

House Bill 1127

By: Representatives West of the 101st, Stallings of the 100th, Buck of the 135th, McBee of the 88th, Mueller of the 152nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to
2 adoption, so as to change the provisions relating to access to records; to change the
3 provisions relating to contents and furnishing of records and reports; to change the provisions
4 relating to the powers and duties of the Department of Human Resources and child-placing
5 agencies; to provide for disclosure of certain information and the practices, procedures, and
6 requirements related thereto; to amend Chapter 10 of Title 31 of the Official Code of Georgia
7 Annotated, relating to vital records, so as to change the provisions relating to birth
8 certificates of persons who were adopted, for whom paternity was established, or who were
9 legitimated; to change the provisions relating to the contents of certificates and to reports and
10 records; to require the preparation and furnishing of certain reports by clerks of courts and
11 the Office of State Administrative Hearings; to change provisions relating to practices and
12 procedures; to provide for the rights of persons; to provide an effective date; to repeal
13 conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, is
17 amended by striking subsection (a) of Code Section 19-8-23, relating to records of adoption,
18 examination of such records by parties and attorneys, and use of such information, and
19 inserting in its place the following:

20 "(a) The original petition, all amendments and exhibits thereto, all motions, documents,
21 affidavits, records, and testimony filed in connection therewith, and all decrees or orders
22 of any kind whatsoever, except the original investigation report and background
23 information referred to in Code Section 19-8-20, shall be recorded in a book kept for that
24 purpose and properly indexed; and the book shall be part of the records of the court in each
25 county which has jurisdiction over matters of adoption in that county. ~~At~~ Except as
26 otherwise provided for birth certificates by subsection (h) of Code Section 31-10-14, all of

1 the records, including the docket book, of the court granting the adoption, of the
 2 department, and of the child-placing agency that relate in any manner to the adoption shall
 3 be kept sealed and locked. This subsection shall not supersede or affect the availability of
 4 birth certificates pursuant to the procedure contained in subsection (h) of Code Section
 5 31-10-14. The records may be examined by the parties at interest in the adoption and their
 6 attorneys when, after written petition has been presented to the court having jurisdiction
 7 and after the department and the appropriate child-placing agency have received at least
 8 30 days' prior written notice of the filing of such petition, the matter has come on before
 9 the court in chambers and, good cause having been shown to the court, the court has
 10 entered an order permitting such examination. Notwithstanding the foregoing, if the
 11 adoptee who is the subject of the records sought to be examined is less than 18 years of age
 12 at the time the petition is filed and the petitioner is someone other than one of the adoptive
 13 parents of the adoptee, then the department shall provide written notice of such proceedings
 14 to the adoptive parents by certified mail or statutory overnight delivery, return receipt
 15 requested, at the last address the department has for such adoptive parents and the court
 16 shall continue any hearing on the petition until not less than 60 days after the date the
 17 notice was sent. Each such adoptive parent shall have the right to appear in person or
 18 through counsel and show cause why such records should not be examined. Adoptive
 19 parents may provide the department with their current address for purposes of receiving
 20 notice under this subsection by mailing that address to:

21 Adoption Unit

22 Department of Human Resources

23 Atlanta, Georgia"

24 **SECTION 2.**

25 Said chapter is further amended by striking subsection (d) of Code Section 19-8-23, relating
 26 to records of adoption, examination of such records by parties and attorneys, and use of such
 27 information, and inserting in its place the following:

28 "(d)(1) Upon the request of a party at interest in the adoption or of a provider of medical
 29 services to such a party when certain information is necessary because of a medical
 30 emergency or for medical diagnosis or treatment, the department or child-placing agency
 31 may, in its sole discretion, ~~petition the Superior Court of Fulton County to obtain access~~
 32 ~~to~~ its own records on finalized adoptions for the purpose of adding subsequently obtained
 33 medical information or ~~to~~ release nonidentifying medical information contained in its
 34 records on such adopted persons.

35 (2) Upon receipt by the department or child-placing agency of medical information of
 36 importance to an adoptee, the department or child-placing agency shall use reasonable

1 efforts to contact the adoptive parents of the adoptee or the adoptee if he or she is 18
 2 years of age or older and provide such medical information to the adoptive parents or the
 3 adoptee."

4 SECTION 3.

5 Said chapter is further amended by striking subsection (f) of Code Section 19-8-23, relating
 6 to records of adoption, examination of such records by parties and attorneys, and use of such
 7 information, and inserting in its place the following:

8 "(f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:

9 (A) 'Commissioner' means the commissioner of the Department of Human Resources
 10 or that person's designee.

11 (B) 'Department' means the Department of Human Resources or, when the Department
 12 of Human Resources so designates, the county department of family and children
 13 services which placed for adoption the person seeking, or on whose behalf is sought,
 14 information under this subsection.

15 (C) 'Placement agency' means the child-placing agency, as defined in paragraph (3) of
 16 Code Section 19-8-1, which placed for adoption the person seeking or on whose behalf
 17 is sought information under this subsection.

18 (D) 'Biological parent' means the biological mother or biological father who
 19 surrendered that person's rights or had such rights terminated by court order giving rise
 20 to the adoption of the child.

21 (2) The department or a placement agency, upon the written request of an adopted person
 22 who has reached ~~21~~ 18 years of age or upon the written request of an adoptive parent on
 23 behalf of that parent's adopted child ~~under 21 years of age~~, shall release to such adopted
 24 person or to the adoptive parent on the child's behalf nonidentifying information
 25 regarding such adopted person's biological parents and information regarding such
 26 adopted person's birth. Such information may include the date and place of birth of the
 27 adopted person and the genetic, social, and health history of the biological parents. No
 28 information released pursuant to this subsection shall include the name or address of
 29 either biological parent or the name or address of any relative by birth or marriage of the
 30 biological parent.

31 (3)(A) The department or a placement agency upon written request of an adopted
 32 person who has reached 21 years of age shall release to such adopted person the name
 33 of such person's biological parent if:

34 ~~(A)~~(i) The biological parent whose name is to be released has submitted unrevoked
 35 written permission to the department or the placement agency for the release of that
 36 parent's name to the adopted person;

1 ~~(B)(ii)~~ The identity of the biological parent submitting permission for the release of
 2 that parent's name has been verified by the department or the placement agency; and
 3 ~~(C)(iii)~~ The department or the placement agency has records pertaining to the
 4 finalized adoption and to the identity of the biological parent whose name is to be
 5 released.

6 (B) If the adopted person is deceased and leaves a child, such child, upon reaching 21
 7 years of age, may seek the name and other identifying information concerning his or
 8 her grandparent in the same manner as the deceased parent and subject to the same
 9 procedures contained in this Code section.

10 (4)(A) If a biological parent has not filed written unrevoked permission for the release
 11 of that parent's name to the adopted child, the department or the placement agency,
 12 within six months of receipt of the written request of the adopted person who has
 13 reached 21 years of age, shall make diligent effort to notify each biological parent
 14 identified in the original adoption proceedings or in other records of the department or
 15 the placement agency relative to the adopted person, including, but not limited to, the
 16 adopted person's original birth certificate. For purposes of this subparagraph, 'notify'
 17 means a personal and confidential contact with each biological parent named on the
 18 original birth certificate of the adopted person. The contact ~~shall not be by mail and~~
 19 shall be by an employee or agent of the placement agency which processed the
 20 pertinent adoption or by other agents or employees of the department. The contact shall
 21 be evidenced by the person who notified each parent certifying to the department that
 22 each parent was given the following information:

- 23 (i) The nature of the information requested by the adopted person;
- 24 (ii) The date of the request of the adopted person;
- 25 (iii) The right of each biological parent to file ~~within 60 days of receipt of the notice~~
 26 an affidavit with the placement agency or the department stating that such parent's
 27 identity should not be disclosed;
- 28 (iv) The right of each biological parent to file a consent to disclosure with the
 29 placement agency or the department ~~at any time~~; and
- 30 (v) The effect of a failure of each biological parent to file either a consent to
 31 disclosure or an affidavit stating that the information in the ~~original birth certificate~~
 32 ~~or~~ sealed adoption file should not be disclosed.

33 (B) If a biological parent files an unrevoked consent to the disclosure of that parent's
 34 identity, such parent's name shall be released to the adopted ~~child~~ person who has
 35 requested such information as authorized by this paragraph.

36 ~~(C) If, subsequent to being notified by the department or placement agency, a~~
 37 ~~biological parent has not filed an unrevoked consent to the disclosure of that parent's~~

1 ~~identity at any time within six months after the written request for such information is~~
 2 ~~received by the department or placement agency or such parent has filed with the~~
 3 ~~department or placement agency within 60 days after notice to such person of the~~
 4 ~~request for such information an affidavit objecting to such release, whichever occurs~~
 5 ~~later, that information regarding that biological parent will not be released. If, within~~
 6 ~~60 days of being notified by the department or the placement agency pursuant to~~
 7 ~~subparagraph (A) of paragraph (4) of this Code section, a biological parent has not filed~~
 8 ~~with the department or placement agency an unrevoked consent to the disclosure of that~~
 9 ~~parent's identity or has filed with the department or placement agency an affidavit~~
 10 ~~objecting to such release, information regarding that biological parent will not be~~
 11 ~~released.~~

12 (D)(i) If six months after receipt of the adopted person's written request the director
 13 of a placement agency or the commissioner certifies that the placement agency or
 14 department has either been unable to notify a parent identified in the original adoption
 15 record ~~within six months after receipt of the adopted person's written request and if~~
 16 ~~neither identified biological parent has at any time filed an unrevoked consent to~~
 17 ~~disclosure with the placement agency or the department~~ or has been able to notify a
 18 parent identified in the original adoption record but has not obtained a consent to
 19 disclosure from the notified parent, then the identity of a biological parent may only
 20 be disclosed as provided in division (ii) or (iii) of this subparagraph.

21 (ii) The adopted person who has reached 21 years of age may petition the Superior
 22 Court of Fulton County to seek the release of the identity of each of that person's
 23 biological parent from the department or placement agency. The court shall grant the
 24 petition if the court finds that the department or placement agency has made diligent
 25 efforts to locate each biological parent pursuant to this subparagraph without success
 26 and that failure to release the identity of each biological parent would have an adverse
 27 impact upon the physical, mental, or emotional health of the adopted person.

28 (iii) If it is verified that the biological parent of the adopted person is deceased ~~and~~
 29 ~~if there is no sibling of the adopted person who may be contacted,~~ the department or
 30 placement agency shall be authorized to disclose the name and place of burial of the
 31 deceased biological parent, if known, to the adopted person seeking such information
 32 without the necessity of obtaining a court order.

33 (5)(A) Upon written request of an adopted person who has reached 21 years of age or
 34 a person who has reached 21 years of age and who is the sibling of an adopted person,
 35 the department or a placement agency shall attempt to identify and notify the siblings
 36 of the requesting party, if such siblings are at least 18 years of age. Upon locating the
 37 requesting party's sibling, the department or the placement agency shall notify the

1 sibling of the inquiry. Upon the written consent of the sibling so notified, the
2 department or the placement agency shall forward the requesting party's name and
3 address to the sibling and, upon further written consent of the sibling, shall divulge to
4 the requesting party the present name and address of the sibling. If the sibling is
5 ~~deceased~~ or cannot be identified or located, the department or placement agency shall
6 notify the requesting party of such circumstances but shall not disclose any names or
7 other information which would tend to identify the sibling. If the sibling is deceased,
8 the department or placement agency shall be authorized to disclose the name and place
9 of burial of the deceased sibling, if known, to the requesting party without the necessity
10 of obtaining a court order.

11 (B) The adopted person who has reached 21 years of age or a person who has reached
12 21 years of age and who is the sibling of an adopted person may petition the Superior
13 Court of Fulton County to seek the release of the last known name and address of each
14 of the siblings of the petitioning sibling, that are at least 18 years of age, from the
15 department or placement agency. The court shall grant the petition if the court finds that
16 the department or placement agency has made diligent efforts to locate such siblings
17 pursuant to subparagraph (A) of this paragraph without success and that failure to
18 release the identity and last known address of said siblings would have an adverse
19 impact upon the physical, mental, or emotional health of the petitioning sibling.

20 (C) If the adopted person is deceased and leaves a child, such child, upon reaching 21
21 years of age, may obtain the name and other identifying information concerning the
22 siblings of his or her deceased parent in the same manner that the deceased parent
23 would be entitled to obtain such information pursuant to the procedures contained in
24 this Code section.

25 (6)(A) Upon written request of a biological parent of an adopted person who has
26 reached 21 years of age, the department or a placement agency shall attempt to identify
27 and notify the adopted person. Upon locating the adopted person, the department or the
28 placement agency shall notify the adopted person of the inquiry. Upon the written
29 consent of the adopted person so notified, the department or the placement agency shall
30 forward the biological parent's name and address to the adopted person and, upon
31 further written consent of the adopted person, shall divulge to the requesting biological
32 parent the present name and address of the adopted person. If the adopted person is
33 deceased, the department or placement agency shall be authorized to disclose the name
34 and place of burial of the deceased adopted person, if known, to the requesting
35 biological parent without the necessity of obtaining a court order.

36 (B) The biological parent of an adopted person who has reached 21 years of age may
37 petition the Superior Court of Fulton County to seek the release of the last known name

1 and address of the adopted person from the department or placement agency. The court
 2 shall grant the petition if the court finds that the department or placement agency has
 3 made diligent efforts to locate such adopted person pursuant to subparagraph (A) of this
 4 paragraph without success and that failure to release the identity and last known address
 5 of said adopted person would have an adverse impact upon the physical, mental, or
 6 emotional health of the petitioning biological parent.

7 (C) If the biological parent is deceased, a parent or sibling of the deceased biological
 8 parent, or both, may obtain the name and other identifying information concerning the
 9 adopted person in the same manner that the deceased biological parent would be
 10 entitled to obtain such information pursuant to the procedures contained in this Code
 11 section.

12 (7) If an adoptive parent or the sibling of an adopted person notifies the department or
 13 placement agency of the death of an adopted person, the department or placement agency
 14 shall add information regarding the date and circumstances of the death to its records so
 15 as to enable it to share such information with a biological parent or sibling of the adopted
 16 person if they make an inquiry pursuant to the provisions of this Code section.

17 ~~(6)~~(8) ~~The Division of Family and Children Services Adoption Unit~~ Office of Adoptions
 18 within the department shall maintain a registry for the recording of requests by adopted
 19 persons for the name of any biological parent, for the recording of the written consent or
 20 the written objections of any biological parent to the release of that parent's identity to
 21 an adopted person upon the adopted person's request, and for nonidentifying information
 22 regarding any biological parent which may be released pursuant to paragraph (2) of this
 23 subsection. The department and any placement agency which receives such requests,
 24 consents, or objections shall file a copy thereof with that unit.

25 ~~(7)~~(9) The department or placement agency may charge a reasonable fee to be
 26 determined by the department for the cost of conducting any search pursuant to this
 27 subsection.

28 ~~(8)~~(10) Nothing in this subsection shall be construed to require the department or
 29 placement agency to disclose to any party at interest, including but not limited to an
 30 adopted person who has reached 21 years of age, any information which is not kept by
 31 the department or the placement agency in its normal course of operations relating to
 32 adoption.

33 ~~(9)~~(11) Any department employee or employee of any placement agency who releases
 34 information or makes authorized contacts in good faith and in compliance with this
 35 subsection shall be immune from civil or criminal liability for such release of information
 36 or authorized contacts.

1 ~~(10)~~(12) Information authorized to be released pursuant to this subsection may be
 2 released under the conditions specified in this subsection notwithstanding any other
 3 provisions of law to the contrary.

4 ~~(11)~~(13) A placement agency which demonstrates to the department by clear and
 5 convincing evidence that the requirement that such agency search for or notify any
 6 biological parent or sibling under subparagraph (A) of paragraph (4) of this subsection
 7 or subparagraph (A) of paragraph (5) of this subsection will impose an undue hardship
 8 upon that agency shall be relieved from that responsibility, and the department shall
 9 assume that responsibility upon such finding by the department of undue hardship. The
 10 department's determination under this subsection shall be a contested case within the
 11 meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

12 ~~(12)~~(14) Whenever this subsection authorizes both the department and a placement
 13 agency to perform any function or requires the placement agency to perform any function
 14 which the department is also required to perform, the department or agency may
 15 designate an agent to perform that function and in so performing it the agent shall have
 16 the same authority, powers, duties, and immunities as an employee of the department or
 17 placement agency has with respect to performing that function."

18 SECTION 4.

19 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
 20 is amended by striking Code Section 31-10-13, relating to certificates of adoption, and
 21 inserting in its place the following:

22 "31-10-13.

23 (a) For each adoption decreed by a court of competent jurisdiction in this state, the court
 24 shall require the preparation of a report of adoption on a form prescribed and furnished by
 25 the state registrar. The report shall include such facts as are necessary to locate and identify
 26 the original certificate of birth of the person adopted; shall provide information necessary
 27 to establish a new certificate of birth of the person adopted; and shall identify the order of
 28 adoption and be certified by the clerk of court.

29 (b) Information necessary to prepare the report of adoption shall be furnished by ~~each~~ the
 30 petitioner for adoption or the petitioner's attorney. The appropriate agency or any person
 31 having knowledge of the facts shall supply the court with such additional information as
 32 may be necessary to complete the report. The provision of such information shall be
 33 prerequisite to the issuance of a final decree in the matter by the court.

34 (c) Whenever an adoption decree is amended or annulled, the clerk of the court shall
 35 prepare a report thereof, which shall include such facts as are necessary to identify the

1 original adoption report and the facts amended in the adoption decree as shall be necessary
2 to amend the birth record properly.

3 (d) Not later than the fifteenth day of each calendar month or more frequently, as directed
4 by the state registrar, the clerk of the court shall forward to the state registrar reports of
5 decrees of adoption, annulment of adoption, and amendments of decrees of adoption which
6 were entered in the preceding month, together with such related reports as the state registrar
7 shall require.

8 (e) When the state registrar shall receive a certificate of adoption, report of annulment of
9 adoption, or amendment of a decree of adoption of a person born outside this state, the state
10 registrar shall forward such certificate or report to the state registrar in the indicated state
11 of birth.

12 (f) The following shall apply to certificates of birth of adopted persons born in a foreign
13 country:

14 (1) If a person was born in a foreign country, is not a citizen of the United States, and
15 does not meet the requirements of the federal Child Citizenship Act of 2000, P.L. 106-
16 395, 114 Stat. 1631, but was adopted through a court in this state, the ~~The~~ state registrar
17 shall prepare and register ~~establish~~ a certificate of birth in this state for a person born in
18 a foreign country when the state registrar receives a certificate of adoption and the child
19 was not a United States citizen at birth. The certificate of adoption shall specify the actual
20 place of birth which shall be shown as the place of birth on the birth certificate. The new
21 birth certificate shall be prepared on a 'Certificate of Foreign Birth' as prescribed by the
22 state registrar shall be established upon receipt of a report of adoption from the court
23 decreeing the adoption and proof of the date and place of birth of the child. The
24 certificate shall be labeled 'Certificate of Foreign Birth' and shall show the actual country
25 of birth. A statement shall also be included on the certificate indicating that it is not
26 evidence of United States citizenship for the person for whom it is issued. After
27 registration of the birth certificate in the new name of the adopted person, the state
28 registrar shall seal and file the report of adoption which shall not be subject to inspection
29 except upon order of a court of competent jurisdiction or as provided by statute; and

30 (2) If a person was born in a foreign country and was not a citizen of the United States
31 at the time of birth but meets the requirements of the federal Child Citizenship Act of
32 2000, P.L. 106-395, 114 Stat. 1631, and was adopted through a court in this state, the
33 state registrar shall prepare and register a certificate in this state. The certificate shall be
34 established upon receipt of a report of adoption from the court decreeing the adoption and
35 proof of the date and place of birth of the child. The certificate shall be labeled
36 'Certificate of Foreign Birth' and shall show the actual country of birth. After registration
37 of the birth certificate in the new name of the adopted person, the state registrar shall seal

1 and file the report of adoption which shall not be subject to inspection except upon order
 2 of a court of competent jurisdiction or as provided by statute; and

3 ~~(2)~~(3) If a person was born in a foreign country and was a citizen of the United States at
 4 the time of birth, the state registrar shall not prepare a 'Certificate of Foreign Birth' and
 5 shall notify the adoptive parents of the procedure for obtaining a revised birth certificate
 6 for their child through the United States Department of State."

7 **SECTION 5.**

8 Said chapter is further amended by adding a new Code Section 31-10-13.1 to read as follows:

9 "31-10-13.1.

10 (a) For each legitimation decreed by a court of competent jurisdiction in this state, the
 11 court shall require the preparation of a report of legitimation on a form prescribed and
 12 furnished by the state registrar. The report shall include such facts as are necessary to
 13 locate and identify the original certificate of birth of the person legitimated; shall provide
 14 information necessary to establish a new certificate of birth of the person legitimated; and
 15 shall identify the order of legitimation and be certified by the clerk of court.

16 (b) Information necessary to prepare the report of legitimation shall be furnished by the
 17 petitioner for legitimation or the petitioner's attorney. The provision of such information
 18 shall be prerequisite to the issuance of a final order in the matter by the court.

19 (c) Whenever an order of legitimation is amended or annulled, the clerk of the court shall
 20 prepare a report thereof, which shall include such facts as are necessary to identify the
 21 original legitimation report and the facts amended in the legitimation order as shall be
 22 necessary to amend the birth record properly.

23 (d) Not later than the fifteenth day of each calendar month or more frequently, as directed
 24 by the state registrar, the clerk of the court shall forward to the state registrar reports of
 25 orders of legitimation, annulment of legitimation, and amendments of orders of
 26 legitimation which were entered in the preceding month, together with such related reports
 27 as the state registrar shall require.

28 (e) When the state registrar shall receive a report of legitimation, report of annulment of
 29 legitimation, or amendment of an order of legitimation of a person born outside this state,
 30 the state registrar shall forward such report to the state registrar in the indicated state of
 31 birth."

32 **SECTION 6.**

33 Said chapter is further amended by adding a new Code Section 31-10-13.2 to read as follows:

1 "31-10-13.2.

2 (a) In each case in which an order declaring paternity is entered by a court of competent
3 jurisdiction in this state or by the Office of State Administrative Hearings, the court or the
4 office shall require the preparation of a report of paternity on a form prescribed and
5 furnished by the state registrar. The report shall include such facts as are necessary to
6 locate and identify the original certificate of birth of the person whose paternity has been
7 established; shall provide information necessary to establish a new certificate of birth of
8 the person whose paternity has been established; and shall identify the order declaring
9 paternity and be certified by the clerk of court or the Office of State Administrative
10 Hearings.

11 (b) Information necessary to prepare the report of paternity shall be furnished by the
12 petitioner for paternity or the petitioner's attorney. The provision of such information shall
13 be prerequisite to the issuance of a final order of paternity in the matter by the court or by
14 the Office of State Administrative Hearings.

15 (c) Whenever an order of legitimation is amended or annulled, the clerk of the court or the
16 Office of State Administrative Hearings shall prepare a report thereof, which shall include
17 such facts as are necessary to identify the original report of paternity and the facts amended
18 in the paternity order as shall be necessary to amend the birth record properly.

19 (d) Not later than the fifteenth day of each calendar month or more frequently, as directed
20 by the state registrar, the clerk of the court or the Office of State Administrative Hearings
21 shall forward to the state registrar reports of paternity, annulment of paternity, and
22 amendments of orders of paternity which were entered in the preceding month, together
23 with such related reports as the state registrar shall require.

24 (e) When the state registrar shall receive a report of paternity, report of annulment of
25 paternity, or amendment of an order of paternity of a person born outside this state, the
26 state registrar shall forward such report to the state registrar in the indicated state of birth."

27 SECTION 7.

28 Said chapter is further amended by striking Code Section 31-10-14, relating to issuance of
29 a new certificate of birth following adoption and legitimation or paternity determination, and
30 inserting in its place the following:

31 "31-10-14.

32 (a) The state registrar shall establish a new certificate of birth for a person born in this state
33 when the state registrar receives the following:

- 34 (1) A report of adoption as provided in Code Section 31-10-13 or a report of adoption
35 prepared and filed in accordance with the laws of another state or foreign country, or a
36 certified copy of the decree of adoption, together with the information necessary to

1 identify the original certificate of birth and to establish a new certificate of birth. A new
 2 certificate of birth shall not be established if the court decreeing the adoption directs that
 3 a new birth certificate not be issued; or

4 (2) A report of legitimation as provided in Code Section 31-10-13.1;

5 (3) A report of paternity as provided in Code Section 31-10-13.2; or

6 ~~(2)(4)~~ A request that a new certificate be established as prescribed by regulation and such
 7 evidence as required by regulation proving that such person has been legitimated, or that
 8 a court of competent jurisdiction has determined the paternity of such a person, or that
 9 both parents married to each other have acknowledged the paternity of such person and
 10 request that the surname be changed to that of the father.

11 (b) When a new certificate of birth is established pursuant to this Code section for a person
 12 born in this state, the exact date of birth contained on the original certificate shall be
 13 shown. The true place of birth shall be shown if the adoptee is the natural child of the
 14 spouse of the adoptive parent in the case of step-parent adoptions. The true place of birth
 15 shall be shown for all legitimations. For full adoptions, where neither parent is the natural
 16 parent of the adoptee, the place of birth shall be, at the election of the adoptive parents,
 17 either the true place of birth of the adoptee or the residence of the adoptive parents at the
 18 time of the adoptee's birth. The place of birth indicated must be located in Georgia. ~~The~~
 19 ~~new certificate shall be substituted for the original certificate of birth and the evidence of~~
 20 ~~adoption, legitimation, paternity determination, or paternity acknowledgment shall be~~
 21 ~~sealed and shall not be subject to inspection except upon order of a court of competent~~
 22 ~~jurisdiction or as provided by regulation.~~

23 (c) Upon receipt of a report of an amended decree of adoption, the certificate of birth shall
 24 be amended as provided by regulation.

25 (d) Upon receipt of a report or decree of annulment of adoption, the original certificate of
 26 birth shall be restored to its place in the files and the new certificate and evidence shall not
 27 be subject to inspection except upon order of a court of competent jurisdiction or as
 28 provided by regulation.

29 (e) If no certificate of birth is on file for the person for whom a new birth certificate is to
 30 be established under this Code section and the date and place of birth have not been
 31 determined in the adoption or paternity proceedings, a delayed certificate of birth shall be
 32 filed with the state registrar as provided in Code Section 31-10-11 or 31-10-12 before a
 33 new certificate of birth is established. The new birth certificate shall be prepared on the
 34 delayed birth certificate form.

35 (f) When a new certificate of birth is established by the state registrar, all copies of the
 36 original certificate of birth in the custody of any other custodian of vital records in this state

1 ~~shall be sealed from inspection or forwarded to the state registrar, as the state registrar shall~~
2 ~~direct party shall be forwarded to the state registrar upon receipt of his or her request.~~

3 (g) The new certificate shall be substituted for the original certificate of birth in the files
4 and the original certificate of birth and the evidence of adoption, legitimation, or paternity
5 determination shall not be subject to inspection except upon order of a court of competent
6 jurisdiction.

7 (h) Notwithstanding the foregoing provisions of this subsection, any person who is 21
8 years of age or older, who was born in this state, and who has had an original birth
9 certificate removed from the files due to an adoption, legitimation, or paternity
10 determination may, upon written request, payment of filing fees, and observance of
11 appropriate waiting periods, receive a copy of that original birth certificate. The copy of
12 the original birth certificate shall be in a form that clearly indicates it is not a certified copy
13 and that it may not be used for legal purposes."

14 **SECTION 8.**

15 This Act shall become effective July 1, 2002.

16 **SECTION 9.**

17 All laws and parts of laws in conflict with this Act are repealed.