

LAW OF GEORGIA ON ADOPTION AND FOSTER CARE

Chapter I General Provisions

Article 1 - Purpose and scope of the Law

1. The purpose of this Law is to promote the exercise of the priority right of children to be raised in a family environment, and to give preference to the best interests of children during adoption and foster care.
2. This Law establishes the rules and conditions for adoption and foster care, regulates relationships arising between the State and an adoptive/foster parent during adoption/foster care, and defines relationships between a state of origin and a receiving state.
3. This Law shall apply to:
 - a) a person permanently residing in Georgia who intends to adopt a child in Georgia and/or from a foreign country;
 - b) a person permanently residing abroad who intends to adopt a child from Georgia;
 - c) a person permanently residing in Georgia who intends to provide foster care to a child in Georgia;
 - d) a child permanently residing in Georgia or abroad who is subject to adoption;
 - e) a person permanently residing in Georgia who is subject to foster care.

Article 2 - Legal grounds for adoption and foster care

The legal grounds for adoption and foster care are: the Constitution of Georgia, the treaties of Georgia (including the UN Convention on the Rights of the Child, and the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (the Hague Convention)), the Civil Code of Georgia, the Law of Georgia on Social Assistance, this Law and other legal acts.

Article 3 - Definition of terms

For the purposes of this Law, the terms used herein shall have the following meaning:

- a) child – a person under the age of 18;
- b) adoption - relationship between an adoptive parent and an adopted child (an adoptee) as provided for by law, which is similar to the relationship between a parent and a child;
- c) prospective adoptee - a person with the status of prospective adoptee under the procedures established by this Law, who is registered in the Unified Registry of Adoptive Parents and Prospective Adoptees;
- d) child with special needs - a child with the status of a person with disabilities, or with health issues and/or behavioural problems, who is in need of special care, which shall be confirmed by a relevant document;
- e) Unified Registry of Adoptive Parents and Prospective Adoptees (the Registry) - a systematised set of data on prospective adoptees and adoptive parents;
- f) adoptive parent(s) - a person(s) who meets (meet) the requirements for adoption of a child established by the legislation of Georgia, and is (are) registered in the Registry;
- g) relative of the prospective adoptee - a person or his/her spouse for whom the prospective adoptee is a sister, brother, step sister, step brother, grandchild, niece, nephew, a child of a step sister, a child of a step brother, aunt, uncle, cousin, or a child of any of them;
- h) person permanently residing in Georgia - a person who permanently resides in Georgia, who is not a person permanently residing abroad, who is a citizen of Georgia, a person having the status of a stateless person in Georgia, or a foreign citizen who was granted a permanent residence card of Georgia in accordance with the procedure established by the legislation of Georgia;
- i) person permanently residing abroad - a person who permanently resides abroad and who is not a person permanently residing in Georgia;
- j) receiving state - the state where a prospective adoptee, who permanently resides in the state of origin, is being adopted;
- k) state of origin - the state in which a prospective adoptee, who is being adopted in a receiving state, is a permanent resident;
- l) competent authority - a central authority of a foreign country which is authorised in the field of international adoption relations, an accredited body and/or other authorised body;
- m) foster care - a form of care by the State that resembles family care, which is aimed at raising and taking care of a foster child and is carried out on the basis of an agreement signed between the State and a foster parent;
- n) relative foster care - placement of a child with a person determined by sub-paragraph (g) of this article taking into account the best interests of the child;
- o) emergency foster care - placement of a foster child with a foster parent under the procedures established by the Minister, taking into account the best interests and urgent needs of the child;
- p) respite foster care - a form of foster care which involves the temporary placement of a child, who has already been placed in foster care, with a different foster parent;
- q) specialist foster carer - a person who, in accordance with the legislation of Georgia, is registered as a foster parent and has been re-trained in the field of upbringing and caring for a child with special needs;
- r) foster parent - a foster mother/father with whom a person determined by Article 70 of this Law is placed in foster care;



- s) foster child - a person placed with a foster parent in foster care on the basis of an agreement signed between the State and the foster parent;
- t) Database for Foster Children and Foster Parents (the Database) - a systematised combination of data on persons subject to foster care, and on foster children and foster parents;
- u) orphan - a child who has lost both parents;
- j) foundling - an unknown person under the age of 18 from the moment of his/her discovery to the moment of his/her identification;
- w) parent identification - obtaining an identification document of a parent;
- x) abandoned child - a person under the age of 18 who is declared abandoned by a court in accordance with this Law;
- y) prevention - a unity of measures aimed at keeping a child in a biological family;
- z) reintegration - returning of a child placed in a specialised institution to his/her biological family, or to a guardian/caregiver;
- z¹) the Ministry – the Ministry of Labour, Health, and Social Affairs of Georgia;
- z²) the Minister - the Minister of Labour, Health and Social Affairs of Georgia;
- z³) the Agency - a legal entity under public law (LEPL) called the Social Service Agency under the state control of the Ministry, which is a guardianship and custodianship authority, as well as a central authority in the field of international adoption relations, and its territorial unit, which is a local guardianship and custodianship authority in the territory of Georgia;
- z⁴) social worker - a person having special authority granted by the guardianship and custodianship authority;
- z⁵) Commission on Adoption - an advisory structure of the central administration office that manages the process of international adoption. Procedures and conditions for its operation shall be determined by an order of the Minister;
- z⁶) best interests of a child - the principle that recognises the priority of best interests of a child over the interests of other subjects, and involves opportunities for the safety, well-being, healthcare, and for the education and development of a child, which are determined in accordance with the individual characteristics of a child, and international standards.

Article 4 - The best interests of a child and the preferential forms of child care

1. Raising a child in a family environment shall serve the protection of the best interests of a child.
2. Any decision made on the adoption or placement of a child in foster care shall serve to create a stable family environment for the child, considering the best interests of a child, which exceeds the standards established by the State for the placement of a child in foster care, and where the child shall have better conditions and opportunities for development than he/she had before his/her adoption or placement in foster care.
3. The preferential forms of child care shall be: the raising of a child in the biological family, his/her guardianship/custodianship, and his/her adoption and placement in foster care.
4. It shall be inadmissible to separate siblings, except when this is in their best interests.

Article 5 - Bodies authorised to implement procedures for adoption and foster care

1. The Agency is the body authorised to implement procedures for adoption and foster care.
2. A court is the body authorised to deliver a final judgment on adoption.
3. No natural or legal person, except for authorised bodies, shall be permitted to carry out any activity, including any preliminary activity or arrangement between a biological parent of a particular child and other legal representative and natural and/or legal person, nor to facilitate such activity or arrangement, whose purpose is adoption. During adoption, a lawyer or other authorised person may provide legal services provided for by the legislation of Georgia, and in the case of international adoption, a competent body may provide legal services.

Article 6 - Powers of the Agency in the area of adoption and foster care

1. The Agency shall be authorised to:
 - a) carry out state policy in the area of adoption and foster care and protect the rights of a child;
 - b) coordinate the work of local guardianship and custodianship authorities;
 - c) maintain, systematise and process the registry for adoption;
 - d) maintain, systematise and process the registry for foster care;
 - e) carry out the procedures for international adoption;
 - f) keep and disseminate information related to adoption in the manner laid down by the legislation of Georgia;
 - g) administer the payment for foster care;
 - h) organise mandatory training courses for persons intending to adopt a child, or to provide foster care to a child;
 - i) certify persons intending to adopt a child, or to provide foster care to a child, on the basis of the completion of mandatory training courses;
 - j) prepare post international adoption reports in the case of international adoption;
 - k) exercise other powers in the area of adoption and foster care, as determined by this Law and other normative acts of Georgia.
2. The amount of fees for the services provided for by paragraph (h) of this article, the procedure for the payment of such fees, for refunding the paid fees, and for exemption from the payment of such fees, shall be determined by an order of the Minister.

Article 7 - Powers of local guardianship and custodianship authorities in the area of adoption and foster care

1. A local guardianship and custodianship authority shall be the territorial unit of the Agency within the area of its jurisdiction.
2. A local guardianship and custodianship authority shall:



- a) protect a child, within its jurisdiction, and within the powers defined by the legislation of Georgia;
 - b) represent prospective adoptees/foster children at all stages of the implementation of the procedures for adoption/foster care;
 - c) provide consultation to a person intending to place a child for adoption, and to a person intending to abandon a child;
 - d) provide consultation with regard to the adoption of a child to a person intending to adopt a child, which shall be confirmed by a special form to be approved by the Director of the Agency on the basis of the order;
 - e) provide necessary consultation with regard to a child, taking into account the age, health status and the degree of maturity of the child;
 - f) receive an application and appropriate documents from a person (s) intending to adopt a child;
 - g) grant the status of prospective adoptee to a person under the procedures established by this Law;
 - h) assess the family of a person(s) intending to adopt a child, and a prospective adoptee;
 - i) register a person(s) intending to adopt a child;
 - j) carry out the adoption process;
 - k) participate in the process of court proceedings with regard to adoption;
 - l) provide assistance to an adoptive parent(s) after adoption, including assistance in the process of the psychosocial adaptation of a child in a new environment;
 - m) assess a person intending to provide foster care, and a foster child;
 - n) register a person intending to provide foster care, and a foster child;
 - o) register a person subject to foster care, a person intending to provide foster care, a foster child and a foster parent, and systematise the information on the above mentioned persons;
 - p) assess the compatibility of a person intending to provide foster care and a foster child;
 - q) draw up an individual development plan of a person subject to foster care, and monitor the implementation of the plan;
 - r) supervise the living conditions, the process of upbringing, development, education and health status of a foster child, supervise the performance of duties by a foster parent, draw up an individual development plan, and monitor the implementation of the plan;
 - s) carry out consultations on matters related to foster care within the scope of its authority;
 - t) exercise other powers determined by this Law and other normative acts.
3. Only guardianship and custodianship authorities shall have the authority to receive the consent of a biological parent(s) to place a child for adoption, or to abandon a child.
 4. Rules for the operation of guardianship and custodianship authorities shall be approved by the Minister.

Chapter II

Basic Conditions for Adoption

Article 8 - Adoption according to the permanent place of residence of a person

1. Persons permanently residing in Georgia may adopt a child both in Georgia and abroad.
2. Persons permanently residing abroad may adopt a child permanently residing in Georgia under the procedures established by this Law.
3. If a person permanently residing in Georgia, who is registered as an adoptive parent for adoption of a child from a foreign country, becomes a person permanently residing in a third state at the moment of receiving an offer with regard to his/her registration as a prospective adoptee, the matter of international adoption shall be managed by an agreement between Georgia, the state where the child permanently resides, and the third state.
4. If a person permanently residing in Georgia, who is registered as an adoptive parent for the adoption of a child in Georgia, becomes a person permanently residing in a third state at the moment of being offered a prospective adoptee, the matter of adoption shall be managed under the procedures established for international adoption (the Hague Adoption Convention shall apply), and/or on the basis of an agreement between Georgia and the state where the person who has become an adoptive parent permanently resides.
5. If a person permanently residing abroad, who is registered as an adoptive parent for the adoption of a child in Georgia, becomes a person permanently residing in a third state at the moment of being offered a prospective adoptee, the matter of adoption shall be managed under the procedures established for international adoption, and on the basis of an agreement between Georgia, the state where the adoptive parent has permanently resided, and the third state.
6. If a person permanently residing abroad, who is registered as an adoptive parent for the adoption of a child in Georgia, becomes a person permanently residing in Georgia at the moment of being offered a prospective adoptee, the matter of adoption shall be managed under the procedures established for adoption of a child in Georgia, and on the basis of an agreement between Georgia and the state where the adoptive parent has permanently resided.

Article 9 - Prospective adoptee

1. A child, who has been granted the status of prospective adoptee under the procedures established by this Law, and who is registered in the Registry, shall be subject to adoption.
2. The status of prospective adoptee shall be granted to a child:
 - a) whose parent(s) was (were) declared missing by a court;
 - b) who is an orphan;
 - c) who is declared an abandoned child by a court;
 - d) whose parent(s) was (were) deprived of parental rights;



e) whose legal representatives all give their consent with regard to his/her placement for adoption under the procedures established by the Minister.

3. A child shall be granted the status of prospective adoptee by a decision of the local guardianship and custodianship authority, on the basis of which the prospective adoptee shall be registered in the Registry.

Article 10 - Identification and registration of a prospective adoptee

1. The administration of an institution carrying out educational activities (irrespective of the legal form), and any natural and legal person shall immediately provide information to the Agency with regard to a child found.

2. The administration of an institution carrying out educational activities (irrespective of the legal form and/or the form of subordination), shall submit to the Agency information on a child placed in the said institution in the case of the change of information provided to the Agency with regard to the child, and/or in the case of the request by the Agency.

3. A child shall be de-registered only in the case of his/her adoption, death, change of the status of prospective adoptee, or in the case of the attainment of full legal age.

4. The rule for registering prospective adoptees shall be determined by an order of the Minister.

Article 11 - Measures for the facilitation of identification of infants in medical institutions

1. The administration of a medical institution shall notify a guardianship and custodianship authority, under the procedures established by the Minister, on the admission of an obstetric patient with no ID card to the said institution, within 24 hours after her admission.

2. The administration of a medical institution shall also notify a local guardianship and custodianship authority and the relevant agency of the Ministry of Internal Affairs of Georgia on the abandonment of an infant by an obstetric patient, and on the disappearance of an obstetric patient.

3. A local guardianship and custodianship authority, with the assistance of the Ministry of Internal Affairs of Georgia, shall identify (obtain identification data of) the mother of a child who is at risk of abandonment, and find out the address of her possible place of residence under the procedures determined by the legislation of Georgia.

4. Failure to perform the obligations determined by paragraphs (1) and (2) of this article shall entail administrative liability under procedures established by the legislation of Georgia.

Article 12 - Consent of a parent(s) for the placement of a child for adoption

1. It shall be inadmissible to place a child for adoption without the consent of a parent(s) or other legal representative (if any) of a child.

2. A parent(s) or other legal representative (if any) of a child shall confirm the consent for the placement of the child for adoption by a special form, which shall be approved by the Director of the Agency.

3. Placement of a child for adoption without the consent of a parent(s) shall be permitted, when:

a) a parent(s) is (are) deprived of parental rights by a court;

b) a parent(s) is (are) declared missing by a court;

c) a parent(s) is (are) dead;

d) a child is declared abandoned by a court.

4. Adoption procedures shall be suspended if a guardianship and custodianship authority becomes aware of the procedures establishing paternity with regard to a prospective adoptee. The adoption procedures shall be re-continued if paternity is not established, and shall be terminated if paternity is established.

5. If a parent(s) or other legal representative (if any) of a child, who voluntarily granted consent for the placement of a child for adoption, refuses (refuse) to place the child for adoption, the adoption procedures shall be terminated before a court decision is made.

6. It shall not be permitted to obtain consent for the placement of a child for adoption on the basis of a reward, or any tangible and intangible assets (including receiving services), or by coercive actions.

Article 13 - Consent of a child with regard to adoption and taking into account his/her opinion

For the adoption of a child aged 10 or over, his/her informed written consent shall be necessary, and in the case of a child under the age of 10, his/her opinion shall be considered, taking into account his/her degree of maturity. When placing a child with special needs for adoption, adequate assistance shall be rendered in order to enable him/her to express his/her own will.

Article 14 - Declaring a child as abandoned and/or deprivation/suspension of parental rights

1. A child shall be recognised as abandoned if:

a) he/she is a foundling and within six weeks after his/her discovery, the identity of the child and/or the identity of his/her parent(s) could not be determined through measures implemented by a local guardianship and custodianship authority, a territorial body of the Ministry of Internal Affairs of Georgia, or by the territorial office of the legal entity under public law called the Public Service Development Agency under the Ministry of Justice of Georgia;

b) he/she is a foundling and, within the period established by sub-paragraph (a) of this paragraph, and through the measures provided for by the same paragraph, the identity of the child and/or the identity of his/her parent(s) were determined, but he/she (they) avoids (avoid) exercising his/her (their) parental rights and fulfilling his/her (their) parental duties, and he/she (they) did not attend a local guardianship and custodianship authority within seven days from being notified, or it is impossible to contact him/her (them);



- c) by his/her (their) own action or omission the parent(s) of a child have expressed his/her (their) intention to abandon the child and/or, despite the prevention and reintegration measures offered by the State, he/she (they) avoids (avoid) exercising his/her (their) parental rights and fulfilling his/her (their) parental duties, or if the duration of a 24-hour state guardianship over the child exceeds three months (except when the health status of the parent(s) is poor or the parent(s) is (are) in a penitentiary institution), and the parental rights and duties of the parent(s) of the child have been restricted or suspended.
2. If it is established that a parent does not show proper care to a child on inexcusable grounds, and the place of residence of the parent is known, a local guardianship and custodianship authority shall warn the parent that the child may be declared as abandoned and placed for adoption on the grounds of the undue care given to him/her. If, within two months after the warning, the parent still does not show proper care to the child, the local guardianship and custodianship authority shall review the matter related to declaring the child as abandoned, or the matter of applying to a court with a request to deprive the child's parent of his/her parental rights. The Agency shall be notified about the results of the said review.
3. A decision to declare a child as abandoned shall be made by a court on the basis of the application of a local guardianship and custodianship authority.
4. The birth of the child shall be registered before a local guardianship and custodianship authority applies to a court with a request to declare a child as abandoned.
5. If a court decision on declaring a child as abandoned is made on the basis of paragraph 1(b) or (c) of this article, the parental rights and duties of a parent with regard to the child shall be deemed suspended. In this case, the child declared as abandoned shall be granted the status of prospective adoptee under the established procedures, and adoption procedures with regard to him/her may be initiated.
6. A court shall review the matter related to declaring a child as abandoned under the procedures established by the Civil Procedure Code of Georgia.
7. A child shall be declared as abandoned from the date of the entry into force of a court decision on declaring the child as abandoned.
8. From the moment of the discovery of a child, or from the moment of abandoning a child as a result of the action or inaction of his/her parent(s), the parental rights and duties of the parent(s) with regard to the child shall be deemed suspended. Such rights and duties shall be exercised by a guardianship and custodianship authority.
9. Before a child is declared as abandoned, a local guardianship and custodianship authority shall:
 - a) make a decision on the temporary placement of the child;
 - b) ensure the protection of the rights and legal interests of the child and be a legal representative of the child;
 - c) be authorised to apply to the civil status registration authority under the procedures established by the legislation of Georgia with a request to register the birth of the child.
10. Prevention and reintegration measures shall be determined by the rules established by the legislation of Georgia.

Article 15 - Priority right to adoption

1. The following persons shall have the priority right to adopt a prospective adoptee:
 - a) an adoptive parent, who intends to adopt the child of his/her spouse;
 - b) an adoptive parent, who is the relative of a prospective adoptee from the group of persons established by Article 3(g) of this Law;
 - c) an adoptive parent, who has already adopted the sibling of a prospective adoptee;
 - d) a foster parent, under whose foster care a foster child has been placed for the last six months.
2. A person permanently residing in Georgia, or a person permanently residing abroad intending to adopt a child, who has the priority right to adopt a child permanently residing in Georgia, shall meet the requirements for adoption laid down by the legislation of Georgia.
3. A person permanently residing in Georgia, or a person permanently residing abroad shall have the priority right to adoption, if he/she is a relative of the prospective adoptee from the group of persons established by Article 3(g) of this Law.
4. The order of priority shall not apply to a person who has a priority right to adoption.
5. If a priority right to adoption is exercised during the implementation of adoption procedures, a guardianship and custodianship authority shall prepare an opinion under the procedures established by this Law.
6. An adoptive parent(s) permanently residing in Georgia, who at the same time is (are) a citizen(s) of a foreign country, will not be offered a prospective adoptee registered in the Registry, except when the child is subject to international adoption, or when the adoptive parent(s) is (are) the relative(s) of the prospective adoptee from the group of persons established by Article 3(g) of this Law.
7. Paragraph 6 of this article shall not apply to adoptive spouses permanently residing in Georgia, one of whom is a citizen of Georgia, or a person having the status of a stateless person in Georgia.
8. In the case of a serious illness (based on the list of diseases approved by the Minister) or the death of the parent(s) of a child, the priority right to adoption shall be granted to a person whom the parent(s) of the child specified to a guardianship and custodianship authority.

Article 16 - Direct adoption and related prohibitions

1. It shall not be permitted to hold preliminary negotiations or make arrangements with a person intending to adopt a child, or with an adoptive parent and a parent(s) of a child permanently residing in Georgia, or with any other legal representative of a child, for the purposes of adoption; it shall also not be permitted to search for and disseminate information on a child, a person intending to place a child for adoption, a person intending to adopt a child, or on an adoptive parent.



2. It shall not be permitted to choose a pregnant woman beforehand for the purpose of adoption, and to create opportunities for taking her outside Georgia for the delivery of a child abroad, or to facilitate such actions.
3. International adoption by a person intending to adopt a child, or by an adoptive parent, and searching for a child without the participation of a competent authority, shall not be permitted.

Chapter III **Adoption in Georgia**

Article 17 - Adoptive parent

1. An adoptive parent may be a person of full legal age permanently residing in Georgia, who meets the requirements established for an adoptive parent, except for a person:
 - a) who has been deprived of parental rights or had previously adopted a child, or had been a guardian/custodian of a minor, or had provided foster care to a foster child, but that relationship was due to the improper performance of his/her duties;
 - b) whose parental rights and duties were restricted in accordance with the procedures provided for by the legislation of Georgia due to their failure to exercise his/her parental rights and the non-fulfilment or improper fulfilment of his/her parental duties;
 - c) who cannot fulfil his/her parental duties properly due to health status (based on the list of diseases approved by the Minister);
 - d) whose family's social status does not exceed the standards established by the State for the placement of a child in foster care, except for a person provided for by Article 15 of this Law, who has the priority right to adoption;
 - e) who was convicted of a serious or grave crime by a court, of a crime provided for by Chapter XXIV of the Criminal Code of Georgia, and whose conviction has not been expunged or removed in accordance with the rules established by the legislation of Georgia, except for a crime provided for by the articles of the Criminal Code of Georgia specified in sub-paragraph (f) of this paragraph, when a person may not be an adoptive parent, regardless of whether or not his/her conviction has been expunged or removed;
 - f) who has been convicted of a crime provided for by Articles 109 and 112, Article 126(1¹) and Article 126(2)(d), Article 126¹(2)(a), Article 137, Article 138, Article 139, Article 140, Article 141, Article 142², Article 143¹, Article 143², Article 144¹, Article 144², Article 144³, Articles 171 and 172, Article 172¹, Article 253, Article 255¹ and Article 255² of the Criminal Code of Georgia, regardless of whether or not his/her conviction has been expunged or removed.
2. A child may be adopted by the following person(s):
 - a) a married couple;
 - b) one of the spouses in the cases provided for by Article 15(1)(a) of this Law;
 - c) an unmarried person.
3. A married couple shall adopt a child jointly, except for the case provided for by paragraph 2(b) of this article.
4. Two persons, other than spouses, may not adopt a child jointly.
5. A person adopting the child of his/her spouse shall attach to the application for registration as an adoptive parent the birth certificate of a prospective adoptee, the written consent of the child (if his/her age is 10 or over), the consent of a biological parent(s) to the adoption of the child by the said person, or a document confirming that one of the following circumstances exist:
 - a) the death of the second parent;
 - b) declaring of the second parent as missing;
 - c) depriving the second parent of parental rights.
6. The procedures and conditions for registration in the unified database of socially disadvantaged families of persons permanently residing in Georgia who intend to adopt a child, for maintaining the Registry and for confirming the fact of their permanent residence in Georgia, shall be determined by the adoption procedures to be approved by an order of the Minister.

Article 18 - Age of the adoptive parent

1. The age difference between an adoptive parent and a prospective adoptee shall not be less than 16 years. If there are reasonable grounds, a court may change the age difference.
2. The maximum age difference between an adoptive parent and a prospective adoptee who is under the age of 10 shall not exceed 49 years (the upper age limit). In exceptional cases, the maximum age difference between an adoptive parent and a prospective adoptee under the age of seven to ten may exceed 49 years, if it serves the best interests of the child. The upper age limit does not apply to married adoptive parents, if one of them meets the requirements established by this paragraph.
3. The age limitations established by paragraphs (1) and (2) of this article do not apply to adoption by persons who have the priority right to adoption.

Article 19 - Application for registration as an adoptive parent in Georgia and documents to be submitted

1. A person permanently residing in Georgia who intends to adopt a child permanently residing in Georgia shall submit an application in the form approved by the Director of the Agency to a local guardianship and custodianship authority according to the place of residence.
2. Apart from the said application, a person who intends to adopt a child shall submit the following documents to a local guardianship and custodianship authority:
 - a) a copy of their identity card;
 - b) a copy of their marriage certificate, in the case of marriage; a copy of their divorce certificate, in the case of divorce; a copy of a death certificate, in the case of the death of a spouse;
 - c) a health certificate;



- d) a certificate of medical and drug testing (if the health certificate does not include such information);
 - e) an extract from the unified database of socially disadvantaged families, which confirms that the requirements provided for by paragraph 17(d) of this Law are met by a person who intends to register as an adoptive parent. In addition, after being registered as an adoptive parent, he/she shall undergo the process of re-assessment of the social and economic conditions of the family each following year in order to confirm that the above requirements are met, otherwise he/she shall be de-registered;
 - f) a certificate of conviction;
 - g) a prison record;
 - h) a certificate - a document confirming that a person who intends to adopt a child has completed the mandatory training courses.
3. The application shall include information on the health status, age, sex and origin and other data of the desired prospective adoptee. Such information shall be confirmed in a special form, which shall be approved by a legal act of the Director of the Agency.
4. A local guardianship and custodianship authority shall make a decision on the registration of a person as an adoptive parent, or on the refusal to register a person as an adoptive parent, not later than seven working days after the submittal of the application of the person who intends to adopt a child, and of the documents provided for by paragraph (2) of this article, and shall notify the above mentioned person of the decision.
5. The requirement established by paragraph 2(e) of this article shall not apply to a person with a priority right to adoption.

Article 20 - Completion of the mandatory training courses by a person who intends to adopt a child in Georgia

- 1. A person who intends to adopt a child in Georgia and/or from a foreign country shall complete the mandatory training courses, which are aimed to give a person who intends to adopt a child the skills that are necessary for the development of a child.
- 2. The programme for the mandatory training courses, the duration of the courses, the procedures for completing the courses, the fees payable for such courses, as well as other matters related to the courses, shall be determined by an order of the Minister.
- 3. A person who intends to adopt a prospective adoptee with special needs shall be exempted from paying the fees for the completion of mandatory training courses.
- 4. After the completion of the mandatory training courses by a person intending to adopt a child, a certificate which is a document confirming the completion of the courses shall be issued, and the form of the certificate shall be approved by the Director of the Agency on the basis of a legal act.
- 5. An adoptive parent who has completed the mandatory training courses, and who has received a certificate confirming the completion of courses, and who has previously adopted a child, shall no longer be required to take such courses in the case of adopting a second or subsequent child, but a person who has a biological child and intends to adopt a prospective adoptee shall complete the mandatory training courses.

Article 21 - Unified registry of prospective adoptees and adoptive parents

- 1. The Agency shall ensure the maintaining of the Registry. The Registry shall contain data on prospective adoptees and adoptive parents.
- 2. When a child is registered in the Registry, it does not mean that an adoptive parent will be necessarily found for the child. When an adoptive parent is registered in the Registry, it does not mean that a prospective adoptee will necessarily be offered to him/her.
- 3. The data contained in the Registry shall be available for the authorised persons of the Registry, who shall be determined by an administrative act of the Director of the Agency.
- 4. Data on the prospective adoptees who are subject to adoption in a foreign country shall be provided to the competent authority of a receiving state upon request.
- 5. The rules and procedures for maintaining the Registry shall be determined by an order of the Minister.

Article 22 - Order of priority for adoption

- 1. During adoption, the order of priority recorded in the Registry shall be observed considering the compatibility of an adoptive parent(s) with a prospective adoptee.
- 2. If an adoptive parent(s) refuses (refuse) to adopt the offered child, the adoptive parent(s) shall retain the order of priority recorded in the Registry and he/she (they) must be offered another child in accordance with the criteria of a desired child specified by him/her (them) in the application , and the child, whom he/she (they) refused to adopt, shall be offered to another adoptive parent(s) in accordance with the established rules.
- 3. A guardianship and custodianship authority may make only two offers for the same adoptive parent to adopt a child registered in the Registry. If an adoptive parent refuses a second offer, a local guardianship and custodianship authority shall make a decision on de-registering the adoptive parent, and the agency shall immediately be notified thereof.
- 4. The restriction established by paragraph (3) of this article shall not apply to the case where a child with special needs is offered to an adoptive parent, or where the results of the medical examination conducted on the initiative of an adoptive parent differ from available data on the health status of the prospective adoptee.

Article 23 - Offering of a prospective adoptee to an adoptive parent

- 1. A prospective adoptee shall be offered to an adoptive parent considering the order of priority recorded in the Registry, the criteria of the child specified in the application for adoption, and the best interests of the child. The order of priority shall not apply to a person who has a priority right to adoption.
- 2. An adoptive parent shall have the right to conduct a medical examination of the offered prospective adoptee, which shall be



witnessed by a person authorised by a local guardianship and custodianship authority, unless it harms the health and psychological condition of the child.

3. An adoptive parent shall confirm his/her position (consent/refusal) in writing with regard to the adoption of the offered child within five working days after the offer is made. Failure to meet the said time frame shall mean the refusal to adopt the offered child. Information on the above mentioned consent/refusal shall be sent to the Agency.

4. When an adoptive parent refuses to adopt the offered child, he/she shall specify a valid reason therefor.

5. It shall be prohibited to offer a child to another adoptive parent, if the adoptive parent who has been offered the child does not confirm his/her position with regard to the adoption of the child within the established time frame.

6. An adoptive parent who has refused to adopt a child shall not disclose the data on the child.

7. If an adoptive parent states his/her consent to adopt the offered child, the adoptive parent shall submit the documents provided for by Article 19(2)(a)-(g) of this Law to a local guardianship and custodianship authority, after which the local guardianship and custodianship authority shall initiate further procedures, under the instructions of the Agency, for determining the compatibility of the adoptive parent and the child.

8. When carrying out the assessment to determine the compatibility of an adoptive parent and a prospective adoptee, a social worker shall take into account the needs required for the raising and development of the child in the family of the adoptive parent, and the priority aspects of meeting these needs by an adoptive parent (social and economic conditions of the adoptive parent, his/her health status, family relationships, strengths and weaknesses, motivation for adoption, social contacts, personal characteristics and the assistance system, as well as the ethnic, religious and cultural profile of the child, etc.), which shall be documented in detail in the opinion on the compatibility of the adoptive parent and the child.

Article 24 - Preparing an opinion on adoption and its submittal to a court

1. If an adoptive parent states his/her consent to adopt the offered child, a local guardianship and custodianship authority shall prepare an opinion on adoption within 10 working days after receiving said consent.

2. An opinion on adoption shall include:

- a) data on the adoptive parent (name and surname, personal number, place and date of birth, address of the place of residence, work position, marital status, health status, and information from the unified database of socially disadvantaged families), his/her personal characteristics, and his/her motivation for adopting a child;
- b) data on the prospective adoptee (name and surname, personal number, place and date of birth, identity of the parent(s) and the guardian/custodian, address of the place of residence, health status), and his/her personal characteristics;
- c) the grounds for granting the status of a prospective adoptee to the child;
- d) the decisions on registering the adoptive parent and the child in the Registry;
- e) the basis for offering the prospective adoptee to the adoptive parent;
- f) an opinion on the compatibility of the adoptive parent and the child.

3. An opinion on adoption prepared by a local guardianship and custodianship authority shall be submitted to an appropriate district (city) court within one week after drafting the opinion.

Chapter IV International Adoption

Article 25 - Facilitation of legal relations with states that are parties to the Hague Convention

1. In order to facilitate cooperation in the area of international adoption, Georgia may conclude treaties/ international agreements that do not contravene the treaties/ international agreements of Georgia.

2. The Ministry and the Agency may sign a memorandum of understanding with the relevant authority of a state that is a party to the Hague Convention, in order to facilitate cooperation in the area of international adoption.

Article 26 - Relations of Georgia with a state that is not a party to the Hague Convention

1. The relations of Georgia with a state that is not a party to the Hague Convention shall be determined on the basis of bilateral and multilateral treaties and on the basis of other forms of mutual agreements.

2. When determining legal relations with a state that is not a party to the Hague Convention, the requirements of the Hague Convention shall be taken into account to the extent possible.

3. In accordance with the Law of Georgia on International Treaties of Georgia, the Ministry shall conclude international inter-agency agreements in the area of international adoption.

4. The Ministry and the Agency may sign a memorandum of understanding with the relevant authority of a state that is not a party to the Hague Convention in order to facilitate cooperation in the area of international adoption.

Article 27 - The body authorised in the relations related to international adoption in Georgia

The authorised body in the relations related to international adoption in Georgia is the Agency (the central office), which is the central authority in the same relations (the central authority).

Article 28 - Coordinating role of the central authority

1. The central authority shall coordinate the activities of all state bodies and institutions of Georgia in the area of international adoption.

2. All state bodies and institutions of Georgia participating in the relations in the area of international adoption in any form,



irrespective of their legal status, shall immediately inform the central authority of the failure to fulfil the requirements for international adoption, and of the risk of failure to fulfil such requirements.

3. The central authority shall ensure the implementation of appropriate measures in the cases provided for by paragraph (2) of this article.

Article 29 - Cooperation of the central authority with competent bodies

The central authority shall cooperate with competent bodies and promote cooperation with such bodies in order to protect the rights of children and achieve the goals determined by this Law and the treaties of Georgia.

Article 30 - Powers of the central authority in the area of international adoption

In the area of international adoption, the central authority shall be entitled to:

- a) ensure the implementation of the state policy and the protection of the rights of children;
- b) implement the procedures for international adoption;
- c) coordinate all organisations/institutions which participate in the relations in the area of international adoption in any manner, irrespective of their legal form;
- d) cooperate with relevant offices of other states, and exchange information with such offices;
- e) exercise other powers determined by this law and the treaties of Georgia.

Article 31 - Scope of activities of a body of a foreign country accredited in the territory of Georgia

1. Georgia shall use the services of a body of a foreign country accredited in Georgia with regard to adopting a child permanently residing in Georgia in a foreign country.
2. Georgia shall use the services of a body of a foreign country accredited in Georgia with regard to adopting a child from a foreign country by a person permanently residing in Georgia.
3. The central authority shall make a decision on cooperation with an accredited body of a foreign country in relation to international adoption.
4. The central authority may not grant the authority to carry out activities in the territory of Georgia to an accredited body of a foreign country unless it meets the established requirements, or unless the central authority requires its services.
5. The central authority may terminate the powers of an accredited body of a foreign country to carry out activities in the territory of Georgia, or shall have the right not to renew the powers of a terminated authority to carry out activities in the territory of Georgia, if it fails to fulfil the imposed duties properly, or no longer meets the established requirements, or the central authority no longer requires its services. The central authority may also suspend the authority of an accredited body of a foreign country to carry out activities in the territory of Georgia if it does not meet the established requirements.
6. In the cases provided for by paragraph (5) of this article, the central authority shall not offer a prospective adoptee to an adoptive parent(s) registered through an accredited body of a foreign country, and the adoption procedures of the offered prospective adoptee shall not continue, except for the stage of court procedures with regard to adoption.

Article 32 – Requirements to be met by an accredited body of a foreign country

1. An accredited body of a foreign country shall submit documentation certifying accreditation to the central authority upon request, as well as the recommendation of the authorised body (if any).
2. An accredited body of a foreign country shall submit to the central authority the reports after the international adoption process.

Article 33 - Application on adoption from a foreign country

1. A person(s) permanently residing in Georgia who intends (intend) to adopt a child permanently residing abroad shall file an application with the central authority in the manner laid down by law.
2. The form of the application provided for by paragraph (1) of this article shall be approved by the central Authority.
3. A person(s) under paragraph (1) of this article who intend to be registered as an adoptive parent(s) for the purposes of adopting a child from a foreign country, shall meet every requirement for adopting a child in Georgia.
4. A persons(s) who intends (intend) to adopt a child from a foreign country shall additionally submit appropriate documentation which is envisaged by the legislation of the state of origin and required by a relevant competent body.

Article 34 - Preparing a report on an adoptive parent(s) permanently residing in Georgia and submitting it to the state of origin

1. The central authority shall prepare a report on an adoptive parent(s) permanently residing in Georgia who is (are) registered in the Registry and who intends (intend) to adopt a child from a foreign country. The report shall include information on the identity, origin, family history, medical history and criminal liability of an adoptive parent(s) under the procedures established by this Law, and on the social environment, motivation for adoption, and characteristics of a desired prospective adoptee, as well as their abilities to raise such child, and on other matters.
2. The report referred to in paragraph (1) of this article shall be prepared in the form approved by the central authority.
3. The central authority shall submit the report provided for by paragraph (1) of this article to a competent body of the state of origin.
4. The fees payable for preparing a report on an adoptive parent(s) permanently residing in Georgia, and for carrying out other administrative tasks, shall be determined by an order of the Minister.



Article 35 - Offering a child to the central authority by a competent body of the state of origin

1. If a competent body of the state of origin intends to offer a prospective adoptee to the central authority for the purpose of adopting the prospective adoptee by a person permanently residing in Georgia, the competent body shall submit an opinion on the child. The opinion shall include information on the identity, origin, social environment and family history of the child, the medical history of the child and his/her family, the special needs (if any) of the child, and on the circumstances on the basis of which the child was subject to the placement for adoption.
2. The opinion of a competent body of the state of origin shall also include:
 - a) documents which confirm the circumstances on the basis of which the child was subject to the placement for adoption;
 - b) assessment which certifies that the upbringing of the offered child in the family of the adoptive parent(s) is in the best interests of the child.

Article 36 - Offering a child to an adoptive parent(s) by the central authority for the purpose of adoption, and the position of the adoptive parent(s) with regard to adoption

1. Within seven working days after receiving an offer (information) on a child from a competent body of the state of origin, except when the parties agree on a different time frame, the central authority shall offer the child to the adoptive parent(s) specified in the opinion on the child prepared by the competent body of the state of origin.
2. An adoptive parent(s) shall confirm his/her (their) position in writing regarding the adoption of the offered child, within seven working days, or within the time frame determined by a competent body of the state of origin.
3. If a response from an adoptive parent(s) is not received within the time frame established by paragraph (2) of this article, it shall be considered that he/she (they) has (have) refused to adopt the offered child. A competent body of the state of origin shall be notified thereof within three working days.

Article 37 - Consent of an adoptive parent(s) to adopt a child from the state of origin

1. In the case of receiving the consent of an adoptive parent(s) on adopting the offered child within the established time frame, the central authority shall, within three working days after receiving the consent, notify a competent body of the state of origin about the consent or the refusal of the adoptive parent(s) with regard to adopting the offered child, and about its own position with regard to the possibilities of adoption.
2. The central authority may refuse the child offered for adoption by a competent body of the state of origin, if it is clear that the data on the child do not meet the requirements of the adoptive parent(s), and/or do not meet the best interests of the child.

Article 38 - Agreement on the adoption of a child from the state of origin

1. If the central authority and a competent body of the state of origin come to an agreement that a procedure for adopting a child from the state of origin may take place, the central authority shall conduct negotiations with the competent body of the state of origin with regard to the entry of the prospective adoptee into the territory of Georgia.
2. If the central authority and a competent body of the state of origin come to an agreement with regard to the entry of the prospective adoptee into the territory of Georgia, the central authority, within five working days after reaching the agreement, shall file an application with:
 - a) the Ministry of Internal Affairs of Georgia, in order to receive information on the impeding circumstances that may exist in the process of the child's entry into the territory of Georgia, and during his/her permanent residence in Georgia. The Ministry of Internal Affairs of Georgia shall notify the central authority within 20 working days of any circumstances that may impede the process of the child's entry into the territory of Georgia, and the child's permanent residence in Georgia.
 - b) the legal entity under public Law called the Public Service Development Agency operating under the governance of the Ministry of Justice of Georgia, in order to receive information from the Agency within 20 working days on granting the citizenship of Georgia to the child on the basis of the documents submitted, and/or on the possibility of initiating procedures to grant the child a permanent residence permit.
3. On the basis of the information received from the relevant agencies, the central authority shall provide information to a competent body of the state of origin within three working days on the entry of a prospective adoptee into the territory of Georgia, and on obtaining a permanent residence permit by the child, and/or on the existence/absence of the circumstances that may impede the granting of the citizenship of Georgia to the child.

Article 39 - Informing an adoptive parent(s) regarding the agreement on adopting a child from the state of origin

The central authority shall provide information to the adoptive parent(s) regarding the agreement concluded between the central authority and a competent body of the state of origin on adopting a child from the state of origin.

Article 40 - Recognition of the certificate of conformity of inter-country adoption

1. Georgia shall recognise the certificate of conformity of inter-country adoption issued to the adoptive parent(s) by the competent body of the state implementing the international adoption procedures, if the adoption was carried out in compliance with the requirements of the Hague convention, and bilateral and multilateral treaties signed with the above state.
2. A copy of the certificate of conformity of inter-country adoption issued to the adoptive parent(s) by a competent body of the state of origin shall be sent to the central authority.

Article 41 - Transferring a child to adoptive parent(s) permanently residing in Georgia

1. Transferring a child to adoptive parent(s) permanently residing in Georgia shall be ensured by a competent body of the state of



origin.
2. A child may travel to Georgia only if the requirements established by this law are met.

Article 42 - Measures to be implemented where it is impossible for a child to stay with the person permanently residing in Georgia who intends to adopt the child

1. If the final decision on the adoption of a child permanently residing abroad is made after his/her departure to Georgia, and if the central authority considers that the stay of the child permanently residing abroad with the adoptive parent(s) does not meet the best interests of the child, the central authority shall carry out necessary measures to protect the child; in particular, the central authority shall:

- a) ensure the separation of the child from the adoptive parent(s) and determine the further form of care, and notify a competent body of the state of origin thereof;
- b) ensure the return of the child to the relevant foreign country in extreme cases, if this is in the best interests of the child.

2. Consultation shall be provided to a child taking into consideration his/her age, health status and degree of maturity, and where necessary, his/her consent shall be obtained on the measures to be taken.

Article 43 - Making a decision on adoption after the departure of a child to Georgia

1. If the adoption of a child permanently residing abroad is carried out after his/her departure to Georgia, there shall be an agreement thereon between the central authority and a competent body of the state of origin.

2. If the central authority and a competent body of the state of origin agree that the final decision on the adoption of a child permanently residing abroad shall be made in Georgia, the case on the adoption shall be heard by a court in accordance with this law.

3. The central authority shall issue an original certificate of conformity of inter-country adoption to the adoptive parent(s) on the basis of the court decision, and shall send a copy thereof to a competent body of the state of origin.

Article 44 - A child permanently residing in Georgia who is subject to international adoption

1. Where the adoptive parent(s) of a prospective adoptee permanently residing in Georgia cannot be found in Georgia, the central authority shall initiate the procedure for the international adoption of the child.

2. If a child is not adopted in Georgia within eight months after he/she obtains the status of a prospective adoptee, and at the same time it is established that international adoption meets the best interests of the child, the central authority shall prepare an opinion on the prospective adoptee on its own initiative, and shall submit it to the competent body.

3. The time frame established by paragraph (2) of this article shall not apply to a person with a priority right to adoption.

4. A court may decrease the time frame established by paragraph (2) of this article taking into consideration the health status of a child.

Article 45 - Opinion on a child permanently residing in Georgia who is subject to international adoption

1. An opinion of the central authority on a child permanently residing in Georgia who is subject to international adoption shall include information on the identity, origin, social environment and family history of the child, the medical history of the child and his/her family, the special needs (if any) of the child, and on granting the status of a prospective adoptee to the child.

2. In order to prepare an opinion on a prospective adoptee, his/her health status shall be determined, for which an appropriate expert opinion is necessary.

3. The form of the medical opinion on the health status of a child shall be approved by the central authority.

Article 46 - Application on adoption of a child permanently residing in Georgia by a person(s) permanently residing abroad

1. A person(s) permanently residing abroad who intends (intend) to adopt a child permanently residing in Georgia shall duly file an application with a competent body in the field of international adoption in a receiving state.

2. A person permanently residing abroad may not file an application with the central authority directly, or carry out any other action, whose purpose is to adopt a child permanently residing in Georgia.

3. The fact of permanent residency of a person in a foreign country shall be determined under the procedures established by the Minister.

Article 47 - Opinion on a person(s) permanently residing abroad who intends (intend) to adopt a child

1. If a competent body of a receiving state determines that a person (persons) permanently residing abroad, who intends (intend) to adopt a child permanently residing in Georgia, meets (meet) the requirements established by this article, and is (are) ready to adopt the child, the competent body of a receiving country shall send an opinion to the central authority. The opinion shall include information on the identity of the person(persons) who intends (intend) to adopt a child, his/her (their) origin, social environment, existence/absence of conflict with law, medical history, necessary skills for adopting a child, and on the characteristics of the child intended for adoption (health status, age, sex, religious affiliation, origin, nationality).

2. The following shall be attached to the opinion provided for by paragraph (1) of this article:

- a) copies of the identification documents (an identity card or a passport) of the person (persons) who intends (intend) to adopt a child;
- b) a document (if any) certifying permanent residency in the relevant foreign country of a person(s) who intends (intends) to adopt a child;
- c) a document certifying a registered marriage, in the case of the adoption of a child by the adoptive parents; a document certifying



- divorce, in the case of the divorce of the adoptive parent(s); a document certifying death, in the case of the death of the spouse of an adoptive parent;
 - d) a health certificate;
 - e) a document certifying material/financial status;
 - f) a document on medical and drug testing/a document on the existence/absence of drug addiction;
 - g) a record of conviction; if there are other persons living in the family of the adoptive parent(s), their records of conviction. The relevant information may be submitted in accordance with the procedures established in the state of origin;
 - h) recommendation of a competent body on the adoption of a child;
 - i) a document confirming that the person(s) intending to adopt a child has (have) completed the mandatory training courses (if the report does not specify that he/she (they) has (have) completed the courses).
3. The documents provided for by paragraphs (1) and (2) of this article shall be apostilled or legalised, translated into the Georgian language and notarised, except for the cases provided for by the treaties of Georgia.
4. If a person(s) permanently residing abroad intends (intends) to adopt a child permanently residing in Georgia, who is his/her (their) relative, a document certifying their kinship shall be attached to the opinion.

Article 48 - Registration of a person(s) permanently residing abroad as an adoptive parent (s)

1. Within seven working days after receiving the opinion provided for by Article 47 of this Law, the central authority shall make a decision on registering or refusing to register a person(s) permanently residing abroad as an adoptive parent(s).
2. On the basis of the documents provided for by Article 47 of this Law, the central authority shall register in the Registry a person(s) permanently residing abroad who intends (intend) to adopt a prospective adoptee permanently residing in Georgia.
3. The central authority may refuse to register a person(s) permanently residing abroad as an adoptive parent(s), if the submitted documents do not meet the requirements established by the legislation of Georgia.
4. The central authority shall forward the relevant decision provided for by paragraph (1) of this article to a competent body of a receiving state within three working days.

Article 49 - Measures for preparing to make offer to an adoptive parent(s) permanently residing abroad with regard to a prospective adoptee

1. After the registration of an adoptive parent(s) permanently residing abroad in the Registry, the central authority shall carry out the following measures:
 - a) select an adoptive parent(s) and a prospective adoptee in terms of their compatibility;
 - b) prepare an opinion on a child, if a child desired by the adoptive parent(s) is found. The opinion shall include information on the identity, origin, social environment and family history of a prospective adoptee, the medical history of the child and his/her family, the special needs (if any) of the child, and on granting the status of prospective adoptee to the child.
2. The form of the opinion provided for by paragraph 1(b) of this article shall be approved by the central authority.

Article 50 - Determination of compatibility of a prospective adoptee permanently residing in Georgia and an adoptive parent(s) permanently residing abroad

1. The central authority shall determine the compatibility of a prospective adoptee permanently residing in Georgia and an adoptive parent(s) permanently residing abroad, whose characteristics and skills will best respond to the needs of the child.
2. The adoption commission shall determine the compatibility of a prospective adoptee and an adoptive parent(s).
3. When determining the compatibility of a prospective adoptee and an adoptive parent(s), the ethnic, religious or cultural affiliations of a child shall be taken into account to the extent possible.
4. The adoption commission shall make a decision on the compatibility of a prospective adoptee and an adoptive parent(s).
5. An adoptive parent(s) may not participate, in any form, in the process of determining the compatibility of a prospective adoptee and an adoptive parent(s), or in the selection of a prospective adoptee.

Article 51 - Offering a prospective adoptee to an adoptive parent(s) permanently residing abroad registered in the Registry

1. Within five working days after determining the compatibility of a prospective adoptee and an adoptive parent(s), the central authority shall:
 - a) submit an opinion on the prospective adoptee to the competent body of a receiving state;
 - b) provide other information (if any) to the competent body of a receiving state, if the disclosure of such information does not contravene the legislation of Georgia;
 - c) provide information to the competent body of a receiving state on the grounds for offering a prospective adoptee to the adoptive parent(s).
2. It shall not be permitted to offer a prospective adoptee to other adoptive parent(s) permanently residing abroad, unless the central authority receives a response from the competent body of a receiving state, within the time frame established by this Law, regarding the position of the adoptive parent(s) on adopting the offered prospective adoptee.

Article 52 - Consent of an adoptive parent(s) permanently residing abroad on adopting an offered prospective adoptee

1. Within 10 working days after submitting an opinion on a prospective adoptee to the competent body of a receiving state, the central authority shall receive an answer regarding the position of the adoptive parent(s) on adopting the offered prospective adoptee.
2. If a response from the competent body of a receiving state is not received within the time frame established by paragraph (1) of



- this article, it shall be deemed that the adoptive parent(s) has (have) refused to adopt the offered prospective adoptee.
3. If the adoptive parent(s) permanently residing abroad desires (desires) to visit the offered prospective adoptee, such visit shall be made within the time frame and under the conditions defined by the central authority.
4. An adoptive parent(s) permanently residing abroad may conduct a medical examination of the offered prospective adoptee with the consent of the central authority. The terms of conducting the medical examination of the offered prospective adoptee shall be determined by the central authority.
5. The competent body of a receiving state shall notify the central authority in writing regarding the position of an adoptive parent(s) on adopting the offered prospective adoptee within five working days after the expiry of the time frame established for visiting the offered prospective adoptee and/or for conducting his/her medical examination. The adoption of a prospective adoptee shall be deemed refused if the said time frame is not adhered to.
6. If the adoptive parent(s) permanently residing abroad agrees (agree) to adopt an offered prospective adoptee, the competent body of a receiving state and the central authority shall initiate the procedures for an agreement on adoption.

Article 53 - Agreement of the parties on implementing the procedures for adopting a prospective adoptee permanently residing in Georgia in a foreign country

1. If the central authority and the competent body of a receiving state agree that the procedures for adopting a prospective adoptee permanently residing in Georgia in a foreign country may be implemented, the competent body of the receiving state shall provide information to the central authority on the guarantees of the entry of the prospective adoptee permanently residing in Georgia into the receiving state, and on the guarantees of the right of his/her permanent residence.
2. If the central authority receives the guarantees from the competent body of the receiving state with regard to the entry of a prospective adoptee permanently residing in Georgia into the receiving state, and with regard to his/her right to permanently reside in Georgia, the central authority shall, within five working days after receiving the guarantees, file an application with the Ministry of Internal Affairs of Georgia, and request information on the existence of circumstances that may impede the leaving of the territory of Georgia by the child. The Ministry of Internal Affairs of Georgia shall provide the relevant information to the central authority within 20 working days.
3. On the basis of the relevant information received from the Ministry of Internal Affairs of Georgia, the central authority shall, within three working days after receiving information, notify a competent body of the state of origin on the existence/absence of circumstances impeding a prospective adoptee permanently residing in Georgia to leave the territory of Georgia.

Article 54 - Preparing an opinion on adoption of a prospective adoptee from Georgia to a foreign country, and submitting it to a court

1. Within five working days after receiving the information referred to in Article 53(2) of this Law (in particular, information on the absence of impeding circumstances) the central authority shall prepare an opinion on the adoption of a prospective adoptee from Georgia to a foreign country.
2. The opinion on the adoption of a prospective adoptee from Georgia to a foreign country shall include:
- a) data on the adoptive parent(s) (name and surname, personal number (if any), passport number, place and date of birth), his/her (their) social state, health status and the motivation for adopting a child;
 - b) data on a prospective adoptee (name and surname, personal number, place and date of birth, place of residence, health status and other information, unless such information contravenes the legislation of Georgia);
 - c) information on the compatibility of a prospective adoptee and the adoptive parent(s);
 - d) information on the grounds for granting the status of prospective adoptee to a prospective adoptee;
 - e) information exchanged between the central authority and the competent body of a receiving state on the possibilities of adoption;
 - f) information on the existence of circumstances impeding a prospective adoptee to leave the territory of Georgia and to enter a receiving state;
 - g) circumstances due to which an adoptive parent(s) of a prospective adoptee cannot not be found in Georgia.
3. An opinion on adopting a prospective adoptee from Georgia to a foreign country shall be submitted to an appropriate district (city) court within a week after its preparation.

Article 55 - Court decision on adopting a prospective adoptee permanently residing in Georgia in a foreign country

The court decision on adopting a prospective adoptee permanently residing in Georgia in a foreign country shall be delivered in accordance with Article 61 of this Law.

Article 56 - Issuing a certificate of conformity of inter-country adoption

1. The central authority shall issue an original certificate of conformity of inter-country adoption to an adoptive parent(s) within three working days after the court decision on the adoption of a prospective adoptee permanently residing in Georgia in a foreign country is delivered, and it shall send a copy of the certificate of conformity of inter-country adoption to the competent body of the receiving country.
2. The form of the certificate of conformity of inter-country adoption shall be approved by the central authority.

Article 57 - Transferring a prospective adoptee permanently residing in Georgia to the adoptive parent (s) permanently residing abroad

The central authority shall take relevant measures to ensure the transfer of a prospective adoptee permanently residing in Georgia



to the adoptive parent(s) permanently residing abroad.

Article 58 - Post international adoption opinions

1. In the case of the adoption of a prospective adoptee permanently residing abroad by the adoptive parent (s) permanently residing in Georgia, the central authority shall submit a post international adoption opinion to a competent body, if the parties agree thereto. The adoptive parent(s) is (are) obliged to support the central authority in the preparation of the report.
2. In the case of the adoption of a prospective adoptee permanently residing abroad by the adoptive parent(s) permanently residing in Georgia, a competent body of a receiving state shall submit an opinion on the adopted child to the central authority once every six months, within the period of the first two years from the adoption, and once during the third year of adoption, unless the parties agree to submit opinions with greater frequency.
3. Three years after the adoption of a child the central authority may request, where necessary, the submission of an opinion on the adopted child, at any time before the child reaches the age of maturity.
4. Procedures and conditions for the submission of a post international adoption opinion shall be approved by an order of the Minister.
5. The opinions provided for by this article shall be submitted in the official language of the state of origin, with a certified translation into the official language of a receiving state, unless the parties agree otherwise.
6. The obligation to prepare documents (an obligation to translate and notarise documents) provided for by paragraph (5) of this article shall be imposed on the adoptive parent(s).
7. The liability for failure to perform the obligations determined by this article by the adoptive parent(s) permanently residing in Georgia, shall be established by the legislation of Georgia.

Article 59 - Confidentiality of opinions

Documents related to adoption procedures, including the opinions prepared for the purpose of monitoring the adoption procedures, shall be confidential.

Article 60 - Circumstances conditioning the return of opinions

1. The opinions on a person(s), or on an adoptive parent(s) intending to adopt a child from Georgia in a foreign country, shall be returned to a competent body of a receiving state upon request (with the attached documents), before the court decision on the adoption of the child is delivered.
2. If an adoptive parent(s) so desires (desire), the central authority may request from a competent body of the state of origin to return the opinion on the adoptive parent(s) (with the attached documents), before the final court judgement on the adoption of the child is delivered.
3. The central authority may request a competent body of a receiving state to return the opinion on a child, if, despite the court decision on the adoption of a child, the departure of the child to a receiving state is not ensured.
4. The opinion on a child shall be returned to a competent body of the state of origin upon request, before the final court judgement on the adoption is delivered.
5. Taking into account the conditions provided for by this article, the central authority shall return the relevant opinion to a competent body within 10 working days after receiving the request.
6. In the case of the circumstances defined in this article, the adoption procedures shall be terminated.

Chapter V

Delivering a Decision on Adoption by a Court, Legal Consequences of Adoption and Confidentiality of Adoption

Article 61 - Delivering a decision on adoption by a court

1. A decision on adoption shall be made by a district (city) court.
2. An adoptive parent(s) shall submit an application for adoption to a court according to his/her (their) place of residence or the place of residence of a prospective adoptee.
3. Adoption cases shall be heard under the procedures established by the Civil Procedure Code of Georgia.
4. A decision on the adoption of a child permanently residing abroad by a person(s) permanently residing in Georgia shall be made by a district (city) court, on the basis of an agreement between Georgia and the state of origin, unless such decision is made in the state of origin.
5. If a decision on the adoption of a child permanently residing abroad by a person(s) permanently residing in Georgia is to be made in Georgia, the person(s) shall submit an application to a court according to his/her (their) location.
6. A decision on the adoption of a child permanently residing in Georgia by a person(s) permanently residing abroad shall be made by a district (city) court. A person(s) permanently residing abroad who intends (intend) to adopt a child permanently residing in Georgia, shall submit an application to a court according to the location of the prospective adoptee.
7. A court shall deliver a decision on adoption, if it is expected that the relationship established between an adoptive parent and an adoptee will be similar to the relationship between a parent and a child.
8. A child aged 10 or over may attend the court sitting, on the basis of his/her consent, unless it contravenes the best interests of the child. The matter on the attendance of the court sitting by a child who is under the age of 10 shall be decided by a court taking into account his/her age, health status and degree of maturity.
9. A court may dismiss the participants of the adoption case from the court room, when a child gives his/her consent on adoption, or when the opinions and desires of the child with regard to adoption are heard.



10. Adoption cases shall be heard at a closed court sitting. The parties may request the holding of an open court sitting. If an adoptive parent(s) and a child aged 10 or over, or his/her legal representative cannot agree on whether to hold an open or a closed court sitting, the decision shall be made by a court.
11. It shall not be permitted to adopt a child without the attendance of the adoptive parents at the court sitting. The court sitting may be held with the participation of one of the adoptive parents, if there is a reasonable excuse.
12. An authorised person of a guardianship and custodianship authority shall protect the interests of a prospective adoptee during adoption procedures in court.
13. The placement of a child in a receiving state or the departure of a child to a receiving state shall not be permitted before a court decision on adopting the child in a foreign country is delivered.
14. Adoption shall not be permitted on any condition, by specifying any period, or through a representative. During the adoption, an adoptive parent(s) may use the legal services of a lawyer or other authorised person provided for by the legislation of Georgia, and the citizen of a foreign country may use the service of a competent body, and in the case of the absence of such body, the service of any other relevant accredited legal person.
15. A court is obliged to send a court decision on adoption, within five working days after the entry into force of the decision, to the legal entity under public law called the Public Service Development Agency operating under the governance of the Ministry of Justice of Georgia according to the place where the court decision was made, and to the appropriate territorial unit of the agency, and in the cases provided for by paragraphs (5) and (6) of this article, to the legal entity under public law called the Public Service Development Agency operating under the governance of the Ministry of Justice of Georgia, and to the central authority.
16. At any stage of adoption (placement for adoption) procedure, but not later than the moment when a court delivers a final judgement on adoption (placement for adoption), a parent(s), if there is the consent provided for by Article 9(2)(e) of this Law, as well as an adoptive parent(s) and a prospective adoptee, if he/she is aged 10 or over, and a prospective adoptee under the age of 10, taking into consideration his/her degree of maturity, may refuse adoption (placement for adoption).
17. If biological parents file an application with the Agency for the refusal to place a child for adoption, the Agency shall, before the entry into force of the court decision, notify the court thereof and send the application to the court.
18. If biological parents file an application with the Agency for the refusal to place a child for adoption, and the court decision has already entered into force, the Agency shall notify the biological parents thereof, without disclosing the identity of an adoptive parent(s) to them.
19. If new circumstances are revealed before a court delivers a final judgment on adoption, the guardianship and custodianship authority may, taking into account the best interests of a child, change its own opinion and request the suspension of the court proceedings.
20. If the court does not deliver a decision on adoption, a child may be offered to another adoptive parent(s). Taking into consideration the reasons for refusing to grant the adoption by a court, the Agency shall be entitled to review the matter of the cancellation of the registration of the adoptive parent(s).

Article 62 - Making amendment to civil status acts

1. Upon the request of an adoptive parent(s), the name, surname, personal number, place of birth and date of birth (within the month of birth) of the child may be changed for confidentiality reasons.
2. An adoptive parent(s) shall be indicated as a parent(s) of the adoptee in the civil record of birth of the child.
3. When changing the name, surname, personal number, place of birth and date of birth of a child who is aged 10 or over, a court shall take into account the opinion of the child, unless otherwise determined by this Law.
4. When changing the personal data provided for by paragraph 3 of this article of a child who is under the age of 10, a court shall take into account his/her opinion, considering his/her age, health status and degree of maturity.
5. Data provided for by this article shall be changed on the basis of a court decision.

Article 63 - Legal consequences of adoption

1. After a court decision on adoption enters into legal force, an adoptee shall lose property rights and personal non-property rights and shall be released from obligations towards his/her biological parent(s) and biological relatives.
2. After a court decision on adoption comes into legal force, an adoptee shall acquire the legal status of a common child of marriage of spouses if the child is adopted by spouses or if one spouse adopts the child of the other spouse, in accordance with the rights and obligations of children and parents established by the Civil Code of Georgia.
3. With property and personal non-property rights and obligations, an adoptee and his/her descendants shall be equal to the biological relatives of an adoptive parent and his/her relatives, and an adoptive parent and his/her relatives shall be equal to the adoptee and his/her descendants.
4. In the case of international adoption, if an adoption carried out in the state of origin does not result in the termination of the legal relationship that existed between a child and his/her biological parents before the adoption, the adoption may be deemed to entail the above mentioned consequences, if:
 - a) a court of Georgia makes an appropriate decision;
 - b) each legal representative of the child agrees on placing the child for adoption and with regard to the matter related to the origination of the legal relationship provided for by paragraph 3 of this article.
5. In case of the adoption of a child permanently residing in Georgia from a foreign country, he/she shall terminate the legal relationship with his/her biological parent(s).

Article 64 - Maintaining information on adoption



1. Authorised bodies of Georgia shall ensure the maintaining of information on adoption in the manner laid down by the legislation of Georgia.
2. Any person, who officially or unofficially becomes aware of the information referred to in paragraph (1) of this article is obliged not to disclose it, except for the cases provided for by the legislation of Georgia.

Article 65 - Confidentiality of adoption

1. Disclosure of the confidentiality of adoption shall result in liability in the manner laid down by the legislation of Georgia.
2. A judge who delivers a decision on adoption, a biological parent of the child, a representative of the guardianship and custodianship authority, an employee of the civil status registration authority, and any person participating in adoption procedures, is obliged to keep information received at any stage of the adoption procedure confidential.
3. The Agency shall ensure that an adoptive parent(s), before adopting a child, receives (receive) information on the personal data of the child in compliance with the relevant procedures (information on the name and surname, date and place of birth, health status of the child (if any), as well as information on the identity of his/her biological parent (s)).
4. An adoptee may obtain information on the identity of his/her biological parent(s) with the consent of the adoptive parent(s) and the biological parent(s).
5. An adoptee may obtain information on his/her personal data which was available before his/her adoption (information on the name and surname, date and place of birth, and health status (if any)).
6. The Agency shall file an application with the relevant authorities, on the basis of an application of an adoptee, to determine the identity and the whereabouts of his/her biological parent(s). If the identity and whereabouts of the biological parent(s) of the adoptee cannot be determined, due to which it is impossible to determine his/her (their) position, the Agency shall provide personal information (information on the name and surname, date of birth and place of birth, on the health status (if any)) to the adoptee.
7. The Agency shall be authorised to file an application with relevant authorities, on the basis of an application of a biological parent(s), to find his/her (their) biological child. If it is determined that the biological child has already been placed for adoption, the Agency shall terminate the procedures.
8. The Agency shall not provide an adoptee with the identification details of his/her biological parent(s), if:
 - a) a biological parent(s) does (do) not desire the adoptee to receive the said data;
 - b) during the procedures for the placement of the child for adoption, the biological parent(s) voluntarily states (state) that he/she (they) do not wish the adoptee or the adoptive parent(s) to receive the identification data of the biological parent(s) of the child in the future. In such case, the Agency may not contact the biological parent(s).
9. A biological parent(s) of a child may withdraw his/her (their) refusal at any time, so that an adoptee or an adoptive parent(s) is (are) allowed to receive the identification data of the biological parent(s), if so desired.
10. The consent provided for by this article shall not be obligatory if a biological parent(s) of an adoptee or an adoptive parent(s) is (are) deceased, except for the cases provided for by paragraph (8) of this article.
11. A biological parent(s) of an adoptee may receive the identification data of the adoptee if the adoptee files an application with the Agency after attaining full legal age, and makes a request for the biological parent(s) to have the access to his/her identification data.

Chapter VI

Reversal of Adoption, Annulment of Adoption

Article 66 - Reversal of adoption

1. The adoption of a child before he/she attains full legal age may be reversed under the procedures established by the legislation of Georgia:
 - a) if an adoptive parent(s) does (do) not perform the imposed parental duties;
 - b) upon the request of an adoptive parent(s), if the cohabitation of an adoptive parent(s) and an adoptee is not possible.
 - c) if it is requested by the guardianship and custodianship authority, taking into consideration the best interests of an adoptee.
2. A guardianship and custodianship authority shall participate in the court hearing of the case related to the reversal of adoption.
3. A court may reverse adoption only if it determines that it is in the best interests of an adoptee. The court shall take into consideration the duration of the child's stay with the family of the adoptive parent, and with the adoptive parent.
4. If an adoptee is aged 10 or over, adoption may be reversed only with the consent of the adoptee. If an adoptee is under the age of 10, then in the process of reversing adoption, a court shall take into consideration the opinion of the adoptee depending on his/her age, health status and degree of maturity.
5. Adoption may not be reversed after an adoptee attains full legal age, except when an adoptive parent(s), an adoptee and his/her biological parent(s) states (state) his/her (their) consent for the reversal of adoption.
6. If a decision on the adoption of a child permanently residing abroad by a person(s) permanently residing in Georgia was made by a court of Georgia, the adoption may be reversed in accordance with paragraphs (1)-(5) of this article.

Article 67 - Annulment of adoption

1. Adoption may be deemed annulled, if:
 - a) the adoption was carried out in violation of the legislation of Georgia;
 - b) a court decision on adoption is based on forged documents;
 - c) the adoption is fictitious.



2. A court may annul adoption only when it determines that this is in the best interests of an adoptee. The court shall take into consideration the duration of the child's stay with the family of an adoptive parent, and with the adoptive parent.
3. A guardianship and custodianship authority is obliged to participate in the court hearing of a case related to the annulment of adoption.
4. If an adoptee is aged 10 or over, the annulment of a court decision on adoption shall be permitted only with the consent of the adoptee. If an adoptee is under the age of 10, then in the process of the annulment of adoption, a court shall take into consideration the opinion of the adoptee depending on his/her age, health status and degree of maturity.
5. If a decision on the adoption of a child permanently residing abroad by a persons(s) permanently residing in Georgia was made by a court of Georgia, the decision may be annulled in accordance with paragraphs (1)-(4) of this article.

Article 68 - Person authorised to request the reversal or annulment of adoption

1. The following persons may submit an application to a court for the reversal of adoption:
 - a) a biological parent(s) of an adoptee;
 - b) an adoptive parent(s);
 - c) an adoptee - under the procedures established by the civil procedure legislation of Georgia;
 - d) a guardianship and custodianship authority if it is necessary to protect the best interests of an adoptee.
2. A person, whose rights were violated in the process of adoption, may request the annulment of adoption.
3. A biological parent(s) of an adoptee may request the reversal/annulment of adoption within two months from the day when he/she (they) became aware of the grounds for the reversal/annulment of adoption.
4. A person who believes that the best interests of a child may be infringed by his/her adoption, shall notify a guardianship and custodianship authority thereof. The said body shall decide on submitting an application for the reversal of adoption to a court.
5. An application for the reversal of adoption shall be submitted to a court according to the place of residence of an adoptive parent(s).
6. If an applicant is (are) a biological parent(s) of an adoptee and the identity of the adoptive parent(s) is not known to him/her (them), an application for the reversal of adoption shall be submitted to a court according to the place where the relevant court decision was made.
7. If adoption is reversed and proceedings are renewed, the case shall be heard according to the general procedures for contested proceedings. An adoptive parent(s) shall be involved in the hearing of the case as a respondent(s).

Article 69 - Consequences of the reversal or annulment of adoption

1. Adoption shall be reversed immediately after a court makes a decision on the reversal of adoption.
2. Adoption shall be annulled from the date of the entry into force of a court decision on adoption.
3. A court that delivered a decision on the reversal/annulment of adoption shall send the decision, within five working days after the entry into legal force of the decision, to the civil status registration authority, according to the place of registration of adoption and to a guardianship and custodianship authority.
4. When adoption is reversed/annulled, the legal relationship between an adoptee and an adoptive parent(s), as well as between their relatives, shall be terminated. A court shall make a decision on restoring the legal relationship between an adoptee and a biological parent(s) as a result of the reversal/annulment of adoption.
5. If adoption is reversed due to the failure of an adoptive parent(s) to perform the imposed parental duties, the child shall retain the right to receive maintenance from the adoptive parent(s).
6. In the process of the reversal/annulment of adoption, a court shall decide on the annulment and/or preservation/restoration of the personal data of an adoptee provided for by Article 62 of this Law (name and surname, personal number, place of birth, date of birth) that have been gathered during the procedure of adoption. The court shall also decide on maintaining or annulling the new civil record of birth drawn up for the adoptee in order to ensure the confidentiality of the adoption, and in the case of the annulment of the civil record of birth, the court shall specify the data of the civil record of birth, which shall be deemed true during the reversal/annulment of adoption.
7. If a child is 10 or over, a court shall take into consideration the opinion of the child when making a decision on the matter referred to in paragraph (6) of this article. If a child is under the age of 10, a court shall take into consideration the opinion of the child depending on his/her age, health status and degree of maturity of the child.
8. After the reversal/annulment of adoption, a decision on the further placement of a child shall be made by a guardianship and custodianship authority.

Chapter VII Foster Care

Article 70 - Persons subject to foster care

1. The following persons under the age of 18 shall be subject to foster care:
 - a) an orphan;
 - b) a child whose parent(s) has (have) been declared missing or dead by a court;
 - c) a child whose parent(s) has (have) been deprived or suspended of parental rights, or whose parental rights have been restricted.
2. A foster child, who was placed in foster care upon the attainment of the age of 18, who has attained the age of 18 and is a pupil of a general education institution/school, a student of a vocational education institution, or a student of a higher education institution, may be placed in foster care until the completion of studies, but no longer upon the attainment of the age of 21.



3. A person under the age of 18 and his/her child may be placed in foster care simultaneously.
4. Persons subject to foster care shall be registered under the procedures established by the Minister.

Article 71 - Foster parent

A foster parent may be a person of full legal age permanently residing in Georgia, except for:

- a) a person declared by a court as a person with limited capability or as a beneficiary of support;
- b) a person whose parental or guardianship/custodianship rights are restricted, suspended or deprived due to the improper performance of the duties determined by law;
- c) a person who cannot raise a child due to his/her health condition (based on the list of diseases approved by the Minister);
- d) a person who or whose family member was convicted of a grave or especially grave crime by a court, and his/her conviction has not been expunged or removed in accordance with the rules established by the legislation of Georgia;
- e) a parent and a guardian/caregiver of a foster child, who are obliged to support the child;
- f) a person who was deprived of a foster child due to the improper fulfilment of duties determined by the legislation of Georgia and by the agreement entered into between the State and a foster parent;
- g) a person whose family's social status is assessed by the established rules and the rating score at the moment of registration is below the threshold determined by the Government of Georgia;
- h) a person who was convicted of a grave or especially grave crime by a court, of a crime provided for by Chapter XXIV of the Criminal Code of Georgia, and his/her conviction has not been expunged or removed in accordance with the rules established by the legislation of Georgia, except for a crime provided for by the articles of the Criminal Code of Georgia as referred to in subparagraph (i) of this article, when a person may not be a foster parent, regardless of whether his/her conviction has been expunged or removed;
- i) a person who has been convicted of a crime provided for by Articles 109 and 112, Article 126(1¹) and Article 126(2)(d), Article 126¹(2)(a), Article 138, Article 139, Article 140, Article 141, Article 142², Article 143¹, Article 143², Article 144¹, Article 144², Article 144³, Article 171, Article 172, Article 172¹, Article 253, Article 255¹ and Article 255² of the Criminal Code of Georgia, regardless of whether his/her conviction has been expunged or removed.

Article 72 - Registration of a foster parent

1. A person(s) permanently residing in Georgia intending to provide foster care (including emergency foster care) shall apply to a guardianship and custodianship authority according to his/her (their) actual place of residence.
2. A decision on the registration of a foster parent shall be made by a local guardianship and custodianship authority on the basis of the assessment of the person intending to provide foster care, conducted by a social worker.
3. When registering a foster parent, it is necessary to submit a certificate confirming the completion of the mandatory training courses in the field of foster care in addition to the assessment defined in paragraph (2) of this article.

Article 73 - Preparing an opinion and making a decision on foster care

1. A decision on foster care shall be made on the basis of an assessment and an opinion prepared by a social worker with regard to the needs of a child and his/her biological family and the abilities of a foster parent, and in the case of emergency foster care, a decision shall be made on the basis of an Emergency Response Protocol.
2. When making a decision on foster care, the following principles shall be observed:
 - a) the desire of a person intending to provide foster care with regard to the health status, age, sex of a child and other matters shall be taken into account;
 - b) a child shall be raised in a familiar ethnic, religious and cultural environment to the extent possible;
 - c) the total number of biological and foster children living in the family of a foster parent shall not exceed four. An exception may be made when siblings are to be placed together for foster care;
 - d) foster care may be provided to a child who is under the age of 10 (taking into consideration his/her age, health status and degree of maturity), or to a child who is 10 or over the age of 10 only with the consent of the child, if it does not contravene the best interests of the child, except when the child is placed for emergency foster care;
 - e) siblings (a sister and a brother, sisters and/or brothers) may not be separated except when this is in their best interests;
 - f) the age difference between a foster parent and a foster child shall not be less than 16 years.
3. The procedures for foster care shall be determined by an order of the Minister.

Article 74 - Agreement on foster care of a child

1. A guardianship and custodianship authority shall enter into an agreement on foster care of a child with a foster parent.
2. An agreement on foster care of a child may be entered into for any term (except for emergency foster care) before a foster child attains full legal age. The said term may be extended until the completion of studies by a person placed for foster care at a general education institution/school, a vocational education institution, or a higher education institution, but no longer than the time when he/she attains the age of 21. An agreement on emergency foster care of a child may be entered into for not more than 90 calendar days.
3. An agreement on foster care of a child shall include:
 - a) conditions for the care and upbringing of a foster child;
 - b) the rights and obligations of a foster parent;
 - c) the rights and obligations of a guardianship and custodianship authority;
 - d) the rights and obligations of a foster child;



- e) the responsibilities of the parties;
 - f) the conditions for termination of the agreement.
4. Modifications may be made to an agreement on foster care of a child on the basis of the agreement between the parties.

Article 75 - Allowance for foster care

1. The expenses of foster care shall be covered from the State Budget of Georgia, in accordance with the Law of Georgia on Social Assistance. The said expenses shall include the necessary expenses for meeting the requirements of a foster child, and the social allowance for a foster parent.
2. The amount of the allowance for foster care shall be determined by the Government of Georgia.
3. The provision of foster care for a foster child by a foster parent shall be recorded in his/her employment history.

Article 76 - Rights and obligations of a foster parent

A foster parent shall have the following obligations towards a foster child:

- a) to take care of the foster child in accordance with his/her individual development plan;
- b) to create a favourable family environment for the foster child;
- c) to immediately notify a guardianship and custodianship authority if the foster child appears to be in harmful conditions and or a harmful environment;
- d) to facilitate the relationship between the foster child and his/her legal representative and other relatives in accordance with the legislation of Georgia, unless this contravenes the best interests of the child;
- e) to live with the foster child;
- f) to exercise the rights defined by the legislation of Georgia and perform other duties.

Article 77 - Rights of a foster child in the family of a foster parent

1. A foster child shall enjoy all the rights of a child defined by international agreements and other normative acts of Georgia.
2. A foster parent shall ensure the participation of a foster child in making any decisions regarding the foster child, depending on his/her age, health status and degree of maturity.
3. Foster care shall not restrict the rights of a foster child towards his/her biological parent(s) and biological relatives.

Chapter VIII Transitional and Final Provisions

Article 78 - Measures to be implemented with regard to the entry of the law into force

1. Before the entry of this Law into force, persons registered as adoptive parents in the Registry shall apply to a local guardianship and custodianship authority according to their actual place of residence within six months after the entry of this law into force, and confirm in writing their intent to adopt a child, give their consent with regard to completing the mandatory training courses for adoption, and submit an appropriate document to confirm the compliance with the conditions provided for by Article 17(1)(d) of this Law. Failure to fulfil the obligations determined by this paragraph shall result in the de-registration of an adoptive parent from the Registry.
2. A local guardianship and custodianship authority shall notify adoptive parents about the obligations established by paragraph (1) of this article according to their place of residence, at the recorded/registration address in the Registry, within two months after the entry of this law into force.
3. Persons registered in the Registry as adoptive parents before 1 January 2018 shall take and complete the mandatory training courses for adoption within the time frame established by the Minister. Failure to fulfil the obligation determined by this paragraph shall result in the de-registration of an adoptive parent.
4. A person intending to provide foster care and who is registered before 1 January 2018 shall take the mandatory training courses for adoption within the time frame established by the Minister. Failure to fulfil the obligation determined by this paragraph shall result in the de-registration of a person intending to provide foster care.
5. This Law shall not apply to the relationship where the priority right to adopt a child was acquired by an adoptive parent(s), or was offered to an adoptive parent(s) before the entry of this Law into force.
6. Article 17(3) of this Law shall not apply to the persons registered in the Registry as adoptive parents before the entry of this Law into force.
7. If a child has lived in the family of an adoptive parent(s) and he/she has considered the adoptive parent(s) as his/her own parent(s) before submitting an application for adoption, the adoption may be permitted on the basis of a court decision, as exception, without the consent of a prospective adoptee referred to in Article 13 of this Law.

Article 79 - Legal acts to be issued in connection with the entry of this Law into force

1. The Ministry of Labour, Health and Social Affairs of Georgia shall ensure the drafting of relevant legal acts and their publishing within the scope of its competence before 1 January 2018 in order to fulfil the obligations determined by this Law, including:
 - a) the issuance of an order of the Minister of Labour, Health and Social Affairs of Georgia on the Approval of the Procedures for Adoption;
 - b) the issuance of an order of the Minister of Labour, Health and Social Affairs of Georgia on the Approval of the Procedures for Foster Care.
2. The following legal acts shall remain in legal force before the issuance of the orders referred to in paragraph 1(a) and (b) of this



article:

- a) Order No 50/5 of the Minister of Labour, Health and Social Affairs of Georgia of 26 February 2010 on the Approval of the Procedures and Forms for Adoption;
- b) Order No 01-52/5 of the Minister of Labour, Health and Social Affairs of Georgia of 30 August 2012 on the Approval of the Form of Application for Registration as an Adoptive/Foster Family;
- c) Order No 51/5 of the Minister of Labour, Health and Social Affairs of Georgia of 26 February 2010 on the Approval of the Procedures and Forms for Foster Care.

3. A legal entity under public law called the Social Service Agency under the state control of the Ministry of Labour, Health and Social Affairs of Georgia (a local guardianship and custodianship authority), within three months after the entry into force of this Law, shall ensure:

- a) approval of the relevant form for the consultation for persons intending to adopt a child, to place a child for adoption, or to abandon a child;
- b) approval of the special form for the consent of a parent(s) or of other legal representative on placing a child for adoption;
- c) approval of the form of the certificate confirming the completion of the mandatory training courses by a person intending to adopt a child/provide foster care;
- d) approval of the form of application for the refusal to place a child for adoption;
- e) approval of the form of the agreement on foster care;
- f) approval of the form of the certificate of international adoption;
- g) the drafting of other relevant legal acts, and their publishing within the scope of its authority, for the purposes of fulfilling the obligations determined by this Law.

Article 80 - Normative acts to be repealed in connection with the entry of this Law into force

- 1. Upon entry into force of this Law, the Law of Georgia on Adoption and Foster Care of 18 December 2009 (Legislative Herald of Georgia, No 50, 31.12.2009, Art. 398) shall be repealed.
- 2. Article 78(7) of this Law shall become null and void from 1 June 2022.

Article 81 - Entry into force of the Law

- 1. This Law, except for Article 6(1)(h) and (i), Article 19(2)(h), Article 20 and Article 72(3) of this Law, shall enter into force upon its promulgation.
- 2. Article 6(1)(h) and (i), Article 19(2)(h), Article 20 and Article 72(3) of this Law shall enter into force from 1 January 2018.

President of Georgia
Kutaisi
4 May 2017
N746-III

Giorgi Margvelashvili

