

SB94 INTRODUCED



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



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SYNOPSIS:

Under existing law, the Alabama Minor Adoption Code and the Alabama Adult Adoption Code provide for adoption proceedings.

This bill would further provide for the roles of the State Department of Human Resources and each county department of human resources throughout the Minor Adoption Code and the Adult Adoption Code.

This bill would revise procedures relating to the service of notice for adoption to certain parties and the notified parties' responses.

This bill would further provide procedures relating to the revocation of express consent or relinquishment for a minor adoption.

This bill would further provide for the circumstances in which an investigation relating to a minor adoption must occur and would further provide for the contents, scope, and distribution of the investigative report.

This bill would further provide procedures relating to the adoption of a minor in permanent custody of the State Department of Human Resources.

This bill would authorize certain parties, including the adoptee, to petition the court for a copy of the final judgment of adoption or the interlocutory order of adoption in certain circumstances.



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29 This bill would define the term "de facto
30 parent-child relationship" for purposes of an adult
31 adoption.

32 This bill would also delete duplicative language
33 and make nonsubstantive, technical revisions to update
34 the existing code language to current style.

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A BILL

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TO BE ENTITLED

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AN ACT

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41 Relating to adoption; to amend Sections 26-10-28,
42 26-10C-1, 26-10E-2, 26-10E-4, 26-10E-5, 26-10E-7, 26-10E-8,
43 26-10E-9, 26-10E-10, 26-10E-11, 26-10E-14, 26-10E-15,
44 26-10E-16, 26-10E-17, 26-10E-18, 26-10E-19, 26-10E-23,
45 26-10E-24, 26-10E-26, 26-10E-27, 26-10E-29, 26-10E-30,
46 26-10E-31, 26-10E-32, 26-10E-34, 26-10F-2, 26-10F-5, 26-10F-6,
47 26-10F-9, 26-10F-10, 26-10F-11, 26-10F-12, 26-10F-13,
48 26-10F-15, 26-10F-17, 30-3-4.2, Code of Alabama 1975; to
49 revise the Alabama Minor Adoption Code and the Alabama Adult
50 Adoption Code; to revise procedures relating to the adoption
51 of a minor and the availability of records relating to a minor
52 adoption; to further provide for investigations and
53 investigative reports related to minor adoptions; to revise
54 procedures related to service of notice for a minor adoption
55 and an adult adoption; to further define terms; to further
56 provide for the role of the State Department of Human



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57 Resources; to add Section 26-10E-19.1 to the Code of Alabama
58 1975, relating to investigative reports; and to make
59 nonsubstantive, technical revisions to update the existing
60 code language to current style.

61 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

62 Section 1. Sections 26-10-28, 26-10C-1, 26-10E-2,
63 26-10E-4, 26-10E-5, 26-10E-7, 26-10E-8, 26-10E-9, 26-10E-10,
64 26-10E-11, 26-10E-14, 26-10E-15, 26-10E-16, 26-10E-17,
65 26-10E-18, 26-10E-19, 26-10E-23, 26-10E-24, 26-10E-26,
66 26-10E-27, 26-10E-29, 26-10E-30, 26-10E-31, 26-10E-32,
67 26-10E-34, 26-10F-2, 26-10F-5, 26-10F-6, 26-10F-9, 26-10F-10,
68 26-10F-11, 26-10F-12, 26-10F-13, 26-10F-15, 26-10F-17, and
69 30-3-4.2, Code of Alabama 1975, are amended to read as
70 follows:

71 "§26-10-28

72 All records regarding subsidized adoption shall be
73 confidential and may be disclosed only in accordance with
74 Sections ~~26-10A-31, 26-10A-32~~ 26-10E-30, 26-10E-31, 26-10F-15,
75 26-10F-17, 38-2-6(8), and 38-7-13."

76 "§26-10C-1

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

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

83 (2) Any ~~person~~ individual who has filed with the
84 registry before or after the birth of a child born out of



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85 wedlock, a notice of intent to claim paternity of the child,
86 which includes the information required in subsection (c)
87 below.

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

93 (4) Any ~~person~~ individaul who has filed with the
94 registry an instrument acknowledging paternity pursuant to
95 Sections 26-11-1 to 26-11-3, inclusive.

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

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

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

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

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



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113 of the department.

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

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

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

121 (3) The putative father may file his notice of intent
122 to claim paternity prior to the birth of the child.

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

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

133 (f) The State Department of Human Resources shall, upon
134 request, provide the names and addresses of ~~persons~~
135 individuals listed with the registry to any court. The
136 information ~~shall~~ may not be divulged to any other person
137 except upon order of a court for good cause shown. Immediately
138 after receiving notice pursuant to Section 26-10E-17 of the
139 pendency of any adoption proceeding wherein the proposed
140 adoptee is a child born within 300 days of the date of any



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141 sexual intercourse listed in the registry and to the same
142 biological mother listed in the registry, the State~~The~~
143 Department of Human Resources shall ~~further after receiving~~
144 ~~notice pursuant to Section 26-10A-17 of the pendency of any~~
145 ~~adoption proceeding wherein the proposed adoptee is a child~~
146 ~~born within 300 days of the date or dates of sexual~~
147 ~~intercourse listed in the registry and to the same biological~~
148 ~~mother listed in the registry, immediately~~ send a copy of the
149 notice of intent to claim paternity to the court handling the
150 adoption. When the court handling the adoption receives the
151 notice of the intent to claim paternity, that court shall
152 forthwith give notice of the pendency of the adoption
153 proceeding to the putative father listed in ~~such~~ the notice of
154 intent to claim paternity and at the address therein listed,
155 and additionally notify the biological mother that the
156 putative father has registered in conformity with the putative
157 father registry.

158 (g) The State Department of Human Resources shall
159 create a form titled "Notice of Intent to Claim Paternity" to
160 be used when ~~a person~~ an individual files notice of intent to
161 claim paternity, ~~and which~~. The form shall include the
162 information required under subsection (c), the name of the
163 mother who has given birth or may give birth to a child born
164 out of wedlock, and the possible date or dates of sexual
165 intercourse.

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

168 (i) (1) Any ~~person~~ individual who claims to be the



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169 natural father of a child and fails to file his notice of
170 intent to claim paternity pursuant to subsection (a) prior to
171 or within 30 days of the birth of a child born out of wedlock,⁷
172 shall be deemed to have given an irrevocable implied consent
173 in any adoption proceeding.

174 (2) This subsection shall be the exclusive procedure
175 available for any ~~person~~ individual who claims to be the
176 natural father of a child born out of wedlock on or after
177 January 1, 1997, to entitle that person to notice of and the
178 opportunity to contest any adoption proceeding filed and
179 pending on or after January 1, 1997.

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

183 (2) ~~A person~~ An individual who knowingly or
184 intentionally releases confidential information in violation
185 of this section commits a Class A misdemeanor. However, it is
186 a defense under this subsection if the State Department of
187 Human Resources releases confidential information while
188 acting:

- 189 a. In good faith~~;~~ and
- 190 b. With reasonable diligence."

191 "§26-10E-2

192 For the purposes of this chapter, the following terms
193 have the following meanings:

194 (1) ABANDONMENT. Any of the following:

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



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197 b. The voluntary and intentional failure or refusal,
198 without good cause or excuse, to perform the duties of a
199 parent.

200 c. The voluntary and intentional relinquishment,
201 without good cause or excuse, of the custody of a minor by a
202 parent.

203 d. The voluntary and intentional withholding from the
204 minor by the parent, without good cause or excuse, of his or
205 her presence, care, love, protection, support, maintenance, or
206 display of filial affection.

207 (2) ADOPTEE. The individual being adopted.

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

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

215 (5) CONSENT. Voluntarily agreeing to adoption.

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

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

223 (8) LEGAL FATHER. A male individual whose legal status
224 as the father of the adoptee has been established through



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225 adoption, legitimation, adjudication, acknowledgment,
226 presumption, or operation of law under the laws of this or any
227 other state, and whose parental rights have not been
228 terminated.

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

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

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

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

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

249 (14) PARENT. The biological or legal mother or father
250 of the adopted minor.

251 (15) PARTY. Any individual who appears before the court
252 for the purposes of petitioning for adoption, consenting to an



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253 adoption, withdrawing a consent to adoption, contesting an
254 adoption, securing grandparent visitation rights to an
255 adoptee, or setting aside all or part of a final judgment of
256 adoption, or any other person deemed to be a party by the
257 court. This term does not include the adoptee.

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

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

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

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

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

277 "§26-10E-4

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

280 (1) The county in which the adoptee is born, resides,



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281 or has a legal domicile.

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

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

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

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

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

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

298 "§26-10E-5

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

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

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

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



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

311 (1) An adult.

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

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

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

319 (3) A bona fide resident of this state at the filing of
320 the petition for adoption or a bona fide resident of the
321 receiving state when the adoptee was born in this state and
322 was placed in compliance with Section 38-7-15 and Section
323 44-2-20 relating to the Interstate Compact on the Placement of
324 Children.

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

333 (g) No rule ~~or regulation~~ of any state department shall
334 prevent an adoption by an unmarried petitioner solely because
335 the petitioner is unmarried. No rule ~~or regulation~~ of any
336 state department shall prevent an adoption solely because the



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337 petitioner is of a certain age, except as provided in
338 subsection (e).

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

345 "§26-10E-7

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

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

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

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

355 (4) If the adoptee has no legal father, the putative
356 father if made known by the mother or is otherwise made known
357 to the court, provided he complies with Section 26-10C-1 and
358 responds within 30 days to the notice received under Section
359 26-10E-17(a).

360 (5) Any legal custodian or legal guardian of the
361 adoptee if both parents are dead or presumed dead, if the
362 rights of the parents have been terminated by judicial
363 proceedings, or if the consent of both parents is otherwise
364 not required pursuant to Section 26-10E-10, and if any legal



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365 custodian or legal guardian has authority by order of the
366 court to consent to the adoption except that the court may
367 grant the adoption without the consent of that legal custodian
368 or legal guardian if the court determines that such consent
369 was unreasonably withheld.

370 (6) The State Department of Human Resources or the
371 county department of human resources, if the minor has been
372 relinquished to it for the purposes of adoption or it
373 otherwise holds temporary or permanent custody of the minor,
374 except that the court may grant the adoption without the
375 consent of the State Department of Human Resources or the
376 county department of human resources if the adoption is in the
377 best ~~interests~~ interest of the adoptee and ~~there is a finding~~
378 ~~by~~ the court finds that the State Department of Human
379 Resources or the county department of human resources has
380 unreasonably withheld its consent.

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

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



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

398 "§26-10E-8

399 (a) Prior to a minor parent's giving express consent to
400 an adoption or executing a relinquishment for adoption, a
401 guardian ad litem ~~must~~ shall be appointed to represent the
402 ~~interests~~ interest of the minor parent whose consent is
403 required. Any minor parent, 14 years of age and older, may
404 nominate a guardian ad litem either prior to the birth of the
405 adoptee or thereafter.

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

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

416 "§26-10E-9

417 (a) A rebuttable presumption that a parent has
418 impliedly consented to the adoption or the relinquishment for
419 adoption of an adoptee arises when clear and convincing
420 evidence shows any of the following:



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421 (1) Abandonment of the adoptee by the parent during the
422 four months immediately preceding the date of the filing of
423 the petition for adoption.

424 (2) Abandonment of the biological mother by the legal
425 father or putative father ~~of the biological mother~~ by failing
426 to offer to the biological mother financial or emotional
427 support, or both, during the four months immediately preceding
428 the birth of the adoptee despite knowing or having reason to
429 know of the pregnancy.

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

433 (4) The parent voluntarily and knowingly, without good
434 cause or excuse, left the adoptee with another person without
435 personally providing support for, initiating communication
436 with, or otherwise maintaining a substantial relationship with
437 the adoptee for the four consecutive months immediately
438 preceding the date of the filing of the petition.

439 (b) A rebuttable presumption that any individual or
440 agency whose consent is required has impliedly consented to
441 the adoption, or the relinquishment for adoption, of an
442 adoptee arises when clear and convincing evidence shows that
443 the individual or agency has received notification of the
444 pendency of the adoption proceedings pursuant to Section
445 26-10E-17 and has failed to answer or otherwise respond to the
446 petition within 30 days.

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



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449 (d) A putative father who fails to file a notice of
450 intent to claim paternity of an adoptee pursuant to Section
451 26-10C-1 prior to or within 30 days of the birth of the
452 adoptee shall be deemed to have given irrevocable implied
453 consent to, or relinquishment for, the adoption of the
454 adoptee.

455 (e) At any time before the birth of the adoptee, a
456 licensed ~~child placing~~ child-placing agency, an attorney
457 representing the legal mother, or an attorney representing the
458 prospective adoptive parents may serve a putative father with
459 notice consistent with Section 26-10E-17 that the legal mother
460 is considering an adoptive placement of the unborn child in a
461 form to be developed by the Administrative Office of Courts
462 and the Alabama Law Institute. The notice shall not obligate
463 the legal mother to place the child for adoption. A putative
464 father intending to contest the adoption shall have 30 days
465 from the date of service of the notice to file an action to
466 establish his paternity of the unborn child under Section
467 26-17-611 and to register with the putative father registry
468 pursuant to Section 26-10C-1. If the notified putative father
469 fails to file this action and register with the putative
470 father registry, his failure shall be deemed an irrevocable
471 implied consent to the adoption of the child."

472 "§26-10E-10

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

476 (1) A parent of the adoptee whose rights with reference



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477 to the adoptee have been terminated by a final judgment of a
478 court of this state or any other state.

479 (2) A parent of the adoptee who has been adjudged
480 incompetent or incapacitated pursuant to law or a parent whom
481 the court finds to be mentally incapable of consenting or
482 relinquishing and whose mental disability is likely to
483 continue for so long a period that it would be detrimental to
484 the adoptee to delay adoption until restoration of the
485 parent's competency or capacity. The court ~~must~~ shall appoint
486 independent counsel or a guardian ad litem for an incompetent
487 or incapacitated parent for whom there has been no such prior
488 appointment.

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

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

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

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



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

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

513 (9) A parent of the adoptee who has been convicted of
514 child abuse or other felonious acts against the adoptee as
515 defined by the laws of this state or, if the crime occurred
516 not in this state, the jurisdiction in which the crime
517 occurred."

518 "§26-10E-11

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

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

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

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

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



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

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

548 (7) That the individual signing the document has been
549 advised and understands that his or her express consent or
550 relinquishment may be withdrawn only in the manner, and within
551 the time periods, as provided in Sections 26-10E-13 and
552 26-10E-14, and that the adoption may not be collaterally
553 attacked after the entry of the final judgment of adoption,
554 except as authorized in this chapter.

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

560 (9) The address of the court in which the petition for



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561 adoption has been or will be filed, if known, and if not
562 known, the name and address of the agency, any petitioner, or
563 the attorney of any petitioner on whom notice of the
564 withdrawal or relinquishment of express consent may be served.

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

568 (11) That the individual executing the document has
569 received or has been offered a copy of the express consent or
570 relinquishment and withdrawal form.

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

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

576 "§26-10E-14

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

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

582 (2) When, at any time before entry of the final
583 judgment of adoption, the court determines that the express
584 consent or relinquishment was obtained by fraud, duress,
585 mistake, or undue influence on the part of, or on behalf of,
586 the petitioner; provided, however, that, after one year from
587 the date of entry of the final judgment of adoption and after
588 all appeals, if any, an express consent or relinquishment may



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589 not be challenged on any ground, except in cases of fraud or
590 cases in which the adoptee has been kidnapped.

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

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

596 (1) The individual seeking to withdraw the express
597 consent or relinquishment must sign and date the withdrawal
598 form provided pursuant to Section 26-10E-12 and have the
599 withdrawal form signed by two witnesses or a notary public;
600 and, or by filing

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

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

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

611 (c) (1) A ~~The~~ petition to withdraw express consent or
612 relinquishment under subdivision (a) (1) must be filed with the
613 court in which the consent or relinquishment was listed on the
614 withdrawal form. The pending adoption shall proceed to a
615 contest as provided under Section 26-10E-23 ~~must be in~~
616 ~~writing, executed by the individual seeking to withdraw the~~



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617 ~~express consent or relinquishment, dated, and signed by two~~
618 ~~witnesses or a notary public.~~

619 (2) If a petition for adoption is filed with a court
620 and includes an express consent or relinquishment with a
621 different court listed on the withdrawal form, the probate
622 court in which the adoption proceeding is pending shall
623 contact the court listed on the withdrawal form to ascertain
624 whether a withdrawal of the express consent or relinquishment
625 has been filed. The court listed on the withdrawal form shall
626 notify the court in which the adoption proceeding is pending
627 of any subsequent filings.

628 (d) In adjudicating a petition to withdraw an express
629 consent or relinquishment under subsection (a), the court
630 shall require that the individual seeking to withdraw the
631 express consent or relinquishment shall establish the facts
632 necessary to withdraw the express consent or relinquishment by
633 a preponderance of the evidence.

634 (e) (1) If an ~~If the court directs that the~~ express
635 consent or relinquishment ~~be~~ is properly withdrawn under
636 subdivision (a)(1) and the probate court has issued an
637 interlocutory order, the interlocutory order shall be set
638 aside and, the court shall order the legal custody of the
639 minor child restored to the ~~custody of his or her parent or~~
640 ~~parents, the county department of human resources, or a~~
641 ~~licensed child placing agency, as the case may be; otherwise,~~
642 individual or agency with legal custody of the minor child
643 prior to the issuing of the interlocutor order. If the court
644 determines that an attempted withdrawal under subdivision



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645 (a) (1) fails to comply with the statutory requirements of
646 subdivision (a) (1), the court shall deny the withdrawal and
647 declare that the express consent or relinquishment is final
648 and binding.

649 (2) If an express consent or relinquishment is filed
650 under subdivision (a) (2) and the petition to withdraw is filed
651 prior to the entry of the final judgment of adoption, the
652 determination of the validity of the withdrawal shall proceed
653 pursuant to Section 26-10E-23.

654 (3) An express consent or relinquishment may be
655 withdrawn under subdivision (a) (3) if the petition for
656 adoption is denied after a contested case under Section
657 23-10E-23.

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

662 "§26-10E-15

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

672 (b) A health facility shall report to the county



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673 department of human resources, on forms supplied by the
674 ~~department~~ State Department of Human Resources, the name and
675 address of any individual and, in the case of an individual
676 acting as an agent for an organization, the name and address
677 of the organization to whose physical custody an adoptee is
678 surrendered. This report shall be transmitted to the
679 ~~department~~ State Department of Human Resources within 48 hours
680 from the surrendering of physical custody."

681 "§26-10E-16

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

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

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

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

696 (4) That the physical custody of the adoptee has been
697 placed with the petitioner or petitioners for the purpose of
698 adoption and that the adoptee has been residing with the
699 petitioner or petitioners since a specified date, or a
700 statement of good cause as to why placement and physical



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701 custody is not required or should be excused or waived.

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

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

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

713 (8) The names and addresses of all individuals or
714 agencies known to the petitioner or petitioners at the time of
715 filing from whom consents or relinquishments to the adoption
716 are required and whether the individuals or agencies have
717 given express or implied consent to the adoption.

718 (9) The names and addresses of all other individuals or
719 agencies known to the petitioner or petitioners who are
720 entitled to notice of the adoption proceedings under Section
721 26-10E-17.

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

724 (1) A government-issued document bearing photographic
725 identification of each petitioner.

726 (2) If the petitioners are married, a certified
727 document establishing proof of marriage or an affidavit of
728 their common law marriage.



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729 (3) A certified copy of the adoptee's birth certificate
730 issued within six months of the date of the filing of the
731 petition or an affidavit stating that application for the
732 birth certificate has been made. This subdivision does not
733 apply when the adoptee is in the permanent custody of the
734 State Department of Human Resources.

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

737 (5) A copy of any court orders affecting the custody,
738 visitation with, or parentage of ~~r~~ the adoptee accessible to
739 the petitioner or petitioners.

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

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

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

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



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

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

763 (3) ~~(2)~~ Whether the mother was cohabitating with a man
764 at the probable time of conception of the adoptee, and, if so,
765 the identity of the man, his last known address, and why the
766 mother contends the man is not the legal father or putative
767 father of the adoptee.

768 (4) ~~(3)~~ Whether the mother has received payments or
769 promise of support from any man with respect to the adoptee or
770 her pregnancy, and, if so, the identity of the man, his last
771 known address, and why the mother contends the man is not the
772 legal father or putative father of the adoptee.

773 (5) ~~(4)~~ Whether the mother has named any man as the
774 father on the birth certificate of the adoptee or in
775 connection with applying for or receiving public assistance,
776 and if so, the identity of the man, his last known address,
777 and why the mother contends the man is not the legal father or
778 putative father of the adoptee.

779 (6) ~~(5)~~ Whether the mother identified any man as the
780 legal father or putative father of the adoptee to any hospital
781 personnel, and, if so, the identity of the man, his last known
782 address, the name and address of the hospital, and why the
783 mother contends the man is not the legal father or putative
784 father of the adoptee.



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785 (7) ~~(6)~~ Whether the mother has informed any man that he
786 may be the legal father or putative father of the adoptee,
787 and, if so, the identity of the man, his last known address,
788 and why the mother contends the man is not the legal father or
789 putative father of the adoptee.

790 (8) ~~(7)~~ Whether any man has formally or informally
791 acknowledged or claimed paternity of the adoptee in any
792 jurisdiction at the time of the inquiry, and if so, the
793 identity of the man, his last known address, and why the
794 mother contends the man is not the legal father or putative
795 father of the adoptee.

796 (9) ~~(8)~~ That the mother has been informed ~~that~~ her
797 statement concerning the identity of the legal father or
798 putative father will be used only for the limited purpose of
799 adoption and, once the adoption is complete, that such
800 identity will be sealed.

801 (10) ~~(9)~~ That the mother acknowledges she is aware of
802 the remedies available to her for protection from abuse
803 pursuant to Chapter 5 of Title 30.

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

808 (e) Except in cases governed by Section 26-10E-26 or
809 Section 26-10E-27, the petition for adoption shall be filed
810 with the clerk of the probate court within 60 days after the
811 adoptee is physically placed with the petitioner or
812 petitioners for purposes of adoption unless the adoptee is in



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813 the custody of the State Department of Human Resources, ~~is or~~
814 a licensed ~~child-placing~~ child-placing agency, or is currently
815 receiving care in a medical facility, except that, for good
816 cause shown, a petition may be filed beyond the 60-day period.
817 In cases governed by Sections 26-10E-26 or 26-10E-27, the
818 petition may be filed at any time."

819 "§26-10E-17

820 (a) Unless notice has been previously waived as
821 provided in subsection (d), notice of the pendency of an
822 adoption proceeding shall be served by the petitioner on each
823 of the following:

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

826 (2) The legal father of the adoptee.

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

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

832 (5) ~~(4)~~ The legal custodian or guardian of the adoptee.

833 (6) ~~(5)~~ The spouse of a petitioner who is a stepparent
834 unless express consent is attached to the petition.

835 (7) ~~(6)~~ A grandparent of the adoptee if the
836 grandparent's child is a deceased parent of the adoptee and,
837 before his or her death, the deceased parent had not executed
838 an express consent or relinquishment or the deceased parent's
839 parental relationship to the adoptee had not been otherwise
840 terminated.



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841 (8) ~~(7)~~ Any person known to the petitioner or
842 petitioners as currently having physical custody of the
843 adoptee or having visitation rights with the adoptee under an
844 existing court order.

845 (9) ~~(8)~~ The agency or individual authorized to
846 investigate the adoption under Section 26-10E-19.

847 (10) ~~(9)~~ The ~~Alabama~~ State Department of Human
848 Resources.

849 (11) ~~(10)~~ If the adoptee is in foster care, the director
850 of the county department of human resources awarded ~~Department~~
851 ~~of Human Resources with~~ legal custody of the adoptee.

852 (12) ~~(11)~~ Any other person designated by the court.

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

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

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

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

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



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869 notice of the adoption proceedings.

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

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

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

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

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

893 ~~a. Service by publication.~~

894 ~~b. Posting notice in the courthouse of the court~~
895 ~~exercising jurisdiction over the adoption proceedings and in~~
896 ~~the courthouse of the probate court of the county of the~~



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897 ~~biological parents' last known address.~~

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

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

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

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

914 "§26-10E-18

915 (a) Once a petitioner or petitioners has received an
916 adoptee into his or her home for the purposes of adoption and
917 a petition for adoption has been filed, an interlocutory order
918 may be entered delegating to the petitioner or petitioners
919 both of the following:

920 (1) Physical custody, except legal custody shall be
921 retained by the county department of human resources or the
922 licensed ~~child placing~~ child-placing agency that held legal
923 custody at the time of the placement until the entry of final
924 judgment of adoption.



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

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

930 "§26-10E-19

931 (a) Except as provided in Sections 26-10E-19.1,
932 26-10E-26, and 26-10E-27, all minor adoptions shall include an
933 investigation as provided under this section. A pre-placement
934 investigation shall be completed to determine the suitability
935 of each petitioner and the home in which the adoptee will be
936 placed. The pre-placement investigation shall include a
937 criminal background investigation and any other circumstances
938 which might be relevant to the placement of an adoptee with
939 the petitioner or petitioners. The investigation ~~must~~ shall
940 include, but is not limited to, all the following:

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

949 (2) Child abuse and neglect clearances pursuant to the
950 Adam Walsh Child Protection and Safety Act, Public Law
951 109-248, as amended, for all household members 14 years of age
952 and older from any state in which any petitioner has resided



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953 in the preceding five years.

954 (3) A printed copy of the search on the Dru Sjodin
955 National Sex Offender Public Website for all household members
956 14 years of age and older.

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

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

961 (6) ~~(5)~~ Six reference letters, four of which are from
962 individuals unrelated to the petitioner or petitioners by
963 blood or marriage ~~and two~~. The other two reference letters
964 shall be from individuals related to the petitioner or
965 petitioners by blood or marriage. If there are two
966 petitioners, a member from each petitioner's family shall
967 submit a reference. ~~one related reference letter shall be~~
968 ~~written by a member of each petitioner's family.~~

969 (7) ~~(6)~~ Medical reports on all individuals living in the
970 home, and letters from ~~any~~ prescribing doctors for any
971 controlled substance prescriptions.

972 (8) ~~(7)~~ The financial worksheets for each petitioner for
973 the previous tax year or a copy of the previous year's tax
974 returns.

975 (9) ~~(8)~~ Copies of each petitioner's birth certificates
976 and marriage licenses or marriage certificates.

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

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

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



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981 (12) ~~Verification~~ The identity of who will ~~do~~
982 ~~supervisory visits, if applicable~~ perform the post-placement
983 investigation.

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

986 (14) A home safety inspection indicating that the home
987 of the petitioner or petitioners is safe for the adoptee's
988 residency.

989 (15) Any custody orders:

990 a. Pertaining to the adoptee;

991 b. Pertaining to the petitioner or petitioners; or

992 c. Pertaining to both the adoptee and the petitioner or
993 petitioners.

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

997 (17) Any additional information required by the court
998 in its discretion.

999 (b) (1) The pre-placement investigative report shall be
1000 filed with the court at the time of the filing of the petition
1001 for adoption. The information to be included in the
1002 pre-placement investigation shall be obtained within 12 months
1003 preceding the filing of the petition for adoption.

1004 (2) Upon completion of the pre-placement investigation,
1005 the person or entity performing the investigation shall send a
1006 copy of the pre-placement investigative report to the
1007 petitioner or petitioners, except that the individual or
1008 entity performing the investigation may omit the reference



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1009 letters from the copy of the pre-placement investigative
1010 report that is sent to the petitioner or petitioners.

1011 (c) In cases when an adoptee has resided in the
1012 petitioner's home prior to the filing of a petition for
1013 adoption, the information required in the pre-placement
1014 investigative report shall be included in the post-placement
1015 investigative report and cannot be waived.

1016 (d) In every adoption proceeding, after a child has
1017 been placed in the home of the petitioner or petitioners, the
1018 post-placement investigator shall observe the adoptee and
1019 interview each petitioner in his or her home as soon as
1020 possible after notice of the placement but within 45 days
1021 after the placement. The individual or entity performing the
1022 investigation shall complete and file the post-placement
1023 investigative report with the court within 60 days from
1024 receipt of notice of the proceeding and shall deliver a copy
1025 of the post-placement investigative report to each
1026 petitioner's attorney or to each petitioner appearing pro se.
1027 The post-placement investigative report shall include, but is
1028 not limited to, all of the following:

1029 (1) Full and updated physical medical evaluations of
1030 the adoptee.

1031 (2) Full and updated psychological and mental health
1032 evaluations of the adoptee, if applicable.

1033 (3) The circumstances resulting in the placement of the
1034 adoptee with the petitioners.

1035 (4) The status of adjustment of the adoptee in the
1036 home, including, but not limited to, the following:



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1037 a. The bonding of the adoptee to the household members.

1038 b. The adoptee's academic, social, and medical status.

1039 (5) Any counseling or therapeutic services involving
1040 the adoptee or petitioners, or both.

1041 (6) Any property or assets in which the adoptee has a
1042 financial interest or is otherwise entitled to receive in the
1043 future.

1044 (7) Any current orders issued by another court:

1045 a. Pertaining to the adoptee;

1046 b. Pertaining to the petitioner or petitioners; or

1047 c. Pertaining to both the adoptee and the petitioner or
1048 petitioners.

1049 (8) Updated letters of suitability, pursuant to Chapter
1050 13 of Title 38, for each adult living in the home of the
1051 petitioner or petitioners based on the information available
1052 in this state or the petitioner's place of residence if other
1053 than this state.

1054 (9) Child abuse and neglect clearances pursuant to the
1055 Adam Walsh Child Protection and Safety Act, Public Law
1056 109-248, as amended, for all household members 14 years of age
1057 and older from any state in which any petitioner has resided
1058 in the preceding five years.

1059 (10) A printed copy of the search on the Dru Sjodin
1060 National Sex Offender Public Website for all household members
1061 14 years of age and older from any state in which any
1062 petitioners have resided.

1063 (11) Any additional information required by the court
1064 in its discretion.



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1065 (e) (1) An individual or entity authorized to perform an
1066 investigation under subsection (h) who has not already
1067 performed an investigation for the pending adoption shall
1068 perform an investigation on any legal or putative parent of
1069 the adoptee in an adoption that is not a stepparent or
1070 relative adoption under Sections 26-10E-26 and 26-10E-27. This
1071 investigation shall include, but is not limited to, the
1072 medical and social history of the legal or putative parents as
1073 required by the form developed by the Alabama Probate Judges
1074 Association the Alabama Law Institute.

1075 (2) The individual or entity performing an
1076 investigation required by subdivision (1) shall submit the
1077 investigative report to the court within 60 days of the filing
1078 of the petition, and the individual or entity performing the
1079 investigation shall also deliver a nonidentifying copy of the
1080 report to the petitioner or petitioners.

1081 (3) Notwithstanding subdivisions (1) and (2), the court
1082 may require additional information or accept the required
1083 information provided in a different format.

1084 (f) Any prospective petitioner or petitioners may
1085 directly request an individual or entity listed under
1086 subsection (h) to initiate a pre-placement investigation.

1087 (g) Upon a showing of good cause and after notice to
1088 the petitioners, the court may grant extensions of time to the
1089 individual or entity performing any investigation under this
1090 section to file an investigative report. The final judgment of
1091 adoption shall not be rendered until such time as all required
1092 investigative reports are completed, filed, and determined by



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1093 the court to be sufficient. ~~An individual or married couple~~
1094 ~~may initiate a pre-placement investigation by request through~~
1095 ~~either of the following individuals:~~

1096 ~~(1) An individual authorized in the jurisdiction in~~
1097 ~~which the petitioner or petitioners reside.~~

1098 ~~(2) An individual approved by the probate court under~~
1099 ~~the qualifications of subsection (f) to perform the~~
1100 ~~pre-placement investigation.~~

1101 ~~(c) Notwithstanding subdivision (b) (1), the court on~~
1102 ~~its own motion may order the pre-placement investigation be~~
1103 ~~performed by an agency or individual other than the agency~~
1104 ~~placing the adoptee.~~

1105 ~~(d) Upon completion of the pre-placement investigation,~~
1106 ~~a copy of the pre-placement investigative report shall be sent~~
1107 ~~to the petitioner or petitioners. The pre-placement~~
1108 ~~investigative report is to be filed with the court at the time~~
1109 ~~of the filing of the petition for adoption unless the court~~
1110 ~~grants leave to file the report after the filing of the~~
1111 ~~petition for good cause shown on the record. The pre-placement~~
1112 ~~investigation must be performed within 12 months of the filing~~
1113 ~~of the petition for adoption.~~

1114 ~~(e) No judgment for the adoption of any adoptee shall~~
1115 ~~be entered until a full post-placement investigative report~~
1116 ~~has been completed and filed with the court concerning all of~~
1117 ~~the following:~~

1118 ~~(1) Why the biological parents or legal parents, if~~
1119 ~~living, desire to be relieved of the care, support, and~~
1120 ~~guardianship of the adoptee.~~



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1121 ~~(2) Whether the biological parents or legal parents~~
1122 ~~have abandoned the adoptee or are otherwise unsuited to have~~
1123 ~~custody of the adoptee.~~

1124 ~~(3) Any orders, judgments, or decrees affecting the~~
1125 ~~custody of the adoptee or any children of any petitioner as~~
1126 ~~can be determined by a due diligence search.~~

1127 ~~(4) Any property owned by the adoptee.~~

1128 ~~(5) The updated medical and mental health histories of~~
1129 ~~the adoptee. These documents shall also be provided to the~~
1130 ~~petitioner or petitioners in writing before the final decree~~
1131 ~~is entered.~~

1132 ~~(6) The updated medical and mental health histories of~~
1133 ~~the adoptee's biological parents.~~

1134 ~~(7) Any other circumstances which may be relevant to~~
1135 ~~the placement of the adoptee with the petitioner or~~
1136 ~~petitioners.~~

1137 ~~(8) The updated letters of suitability, the updated~~
1138 ~~Child Abuse and Neglect Clearances, updated criminal records~~
1139 ~~from the county in which the petitioner or petitioners have~~
1140 ~~resided for the two years prior to the finalization of the~~
1141 ~~adoption, and updated results from the National Sex Offender~~
1142 ~~Public Registry.~~

1143 ~~(9) If applicable to the adoption, the court shall~~
1144 ~~ensure compliance with the Interstate Compact for the~~
1145 ~~Placement of Children, codified as Section 44-2-20. Proof of~~
1146 ~~compliance is determined by the authorized signatures of the~~
1147 ~~sending and receiving states on the Interstate Compact on the~~
1148 ~~Placement of Children Request Form.~~



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1149 (h) Any investigation required under this section
1150 shall ~~(f) The required pre-placement and post-placement~~
1151 ~~investigations must~~ be performed by one of the following:

- 1152 (1) The State Department of Human Resources.
1153 (2) A licensed ~~child placing~~ child-placing agency.
1154 (3) A social worker licensed by the Alabama Board of
1155 Social Work Examiners who is also certified by the Alabama
1156 Board of Social Work Examiners for private independent
1157 practice in the social casework specialty, as provided in
1158 Section 34-30-3.

1159 (4) An individual or agency in the petitioner's
1160 residential state that is authorized by that state to perform
1161 such investigations.

1162 (i) ~~(g)~~ Notwithstanding ~~subdivision (f)~~ subsection (h),
1163 the court on its own motion may order ~~the post-placement~~ any
1164 investigation under this section be performed by an agency or
1165 individual other than the agency placing the adoptee when the
1166 court has cause to believe the ~~post-placement~~ investigation is
1167 insufficient.

1168 ~~(h) In every adoption proceeding, after a child has~~
1169 ~~been placed in the home of the petitioner or petitioners, the~~
1170 ~~post-placement investigator must observe the adoptee and~~
1171 ~~interview each petitioner in his or her home as soon as~~
1172 ~~possible after notice of the placement but within 45 days~~
1173 ~~after the placement.~~

1174 ~~(i) The investigator shall complete and file the~~
1175 ~~pre-placement written investigative report with the court~~
1176 ~~within 60 days from receipt of notice of the proceeding and~~



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1177 ~~shall deliver a copy of the pre-placement investigative report~~
1178 ~~to each petitioner's attorney or to each petitioner appearing~~
1179 ~~pro se. The pre-placement investigative report shall include a~~
1180 ~~verification of all allegations of the petition. The~~
1181 ~~pre-placement investigative report shall include sufficient~~
1182 ~~facts for the court to determine whether there has been~~
1183 ~~compliance with consent or relinquishment provisions of this~~
1184 ~~chapter. The post-placement investigative report shall include~~
1185 ~~all the information enumerated within subdivisions (a) (1)~~
1186 ~~through (a) (10) that was not obtained in the pre-placement~~
1187 ~~investigation required under subsection (a). The~~
1188 ~~post-placement investigative report shall be submitted in a~~
1189 ~~form developed by the Department of Human Resources in~~
1190 ~~conjunction with the Alabama Probate Judges Association and~~
1191 ~~the Alabama Law Institute.~~

1192 ~~(j) Upon a showing of good cause and after notice to~~
1193 ~~the petitioners, the court may grant extensions of time to the~~
1194 ~~investigator to file an investigative report. Notwithstanding~~
1195 ~~this extension of time, the pre-placement and post-placement~~
1196 ~~investigative reports must be filed prior to the entry of the~~
1197 ~~final judgment.~~

1198 ~~(k) Notwithstanding this section, no investigations~~
1199 ~~shall be required for those adoptions under Sections 26-10E-26~~
1200 ~~and 26-10E-27 unless ordered by the court or otherwise~~
1201 ~~required by Article VIII of Section 44-2-20.~~

1202 (j) (1) When an investigation has been conducted, the
1203 investigatory investigative report shall not be conclusive but
1204 may be considered along with other evidence.



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1205 (k) ~~(m)~~ The court may, in its discretion, order the
1206 appointment of a court representative to investigate and
1207 evaluate any matters relating to adoption, including the best
1208 ~~interests~~ interest of the adoptee

1209 (1) If applicable to the adoption, the court shall
1210 ensure compliance with the Interstate Compact on the Placement
1211 of Children, Article 2, Chapter 2 of Title 44. Proof of
1212 compliance is determined by the authorized signatures of the
1213 sending and receiving states on the Interstate Compact on the
1214 Placement of Children Request Form."

1215 "§26-10E-23

1216 (a) Upon the filing of a pleading or a motion by a
1217 party contesting the adoption, or upon transfer of a contested
1218 case pursuant to Section 26-10E-3, the court shall forthwith
1219 set the matter for a contested hearing to determine each of
1220 the following:

1221 (1) Whether the best ~~interests~~ interest of the adoptee
1222 will be served by the adoption.

1223 (2) Whether the adoptee is available for adoption by
1224 each petitioner and whether each petitioner qualifies to adopt
1225 an adoptee within the requirements of this chapter.

1226 (3) Whether all necessary express consent, implied
1227 consent, or relinquishment to the adoption have been given
1228 and, if so, are valid.

1229 (4) Whether an express consent or relinquishment has
1230 been or may be withdrawn.

1231 (b) The court shall give at least 14 days of notice of
1232 the contested hearing by United States mail to all parties who



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1233 have appeared before the court, unless notice has been waived
1234 in writing. The party contesting the adoption and each
1235 petitioner shall be present at the contested hearing. A
1236 guardian ad litem shall appear and represent the ~~interests~~
1237 interest of the adoptee. Any contestant who is an individual
1238 with a developmental disability or a minor shall also be
1239 represented by a guardian ad litem in addition to any counsel
1240 retained by the contestant.

1241 (c) The court may continue the hearing from time to
1242 time to permit notice to all parties, or to permit further
1243 discovery, observation, investigation, or consideration of any
1244 fact or circumstance affecting the granting or denial of the
1245 adoption petition. The court may order the investigator
1246 appointed under Section 26-10E-19, or a court representative,
1247 to investigate allegations underlying the contest or the
1248 whereabouts of any individual entitled to notice of the
1249 proceeding.

1250 (d) ~~After hearing evidence at a~~ At the conclusion of
1251 the contested hearing, the court shall decide the contest as
1252 soon as practicable. If it is determined by the court that the
1253 adoption petition should be denied, the court shall either
1254 transfer the case to the appropriate juvenile court pursuant
1255 to Section 26-10E-3 for the limited purpose of considering
1256 termination of parental rights or it shall enter a final
1257 judgment denying the adoption. Otherwise, the court shall
1258 enter a final judgment denying the contest and, subject to any
1259 post judgment motions and appellate proceedings, the probate
1260 court shall proceed as provided in Section 26-10E-24. The



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1261 entry of a final judgment denying a contest terminates the
1262 status of the contestant as a party to the adoption
1263 proceedings and terminates the contestant's right to notice of
1264 further adoption proceedings.

1265 (e) At the contested hearing, the court shall consider
1266 any motion of the petitioner or petitioners to obtain
1267 reimbursement for all reasonable medical and living expenses
1268 incidental to the care and well-being of the adoptee for the
1269 time the adoptee resided with the petitioner or petitioners.
1270 If the adoption is denied, the probate court, unless just
1271 cause is shown otherwise by the contestant, shall order such
1272 reimbursement.

1273 (f) (1) Following the entry of a final judgment denying
1274 a petition for adoption, the court shall enter a temporary
1275 custody order determining each of the following:

1276 a. Whether it is in the best ~~interests~~ interest of the
1277 minor child for the petitioner or petitioners to retain
1278 custody of the minor child or for the minor child to be
1279 returned to the person or agency with legal custody of the
1280 minor child prior to the filing of the petition.

1281 b. Whether a written report should be sent to the
1282 county department of human resources pursuant to Chapter 14 of
1283 Title 26 for a further determination concerning custody.

1284 (2) The custody determination shall remain in effect
1285 only until another court of competent jurisdiction enters a
1286 custodial order regarding the minor child.

1287 (g) Upon denial of a contest, the court, unless just
1288 cause is shown otherwise by the contestant, shall issue an



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1289 order for reimbursement to the petitioner or petitioners of
1290 the legal costs incurred by each petitioner incidental to the
1291 contest."

1292 "§26-10E-24

1293 (a) Once the petition for adoption and any necessary
1294 accompanying documentation has been filed, the court shall set
1295 a dispositional hearing to take place as soon as practicable,
1296 but no later than 120 days after the filing. Upon good cause
1297 shown, the court may extend the time for the dispositional
1298 hearing.

1299 (b) At the dispositional hearing, the court shall
1300 approve the adoption if it finds, based on clear and
1301 convincing evidence, all of the following:

1302 (1) The adoptee has been in the actual physical custody
1303 of the petitioner or petitioners for a period of 60 days,
1304 unless for good cause shown, this requirement is waived by the
1305 court.

1306 (2) All necessary consents, relinquishments,
1307 terminations, or waivers have been obtained and, if
1308 appropriate, filed with the court.

1309 (3) All documentation required pursuant to Section
1310 26-10E-19 or 26-10E-19.1, where applicable, has been filed
1311 with the court, unless excluded under Sections 26-10E-26 and
1312 26-10E-27.

1313 (4) Service of the notice of pendency of the adoption
1314 proceeding has been made or dispensed with as to all persons
1315 entitled to receive notice under Section 26-10E-17.

1316 (5) All contests brought under Section 26-10E-23 have



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1317 been resolved in favor of the petitioner or petitioners.

1318 (6) Each petitioner is a suitable adoptive parent and
1319 desires to establish a parent and child relationship between
1320 himself or herself and the adoptee.

1321 (7) That the best ~~interests~~ interest of the adoptee ~~are~~
1322 is served by the adoption.

1323 (8) That each petitioner has been cleared through each
1324 of the following background checks:

1325 a. Letters of suitability, pursuant to Chapter 13 of
1326 Title 38, for each adult living in the home of the petitioner
1327 or petitioners based on the information available in this
1328 state.

1329 b. Child abuse and neglect clearances pursuant to the
1330 Adam Walsh Child Protection and Safety Act, Public Law
1331 109-248, as amended, for all household members 14 years of age
1332 and older from any state in which any petitioners have resided
1333 in the preceding five years.

1334 c. A printed copy of the search on the Dru Sjodin
1335 National Sex Offender Public Website for all household members
1336 14 years of age and older. ~~The Adam Walsh Child Protection and~~
1337 ~~Safety Act, U.S. Public Law 109-248, including each of the~~
1338 ~~following:~~

1339 ~~1. State and federal criminal history.~~

1340 ~~2. Child abuse and neglect history.~~

1341 ~~3. Sex Offender Registry history.~~

1342 ~~b. Child support payment history.~~

1343 (9) That the petitioner has no known history of failure
1344 to pay child support.



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1345 (10) A sworn statement of full accounting of
1346 disbursements pursuant to Section ~~26-10E-23~~ 26-10E-22, if
1347 applicable, has been filed.

1348 (11)~~(10)~~ All other requirements of this chapter have
1349 been met.

1350 (c) The court shall enter its finding in a written
1351 final judgment of adoption, which ~~shall~~:

1352 (1) Shall also include the new name of the adoptee
1353 after adoption, except: (i) in cases of relative adoption
1354 under Section 26-10E-27 where the adoptee shares the
1355 relative's same last name; or (ii) in cases where an adoptee
1356 is 14 years of age or older and does not want to change his or
1357 her name as provided in Section 26-10E-28, provided that the
1358 final judgment may~~and shall~~ not include any other name by
1359 which the adoptee has been known or any names of the former
1360 parent~~;~~;

1361 (2) Shall~~The final judgment of adoption shall~~ further
1362 order that, from the date of the entry of judgment, the
1363 adoptee shall be the child of the petitioner or petitioners,
1364 and that the adoptee shall be accorded the status set forth in
1365 Section 26-10E-28; and

1366 (3) Shall include any other information required by
1367 federal law or federal regulation."

1368 "§26-10E-26

1369 A stepparent of the adoptee may petition for adoption
1370 of an adoptee under this chapter, except that:

1371 (1) Before the entry of the final judgment, the adoptee
1372 must have resided for a period of one year with the stepparent



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1373 petitioner.

1374 (2) a. A limited~~An~~ investigation shall be conducted to
1375 determine the suitability of the stepparent petitioner and the
1376 home in which the adoptee ~~will reside~~ resides, and the report
1377 of the investigation, which shall include ~~the information~~
1378 ~~required by subdivisions 26-10E-19(a)(1), (a)(2), and (a)(14),~~
1379 but is not limited to, all of the following:

1380 1. Excluding the legal parent of the adoptee, letters
1381 of suitability pursuant to Chapter 13 of Title 38, for each
1382 adult living in the home of the petitioner or petitioners
1383 based on the information available in this state.

1384 2. Excluding the legal parent of the adoptee, child
1385 abuse and neglect clearances pursuant to the Adam Walsh Child
1386 Protection and Safety Act, Public Law 109-248, as amended, for
1387 all household members 14 years of age and older from any state
1388 in which any petitioners have resided in the preceding five
1389 years.

1390 3. Excluding the legal parent of the adoptee, a printed
1391 copy of the search on the Dru Sjodin National Sex Offender
1392 Public Website for all household members 14 years of age and
1393 older.

1394 4. A home safety inspection indicating that the home of
1395 the petitioner or petitioners is safe for adoptee's residency.

1396 b. The limited investigation~~and which~~ may also include
1397 other information required by Section 26-10E-19~~(a)~~ as directed
1398 by the court^r. The limited investigation shall be filed with
1399 the court ~~no later than~~ within 30 days of the date of the
1400 filing of the petition.



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1401 (3) The court, in its discretion, may require
1402 additional information.

1403 (4) The investigative report shall be submitted in a
1404 form developed by the Alabama Probate Judges Association and
1405 the Alabama Law Institute. The investigative report shall
1406 contain information obtained within 12 months preceding the
1407 hearing on the final judgment of adoption.

1408 (5) The investigation shall be performed by one of the
1409 following:

1410 a. The State Department of Human Resources.

1411 b. A licensed child-placing agency.

1412 c. A social worker licensed by the Alabama Board of
1413 Social Work Examiners who is also certified by the Alabama
1414 Board of Social Work Examiners for private independent
1415 practice in the social casework specialty, as provided in
1416 Section 34-30-3.

1417 (6) Other than those individuals and entities listed in
1418 subdivision (5), the court on its own motion may order the
1419 investigation be performed by an alternative individual or
1420 entity when the court has cause to believe the investigation
1421 is insufficient.

1422 (7) When an investigation has been conducted, the
1423 investigative report shall not be conclusive but may be
1424 considered along with other evidence.

1425 (8) The court may order the appointment of a court
1426 representative to investigate and evaluate any matters
1427 relating to adoption, including the best interest of the
1428 adoptee.



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1429 (9) No report of fees and charges under Section
1430 26-10E-22 shall be made unless ordered by the court."

1431 "§26-10E-27

1432 Subject to Section 26-10E-5, a grandfather, a
1433 grandmother, a great-grandfather, a great-grandmother, a
1434 great-uncle, a great-aunt, a brother, a half-brother, a
1435 sister, a half-sister, an aunt, or an uncle of the first
1436 degree and their respective spouses, if any, may adopt a minor
1437 grandchild, a minor great-grandchild, a minor great-niece, a
1438 minor great-nephew, a minor brother, a minor half-brother, a
1439 minor sister, a minor half-sister, a minor nephew, a minor
1440 niece, in accordance with this chapter, except that:

1441 (1) Before the final judgment of adoption is entered,
1442 the adoptee must have resided for a period of one year with
1443 the petitioner or petitioners.

1444 (2) a. An investigation shall be conducted to determine
1445 the suitability of each petitioner and the home in which the
1446 adoptee will reside, and the report of the investigation,
1447 ~~which shall include the information required by subdivisions~~
1448 ~~26-10E-19(a)(1), (a)(2), and (a)(14),~~ shall include, but is
1449 not limited to, all of the following:

1450 1. Letters of suitability, pursuant to Chapter 13 of
1451 Title 38, for each adult living in the home of the petitioner
1452 or petitioners based on the information available in this
1453 state.

1454 2. Child abuse and neglect clearances pursuant to the
1455 Adam Walsh Child Protection and Safety Act, Public Law
1456 109-248, as amended, for all household members 14 years of age



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1457 and older from any state in which any petitioners have resided
1458 in the preceding five years.

1459 3. A printed copy of the search on the Dru Sjodin
1460 National Sex Offender Public Website for all household members
1461 14 years of age and older.

1462 4. A home safety inspection indicating that the home of
1463 the petitioner or petitioners is safe for adoptee's residency.

1464 b. The limited investigation~~and which~~ may also include
1465 other information required by Section 26-10E-19~~(a)~~ as directed
1466 by the court, and shall be filed with the court. The limited
1467 investigation shall be filed with the court within~~no later~~
1468 ~~than~~ 30 days of the date of the filing of the petition.

1469 (3) The court may require additional information.

1470 (4) The investigative report shall be submitted in a
1471 form developed by the Alabama Probate Judges Association and
1472 the Alabama Law Institute. The investigative report shall
1473 contain information obtained within 12 months preceding the
1474 hearing on the final judgment of adoption.

1475 (5) The investigation shall be performed by one of the
1476 following:

1477 a. The State Department of Human Resources.

1478 b. A licensed child-placing agency.

1479 c. A social worker licensed by the Alabama Board of
1480 Social Work Examiners who is also certified by the Alabama
1481 Board of Social Work Examiners for private independent
1482 practice in the social casework specialty, as provided in
1483 Section 34-30-3.

1484 (6) Other than those individuals and entities listed in



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1485 subdivision (5), the court on its own motion may order the
1486 investigation be performed by an alternative individual or
1487 entity when the court has cause to believe the investigation
1488 is insufficient.

1489 (7) When an investigation has been conducted, the
1490 investigative report shall not be conclusive but may be
1491 considered along with other evidence.

1492 (8) The court may order the appointment of a court
1493 representative to investigate and evaluate any matters
1494 relating to adoption, including the best interest of the
1495 adoptee.

1496 (9) No report of fees and charges under Section
1497 26-10E-22 shall be made unless ordered by the court."

1498 "§26-10E-29

1499 (a) A final judgment of adoption automatically vacates
1500 any judgment or order providing a grandparent visitation with
1501 an adoptee, unless the adoptee has been adopted pursuant to
1502 Section 26-10E-26 or Section 26-10E-27.

1503 (b) In an adoption case proceeding under Section
1504 26-10E-26 or Section 26-10E-27, pre-adoption or post-adoption
1505 grandparent visitation rights may be granted, maintained, or
1506 modified by the court at any time before or after the final
1507 judgment of adoption is entered if it is in the best ~~interests~~
1508 interest of the adoptee.

1509 (c) In the case of a stepparent adoption under Section
1510 26-10E-26, no grandparent visitation rights may be granted,
1511 maintained, or modified over the objection of the spouse of
1512 the adoptive stepparent absent compliance with Section



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1513 30-3-4.2. Otherwise, Section 30-3-4.2 shall not apply in a
1514 case involving an adoptee but grandparent visitation rights
1515 shall be determined based upon the best ~~interests~~ interest of
1516 the adoptee.

1517 (d) An order or judgment regarding grandparent
1518 visitation made in a case under this section may only be
1519 vacated or modified by the court that entered the order or
1520 judgment."

1521 "§26-10E-30

1522 (a) The records in adoption proceedings shall be open
1523 to inspection only to each petitioner or his or her attorney,
1524 the investigator appointed under Section 26-10E-19, any
1525 guardian ad litem appointed for the adoptee under Section
1526 26-10E-21, and any attorney retained by or appointed to
1527 represent the adoptee. These records shall be open to other
1528 persons only upon order of court for good cause shown.

1529 (b) All hearings in adoption proceedings shall be
1530 confidential and shall be held in closed court without
1531 admittance of any individual other than the parties and their
1532 counsel, except with leave of court.

1533 (c) a. Upon entry of the final judgment of adoption, all
1534 papers, pleadings, and other documents pertaining to the
1535 adoption shall be sealed, kept as a permanent record of the
1536 court, and withheld from inspection, except as otherwise
1537 provided in this section and in Section 22-9A-12(c). No
1538 individual shall have access to such records except upon order
1539 of the court in which the final judgment of adoption was
1540 entered for good cause shown, except as provided in Section



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1541 22-9A-12(c).

1542 b. Notwithstanding paragraph a., the adoptive parents,
1543 their attorney of record, or the adoptee upon reaching the age
1544 of majority as provided in Section 26-1-1 may petition the
1545 court for a hearing to obtain a copy of the final judgment of
1546 adoption or the interlocutory order of adoption.

1547 (d) When the court enters a final judgment of adoption,
1548 all licensed agencies or individuals shall send a sealed
1549 information summary sheet and the non-identifying information
1550 referred to in subsection (g) in a separate summary sheet to
1551 the State Department of Human Resources. All of the following
1552 information shall be included:

1553 (1) The birth name and adoptive name of the adoptee.

1554 (2) The date and place of birth of the adoptee, except
1555 in the case of abandonment.

1556 (3) The circumstances under which the adoptee came to
1557 be placed for adoption.

1558 (4) The physical and mental condition of the adoptee,
1559 insofar as this can be determined by the aid of competent
1560 medical authority.

1561 (5) The name and last known address, dates of birth,
1562 and Social Security numbers, if known, of the biological
1563 parents of the adoptee.

1564 (6) The age of the biological parents at the adoptee's
1565 birth.

1566 (7) The nationality, ethnic background, race, and
1567 religious preference of the biological parents of the adoptee.

1568 (8) The educational level of the biological parents of



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1569 the adoptee.

1570 (9) Any pre-adoptive brother or sister relationships of
1571 the adoptee.

1572 (10) Whether the identity and location of the
1573 biological father of the adoptee is known or ascertainable.

1574 (e) The State Department of Human Resources and the
1575 investigating agency's adoption records ~~must~~ shall be kept for
1576 a minimum term of 75 years. If a licensed ~~child placing~~
1577 child-placing agency ceases to operate in Alabama, all
1578 adoption records of the agency, including those of the
1579 adoptee, the biological family, and the adoptive family, shall
1580 be transferred to the department.

1581 (f) Except as otherwise provided in this section and in
1582 Section 22-9A-12(c), all files of the investigating office or
1583 agency appointed by the court under Section 26-10E-19 shall be
1584 confidential and shall be withheld from inspection except upon
1585 order of the court for good cause shown.

1586 (g) Notwithstanding subsection (f), the State
1587 Department of Human Resources or the licensed investigating
1588 agency appointed by the court pursuant to ~~Section 26-10E-19(b)~~
1589 ~~and (c)~~ Section 26-10E-19(f) and (i), shall furnish, upon
1590 request, to the petitioner or petitioners, the biological
1591 parents, or an adoptee 19 years of age or older,
1592 non-identifying information which shall be limited to the
1593 following:

1594 (1) The health and medical histories of the adoptee's
1595 biological parents.

1596 (2) The health and medical history of the adoptee.



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1597 (3) The adoptee's general family background, including
1598 ancestral information, without name references or geographical
1599 designations.

1600 (4) Physical descriptions of the adoptee's biological
1601 parents.

1602 (5) The length of time the adoptee was in the care and
1603 custody of anyone other than the petitioner.

1604 (6) The circumstances under which the adoptee came to
1605 be placed for adoption.

1606 (h) Notwithstanding any other provision herein, if
1607 either the legal mother or the putative or legal father before
1608 the adoption has given written consent under oath to
1609 disclosure of identifying information that is not otherwise
1610 provided in this section and in Section 22-9A-12(c), the [State](#)
1611 Department of Human Resources or a licensed ~~child placing~~
1612 [child-placing](#) agency shall release the identifying
1613 information.

1614 (i) If the court finds that any person has a compelling
1615 need for non-identifying information not otherwise available
1616 under subsection (e) which can only be obtained through
1617 contact with the adoptee, the adoptee's parents, the putative
1618 father or the legal father of the adoptee before the adoption,
1619 or the adoptee's adoptive parents, the court shall direct the
1620 agency or a mutually agreed upon intermediary to furnish the
1621 information or to establish contact with the adoptee, the
1622 adoptee's biological parents, the putative or legal father of
1623 the adoptee before the adoption, or the adoptive parents of
1624 the adoptee in order to obtain the information needed without



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1625 disclosure of identifying information to or about the
1626 applicant. The information then shall be filed with the court
1627 and released to the applicant within the discretion of the
1628 court. However, the identity and whereabouts of any
1629 individuals contacted shall remain confidential.

1630 (j) Notwithstanding any subsection of this section to
1631 the contrary, when an adoptee reaches 19 years of age, he or
1632 she may petition the court for the disclosure of identifying
1633 information which is not otherwise provided for in this
1634 section or in Section 22-9A-12(c) if a former parent has not
1635 previously given consent under subsection (h). The court shall
1636 direct an intermediary to contact the former parents to
1637 determine if they will consent to the release of identifying
1638 information. If the former parent or parents consent to the
1639 release of identifying information the court shall so direct.
1640 If the former parent or parents are deceased, cannot be found,
1641 or do not consent to the release of identifying information,
1642 the court shall weigh the interest and rights of all the
1643 parties and determine if the identifying information should be
1644 released without the consent of the former parent.

1645 (k) The court shall have jurisdiction to issue any
1646 orders deemed necessary to protect the confidentiality of the
1647 adoption or adoption proceedings, including, but not limited
1648 to, any protective order or injunction to prevent or limit the
1649 dissemination of any information contained in confidential or
1650 sealed records or any other information identifying the
1651 adoptee, the parties, or the witnesses in an adoption
1652 proceeding."



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1653 "§26-10E-31

1654 (a) Within 10 days of the final judgment being entered,
1655 the judge or the clerk of the court shall send a copy of the
1656 certified final judgment of adoption to the State Department
1657 of Human Resources electronically or by United States mail and
1658 shall send a copy of the certified final judgment of adoption
1659 to the Office of Vital Statistics electronically or by United
1660 States mail with the report of adoption in the format
1661 developed by the Office of Vital Statistics.

1662 (b) Upon receipt of a copy of a certified final
1663 judgment of adoption from the judge or the clerk of the court
1664 for an individual born in this state, the Office of Vital
1665 Statistics shall prepare a new record of birth reflecting the
1666 registrant's new name and the name of each adoptive parent as
1667 contained in the final judgment and report of adoption. The
1668 Office of Vital Statistics shall then place the evidence of
1669 adoption along with the original certificate of birth in a
1670 sealed file. A Certificate of Foreign Birth and sealed file,
1671 upon request, shall be created for a foreign-born individual
1672 adopted in a court in this state as provided in Section
1673 22-9A-12(i).

1674 (c) The new certificate of birth shall be prepared on
1675 the form or in the format prescribed by the Office of Vital
1676 Statistics following the requirements in Section 22-9A-12,
1677 Section 22-9A-19, and Title 420 of the Alabama Administrative
1678 Code, or any other rule adopted by the State Board of Health.

1679 (d) There shall be no more than two parents listed on a
1680 new or amended birth certificate. If two parents are



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1681 designated in the final judgment of adoption, those
1682 individuals are required to be married to each other at the
1683 time the final judgment of adoption is entered.

1684 (e) A new certificate of birth shall be prepared by the
1685 Office of Vital Statistics in accordance with the current laws
1686 and rules of this state following a final judgment of adoption
1687 being entered in another state, the District of Columbia, a
1688 territory of the United States, or a foreign country.

1689 (f) Except as otherwise provided by Section
1690 22-9A-12(c), after the new birth certificate has been filed,
1691 the original birth certificate and the evidence of adoption
1692 are not subject to inspection except upon order of a court of
1693 competent jurisdiction for good cause shown."

1694 "§26-10E-32

1695 Only a parent, a parent of a deceased parent, or a
1696 relative of the degree of relationship specified in Section
1697 26-10E-27, the State Department of Human Resources, a licensed
1698 ~~child-placing~~ child-placing agency, or an agency approved by
1699 the department may place, or facilitate the placement of, a
1700 minor for adoption. No person or entity other than the
1701 department or a licensed ~~child-placing~~ child-placing agency
1702 shall engage in the business of placing, or facilitating the
1703 placement of, minors for adoption. Any individual or entity
1704 making more than two separate and distinctive placements of
1705 minors who are unrelated to the petitioner or petitioners for
1706 adoption within the preceding 12-month period shall be deemed
1707 to be in the business of placing minors for adoption. Any
1708 other person who places, or facilitates the placement of, a



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1709 minor for adoption is, upon the first conviction, guilty of a
1710 Class A misdemeanor and, upon subsequent convictions, is
1711 guilty of a Class C felony. This section does not intend to
1712 make it unlawful for any person not engaged in the business of
1713 placing, or facilitating the placement of, minors for adoption
1714 to give advice and assistance to a biological parent in an
1715 adoption. In making adoption arrangements, potential adopting
1716 parents and biological parents are entitled to the advice and
1717 assistance of legal counsel. Surrogate motherhood is not
1718 intended to be covered by this section."

1719 "§26-10E-34

1720 Minors may be brought into Alabama for the purpose of
1721 adoption as provided in Sections 38-7-15 and 44-2-20, except
1722 that investigations shall be made as provided in Sections
1723 26-10E-19, 26-10E-19.1, 26-10E-26, 26-10E-27, and ~~Section~~
1724 44-2-20."

1725 "§26-10F-2

1726 (a) The definitions in the Alabama Minor Adoption Code,
1727 provided in Section 26-10E-2, are applicable for this chapter
1728 and have the same meaning whenever used in this chapter except
1729 where the context clearly indicates a different meaning.

1730 (b) For the purposes of this chapter, a de facto
1731 parent-child relationship is formed when the petitioner or
1732 petitioners have been the primary caregiver for an adoptee and
1733 have provided the primary financial support for that adoptee
1734 during the time that the adoptee resided with that petitioner
1735 or petitioners during the adoptee's minority."

1736 "§26-10F-5



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1737 (a) Any adult individual may petition the court to
1738 adopt an adult as provided in this chapter.

1739 (b) Any married couple, both of whom are adults, may
1740 jointly petition the court to adopt an adult as provided in
1741 this chapter. An adult who is married may not petition to
1742 adopt another adult unless the petition for adoption is filed
1743 jointly by his or her spouse, unless that spouse is the
1744 biological or legal parent of the adult sought to be adopted.

1745 (c) Unless the adoptee is biologically related to the
1746 petitioner or petitioners, any petitioner seeking to adopt
1747 another adult ~~must~~ shall be at least 10 years older than the
1748 adoptee, unless waived by the court for good cause shown.

1749 (d) An adult may only be adopted as provided in this
1750 chapter and for the establishment of a legal parent-child
1751 relationship.

1752 (e) The State Department of Human Resources shall
1753 provide by rule the process through which an individual
1754 seeking to participate in foster care or adoption may apply
1755 for an exemption from any vaccination requirement for
1756 religious or other appropriate reason for himself, herself, or
1757 any other individual in his or her household."

1758 "§26-10F-6

1759 An adult may be adopted under any of the following
1760 conditions:

1761 (1) He or she is an individual with a total and
1762 permanent disability.

1763 (2) He or she has been determined to be an
1764 incapacitated person as defined in Section 26-2A-20.



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1765 (3) He or she consents in writing to be adopted and is
1766 related in any degree of kinship to the petitioner or
1767 petitioners, as defined by the intestacy laws of Alabama, or
1768 is a stepchild or former stepchild by marriage.

1769 (4) He or she had been in a de facto parent-child
1770 relationship with each petitioner for at least one year during
1771 the minority of the adoptee ~~for at least one year preceding~~
1772 ~~the filing of the petition,~~ and each petitioner has maintained
1773 a continuous familial relationship with the adoptee. This
1774 provision shall include, but is not limited to, a foster
1775 parent relationship with the adoptee."

1776 "§26-10F-9

1777 (a) Unless service has been previously waived, notice
1778 of pendency of the adoption proceeding shall be served by the
1779 petitioner on each of the following:

1780 (1) Any individual whose consent is required by Section
1781 26-10F-7.

1782 (2) Any legally appointed custodian or guardian of the
1783 adoptee.

1784 (3) The spouse of the adoptee, if the adoptee is
1785 married.

1786 (4) Any biological or legal parent of the adoptee.

1787 (5) Any individual or entity known to any petitioner as
1788 currently having physical custody of the adoptee, if the
1789 adoptee is alleged to be an individual with a total and
1790 permanent disability or alleged to be an incapacitated person.

1791 (6) The State Department of Human Resources.

1792 (7) Any other individual designated by the court.



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1793 (b) A copy of the notice for adoption shall be served
1794 upon those individuals or agencies provided in subsection (a).
1795 The form for the notice shall be developed jointly by the
1796 Administrative Office of Courts and the Alabama Law Institute.

1797 (c) ~~Service of the notice shall be made in the~~
1798 ~~following manner:~~

1799 ~~(1) Service of process shall be made in accordance with~~
1800 ~~the Alabama Rules of Civil Procedure. If notice cannot be~~
1801 ~~perfected in accordance with the Alabama Rules of Civil~~
1802 ~~Procedure, the court may order an alternative method of~~
1803 ~~notice.~~ ~~If the identity or whereabouts of the person whose~~
1804 ~~consent is required under this chapter is unknown, the court~~
1805 ~~shall then issue an order providing for service by~~
1806 ~~publication, by posting, or by any other substituted service.~~

1807 ~~(2) As to the agency or individual referred to in~~
1808 ~~subsection (a)(6), notice shall be by certified mail.~~

1809 ~~(3) As to any other individual or entity for whom~~
1810 ~~notice is required under subsection (a)(7), service by~~
1811 ~~certified mail, return receipt requested, shall be sufficient.~~
1812 ~~If such service cannot be completed after two attempts, the~~
1813 ~~court shall issue an order providing for service by~~
1814 ~~publication, by posting, or by any other authorized~~
1815 ~~substituted service.~~

1816 (d) The notice required by this section may be waived
1817 in writing by the ~~person~~ individual or entity entitled to
1818 receive notice.

1819 (e) Proof of service of the notice on all persons for
1820 whom notice is required by this section ~~must~~ shall be filed



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1821 with the court before the dispositional hearing provided in
1822 Section 26-10F-13."

1823 "§26-10F-10

1824 (a) All consents ~~must~~ shall be acknowledged in open
1825 court, unless waived by the court for good cause shown.

1826 (b) If a guardian ad litem has been appointed for the
1827 adult sought to be adopted, the following procedures apply:

1828 (1) The guardian ad litem shall file with the court a
1829 written report stating the basis for the decision to give or
1830 withhold consent.

1831 (2) The court shall hold a hearing to allow all parties
1832 to present evidence as to whether it would be in the best
1833 ~~interests~~ interest of the adult person to be adopted by the
1834 petitioner or petitioners.

1835 (c) If the court determines upon clear and convincing
1836 evidence that the decision to withhold consent by the guardian
1837 ad litem is arbitrary and is not in the best ~~interests~~
1838 interest of the incapacitated person, the court may proceed to
1839 make any other orders it deems necessary for the adult
1840 person's welfare, including granting the petition for
1841 adoption."

1842 "§26-10F-11

1843 (a) No investigation shall be required in any adult
1844 adoption unless ordered by the court to determine if the best
1845 ~~interests~~ interest of the adoptee will be served by granting
1846 the petition for adoption. The court shall determine the scope
1847 of the investigation.

1848 (b) If the probate court in which a petition for the



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1849 adoption of an adult is filed considers an investigation to be
1850 a necessity, the probate court may order either of the
1851 following:

1852 (1) The type of investigation that is conducted in an
1853 adoption of a minor adoptee, pursuant to ~~Section~~ Sections
1854 26-10E-19, 26-10E-9.1, 26-10E-26, and 26-10E-27.

1855 (2) Any other inquiry that the court considers
1856 advisable.

1857 (c) Any investigation ordered by the court shall be
1858 performed by the State Department of Human Resources or anyone
1859 appointed by the court who the court deems as qualified and
1860 appropriate based on the scope of the investigation."

1861 "§26-10F-12

1862 (a) Upon the filing of a pleading or a motion by a
1863 party contesting the adoption, the probate court may not
1864 transfer the case or any part of the case to another court of
1865 this state, and shall forthwith set the matter for a contested
1866 hearing to determine each of the following:

1867 (1) Whether the best ~~interests~~ interest of the adoptee
1868 will be served by the adoption.

1869 (2) Whether the adoptee is available for adoption by
1870 each petitioner and whether each petitioner qualifies to adopt
1871 the adoptee within the requirements of this chapter.

1872 (3) Whether all necessary consent has been given and,
1873 if so, the validity of each consent.

1874 (4) Whether an express consent has been or may be
1875 withdrawn.

1876 (b) The court shall give at least 14 days notice of the



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1877 contested hearing by United States mail to all parties who
1878 have appeared before the court unless notice has been waived
1879 in writing. The party contesting the adoption and each
1880 petitioner shall be present at the contested hearing. A
1881 guardian ad litem shall appear and represent the ~~interests~~
1882 interest of the adoptee. Any contestant who is an
1883 incapacitated person shall also be represented by a guardian
1884 ad litem in addition to any counsel retained by the
1885 contestant.

1886 (c) The court may continue the hearing from time to
1887 time to permit notice to all parties, or to permit further
1888 discovery, observation, investigation, or consideration of any
1889 fact or circumstance affecting the granting or denial of the
1890 adoption petition. The court may order the investigator
1891 appointed under Section 26-10F-11, or a court representative
1892 to investigate allegations underlying the contest or the
1893 whereabouts of any person entitled to notice of the
1894 proceeding.

1895 (d) ~~After hearing evidence at a~~ At the conclusion of
1896 the contested hearing, the court shall decide the contest as
1897 soon as practicable. If it is determined by the court that the
1898 adoption petition should be denied, the court shall enter a
1899 final judgment denying the contest. The entry of a final
1900 judgment denying a contest terminates the status of the
1901 contestant as a party to the adoption proceedings and
1902 terminates the contestant's right to notice of further
1903 adoption proceedings.

1904 (e) At the contested hearing, the court shall consider



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1905 any motion of the petitioner or petitioners to obtain
1906 reimbursement for all reasonable medical and living expenses
1907 incidental to the care and well-being of the adoptee for the
1908 time the adoptee resided with the petitioner or petitioners
1909 where the adoptee is an incapacitated adult. If the adoption
1910 is denied, the probate court shall, unless just cause is shown
1911 otherwise by the contestant, order such reimbursement.

1912 (f) Upon denial of a contest, the court, unless just
1913 cause is shown otherwise by the contestant, shall issue an
1914 order for reimbursement to the petitioner or petitioners of
1915 the legal costs incurred by each petitioner incidental to the
1916 contest."

1917 "§26-10F-13

1918 (a) The petition for adoption shall be set for a
1919 dispositional hearing within a reasonable period after the
1920 filing of the petition and all necessary documents, including
1921 an investigative report if ordered by the court.

1922 (b) The court shall enter an order establishing a date,
1923 time, and place for the hearing on the petition, and each
1924 petitioner and the individual to be adopted shall appear at
1925 the hearing in person. If the court determines that such
1926 appearance is impossible or impractical, appearance may be
1927 made by electronic means, upon good cause shown to the court.

1928 (c) At the dispositional hearing, the court shall grant
1929 a final judgment of adoption if it finds each of the following
1930 based on clear and convincing evidence:

1931 (1) The adoptee meets one of the qualifications under
1932 Section 26-10F-6.



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1933 (2) The required consents and all other necessary
1934 documents have been properly executed and have been filed with
1935 the court. The necessary documents shall include, but are not
1936 limited to, each of the following:

1937 a. The petition for adoption.

1938 b. All required consents.

1939 c. Proof of service of notice on all persons required
1940 to receive notice.

1941 d. Marriage certificates of the petitioners and
1942 adoptee, if applicable.

1943 e. Copies of certified birth certificates or the
1944 equivalent thereof of each petitioner and adoptee, issued
1945 within six months of the filing of the petition.

1946 f. The Alabama Report of Adoption Form.

1947 g. Proof of incapacity or total and permanent
1948 disability, if applicable.

1949 h. Proof of kinship or a de facto parent and child
1950 relationship pursuant to Section 26-10F-6, if applicable.

1951 i. Any other documentation required by the court.

1952 (3) Any contests have been resolved in favor of the
1953 petitioner or petitioners.

1954 (4) That each petitioner is a suitable adopting parent
1955 and desires to establish a legal parent and child relationship
1956 between himself or herself and the adoptee.

1957 (5) That all parties, to the best of their ability,
1958 understand the significance and ramifications of the adoption
1959 and are not acting under duress, coercion, or undue influence.

1960 (6) That the best ~~interests~~ interest of the adoptee ~~are~~



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1961 is served by the adoption and that there is no reason in the
1962 public interest or otherwise why the petition should not be
1963 granted.

1964 (7) That all other requirements of this chapter have
1965 been met.

1966 (d) If all the requirements of subsection ~~(b)~~ (c) are
1967 met, the court may enter its finding in a written final
1968 judgment of adoption, granting the petition for adoption.

1969 (e) The final judgment of adoption shall terminate the
1970 parent and child relationship of one or both of the legal
1971 parents of the adoptee and shall order the substitution of the
1972 name of each legal parent whose relationship has been
1973 terminated on the amended birth certificate with the name of
1974 each petitioner. There shall be no more than two individuals
1975 named as petitioner.

1976 (f) If the court grants the adoptee's request for a new
1977 name, the adoptee's new name shall be included in the final
1978 judgment of adoption and placed on the amended birth
1979 certificate.

1980 (g) The final judgment of adoption shall further order
1981 that from the date of the judgment of adoption, the adoptee
1982 shall be the child of the petitioner or petitioners, and that
1983 the adoptee shall be accorded the status set forth in Section
1984 26-10F-16(b).

1985 (h) A final judgment of adoption may not be
1986 collaterally attacked after the expiration of one year from
1987 the entry of the final judgment of adoption, and after all
1988 appeals, if any, except in each of the following situations:



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1989 (1) Fraud relating to the adoption proceedings.

1990 (2) The adoptee has been kidnapped.

1991 (3) An adoptive parent subsequent to the final judgment
1992 of adoption has been convicted of a sexual offense, as
1993 provided in Section 15-20A-5, involving the adoptee."

1994 "§26-10F-15

1995 (a) If determined to be in the best ~~interests~~ interest
1996 of the adoptee or parties, the court may determine a hearing
1997 shall be closed.

1998 (b) Upon motion by the adoptee or parties and for good
1999 cause shown, the court shall have jurisdiction to issue any
2000 orders deemed necessary to protect the confidentiality of the
2001 adoption or adoption proceedings, including, but not limited
2002 to, any protective order or injunction to prevent or limit the
2003 dissemination of any information contained in confidential or
2004 sealed records or any other information identifying the
2005 adoptee, the parties, or the witnesses in an adoption
2006 proceeding. Part or all of the record may also be sealed
2007 pursuant to procedure established by applicable statute, rule,
2008 and existing case law.

2009 (c) When the court enters a final judgment of adoption,
2010 the court shall send a copy of the certified final judgment of
2011 adoption to the State Department of Human Resources in the
2012 manner prescribed by Section 26-10F-17(a)."

2013 "§26-10F-17

2014 (a) Within 10 days of the final judgment being entered,
2015 the judge or the clerk of the court shall send a copy of the
2016 certified final judgment of adoption to the State Department



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2017 of Human Resources electronically or by United States mail and
2018 shall send a copy of the certified final judgment of adoption
2019 to the Office of Vital Statistics electronically or by United
2020 States mail with the report of adoption in the format
2021 developed by the Office of Vital Statistics.

2022 (b) Upon receipt of a copy of any certified final
2023 judgment of adoption from the judge or the clerk of the court
2024 for an individual born in this state, the Office of Vital
2025 Statistics shall prepare an amended record of birth reflecting
2026 the registrant's new name and the name of each adopting parent
2027 as contained in the final judgment and report of adoption. The
2028 original birth certificate or evidence of adoption may not be
2029 sealed unless otherwise ordered by the court granting the
2030 adoption. If the court orders the documents to be sealed, the
2031 adoptee may request the original birth certificate and
2032 evidence of adoption as provided by Section 22-9A-12(c).

2033 (c) Upon receipt of a copy of a certified final
2034 judgment of adoption from the judge or the clerk of the court
2035 for a foreign-born individual adopted in a court in this
2036 state, the Office of Vital Statistics, upon request, shall
2037 create a Certificate of Foreign Birth and sealed file as
2038 provided in Section 22-9A-12(i)."

2039 "§30-3-4.2

2040 (a) For the purposes of this section, the following
2041 ~~words~~ terms have the following meanings:

2042 (1) GRANDPARENT. The parent of a parent, whether the
2043 relationship is created biologically or by adoption.

2044 (2) HARM. A finding by the court, by clear and



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2045 convincing evidence, that without court-ordered visitation by
2046 the grandparent, the child's emotional, mental, or physical
2047 well-being has been, could reasonably be, or would be
2048 jeopardized.

2049 (b) A grandparent may: (i) file an original action in a
2050 circuit court where his or her grandchild resides or any other
2051 court exercising jurisdiction with respect to the grandchild;
2052 or (ii) file a motion to intervene in any action when any
2053 court in this state has before it any issue concerning custody
2054 of the grandchild, including a domestic relations proceeding
2055 involving the parent or parents of the grandchild, for
2056 reasonable visitation rights with respect to the grandchild if
2057 any of the following circumstances exist:

2058 (1) An action for a divorce or legal separation of the
2059 parents has been filed, or the marital relationship between
2060 the parents of the child has been severed by death or divorce.

2061 (2) The child was born out of wedlock and the
2062 petitioner is a maternal grandparent of the child.

2063 (3) The child was born out of wedlock, the petitioner
2064 is a paternal grandparent of the child, and paternity has been
2065 legally established.

2066 (4) An action to terminate the parental rights of a
2067 parent or parents has been filed or the parental rights of a
2068 parent has been terminated by court order; provided, however,
2069 the right of the grandparent to seek visitation terminates if
2070 the court approves a petition for adoption by an adoptive
2071 parent, unless the visitation rights are allowed pursuant to
2072 Section ~~26-10A-30.~~ 26-10E-29.



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2073 (c) (1) There is a rebuttable presumption that a fit
2074 parent's decision to deny or limit visitation to the
2075 petitioner is in the best interest of the child.

2076 (2) To rebut the presumption, the petitioner shall
2077 prove both of the following by clear and convincing evidence,
2078 ~~both of the following~~:

2079 a. The petitioner has established a significant and
2080 viable relationship with the child for whom he or she is
2081 requesting visitation.

2082 b. Visitation with the petitioner is in the best
2083 interest of the child.

2084 (d) To establish a significant and viable relationship
2085 with the child, the petitioner shall prove any of the
2086 following by clear and convincing evidence ~~any of the~~
2087 ~~following~~:

2088 (1) ~~a.~~ The child resided with the petitioner for at
2089 least six consecutive months with or without a parent present
2090 within the three years preceding the filing of the petition.

2091 b. The petitioner was the caregiver to the child on a
2092 regular basis for at least six consecutive months within the
2093 three years preceding the filing of the petition.

2094 c. The petitioner had frequent or regular contact with
2095 the child for at least 12 consecutive months ~~that~~ which
2096 resulted in a strong and meaningful relationship with the
2097 child within the three years preceding the filing of the
2098 petition.

2099 (2) Any other facts that establish the loss of the
2100 relationship between the petitioner and the child is likely to



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2101 harm the child.

2102 (e) To establish that visitation with the petitioner is
2103 in the best interest of the child, the petitioner shall prove
2104 ~~by clear and convincing evidence~~ all of the following by clear
2105 and convincing evidence:

2106 (1) The petitioner has the capacity to give the child
2107 love, affection, and guidance.

2108 (2) The loss of an opportunity to maintain a
2109 significant and viable relationship between the petitioner and
2110 the child has caused or is reasonably likely to cause harm to
2111 the child.

2112 (3) The petitioner is willing to cooperate with the
2113 parent or parents if visitation with the child is allowed.

2114 (f) The court shall make specific written findings of
2115 fact in support of its rulings.

2116 (g) (1) A grandparent or grandparents who are married to
2117 each other may not file a petition seeking an order for
2118 visitation more than once every 24 months absent a showing of
2119 good cause. The fact that a grandparent or grandparents who
2120 are married to each other have petitioned for visitation shall
2121 not preclude another grandparent from subsequently petitioning
2122 for visitation within the 24-month period. After an order for
2123 grandparent visitation has been granted, the parent, guardian,
2124 or legal custodian of the child may file a petition requesting
2125 the court to modify or terminate a grandparent's visitation
2126 time with a grandchild.

2127 (2) The court may modify or terminate visitation upon
2128 proof that a material change in circumstances has occurred



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2129 since the award of grandparent visitation was made and a
2130 finding by the court that the modification or termination of
2131 the grandparent visitation rights is in the best interest of
2132 the child.

2133 (h) The court may award any party reasonable expenses
2134 incurred by or on behalf of the party, including costs,
2135 communication expenses, ~~attorney's~~ attorney fees, guardian ad
2136 litem fees, investigative fees, expenses for court-appointed
2137 witnesses, travel expenses, and child care during the course
2138 of the proceedings.

2139 (i) ~~(1)~~ Notwithstanding any provisions of this section
2140 to the contrary, ~~a~~ a:

2141 (1) A petition filed by a grandparent having standing
2142 under Chapter ~~10A~~ 10E of Title 26, ~~seeking~~ visitation shall be
2143 filed in probate court and is governed by Section ~~26-10A-30~~
2144 26-10E-29, rather than by this section if either of the
2145 following circumstances exists:

2146 a. The grandchild has been the subject of an adoption
2147 proceeding other than the one creating the grandparent
2148 relationship.

2149 b. The grandchild is the subject of a pending or
2150 finalized adoption proceeding.

2151 ~~(2) Notwithstanding any provisions of this section to~~
2152 ~~the contrary, a~~ A grandparent seeking visitation pursuant to
2153 Section 12-15-314 shall be governed by that section rather
2154 than by this section; ~~and~~.

2155 ~~(3) Notwithstanding any provisions of this section to~~
2156 ~~the contrary, a~~ A parent of a parent whose parental rights



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2157 have been terminated by a court order in which the petitioner
2158 was the State Department of Human Resources, shall not be
2159 awarded any visitation rights pursuant to this section.

2160 (j) The right of a grandparent to maintain visitation
2161 rights pursuant to this section terminates upon the adoption
2162 of the child except as provided by Section ~~26-10A-30~~
2163 26-10E-29.

2164 (k) All of the following are necessary parties to any
2165 action filed under this section:

2166 (1) Unless parental rights have been terminated, the
2167 parent or parents of the child.

2168 (2) Every other person who has been awarded custody or
2169 visitation with the child pursuant to court order.

2170 (3) Any agency having custody of the child pursuant to
2171 court order.

2172 (1) In addition, upon filing of the action, notice
2173 shall be given to all other grandparents of the child. The
2174 petition shall affirmatively state the name and address upon
2175 whom notice has been given.

2176 (m) Service and notice shall be made in the following
2177 manner:

2178 (1) Service of process on necessary parties shall be
2179 made in accordance with the Alabama Rules of Civil Procedure.

2180 (2) As to any other person to whom notice is required
2181 to be given under subsection (1), notice shall be given by
2182 first class mail to the last known address of the person or
2183 persons entitled to notice. Notice shall be effective on the
2184 third day following mailing.



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2185 (n) Notwithstanding the foregoing, the notice
2186 requirements provided by this section may be limited or waived
2187 by the court to the extent necessary to protect the
2188 confidentiality and the health, safety, or liberty of a person
2189 or a child.

2190 (o) Upon filing an action under this section, ~~and~~ and after
2191 giving special weight to the fundamental right of a fit parent
2192 to decide which associations are in the best interest of his
2193 or her child, the court ~~may~~, after a hearing, may enter a
2194 pendente lite order granting temporary visitation rights to a
2195 grandparent, pending a final order, if the court determines
2196 from the evidence that: (i) the petitioner has established a
2197 significant and viable relationship with the child for whom he
2198 or she is requesting visitation; (ii) visitation would be in
2199 the best interest of the child; and (iii) any of the
2200 following circumstances exist:

2201 (1) The child resided with the grandparent for at least
2202 six consecutive months within the three years preceding the
2203 filing of the petition.

2204 (2) The grandparent was the caregiver of the child on a
2205 regular basis for at least six consecutive months within the
2206 three years preceding the filing of the petition.

2207 (3) The grandparent provided significant financial
2208 support for the child for at least six consecutive months
2209 within the three years preceding the filing of the petition.

2210 (4) The grandparent had frequent or regular contact
2211 with the child for at least 12 consecutive months within the
2212 three years preceding the filing of the petition.



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2213 (p) As a matter of public policy, this section
2214 recognizes the importance of family and the fundamental rights
2215 of parents and children. In the context of grandparent
2216 visitation under this section, a fit parent's decision
2217 regarding whether to permit grandparent visitation is entitled
2218 to special weight due to a parent's fundamental right to make
2219 decisions concerning the rearing of his or her child.
2220 Nonetheless, a parent's interest in a child ~~must~~ shall be
2221 balanced against the long-recognized interests of the state as
2222 parens patriae. Thus, as applied to grandparent visitation
2223 under this section, this section balances the constitutional
2224 rights of parents and children by imposing an enhanced
2225 standard of review and consideration of the harm to a child
2226 caused by the parent's limitation or termination of a prior
2227 relationship of a child to his or her grandparent."

2228 Section 2. Section 26-10E-19.1 is added to the Code of
2229 Alabama 1975, to read as follows:

2230 §26-10E-19.1

2231 (a) If an adoptee is in the permanent custody of the
2232 State Department of Human Resources, no judgment for adoption
2233 of the adoptee may be entered until the investigative report
2234 under this section has been completed and filed with the
2235 court. The investigation shall include, but is not limited to,
2236 all of the following:

2237 (1) Letters of suitability pursuant to Chapter 13 of
2238 Title 38 for each adult living in the home of the petitioner
2239 or petitioners based on the information available in this
2240 state and the petitioner's place of residence if other than



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2241 this state.

2242 (2) Child abuse and neglect clearances pursuant to the
2243 Adam Walsh Child Protection and Safety Act, Public Law
2244 109-248, as amended, for all household members 14 years of age
2245 and older from any state in which any petitioner has resided
2246 in the preceding five years.

2247 (3) A printed copy of the search on the Dru Sjodin
2248 National Sex Offender Public Website for all household members
2249 14 years of age and older.

2250 (4) Six reference letters, four of which are from
2251 individuals unrelated to the petitioner or petitioners by
2252 blood or marriage. The other two reference letters shall be
2253 from individuals related to the petitioner by blood or
2254 marriage. If there are two petitioners, a member from each
2255 petitioner's family shall submit a reference letter.

2256 (5) Medical reports on all individuals living in the
2257 home and letters from prescribing doctors for any controlled
2258 substance prescriptions.

2259 (6) The financial worksheets for each petitioner for
2260 the previous tax year or a copy of the previous year's tax
2261 returns.

2262 (7) Copies of each petitioner's birth certificate and
2263 marriage license or marriage certificate.

2264 (8) Copies of any divorce decrees and settlement
2265 agreements pursuant to the divorce, if applicable.

2266 (9) Copies of any death certificates, if applicable.

2267 (10) A written biography of each petitioner, including
2268 medical and social history.



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2269 (11) A home safety inspection indicating that the home
2270 of the petitioner or petitioners is safe for the adoptee's
2271 residency.

2272 (12) Any custody orders:

2273 a. Pertaining to the adoptee;

2274 b. Pertaining to the petitioner or petitioners; or

2275 c. Pertaining to both the adoptee and the petitioner or
2276 petitioners.

2277 (13) The updated medical and mental health histories of
2278 the adoptee. This information shall also be provided to the
2279 petitioner or petitioners prior to the final judgment of
2280 adoption being entered.

2281 (14) The medical and mental health histories of the
2282 adoptee's biological parents, if their identities are known. A
2283 nonidentifying copy of this information shall be delivered to
2284 the petitioner or petitioners.

2285 (15) Any property or assets in which the adoptee has a
2286 financial interest or is otherwise entitled to receive in the
2287 future.

2288 (16) Any other circumstances that may be relevant to
2289 the placement of the adoptee with the petitioner or
2290 petitioners.

2291 (17) Any other requirement pursuant to Title 660 of the
2292 Alabama Administrative Code or any other rule adopted by the
2293 State Department of Human Resources.

2294 (18) Any additional information required by the court
2295 in its discretion.

2296 (b) The investigative report shall be submitted in a



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2297 form developed by the State Department of Human Resources in
2298 conjunction with the Alabama Probate Judges Association and
2299 the Alabama Law Institute. The investigative report shall be
2300 filed with the court prior to the hearing on the final
2301 judgment of adoption. The investigative report shall contain
2302 information obtained within 12 months preceding the hearing on
2303 the final judgment of adoption.

2304 (c) No report of fees and charges under Section
2305 26-10E-22 shall be made unless ordered by the court.

2306 (d) The required investigation shall be performed by
2307 the State Department of Human Resources.

2308 (e) When an investigation has been conducted, the
2309 investigative report shall not be conclusive but may be
2310 considered along with other evidence.

2311 (f) The court may order the appointment of a court
2312 representative to investigate and evaluate any matters
2313 relating to adoption, including the best interest of the
2314 adoptee.

2315 (g) If applicable to the adoption, the court shall
2316 ensure compliance with the Interstate Compact on the Placement
2317 of Children, Article 2, Chapter 2 of Title 44. Proof of
2318 compliance is determined by the authorized signatures of the
2319 sending and receiving states on the Interstate Compact on the
2320 Placement of Children Request Form.

2321 Section 3. This act shall become effective on January
2322 1, 2026.