. An investigation shall be conducted to determine
1425 the suitability of each petitioner and the home in which the
1426 adoptee will reside, and the report of the investigation⁷
1427 ~~which shall include the information required by subdivisions~~
1428 ~~26-10E-19(a)(1), (a)(2), and (a)(14),~~ shall include, but is



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1429 not limited to, all of the following:

1430 1. Letters of suitability, pursuant to Chapter 13 of
1431 Title 38, for each adult living in the home of the petitioner
1432 or petitioners based on the information available in this
1433 state.

1434 2. Child abuse and neglect clearances pursuant to the
1435 Adam Walsh Child Protection and Safety Act, Public Law
1436 109-248, as amended, for all household members 14 years of age
1437 and older from any state in which any petitioners have resided
1438 in the preceding five years.

1439 3. A printed copy of the search on the Dru Sjodin
1440 National Sex Offender Public Website for all household members
1441 14 years of age and older.

1442 4. A home safety inspection indicating that the home of
1443 the petitioner or petitioners is safe for adoptee's residency.

1444 b. The limited investigation~~and which~~ may also include
1445 other information required by Section 26-10E-19(a) as directed
1446 by the court, and shall be filed with the court. The limited
1447 investigation shall be filed with the court within~~no later~~
1448 ~~than~~ 30 days of the date of the filing of the petition.

1449 (3) The court, in its discretion, may:

1450 a. Require additional information; and

1451 b. Allow a deviation in the investigation requirements,
1452 for good cause shown, only as it relates to any household
1453 members 14 years of age and older. Good cause must be
1454 demonstrated on the record with, at minimum, an affidavit from
1455 the investigator as to why the deviation is warranted.

1456 (4) The investigative report shall be submitted in a



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1457 form developed by the Alabama Probate Judges Association and
1458 the Alabama Law Institute. The investigative report shall
1459 contain information obtained within 12 months preceding the
1460 hearing on the final judgment of adoption.

1461 (5) The investigation shall be performed by one of the
1462 following:

1463 a. The State Department of Human Resources.

1464 b. A licensed child-placing agency.

1465 c. A social worker licensed by the Alabama Board of
1466 Social Work Examiners who is also certified by the Alabama
1467 Board of Social Work Examiners for private independent
1468 practice in the social casework specialty, as provided in
1469 Section 34-30-3.

1470 (6) Other than those individuals and entities listed in
1471 subdivision (5), the court on its own motion may order the
1472 investigation be performed by an alternative individual or
1473 entity when the court has cause to believe the investigation
1474 is insufficient.

1475 (7) When an investigation has been conducted, the
1476 investigative report shall not be conclusive but may be
1477 considered along with other evidence.

1478 (8) The court may order the appointment of a court
1479 representative to investigate and evaluate any matters
1480 relating to adoption, including the best interest of the
1481 adoptivee.

1482 (9) No report of fees and charges under Section
1483 26-10E-22 shall be made unless ordered by the court."

1484 "§26-10E-28



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

(b) Upon the entry of the final judgment of adoption, the biological or legal parents of the adoptee, except for the spouse of an adoptive stepparent, are relieved of all parental rights and responsibility for the adoptee and shall have no parental rights over the adoptee. ~~Upon the final judgment of adoption, the adoptee loses all rights of inheritance under the laws of intestacy pursuant to Section 43-8-48, from or through the biological or legal parents of the adoptee, except for a biological or legal parent who is the spouse of the adopting parent."~~

"§26-10E-29

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

(b) In an adoption case proceeding under Section 26-10E-26 or Section 26-10E-27, pre-adoption or post-adoption



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1513 grandparent visitation rights may be granted, maintained, or
1514 modified by the court at any time before or after the final
1515 judgment of adoption is entered if it is in the best~~interests~~
1516 interest of the adoptee.

1517 (c) In the case of a stepparent adoption under Section
1518 26-10E-26, no grandparent visitation rights may be granted,
1519 maintained, or modified over the objection of the spouse of
1520 the adoptive stepparent absent compliance with Section
1521 30-3-4.2. Otherwise, Section 30-3-4.2 shall not apply in a
1522 case involving an adoptee but grandparent visitation rights
1523 shall be determined based upon the best~~interests~~ interest of
1524 the adoptee.

1525 (d) An order or judgment regarding grandparent
1526 visitation made in a case under this section may only be
1527 vacated or modified by the court that entered the order or
1528 judgment."

1529 "§26-10E-30

1530 (a) The records in adoption proceedings shall be open
1531 to inspection only to each petitioner or his or her attorney,
1532 the investigator appointed under Section 26-10E-19, any
1533 guardian ad litem appointed for the adoptee under Section
1534 26-10E-21, and any attorney retained by or appointed to
1535 represent the adoptee. These records shall be open to other
1536 persons only upon order of court for good cause shown.

1537 (b) All hearings in adoption proceedings shall be
1538 confidential and shall be held in closed court without
1539 admittance of any individual other than the parties and their
1540 counsel, except with leave of court.



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1541 (c)a. Upon entry of the final judgment of adoption, all
1542 papers, pleadings, and other documents pertaining to the
1543 adoption shall be sealed, kept as a permanent record of the
1544 court, and withheld from inspection, except as otherwise
1545 provided in this section and in Section 22-9A-12(c). No
1546 individual shall have access to such records except upon order
1547 of the court in which the final judgment of adoption was
1548 entered for good cause shown, except as provided in Section
1549 22-9A-12(c).

1550 b. Notwithstanding paragraph a., the adoptive parents,
1551 their attorney of record, or the adoptee upon reaching the age
1552 of majority as provided in Section 26-1-1 may petition the
1553 court for a hearing to obtain a copy of the final judgment of
1554 adoption or the interlocutory order of adoption.

1555 (d) When the court enters a final judgment of adoption,
1556 all licensed agencies or individuals shall send a sealed
1557 information summary sheet and the non-identifying information
1558 referred to in subsection (g) in a separate summary sheet to
1559 the State Department of Human Resources. All of the following
1560 information shall be included:

1561 (1) The birth name and adoptive name of the adoptee.

1562 (2) The date and place of birth of the adoptee, except
1563 in the case of abandonment.

1564 (3) The circumstances under which the adoptee came to
1565 be placed for adoption.

1566 (4) The physical and mental condition of the adoptee,
1567 insofar as this can be determined by the aid of competent
1568 medical authority.



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1569 (5) The name and last known address, dates of birth,
1570 and Social Security numbers, if known, of the biological
1571 parents of the adoptee.

1572 (6) The age of the biological parents at the adoptee's
1573 birth.

1574 (7) The nationality, ethnic background, race, and
1575 religious preference of the biological parents of the adoptee.

1576 (8) The educational level of the biological parents of
1577 the adoptee.

1578 (9) Any pre-adoptive brother or sister relationships of
1579 the adoptee.

1580 (10) Whether the identity and location of the
1581 biological father of the adoptee is known or ascertainable.

1582 (e) The State Department of Human Resources and the
1583 investigating agency's adoption records ~~must~~ shall be kept for
1584 a minimum term of 75 years. If a licensed ~~child placing~~
1585 child-placing agency ceases to operate in Alabama, all
1586 adoption records of the agency, including those of the
1587 adoptee, the biological family, and the adoptive family, shall
1588 be transferred to the department.

1589 (f) Except as otherwise provided in this section and in
1590 Section 22-9A-12(c), all files of the investigating office or
1591 agency appointed by the court under Section 26-10E-19 shall be
1592 confidential and shall be withheld from inspection except upon
1593 order of the court for good cause shown.

1594 (g) Notwithstanding subsection (f), the State
1595 Department of Human Resources or the licensed investigating
1596 agency appointed by the court pursuant to ~~Section 26-10E-19(b)~~



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1597 ~~and (e)~~ Section 26-10E-19(f) and (i), shall furnish, upon
1598 request, to the petitioner or petitioners, the biological
1599 parents, or an adoptee 19 years of age or older,
1600 non-identifying information which shall be limited to the
1601 following:

1602 (1) The health and medical histories of the adoptee's
1603 biological parents.

1604 (2) The health and medical history of the adoptee.

1605 (3) The adoptee's general family background, including
1606 ancestral information, without name references or geographical
1607 designations.

1608 (4) Physical descriptions of the adoptee's biological
1609 parents.

1610 (5) The length of time the adoptee was in the care and
1611 custody of anyone other than the petitioner.

1612 (6) The circumstances under which the adoptee came to
1613 be placed for adoption.

1614 (h) Notwithstanding any other provision herein, if
1615 either the legal mother or the putative or legal father before
1616 the adoption has given written consent under oath to
1617 disclosure of identifying information that is not otherwise
1618 provided in this section and in Section 22-9A-12(c), the State
1619 Department of Human Resources or a licensed ~~child-placing~~
1620 child-placing agency shall release the identifying
1621 information.

1622 (i) If the court finds that any person has a compelling
1623 need for non-identifying information not otherwise available
1624 under subsection (e) which can only be obtained through



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contact with the adoptee, the adoptee's parents, the putative father or the legal father of the adoptee before the adoption, or the adoptee's adoptive parents, the court shall direct the agency or a mutually agreed upon intermediary to furnish the information or to establish contact with the adoptee, the adoptee's biological parents, the putative or legal father of the adoptee before the adoption, or the adoptive parents of the adoptee in order to obtain the information needed without disclosure of identifying information to or about the applicant. The information then shall be filed with the court and released to the applicant within the discretion of the court. However, the identity and whereabouts of any individuals contacted shall remain confidential.

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



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1653 (k) The court shall have jurisdiction to issue any
1654 orders deemed necessary to protect the confidentiality of the
1655 adoption or adoption proceedings, including, but not limited
1656 to, any protective order or injunction to prevent or limit the
1657 dissemination of any information contained in confidential or
1658 sealed records or any other information identifying the
1659 adoptee, the parties, or the witnesses in an adoption
1660 proceeding."

1661 "§26-10E-31

1662 (a) Within 10 days of the final judgment being entered,
1663 the judge or the clerk of the court shall send a copy of the
1664 certified final judgment of adoption to the State Department
1665 of Human Resources electronically or by United States mail and
1666 shall send a copy of the certified final judgment of adoption
1667 to the Office of Vital Statistics electronically or by United
1668 States mail with the report of adoption in the format
1669 developed by the Office of Vital Statistics.

1670 (b) Upon receipt of a copy of a certified final
1671 judgment of adoption from the judge or the clerk of the court
1672 for an individual born in this state, the Office of Vital
1673 Statistics shall prepare a new record of birth reflecting the
1674 registrant's new name and the name of each adoptive parent as
1675 contained in the final judgment and report of adoption. The
1676 Office of Vital Statistics shall then place the evidence of
1677 adoption along with the original certificate of birth in a
1678 sealed file. A Certificate of Foreign Birth and sealed file,
1679 upon request, shall be created for a foreign-born individual
1680 adopted in a court in this state as provided in Section



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1681 22-9A-12(i) .

1682 (c) The new certificate of birth shall be prepared on
1683 the form or in the format prescribed by the Office of Vital
1684 Statistics following the requirements in Section 22-9A-12,
1685 Section 22-9A-19, and Title 420 of the Alabama Administrative
1686 Code, or any other rule adopted by the State Board of Health.

1687 (d) There shall be no more than two parents listed on a
1688 new or amended birth certificate. If two parents are
1689 designated in the final judgment of adoption, those
1690 individuals are required to be married to each other at the
1691 time the final judgment of adoption is entered.

1692 (e) A new certificate of birth shall be prepared by the
1693 Office of Vital Statistics in accordance with the current laws
1694 and rules of this state following a final judgment of adoption
1695 being entered in another state, the District of Columbia, a
1696 territory of the United States, or a foreign country.

1697 (f) Except as otherwise provided by Section
1698 22-9A-12(c), after the new birth certificate has been filed,
1699 the original birth certificate and the evidence of adoption
1700 are not subject to inspection except upon order of a court of
1701 competent jurisdiction for good cause shown."

1702 "§26-10E-32

1703 Only a parent, a parent of a deceased parent, or a
1704 relative of the degree of relationship specified in Section
1705 26-10E-27, the State Department of Human Resources, a licensed
1706 ~~child-placing~~ child-placing agency, or an agency approved by
1707 the department may place, or facilitate the placement of, a
1708 minor for adoption. No person or entity other than the



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1709 department or a licensed ~~child placing~~ child-placing agency
1710 shall engage in the business of placing, or facilitating the
1711 placement of, minors for adoption. Any individual or entity
1712 making more than two separate and distinctive placements of
1713 minors who are unrelated to the petitioner or petitioners for
1714 adoption within the preceding 12-month period shall be deemed
1715 to be in the business of placing minors for adoption. Any
1716 other person who places, or facilitates the placement of, a
1717 minor for adoption is, upon the first conviction, guilty of a
1718 Class A misdemeanor and, upon subsequent convictions, is
1719 guilty of a Class C felony. This section does not intend to
1720 make it unlawful for any person not engaged in the business of
1721 placing, or facilitating the placement of, minors for adoption
1722 to give advice and assistance to a biological parent in an
1723 adoption. In making adoption arrangements, potential adopting
1724 parents and biological parents are entitled to the advice and
1725 assistance of legal counsel. Surrogate motherhood is not
1726 intended to be covered by this section."

1727 "§26-10E-34

1728 Minors may be brought into Alabama for the purpose of
1729 adoption as provided in Sections 38-7-15 and 44-2-20, except
1730 that investigations shall be made as provided in Sections
1731 26-10E-19, 26-10E-19.1, 26-10E-26, 26-10E-27, and ~~Section~~
1732 44-2-20."

1733 "§26-10F-2

1734 (a) The definitions in the Alabama Minor Adoption Code,
1735 provided in Section 26-10E-2, are applicable for this chapter
1736 and have the same meaning whenever used in this chapter except



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1737 where the context clearly indicates a different meaning.

1738 (b) For the purposes of this chapter, a de facto
1739 parent-child relationship is formed when the petitioner or
1740 petitioners have been the primary caregiver for an adoptee and
1741 have provided the primary financial support for that adoptee
1742 during the time that the adoptee resided with that petitioner
1743 or petitioners during the adoptee's minority."

1744 "§26-10F-5

1745 (a) Any adult individual may petition the court to
1746 adopt an adult as provided in this chapter.

1747 (b) Any married couple, both of whom are adults, may
1748 jointly petition the court to adopt an adult as provided in
1749 this chapter. An adult who is married may not petition to
1750 adopt another adult unless the petition for adoption is filed
1751 jointly by his or her spouse, unless that spouse is the
1752 biological or legal parent of the adult sought to be adopted.

1753 (c) Unless the adoptee is biologically related to the
1754 petitioner or petitioners, any petitioner seeking to adopt
1755 another adult ~~must~~ shall be at least 10 years older than the
1756 adoptee, unless waived by the court for good cause shown.

1757 (d) An adult may only be adopted as provided in this
1758 chapter and for the establishment of a legal parent-child
1759 relationship.

1760 (e) The State Department of Human Resources shall
1761 provide by rule the process through which an individual
1762 seeking to participate in foster care or adoption may apply
1763 for an exemption from any vaccination requirement for
1764 religious or other appropriate reason for himself, herself, or



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1765 any other individual in his or her household."

1766 "§26-10F-6

1767 An adult may be adopted under any of the following
1768 conditions:

1769 (1) He or she is an individual with a total and
1770 permanent disability.

1771 (2) He or she has been determined to be an
1772 incapacitated person as defined in Section 26-2A-20.

1773 (3) He or she consents in writing to be adopted and is
1774 ~~related:~~

1775 a. Related in any degree of kinship to the petitioner
1776 or petitioners, as defined by the intestacy laws of Alabama,
1777 ~~or is a;~~

1778 b. A stepchild or former stepchild by marriage; or

1779 c. A United States citizen and the court is satisfied
1780 that there exists a multi-year relationship akin to that
1781 between a parent and child and the adoption is for a
1782 legitimate purpose.

1783 (4) He or she had been in a de facto parent-child
1784 relationship with each petitioner for at least one year during
1785 the minority of the adoptee ~~for at least one year preceding~~
1786 ~~the filing of the petition,~~ and each petitioner has maintained
1787 a continuous familial relationship with the adoptee. This
1788 provision shall include, but is not limited to, a foster
1789 parent relationship with the adoptee."

1790 "§26-10F-9

1791 (a) Unless service has been previously waived, notice
1792 of pendency of the adoption proceeding shall be served by the



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1793 petitioner on each of the following:

1794 (1) Any individual whose consent is required by Section
1795 26-10F-7.

1796 (2) Any legally appointed custodian or guardian of the
1797 adoptee.

1798 (3) The spouse of the adoptee, if the adoptee is
1799 married.

1800 (4) Any biological or legal parent of the adoptee.

1801 (5) Any individual or entity known to any petitioner as
1802 currently having physical custody of the adoptee, if the
1803 adoptee is alleged to be an individual with a total and
1804 permanent disability or alleged to be an incapacitated person.

1805 (6) The State Department of Human Resources.

1806 (7) Any other individual designated by the court.

1807 (b) A copy of the notice for adoption shall be served
1808 upon those individuals or agencies provided in subsection (a).
1809 The form for the notice shall be developed jointly by the
1810 Administrative Office of Courts and the Alabama Law Institute.

1811 (c) ~~Service of the notice shall be made in the~~
1812 ~~following manner:~~

1813 ~~(1) Service of process shall be made in accordance with~~
1814 ~~the Alabama Rules of Civil Procedure. If notice cannot be~~
1815 ~~perfected in accordance with the Alabama Rules of Civil~~
1816 ~~Procedure, the court may order an alternative method of~~
1817 ~~notice.~~~~If the identity or whereabouts of the person whose~~
1818 ~~consent is required under this chapter is unknown, the court~~
1819 ~~shall then issue an order providing for service by~~
1820 ~~publication, by posting, or by any other substituted service.~~



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

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

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

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

"§26-10F-10

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

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

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

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



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1849 (c) If the court determines upon clear and convincing
1850 evidence that the decision to withhold consent by the guardian
1851 ad litem is arbitrary and is not in the best~~interests~~
1852 interest of the incapacitated person, the court may proceed to
1853 make any other orders it deems necessary for the adult
1854 person's welfare, including granting the petition for
1855 adoption."

1856 "§26-10F-11

1857 (a) No investigation shall be required in any adult
1858 adoption unless ordered by the court to determine if the best
1859 ~~interests~~ interest of the adoptee will be served by granting
1860 the petition for adoption. The court shall determine the scope
1861 of the investigation.

1862 (b) If the probate court in which a petition for the
1863 adoption of an adult is filed considers an investigation to be
1864 a necessity, the probate court may order either of the
1865 following:

1866 (1) The type of investigation that is conducted in an
1867 adoption of a minor adoptee, pursuant to~~Section~~ Sections
1868 26-10E-19, 26-10E-9.1, 26-10E-26, and 26-10E-27.

1869 (2) Any other inquiry that the court considers
1870 advisable.

1871 (c) Any investigation ordered by the court shall be
1872 performed by the State Department of Human Resources or anyone
1873 appointed by the court who the court deems as qualified and
1874 appropriate based on the scope of the investigation."

1875 "§26-10F-12

1876 (a) Upon the filing of a pleading or a motion by a



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1877 party contesting the adoption, the probate court may not
1878 transfer the case or any part of the case to another court of
1879 this state, and shall forthwith set the matter for a contested
1880 hearing to determine each of the following:

1881 (1) Whether the best-~~interests~~ interest of the adoptee
1882 will be served by the adoption.

1883 (2) Whether the adoptee is available for adoption by
1884 each petitioner and whether each petitioner qualifies to adopt
1885 the adoptee within the requirements of this chapter.

1886 (3) Whether all necessary consent has been given and,
1887 if so, the validity of each consent.

1888 (4) Whether an express consent has been or may be
1889 withdrawn.

1890 (b) The court shall give at least 14 days notice of the
1891 contested hearing by United States mail to all parties who
1892 have appeared before the court unless notice has been waived
1893 in writing. The party contesting the adoption and each
1894 petitioner shall be present at the contested hearing. A
1895 guardian ad litem shall appear and represent the-~~interests~~
1896 interest of the adoptee. Any contestant who is an
1897 incapacitated person shall also be represented by a guardian
1898 ad litem in addition to any counsel retained by the
1899 contestant.

1900 (c) The court may continue the hearing from time to
1901 time to permit notice to all parties, or to permit further
1902 discovery, observation, investigation, or consideration of any
1903 fact or circumstance affecting the granting or denial of the
1904 adoption petition. The court may order the investigator



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1905 appointed under Section 26-10F-11, or a court representative
1906 to investigate allegations underlying the contest or the
1907 whereabouts of any person entitled to notice of the
1908 proceeding.

1909 (d) ~~After hearing evidence at a~~ At the conclusion of
1910 the contested hearing, the court shall decide the contest as
1911 soon as practicable. If it is determined by the court that the
1912 adoption petition should be denied, the court shall enter a
1913 final judgment denying the contest. The entry of a final
1914 judgment denying a contest terminates the status of the
1915 contestant as a party to the adoption proceedings and
1916 terminates the contestant's right to notice of further
1917 adoption proceedings.

1918 (e) At the contested hearing, the court shall consider
1919 any motion of the petitioner or petitioners to obtain
1920 reimbursement for all reasonable medical and living expenses
1921 incidental to the care and well-being of the adoptee for the
1922 time the adoptee resided with the petitioner or petitioners
1923 where the adoptee is an incapacitated adult. If the adoption
1924 is denied, the probate court shall, unless just cause is shown
1925 otherwise by the contestant, order such reimbursement.

1926 (f) Upon denial of a contest, the court, unless just
1927 cause is shown otherwise by the contestant, shall issue an
1928 order for reimbursement to the petitioner or petitioners of
1929 the legal costs incurred by each petitioner incidental to the
1930 contest."

1931 "§26-10F-13

1932 (a) The petition for adoption shall be set for a



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1933 dispositional hearing within a reasonable period after the
1934 filing of the petition and all necessary documents, including
1935 an investigative report if ordered by the court.

1936 (b) The court shall enter an order establishing a date,
1937 time, and place for the hearing on the petition, and each
1938 petitioner and the individual to be adopted shall appear at
1939 the hearing in person. If the court determines that such
1940 appearance is impossible or impractical, appearance may be
1941 made by electronic means, upon good cause shown to the court.

1942 (c) At the dispositional hearing, the court shall grant
1943 a final judgment of adoption if it finds each of the following
1944 based on clear and convincing evidence:

1945 (1) The adoptee meets one of the qualifications under
1946 Section 26-10F-6.

1947 (2) The required consents and all other necessary
1948 documents have been properly executed and have been filed with
1949 the court. The necessary documents shall include, but are not
1950 limited to, each of the following:

1951 a. The petition for adoption.

1952 b. All required consents.

1953 c. Proof of service of notice on all persons required
1954 to receive notice.

1955 d. Marriage certificates of the petitioners and
1956 adoptee, if applicable.

1957 e. Copies of certified birth certificates or the
1958 equivalent thereof of each petitioner and adoptee, issued
1959 within six months of the filing of the petition.

1960 f. The Alabama Report of Adoption Form.



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1961 g. Proof of incapacity or total and permanent
1962 disability, if applicable.

1963 h. Proof of kinship or a de facto parent and child
1964 relationship pursuant to Section 26-10F-6, if applicable.

1965 i. Any other documentation required by the court.

1966 (3) Any contests have been resolved in favor of the
1967 petitioner or petitioners.

1968 (4) That each petitioner is a suitable adopting parent
1969 and desires to establish a legal parent and child relationship
1970 between himself or herself and the adoptee.

1971 (5) That all parties, to the best of their ability,
1972 understand the significance and ramifications of the adoption
1973 and are not acting under duress, coercion, or undue influence.

1974 (6) That the best-~~interests~~ interest of the adoptee-~~are~~
1975 is served by the adoption and that there is no reason in the
1976 public interest or otherwise why the petition should not be
1977 granted.

1978 (7) That all other requirements of this chapter have
1979 been met.

1980 (d) If all the requirements of subsection-~~(b)~~ (c) are
1981 met, the court may enter its finding in a written final
1982 judgment of adoption, granting the petition for adoption.

1983 (e) The final judgment of adoption shall terminate the
1984 parent and child relationship of one or both of the legal
1985 parents of the adoptee and shall order the substitution of the
1986 name of each legal parent whose relationship has been
1987 terminated on the amended birth certificate with the name of
1988 each petitioner. There shall be no more than two individuals



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1989 named as petitioner.

1990 (f) If the court grants the adoptee's request for a new
1991 name, the adoptee's new name shall be included in the final
1992 judgment of adoption and placed on the amended birth
1993 certificate.

1994 (g) The final judgment of adoption shall further order
1995 that from the date of the judgment of adoption, the adoptee
1996 shall be the child of the petitioner or petitioners, and that
1997 the adoptee shall be accorded the status set forth in Section
1998 26-10F-16(b).

1999 (h) A final judgment of adoption may not be
2000 collaterally attacked after the expiration of one year from
2001 the entry of the final judgment of adoption, and after all
2002 appeals, if any, except in each of the following situations:

2003 (1) Fraud relating to the adoption proceedings.

2004 (2) The adoptee has been kidnapped.

2005 (3) An adoptive parent subsequent to the final judgment
2006 of adoption has been convicted of a sexual offense, as
2007 provided in Section 15-20A-5, involving the adoptee."

2008 "§26-10F-15

2009 (a) If determined to be in the best-~~interests~~ interest
2010 of the adoptee or parties, the court may determine a hearing
2011 shall be closed.

2012 (b) Upon motion by the adoptee or parties and for good
2013 cause shown, the court shall have jurisdiction to issue any
2014 orders deemed necessary to protect the confidentiality of the
2015 adoption or adoption proceedings, including, but not limited
2016 to, any protective order or injunction to prevent or limit the



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dissemination of any information contained in confidential or sealed records or any other information identifying the adoptee, the parties, or the witnesses in an adoption proceeding. Part or all of the record may also be sealed pursuant to procedure established by applicable statute, rule, and existing case law.

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

"§26-10F-16

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

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

(c) Upon the final judgment of adoption, the biological or legal parents of the adoptee, except for a biological or legal parent who is the spouse of the adopting parent, are relieved of all parental rights and responsibilities for the adoptee. ~~Upon the final judgment of adoption, the adoptee~~



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~~loses all rights of inheritance under the laws of intestacy pursuant to Section 48-8-48, from or through the biological or legal parents of the adoptee, except for a biological or legal parent who is the spouse of the adopting parent."~~

"§26-10F-17

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

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

(c) Upon receipt of a copy of a certified final judgment of adoption from the judge or the clerk of the court for a foreign-born individual adopted in a court in this state, the Office of Vital Statistics, upon request, shall



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2073 create a Certificate of Foreign Birth and sealed file as
2074 provided in Section 22-9A-12(i)."

2075 "§30-3-4.2

2076 (a) For the purposes of this section, the following
2077 ~~words~~ terms have the following meanings:

2078 (1) GRANDPARENT. The parent of a parent, whether the
2079 relationship is created biologically or by adoption.

2080 (2) HARM. A finding by the court, by clear and
2081 convincing evidence, that without court-ordered visitation by
2082 the grandparent, the child's emotional, mental, or physical
2083 well-being has been, could reasonably be, or would be
2084 jeopardized.

2085 (b) A grandparent may: (i) file an original action in a
2086 circuit court where his or her grandchild resides or any other
2087 court exercising jurisdiction with respect to the grandchild;
2088 or (ii) file a motion to intervene in any action when any
2089 court in this state has before it any issue concerning custody
2090 of the grandchild, including a domestic relations proceeding
2091 involving the parent or parents of the grandchild, for
2092 reasonable visitation rights with respect to the grandchild if
2093 any of the following circumstances exist:

2094 (1) An action for a divorce or legal separation of the
2095 parents has been filed, or the marital relationship between
2096 the parents of the child has been severed by death or divorce.

2097 (2) The child was born out of wedlock and the
2098 petitioner is a maternal grandparent of the child.

2099 (3) The child was born out of wedlock, the petitioner
2100 is a paternal grandparent of the child, and paternity has been



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2101 legally established.

2102 (4) An action to terminate the parental rights of a
2103 parent or parents has been filed or the parental rights of a
2104 parent has been terminated by court order; provided, however,
2105 the right of the grandparent to seek visitation terminates if
2106 the court approves a petition for adoption by an adoptive
2107 parent, unless the visitation rights are allowed pursuant to
2108 ~~Section 26-10A-30.~~ 26-10E-29.

2109 (c) (1) There is a rebuttable presumption that a fit
2110 parent's decision to deny or limit visitation to the
2111 petitioner is in the best interest of the child.

2112 (2) To rebut the presumption, the petitioner shall
2113 prove both of the following by clear and convincing evidence,
2114 ~~both of the following:~~

2115 a. The petitioner has established a significant and
2116 viable relationship with the child for whom he or she is
2117 requesting visitation.

2118 b. Visitation with the petitioner is in the best
2119 interest of the child.

2120 (d) To establish a significant and viable relationship
2121 with the child, the petitioner shall prove any of the
2122 following by clear and convincing evidence ~~any of the~~
2123 ~~following:~~

2124 (1)-a. The child resided with the petitioner for at
2125 least six consecutive months with or without a parent present
2126 within the three years preceding the filing of the petition.

2127 b. The petitioner was the caregiver to the child on a
2128 regular basis for at least six consecutive months within the



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2129 three years preceding the filing of the petition.

2130 c. The petitioner had frequent or regular contact with
2131 the child for at least 12 consecutive months~~that~~ which
2132 resulted in a strong and meaningful relationship with the
2133 child within the three years preceding the filing of the
2134 petition.

2135 (2) Any other facts that establish the loss of the
2136 relationship between the petitioner and the child is likely to
2137 harm the child.

2138 (e) To establish that visitation with the petitioner is
2139 in the best interest of the child, the petitioner shall prove
2140 ~~by clear and convincing evidence~~ all of the following by clear
2141 and convincing evidence:

2142 (1) The petitioner has the capacity to give the child
2143 love, affection, and guidance.

2144 (2) The loss of an opportunity to maintain a
2145 significant and viable relationship between the petitioner and
2146 the child has caused or is reasonably likely to cause harm to
2147 the child.

2148 (3) The petitioner is willing to cooperate with the
2149 parent or parents if visitation with the child is allowed.

2150 (f) The court shall make specific written findings of
2151 fact in support of its rulings.

2152 (g) (1) A grandparent or grandparents who are married to
2153 each other may not file a petition seeking an order for
2154 visitation more than once every 24 months absent a showing of
2155 good cause. The fact that a grandparent or grandparents who
2156 are married to each other have petitioned for visitation shall



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2157 not preclude another grandparent from subsequently petitioning
2158 for visitation within the 24-month period. After an order for
2159 grandparent visitation has been granted, the parent, guardian,
2160 or legal custodian of the child may file a petition requesting
2161 the court to modify or terminate a grandparent's visitation
2162 time with a grandchild.

2163 (2) The court may modify or terminate visitation upon
2164 proof that a material change in circumstances has occurred
2165 since the award of grandparent visitation was made and a
2166 finding by the court that the modification or termination of
2167 the grandparent visitation rights is in the best interest of
2168 the child.

2169 (h) The court may award any party reasonable expenses
2170 incurred by or on behalf of the party, including costs,
2171 communication expenses, ~~attorney's~~ attorney fees, guardian ad
2172 litem fees, investigative fees, expenses for court-appointed
2173 witnesses, travel expenses, and child care during the course
2174 of the proceedings.

2175 (i) ~~(1)~~ Notwithstanding any provisions of this section
2176 to the contrary, ~~a~~ a:

2177 (1) A petition filed by a grandparent having standing
2178 under Chapter ~~10A~~ 10E of Title 26, seeking visitation shall be
2179 filed in probate court and is governed by Section ~~26-10A-30~~
2180 26-10E-29, rather than by this section if either of the
2181 following circumstances exists:

2182 a. The grandchild has been the subject of an adoption
2183 proceeding other than the one creating the grandparent
2184 relationship.



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b. The grandchild is the subject of a pending or finalized adoption proceeding.

~~(2) Notwithstanding any provisions of this section to the contrary, a~~ A grandparent seeking visitation pursuant to Section 12-15-314 shall be governed by that section rather than by this section; and-

~~(3) Notwithstanding any provisions of this section to the contrary, a~~ A parent of a parent whose parental rights have been terminated by a court order in which the petitioner was the State Department of Human Resources, shall not be awarded any visitation rights pursuant to this section.

(j) The right of a grandparent to maintain visitation rights pursuant to this section terminates upon the adoption of the child except as provided by Section ~~26-10A-30~~ 26-10E-29.

(k) All of the following are necessary parties to any action filed under this section:

(1) Unless parental rights have been terminated, the parent or parents of the child.

(2) Every other person who has been awarded custody or visitation with the child pursuant to court order.

(3) Any agency having custody of the child pursuant to court order.

(l) In addition, upon filing of the action, notice shall be given to all other grandparents of the child. The petition shall affirmatively state the name and address upon whom notice has been given.

(m) Service and notice shall be made in the following



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2213 manner:

2214 (1) Service of process on necessary parties shall be
2215 made in accordance with the Alabama Rules of Civil Procedure.

2216 (2) As to any other person to whom notice is required
2217 to be given under subsection (1), notice shall be given by
2218 first class mail to the last known address of the person or
2219 persons entitled to notice. Notice shall be effective on the
2220 third day following mailing.

2221 (n) Notwithstanding the foregoing, the notice
2222 requirements provided by this section may be limited or waived
2223 by the court to the extent necessary to protect the
2224 confidentiality and the health, safety, or liberty of a person
2225 or a child.

2226 (o) Upon filing an action under this section and after
2227 giving special weight to the fundamental right of a fit parent
2228 to decide which associations are in the best interest of his
2229 or her child, the court ~~may~~, after a hearing, may enter a
2230 pendente lite order granting temporary visitation rights to a
2231 grandparent, pending a final order, if the court determines
2232 from the evidence that: (i) the petitioner has established a
2233 significant and viable relationship with the child for whom he
2234 or she is requesting visitation ; (ii) visitation would be in
2235 the best interest of the child ; and (iii) any of the
2236 following circumstances exist:

2237 (1) The child resided with the grandparent for at least
2238 six consecutive months within the three years preceding the
2239 filing of the petition.

2240 (2) The grandparent was the caregiver of the child on a



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2241 regular basis for at least six consecutive months within the
2242 three years preceding the filing of the petition.

2243 (3) The grandparent provided significant financial
2244 support for the child for at least six consecutive months
2245 within the three years preceding the filing of the petition.

2246 (4) The grandparent had frequent or regular contact
2247 with the child for at least 12 consecutive months within the
2248 three years preceding the filing of the petition.

2249 (p) As a matter of public policy, this section
2250 recognizes the importance of family and the fundamental rights
2251 of parents and children. In the context of grandparent
2252 visitation under this section, a fit parent's decision
2253 regarding whether to permit grandparent visitation is entitled
2254 to special weight due to a parent's fundamental right to make
2255 decisions concerning the rearing of his or her child.

2256 Nonetheless, a parent's interest in a child ~~must~~ shall be
2257 balanced against the long-recognized interests of the state as
2258 parens patriae. Thus, as applied to grandparent visitation
2259 under this section, this section balances the constitutional
2260 rights of parents and children by imposing an enhanced
2261 standard of review and consideration of the harm to a child
2262 caused by the parent's limitation or termination of a prior
2263 relationship of a child to his or her grandparent."

2264 Section 2. Section 26-10E-19.1 is added to the Code of
2265 Alabama 1975, to read as follows:

2266 §26-10E-19.1

2267 (a) If an adoptee is in the permanent custody of the
2268 State Department of Human Resources, no judgment for adoption



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2269 of the adoptee may be entered until the investigative report
2270 under this section has been completed and filed with the
2271 court. The investigation shall include, but is not limited to,
2272 all of the following:

2273 (1) Letters of suitability pursuant to Chapter 13 of
2274 Title 38 for each adult living in the home of the petitioner
2275 or petitioners based on the information available in this
2276 state and the petitioner's place of residence if other than
2277 this state.

2278 (2) Child abuse and neglect clearances pursuant to the
2279 Adam Walsh Child Protection and Safety Act, Public Law
2280 109-248, as amended, for all household members 14 years of age
2281 and older from any state in which any petitioner has resided
2282 in the preceding five years.

2283 (3) A printed copy of the search on the Dru Sjodin
2284 National Sex Offender Public Website for all household members
2285 14 years of age and older.

2286 (4) Six reference letters, four of which are from
2287 individuals unrelated to the petitioner or petitioners by
2288 blood or marriage. The other two reference letters shall be
2289 from individuals related to the petitioner by blood or
2290 marriage. If there are two petitioners, a member from each
2291 petitioner's family shall submit a reference letter.

2292 (5) Medical reports on all individuals living in the
2293 home and letters from prescribing doctors for any controlled
2294 substance prescriptions.

2295 (6) The financial worksheets for each petitioner for
2296 the previous tax year or a copy of the previous year's tax



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2297 returns.

2298 (7) Copies of each petitioner's birth certificate and
2299 marriage license or marriage certificate.

2300 (8) Copies of any divorce decrees and settlement
2301 agreements pursuant to the divorce, if applicable.

2302 (9) Copies of any death certificates, if applicable.

2303 (10) A written biography of each petitioner, including
2304 medical and social history.

2305 (11) A home safety inspection indicating that the home
2306 of the petitioner or petitioners is safe for the adoptee's
2307 residency.

2308 (12) Any custody orders:

2309 a. Pertaining to the adoptee;

2310 b. Pertaining to the petitioner or petitioners; or

2311 c. Pertaining to both the adoptee and the petitioner or
2312 petitioners.

2313 (13) The updated medical and mental health histories of
2314 the adoptee. This information shall also be provided to the
2315 petitioner or petitioners prior to the final judgment of
2316 adoption being entered.

2317 (14) The medical and mental health histories of the
2318 adoptee's biological parents, if their identities are known. A
2319 nonidentifying copy of this information shall be delivered to
2320 the petitioner or petitioners.

2321 (15) Any property or assets in which the adoptee has a
2322 financial interest or is otherwise entitled to receive in the
2323 future.

2324 (16) Any other circumstances that may be relevant to



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2325 the placement of the adoptee with the petitioner or
2326 petitioners.

2327 (17) Any other requirement pursuant to Title 660 of the
2328 Alabama Administrative Code or any other rule adopted by the
2329 State Department of Human Resources.

2330 (18) Any additional information required by the court
2331 in its discretion.

2332 (19) The court, in its discretion, may allow a
2333 deviation in the investigation requirements, for good cause
2334 shown, only as it relates to any household members 14 years of
2335 age and older. Good cause must be demonstrated on the record
2336 with, at minimum, an affidavit from the investigator as to why
2337 the deviation is warranted.

2338 (b) The investigative report shall be submitted in a
2339 form developed by the State Department of Human Resources in
2340 conjunction with the Alabama Probate Judges Association and
2341 the Alabama Law Institute. The investigative report shall be
2342 filed with the court prior to the hearing on the final
2343 judgment of adoption. The investigative report shall contain
2344 information obtained within 12 months preceding the hearing on
2345 the final judgment of adoption.

2346 (c) No report of fees and charges under Section
2347 26-10E-22 shall be made unless ordered by the court.

2348 (d) The required investigation shall be performed by
2349 the State Department of Human Resources.

2350 (e) When an investigation has been conducted, the
2351 investigative report shall not be conclusive but may be
2352 considered along with other evidence.



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2353 (f) The court may order the appointment of a court
2354 representative to investigate and evaluate any matters
2355 relating to adoption, including the best interest of the
2356 adoptee.

2357 (g) If applicable to the adoption, the court shall
2358 ensure compliance with the Interstate Compact on the Placement
2359 of Children, Article 2, Chapter 2 of Title 44. Proof of
2360 compliance is determined by the authorized signatures of the
2361 sending and receiving states on the Interstate Compact on the
2362 Placement of Children Request Form.

2363 Section 3. This act shall become effective on January
2364 1, 2026.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB94

Senate 12-Feb-25

I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives

Amended and passed: 29-Apr-25

Senate concurred in House amendment 01-May-25

By: Senator Orr