Law of Georgia
On Adoption and Foster Care

Chapter I

General Provisions

Article 1. Goals and scope of regulation of the Law

1. The Goals of this Law are: based on the principles recognized by the Constitution of Georgia, international Treaties and Agreements of Georgia and other Normative Acts of Georgia, to facilitate exercising of the preferential right of upbringing of children in a family environment, to ensure efficient functioning of the system of adoption and foster care and protection of the rights of all persons participating in the procedures of adoption and foster care, to support effective implementation of the procedures of adoption and foster care by authorized bodies on the territory of Georgia.

2. This Law establishes the rule, conditions and procedures for adoption and foster care of underage citizens of Georgia or non-citizens permanently residing in Georgia, as well as regulates the relations, which arise during their implementation between the state and the adoptive/foster family.

Article 2. Scope of regulation of the Law

This Law extends to citizens of Georgia, non-citizens permanently residing in Georgia and citizens of foreign countries, who wish to adopt or bring up in foster care underage citizens of Georgia or non-citizens permanently residing in Georgia, as well as to those citizens of Georgia or non-citizens permanently residing in Georgia, who, in compliance with this Law, are subject to adoption or foster care.

Article 3. Legal grounds of adoption and foster care

The legal grounds of adoption and foster care are: the Constitution of Georgia, international Treaties and Agreements of Georgia, including the UN Convention on the Rights of the Child, the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, the Civil Code of Georgia, the Law of Georgia On Social Assistance, this Law and other legislative Acts.

Article 4. Definition of terms

For the purposes of this Law, the terms used in it shall have the following meaning:
a) Emergency foster care – foster care while taking into account the interests of the child, in compliance with the rule established by the Minister of Labour, Health and Social Affairs of Georgia, during which an assessment of compatibility of the child to be placed in foster care and the foster family is not carried out;

b) Child to be adopted – person aged under 18, who, in compliance with this Law, is registered in the Registry of children to be adopted and adoptive parents;

c) Registry of children to be adopted and adoptive parents (hereinafter – the Registry) – system, which includes unity of the data on children to be adopted and adoptive parents;

d) Foster mother/father – member of the foster family, to which the child is transferred for care and upbringing, in compliance with the legislation of Georgia;

e) Abandoned child - person aged under 18, who, in compliance with this Law, is recognized as abandoned;

f) Foster family – family of the foster mother/father, to which the child is transferred for foster care;

g) Foster care – care and upbringing of the child by the foster family, based on the Agreement processed between the state and the foster family;

h) Child to be placed in foster care – child transferred to foster family for foster care, based on the Agreement processed between the state and the foster family;

i) Minister - Minister of Labour, Health and Social Affairs of Georgia;

j) Found child - person aged under 18, whose identity or/and the identity of his/her parent(s) could not be determined at the moment of his/her discovery and within the time period of 6 weeks as of that moment, before recognizing of this child as an abandoned child;

k) Orphan – child, who does not have any of the parents;

l) Prevention – unity of the measures, which are aimed at protecting the preferential right of upbringing of children in a family environment and at avoiding the recognizing of him/her as a child deprived of parental care;

m) Reintegration – return of a person, placed in a specialized institution, to the biological family or the guardian/caregiver;

n) Agency – department included within the system of the Ministry of Labour, Health and Social Affairs of Georgia, which is the central body of guardianship and curatorship, while its territorial unit – local guardianship and curatorship authority on the territory of Georgia;

o) Ministry - Ministry of Labour, Health and Social Affairs of Georgia;

p) Social worker – person who has special authorization of guardianship and curatorship body;

q) Adoption – relations arisen between the adoptive parent and adoptee, in compliance with the rule established by law, which are the same as the relations between parent and child.
Article 5. Adoptive parent

Adoptive parent can be any person who is of legal age and legally capable, except for the following persons:

a) Person who has been deprived of the parental right or had previously adopted a person, was the guardian/caregiver of an underage person or had a person in foster care, but these relations were cancelled due to him/her not carrying out the duties properly;
b) Person whose parental right has been restricted in compliance with the rule established by the legislation of Georgia;
c) Person who cannot properly carry out parental duties due to a health condition (according to the list of diseases, approved by the Ministry);
d) Person who has been convicted by court for a felony or a particularly grave crime and whose criminal record has not been expunged or cleared in compliance with the rule established by the legislation of Georgia;
e) Person who has been tried for the crime envisaged by Chapter XXIV of the Criminal Code of Georgia and whose criminal record has not been expunged or cleared in compliance with the rule established by the legislation of Georgia;

Article 6. Person subject to adoption

1. Persons subject to adoption are the persons registered in the Registry, aged under 18, to whom the status of the child to be adopted has been granted.
2. Status of the child to be adopted is granted to the following persons:
   a) Person whose parent(s) has (have) been deemed legally incapable, recognized as missing or declared deceased by court;
   b) Person who is an orphan;
   c) Person who has been recognized as an abandoned child;
   d) Person whose parent(s) has (have) been deprived of the parental right;
   e) Person whose every legal representative has declared consent on his/her being adopted, in compliance with the rule established by the Minister and through filling out the relevant form.
3. Status of the child to be adopted is granted to the person based upon decision of guardianship and curatorship authority, after which the data on the child to be adopted is registered in the Registry.
Article 7. Foster mother/father

Foster mother/father can be a person of legal age – a citizen of Georgia, a non-citizen permanently residing in Georgia or a foreign citizen permanently residing in Georgia, except for the following persons:

a) Person who has been declared by court as legally incapable or having limited legal capability;
b) Person whose rights and obligations of the parent or guardian/caregiver have been restricted, suspended or revoked, due to failure to carry out the duties defined by law;
c) Persons who are incapable of bringing up children due to a health condition (according to the list of diseases, approved by the Ministry);
d) Persons who, or whose family members, have been convicted of a felony or a particularly grave crime and whose criminal record has not been expunged or cleared in compliance with the rule established by the legislation of Georgia;
e) Parent or guardian/caregiver of a child in foster care, on whom the obligation to sustain this child is imposed;
f) Persons who have been deprived of foster children due to failure to carry out the duties defined by the Agreement processed between the state and the foster family

Article 8. Person subject to foster care

1. Persons aged under 18 are subject to foster care in the following cases:
   a) It is harmful for the child to be left with the parent(s) or guardian/caregiver, due to reasons independent of him/her and the guardian/caregiver refers to the local guardianship and curatorship authority regarding this;
   b) The right of the parent(s) to decide with whom the child is to live is restricted and the child must be placed outside his/her family;
   c) Parental rights and obligations of the parent(s) have been revoked or restricted and the child must be placed outside his/her family;

2. Registration of the persons subject to foster care is carried out in compliance with the rule established by the Minister.
Chapter II

Authorized Bodies Carrying Out Adoption and Foster Care Procedures and Their Authorities

Article 9. Authorized bodies carrying out adoption and foster care procedures

1. The body carrying out adoption and foster care procedures is the Agency.
2. The body which takes final decision on adoption is the court.
3. Apart from the Agency, it is prohibited to any other persons and legal entities to carry out any actions, including preliminary activities (deals) between biological parents, legal representatives of specific children or/and persons and legal entities or to facilitate such activities (deals) for the purpose of adoption or placement in foster care. At the same time, it is permitted for a lawyer, or other authorized persons, envisaged by the legislation of Georgia, to provide legal services, while during international adoption – for the body of the recipient country, which is authorized on the matters of adoption, or, in case of its non-existence – for another relevant accredited body to provide services.

Article 10. Authorities of the Agency in the sphere of adoption and foster care

1. The Agency carries out the following activities:
   a) Coordinates work of the local guardianship and curatorship authorities;
   b) Ensures implementation of the state policy and protection of children’s rights regarding the issues of adoption and foster care;
   c) Maintains the Registry, ensures its systematization and processing;
   d) Timely carries out funding of the foster mother/father;
   e) Exercises other authorities in the sphere of adoption and foster care, as defined by this Law and other Normative Acts of Georgia.
2. Only the Agency is authorized to conduct international adoption.
3. The Agency is obliged, upon request by a person who has reached 18 years of age, to provide him/her with his/her biographical data, as well as information about his/her biological parent(s), in case of their existence, in compliance with Paragraph 2 of Article 25 of this Law.
4. The Agency is obliged to ensure storage of the information, indicated in Paragraph 3 of this Article, in compliance with the rule established by the legislation of Georgia.

Article 11. Authorities of the local guardianship and curatorship authority in the sphere of adoption and foster care

1. Territorial units of the Agency are the local bodies of guardianship and curatorship on their territory of activity.
2. Local guardianship and curatorium authority carries out the following activities:
   a) Within the limits of authority defined by the legislation of Georgia, carries out protection of children’s rights on its territory of activity, including for the purpose of childcare, protection of the child’s rights of education and health and is the representative of the child to be adopted, at all stages of conduction of the adoption procedure;
   b) Carries out identification of the persons subject to foster care and persons wishing to take children into foster care, as well as registration of the persons subject to foster care, persons wishing to take children into foster care, children to be placed in foster care, foster mothers and fathers and systematization of information about these persons;
   c) Develops the child’s individual development plan and conducts monitoring of execution of this plan;
   d) Carries out supervision over compliance of the conditions of housing, upbringing, development, education and health, as well as over how foster mothers and fathers perform their duties;
   e) Conducts assessment of adoptive parents and children to be adopted, as well as of potential foster carers and children to be placed in foster care;
   f) Carries out assessment of compatibility of adoptive parents and children to be adopted, as well as of persons wishing to take children into foster care and children to be placed in foster care (apart from emergency foster care), while taking into account the following negative criteria of compatibility:
      f.a) Age difference between the adoptive parent and child to be adopted, as well as between the child to be placed in foster care and person wishing to take the child into foster care, shall be less than 16 years, apart from exceptions envisaged by law;
      f.b) The child, if he/she has reached 10 years of age, does not agree to adoption or foster care;
      f.c) Adoptive parent and child to be adopted, as well as the child to be placed in foster care and person wishing to take the child into foster care are of different religious affiliation;
   g) Within the limits of its authority, conducts consultations on the issues of adoption and foster care;
   h) Exercises other authorities, as defined by this Law and other Normative Acts of Georgia.
3. The rule for activities of the local guardianship and curatorship authority is defined by the Minister.
Chapter III

Adoption Procedures

Article 12. Identification and registration of the child to be adopted

1. The Heads of all institutions, carrying out the residential care activities, notwithstanding the legal form of these institutions, as well as any persons and legal entities, are obliged to immediately submit to the Agency the information about found children.

2. The Heads of all institutions, carrying out the residential care activities, notwithstanding the legal form of these institutions or/and their subordination, are obliged, in case of alteration of the information submitted by them to the Agency, or/and upon request of the Agency, to submit to it the biographic data of the child currently in this institution, as well as information about their social and health condition.

3. A child is removed from registration in the registry only in case of adoption, death, alteration of the status of the child to be adopted or if he/she becomes of legal age.

4. The rule for registration of children to be adopted is defined by the Order of the Minister.

Article 13. Measures on facilitation of identification of infants in medical institutions

1. Administration of the medical institution is obliged to notify the relevant guardianship and curatorship authority about any women in labour, who have been admitted without an ID document, within 24 hours as of the moment of admission of the woman in labour at this institution, in compliance with the rule established by the Minister.

2. Administration of the medical institution is also obliged to immediately submit to the relevant guardianship and curatorship authority and the relevant department of the Ministry of Internal Affairs of Georgia the information about any mothers abandoning their infants and secretly leaving the facility.

3. Relevant guardianship and curatorship authority, with assistance from the Ministry of Internal Affairs, in compliance with the rule established by the legislation of Georgia, defines the identity (ID data) and the probable address of residence of the mother of the infant under risk of abandonment.

4. Failure to carry out the obligations envisaged by Paragraphs 1 and 2 of this Article shall cause administrative responsibility in compliance with the rule established by the legislation of Georgia.
Article 14. Recognizing the child as abandoned

1. When a child is found, the issue of temporary placement of the child is decided by the local guardianship and curatorship authority, which, at the same time, immediately addresses the relevant department of the Ministry of Internal Affairs of Georgia, for the purpose of determining the identity of the child’s parent(s).

2. When a child is found, the local guardianship and curatorship authority, territorial body of the Ministry of Internal Affairs of Georgia and the Ministry of Justice of Georgia are obliged to undertake, within the time period of 6 weeks as of the moment of discovery of the child, the measures for determining the identity of this child and his/her parent(s) (for the purposes of this Law, determining the identity means obtaining the person’s ID document or the reference sheet on birth registration, as well as obtaining the birth certificate, in which the fields about parents are filled out). If identity of the child or/and his/her parent(s) cannot be determined within the indicated period of time, the local guardianship and curatorship authority, no later than within 3 days as of expiry of this period, addresses the court to recognize the found child as abandoned.

3. Court considers the issue of recognizing the child as abandoned in compliance with the rule established by the Civil Procedural Code of Georgia.

4. As of the day of the court decision taking legal effect, the child shall be recognized as abandoned.

5. If a parent/parents abandons/abandon the child or submits/submit a statement on abandoning the child or if identity of the child or/and his/her parent(s) is determined as a result of the measures, envisaged by Paragraph 2 of this Article, but it cannot be managed to present the parent(s), within 7 days, at the local guardianship and curatorship authority or to otherwise communicate with him/her/them or/and he/she/they are avoiding fulfillment of their parental rights and obligations, the local guardianship and curatorship authority, on whose territory of action the found child or his/her parent(s), whose identity has been determined, is/are registered, addresses the court with the request to restrict the right of the parent(s) or to recognize the child as abandoned. Also, in case of non-existence of registration of the fact of child’s birth, the Agency addresses the Civil Registry Agency with the relevant request, before addressing the court.

6. The Court, in compliance with Paragraph 5 of this Article, takes decision on restricting the right of the parent(s), if failure to perform duties of the parent(s) is caused by reasons which can be eradicated in time, including inappropriate health condition of the parent(s) or the parent(s) being in pretrial detention or prison.

7. The Court, in compliance with Paragraph 5 of this Article, takes decision on recognizing the child as abandoned regarding the parent(s), who, despite the prevention and reintegration measures, offered to him/them by the state, are avoiding fulfillment of their parental rights and obligations (has/have abandoned or has/have submitted a statement on abandoning the child), unless there exist the reasons which can be eradicated in time, indicated in Paragraph 6 of this Article. Until the court decision takes legal effect, the
8. Prevention and reintegration measures are defined by the Order of the Minister.

**Article 15. Registration of adoptive families/parents**

1. Georgian citizens and non-citizens permanently residing in Georgia, who wish to adopt children, submit the application form, approved by the Minister, to the local guardianship and curatorship authority, which commences assessment of the adoptive family/parent.
2. When the adoptive parent agrees to adopt the child offered by the local guardianship and curatorship authority, the adoptive parent is obliged to submit to the local guardianship and curatorship authority the following documents:
   a) The spouse’s consent, if the child is being adopted by one of the spouses;
   b) Copy of the ID document (personal ID, passport, residence ID);
   c) Copy of the marriage certificate (if applicable);
   d) Reference sheet on health condition;
   e) Reference sheet of the medical-narcological inspection;
   f) Reference sheet on the criminal record.
3. Foreign citizens submit to the Agency the application and documents, envisaged by Paragraphs 1 and 2 of this Article, as well as the research concerning the family, conducted by the authorized body on adoption of the recipient country.
4. No later than within 7 workdays as of the offer of the child, adoptive family/parent takes decision on adoption. Violation of the indicated deadline will be considered a refusal to adopt the offered child.
5. The rule for storage and issuance of information related to adoption and biographic data of adopted children is defined by the Order of the Minister.
6. The rule for registration of adoptive families/parents is approved by the Minister.

**Article 16. Restrictions related to adoption**

1. It is prohibited to adopt children aged 10 or above 10 without their consent.
2. It is prohibited to select pregnant women in advance, for the purpose of adoption and to create possibilities for taking her outside of Georgia for giving birth or to facilitate such actions.
3. It is prohibited to search for children to be adopted and adoptive families or to offer them through public announcements. An exception are the public statements, which indicate, that for adoption one should address the relevant body of guardianship and curatorship. Such announcements do not indicate identity of the children to be adopted.
4. Adoption based on condition, with indication of a time period or through representatives is not permitted. During adoption, adoptive parents have the right to use legal services of a lawyer or other authorized person envisaged by the legislation of Georgia, while citizens of foreign countries – to use services of the recipient country’s authorized body on children adoption and in case of its non-existence – services of another relevant accredited legal entity.

5. Age difference between the adoptive parent and the child to be adopted must not be less than 16 years. If there exists a valid reason, the court may modify this age difference.

6. During adoption of a child by stepmother/stepfather, the age restriction established by Paragraph 5 of this Article is not valid.

7. It is not permitted to separate siblings, except for the cases when this complies with their interests.

8. Citizens of foreign countries, to whom Georgian citizenship has been granted in compliance with the rule established by the legislation of Georgia, take part in adoption procedures, according to their wish, as Georgian citizens or as foreign citizens.

Article 17. Preferential right to adopt

1. Preferential right to adopt a child to be adopted belongs to his/her relatives. In this case, relatives are considered to be the persons, for whom the child to be adopted is a sister, brother, grandchild, nephew, niece, step nephew, step niece, cousin, uncle, aunt, or the child of any of the above, as well as stepmother or stepfather. Preferential right to adopt also belongs to the foster family – foster mother or/and foster father – no earlier than 6 months after placement of the child in foster care. Preferential right to adopt also belongs to the adoptive parent who has already adopted a sister or/and brother of the child to be adopted. Preferential right to adopt is also used in the case if the biological parent(s) and the adoptive parent jointly address the Agency, in which case the conditions for adoption, envisaged by this Law, shall be observed, unless otherwise defined by this Law.

2. Preferential right to adopt belongs to Georgian citizens, non-citizens permanently residing in Georgia, foreign citizens who are relatives of the child to be adopted, within the circle of persons indicated in Paragraph 1 of this Article.

3. During adoption, there must be observed not just the sequence, existing in the Registry, but also the interests of the child to be adopted and there has to be taken into account his/her compatibility with the adoptive family/parent. The sequence principle is not valid regarding the persons who possess the preferential right to adopt. In cases where the adoptive parent refuses to adopt the offered child, the adoptive parent retains his/her place in the sequence and another child has to be offered to him/her, in compliance with the criteria he/she has selected, while the child must be offered to another adoptive parent, in compliance with the established rule.
4. When the preferential right to adopt is used during conduction of adoption procedures, guardianship and curatorship authority develops a conclusion, in compliance with the rule established by this Law.

**Article 18. Conclusion on adoption**

1. The Agency, based on assessment carried out by the social worker, prepares a conclusion, within the period of 1 week as of the moment of registration of the adoptive parent in the Registry.
2. Conclusion on adoption includes the following:
   a) Biographic data, personal characteristics, social and health condition of the adoptive parent, the motive for adopting the child;
   b) Biographic data, personal characteristics, social and health condition of the child to be adopted.
3. In case of necessity, conclusion on adoption must consider the possibility of bringing the child up while taking into account his ethnic and cultural environment.
4. In case if the child is being adopted on the territory of Georgia, conclusion prepared by the local authority of guardianship and curatorship is submitted to the relevant district (city) court within the period of 1 week as of its being prepared.
5. In case of international adoption, conclusion prepared by the Agency is submitted to the relevant district (city) court within the period of 1 week as of its being prepared.
6. The rule for preparation and issuance of the conclusion on adoption is approved by the Minister.

**Article 19. International adoption**

1. Adoption of a child from Georgia to a foreign country is possible in the case if it is impossible to return the child to the biological family or for the child to be adopted by a Georgian citizen or/and non-citizen permanently residing in Georgia.
2. Foreign citizens can adopt from Georgia the persons, registered in the Registry, who have the status of a child to be adopted and who have failed to be adopted by a Georgian citizen, within 8 months as of being registered. In this case, the Agency conducts an assessment, based on which there is prepared a conclusion, that has to indicate the reasons, due to which an adoptive parent for this child could not be found in Georgia. Based on conducted assessment and while taking into account the child’s interests, the Agency commences the procedure of his/her adoption to a foreign country.
3. While taking into account the child’s health condition, the time period indicated in Paragraph 2 of this Article may be diminished by the court.
4. For adoption of a child from Georgia to a foreign country, it is mandatory to establish the condition of his/her health, for which a relevant expert inspection conclusion is necessary.
5. The body competent on the issues of international adoption is the Agency, which, in compliance with the requirements of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, communicates with the analogous agencies of the states which have joined the Convention and exchanges information with them.

6. If any foreign country has not joined the Convention, indicated in Paragraph 5 of this Article, or/and if its legislation does not define the body responsible for the matters of adoption, then the Minister approves the form of the special Agreement, to be processed with the central body (in case of non-existence of such body – with the licensed or/and accredited relevant authorized organization) of the adoptive country. Agreement processed by the Agency with the recipient country’s body which is authorized on matters of adoption, must comply with the requirements of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, the UN Convention on the Rights of the Child and this Law.

7. Adoption by a foreign citizen of a child from Georgia is permitted if the adoptive parent satisfies the requirements, defined by the legislation of Georgia and is registered in the Registry.

8. Information about adoption of a child from Georgia by a foreign citizen is submitted by the Agency to the Ministry of Internal Affairs of Georgia.

Article 20. Adoption case proceedings in court

1. Final decision on child adoption is taken by the district (city) court.

2. Adoptive parent submits the application on child adoption to the court, according to the location of the adoptive parent or the child to be adopted.

3. Interests of the child to be adopted are protected by the authorized person of the guardianship and curatorship authority.

4. During international adoption, interests of the child to be adopted are defended in court by the authorized person of the Agency.

Article 21. Court hearing on child adoption

1. Child adoption cases are heard at closed court hearings, in compliance with the rule established by the Civil Procedural Code of Georgia for hearing such cases.

2. It is prohibited to adopt children without participation of the adoptive parent in the court hearing. Court hearing must be attended by the authorized person of the authority of guardianship and curatorship.

3. If valid reasons exist, the court hearing can be held with participation of one of the adoptive parents.

4. If the court considers, that adoption complies with the interests of the child to be adopted and serves his/her welfare, it takes decision on adoption, within 2 weeks as of reception
of the application on adoption, in compliance with the rule established by Articles 349 and 351 of the Civil Procedural Code of Georgia.

5. The court is obliged to inform the Civil Registry Agency, according to the location of taking the decision, within 5 days as of the moment when the decision on child adoption takes legal effect.

6. Adoption is legally valid from the day when the court decision on child adoption takes legal effect.

7. Upon request by the adoptive parent and the child to be adopted (if the latter is 10 years or above 10 years of age), the court hearing may be open and the information – public.

**Article 22. Refusal to adopt**

1. At any stage of conduction of the adoption procedure, but no later than the court takes final decision on the issue of adoption, the parent(s), when consent envisaged by Subparagraph “e” of Paragraph 2 of Article 6 of this Law exists, as well as the adoptive parent and the child to be adopted, if the latter is of 10 years or above 10 years of age, can refuse adoption.

2. Before taking of the final decision by court on the issue of adoption, while taking into account the child’s interests, the guardianship and curatorship authority can alter its own conclusion and request suspension of the court process.

**Article 23. Modifying civil Acts**

1. Upon request of the adoptive parent, based on the motive of ensuring confidentiality, the child’s first name, last name, birthplace and, when special reasons exist – date of birth may be modified. Date of birth cannot be modified for longer than one month.

2. Upon request of the adoptive parent, he/she is indicated in the child’s birth Act entry as the parent of the adopted child.

3. If the child to be adopted is aged 10 or above 10, the court takes into account the child’s opinion in the case if the adoptive parent is indicated as the parent in the birth Act entry concerning the first name, last name, birthplace and date of birth.

4. Modifications to be introduced to civil Acts must be indicated in the court decision on adoption.
Article 24. Legal results of adoption

1. After the court decision on adoption takes legal effect, the adoptee loses the property rights and personal non-property rights and is liberated from obligations before his biological parent(s) and relatives.
2. After the court decision on adoption takes legal effect, during adoption of a child by spouses or during adoption by one spouse of the child of the other spouse, the child acquires the legal condition of the common marital child of the spouses, in compliance with the rights and obligations established by the Civil Code of Georgia for parents and children.
3. The adoptee and his/her progeny, in relation to the adoptive parent and his/her relatives, in terms of personal and property rights, are equal to hereditary biological relatives, while the adoptive parent and his/her relatives are equal to the adoptee and his/her progeny.
4. Legal results envisaged by this Law regarding the adoptee shall arrive notwithstanding whether the adoptive parent is indicated in the child’s birth Act entry as the parent.

Article 25. Confidentialty of adoption

1. The judge, who took the decision on adoption, the biological parent, the representative of the guardianship and curatorship authority, the employee of the body of registration of civil Acts and any person participating in the adoption procedures are obliged to keep the information confidential received at any stage of conduction of the adoption procedure.
2. Disclosure of the adoption secret is prohibited without consent of the biological parent, the adoptive parent and the adoptee, who is of legal age.
3. Responsibility for violation of the requirements, established by this Article, is defined by the legislation of Georgia.

Article 26. Post-adoption control

1. During international adoption, the central body is obliged to request, based on the special Agreement, from the central body of the adoptive country (in case of non-existence of such body – with the licensed or/and accredited relevant authorized organization) to annually submit information about the health and social condition of the child adopted from Georgia, in compliance with the special form, until the adopted child becomes of 18 years of age.
2. The Ministry approves the special form for submitting information about the health and social condition of the child adopted from Georgia.
Article 27. Reversal and nullification of court decision on adoption

1. Court decision on adoption can be reversed in compliance with the rule, established by the procedural legislation of Georgia, in the following cases:
   a) Adoption was carried out with violation of requirements of the legislation of Georgia;
   b) This is requested by the guardianship and curatorship authority, while taking into account the interests of the adoptee;
   c) Court decision on adoption is based on forged documents;
   d) Adoption is fictitious.

2. Guardianship and curatorship authority must take part in case proceedings on reversal of adoption.

3. Court can reverse the decision on adoption only in the case if it determines that this action complies with the interests of the adoptee.

4. If the adoptee is 10 or above 10 years of age, reversal of the decision on adoption is admissible only with consent of the adoptee.

5. It is prohibited to reverse the decision on adoption after the adoptee becomes of legal age, except for the cases when the adoptive parent, biological parent of the adoptee and the adoptee consent to reversal of the court decision on adoption.

6. Court decision on adoption can be declared null and void in compliance with the rule for nullification of court decisions, established by the legislation of Georgia.

Article 28. Person authorized to file request on reversal of court decision on adoption and rule for submitting applications with such requests

1. Request for reversal of the court decision on adoption can be filed in court by the following persons and entities:
   a) Biological parent(s) of the adoptee, if adoption was carried out with violation of the legislation of Georgia.
   b) Guardianship and curatorship authority, if this is necessary for protecting interests of the adoptee.

2. Interested person, who considers, that adoption does not comply with interests of the adoptee and it should be reversed, informs about this the guardianship and curatorship authority, which decides the issue of submitting to court the application with the request for reversal of the court decision.

3. Application with the request for reversal of the court decision on adoption is submitted to court according to the place of residence of the adoptive parent.
4. If the plaintiff(s) is/are the biological parent(s) of the adoptee and the identity of the adoptive parent is not known to him/her/them, then the application with the request for reversal of the court decision on adoption is submitted to court according to the location where this court decision was taken.

5. In case of reversal of the court decision on adoption and renewal of case proceedings, the case is heard through the rule for general case proceedings and the adoptive parent must become involved in case proceedings as the defendant.

Article 29. Results of reversal or nullification of adoption

1. Adoption shall be considered null and void from the moment when the court decision on reversal of adoption takes legal effect.

2. The court, which took the decision on reversal of adoption, is obliged to send it, within 2 weeks, to the Civil Registry Agency, according to the location of registration of adoption.

3. During nullification of adoption, the existing rights and obligations between the adoptee and the adoptive parent, as well as their relatives, are terminated. During nullification of adoption, the rights and obligations are restored between the child and biological parent(s) and hereditary relatives.

4. If adoption is reversed due to inappropriate fulfillment of the duties of the child’s upbringing by the adoptive parent, the child retains the right to receive alimony from the adoptive parent.

5. During nullification of adoption, the court must decide, in compliance with the child’s interests, the issue of retaining the last name, first name and other data assigned to the child during adoption. If the child is of 10 or above 10 years of age, the court also has to take into account his/her wishes while taking decision on the indicated issue.

6. After nullification of adoption, based upon court decision, the underage person is transferred to the parent(s), while if this is impossible or contradicts his/her interests – to the guardianship and curatorship authority.
Chapter IV

Foster Care procedures

Article 30. Registration of foster mother/foster father

1. Citizens of Georgia, non-citizens permanently residing in Georgia and foreign citizens non-citizens permanently residing in Georgia, who wish to take children into foster care (including emergency foster care), must address the guardianship and curatorship authority, according to the place of their residence.
2. Registration of foster mothers/foster fathers is carried out by the guardianship and curatorship authority, based on conclusion of the social worker and in compliance with the rule established by the Ministry.

Article 31. Preparing conclusion and taking decision on foster care

1. The authority to take decision on foster care is granted to the authorities of guardianship and curatorship. Decision on foster care is taken based on the assessment carried out by the social worker regarding the needs of the child and the capabilities of the person wishing to take the child into foster care, and the conclusion prepared by him/her (except for emergency foster care).
2. While taking decision on foster care, the following principles shall be observed:
   a) Wishes of the person willing to take child into foster care regarding the child’s age, gender and health condition must be taken into account;
   b) Within the limits of possibility, the opportunity of bringing the child up in an akin ethnic, religious and cultural environment has to be ensured;
   c) The number of children, living in the family of the persons wishing to take the child into foster care, including biological children and adopted children, must not exceed seven;
   d) Foster care of children who have reached the age of 10 years is possible only with their consent;
   e) It is inadmissible to separate siblings, except for the cases when this complies with their interests;
   f) The age difference between the child to be placed in foster care and the foster mother/foster father shall not be less than 15 years.
3. Foster care procedures are defined by the Order of the Minister.

Article 32. Agreement on child foster care

1. Guardianship and curatorship authority processes the Agreement on foster care with the foster mother/father.
2. Agreement on foster care can be processed for any period of time, before the child to be placed in foster care becomes of legal age.

3. Agreement on foster care must include the following:
   a) Conditions of care and upbringing of the child;
   b) Rights and obligations of the foster mother/father;
   c) Rights and obligations of the guardianship and curatorship authority;
   d) Rights and obligations of the child to be placed in foster care;
   e) Liabilities of the parties;
   f) Conditions of termination of the Agreement.

4. Modifications and additions can be introduced to the Agreement on child foster care based on agreement of the parties.

Article 33. Termination of child foster care Agreement

1. Agreement on child foster care can be terminated:
   a) Upon initiative of the foster family, if valid reasons exist (disease, aggravation of the family or material situation, conflict between the foster child and foster family members);
   b) Upon initiative of the guardianship and curatorship authority, if the conditions and environment which emerge in the foster family are harmful to the foster child care and upbringing;
   c) In case of return of the foster child to his/her biological FAMILY;
   d) In case of adoption of the foster child;
   e) If the foster child becomes of legal age;
   f) If the foster child marries;
   g) In case of eradication of the grounds, envisaged by Article 8 of this Law;
   h) Immediately upon expiry of the Agreement period.

2. In case of termination of the Agreement on foster care before its expiry, the child is transferred to guardianship and curatorship authority, which must undertake the measures envisaged by the legislation of Georgia.

Article 34. Funding of the foster mother/father

1. Expenses of care for the foster child are covered from the state budget of Georgia, in compliance with the Law of Georgia on Social Assistance.

2. Foster mother/father receives social assistance for child foster care, in compliance with the legislation of Georgia, the amount of which is defined by the government of Georgia.

3. Child foster care counts as part of the labour experience/employment record of the foster mother/father.
Article 35. Duties and responsibilities of the foster family

1. The following duties are imposed on the foster family regarding the foster child:
   a) To provide care to the foster child in compliance with the his/her individual development plan;
   b) To create a normal family environment for the foster child;
   c) To inform the guardianship and curatorship authority about emergence of the conditions and environment harmful for the foster child;
   d) In compliance with the legislation of Georgia, to facilitate the relations of the foster child with his/her legal representative and other relatives;
   e) To live together with the foster child;
   f) To exercise other rights and perform other duties defined by the legislation of Georgia.

2. Responsibility for inappropriate performance of their duties by foster mother/father is defined by the legislation of Georgia.

Article 36. Rights of the foster child in the foster family

1. Foster child possesses all the rights established regarding children by international Agreements and other normative Acts.
2. During taking of any decisions in the foster family, which are related to the foster child, the principle of the foster child’s participation in the decision-making and of respecting his/her opinion must be observed.
3. Foster care does not limit the foster child’s rights regarding his/her biological parents and hereditary relatives.

Chapter V
Transitory and Final Provisions

Article 37. Transitory Provisions

Before March 1, 2010, the Ministry of Labour, Health and Social Affairs of Georgia shall ensure the following:

a) Approval of the rule for maintaining the Registry;
 b) Approval of the rules for preparation and issuance of the conclusion on adoption;
 c) Approval of the rule for registering the adoptive families/persons;
 d) Approval of the rule for registering the children to be adopted;
 e) Approval of the list of diseases, in case of existence of which the adoptive parent does not have the right to adopt the child and the foster parent – to take the child into foster care;
Development of other relevant legal Acts for the purpose of fulfillment of obligations, defined by this Law, and their issuance within the limits of its own competence.

**Article 38. Nullification of normative Acts in connection with enactment of the Law**

From March 1, 2010, the following Laws shall be nullified:


b) The Law of Georgia, of December 18, 2007, On Foster Care (“Sakartvelos Sakanonmdeblo Matsne” No. 48, 27.12.2007, Art. 413);

**Article 39. Enactment of the Law**

1. This Law, apart from Articles 1, 36 and 38, shall be enacted as of January 1, 2010.

2. Articles 1, 36 and 38 of this Law shall be enacted as of March 1, 2010.

President of Georgia

*Mikheil Saakashvili*

Tbilisi,
December 18, 2008
No. 2381 – IIIs.