

House Bill 664

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

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital  
2 records, so as to change the provisions relating to birth certificates of persons who were  
3 adopted, for whom paternity was established, or who were legitimated; to change the  
4 provisions relating to the contents of certificates and to reports and records; to change  
5 provisions relating to practices and procedures; to provide for the rights of persons; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

12 "31-10-13.

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

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

24 (c) Whenever an adoption decree is amended or annulled, the clerk of the court shall  
25 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) The state registrar shall upon request, prepare and register ~~establish~~ a certificate of  
15 birth in this state for a person born in a foreign country ~~when the state registrar receives~~  
16 ~~a certificate of adoption and the child was not a United States citizen at birth who is not~~  
17 ~~a citizen of the United States and who was adopted through a court in this state.~~ The  
18 ~~certificate of adoption shall specify the actual place of birth which shall be shown as the~~  
19 ~~place of birth on the birth certificate. The new birth certificate shall be prepared on a~~  
20 ~~'Certificate of Foreign Birth' as prescribed by the state registrar shall be established upon~~  
21 ~~receipt of a report of adoption from the court decreeing the adoption, proof of the date~~  
22 ~~and place of birth of the child, and a request from the court, the adopting parents, or the~~  
23 ~~adult adopted person that a certificate be prepared. The certificate shall be labeled~~  
24 ~~'CERTIFICATE OF FOREIGN BIRTH' and shall show the actual country of birth. A~~  
25 ~~statement shall also be included on the certificate indicating that it is not evidence of~~  
26 ~~United States citizenship for the child for whom it is issued. After registration of the~~  
27 ~~birth certificate in the new name of the adopted person, the state registrar shall seal and~~  
28 ~~file the report of adoption which shall not be subject to inspection except upon order of~~  
29 ~~a court of competent jurisdiction or as provided by statute. Notwithstanding the~~  
30 ~~foregoing provisions of this paragraph, any adult person who has had a certificate of~~  
31 ~~foreign birth prepared in this state may, upon written request, receive a copy of any~~  
32 ~~information about the adoption held in the files under the jurisdiction of the state~~  
33 ~~registrar; and~~

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



1 (3) The names and personal particulars of the adoptive parents or of the natural parents,  
2 whichever is appropriate;

3 (4) The name of the attendant;

4 (5) The birth number assigned to the original certificate; and

5 (6) The original filing date.

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

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

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

18 (f) When a new certificate of birth is established by the state registrar, all copies of the  
19 original certificate of birth in the custody of any other custodian of vital records in this state  
20 ~~shall be sealed from inspection or forwarded to the state registrar, as the state registrar shall~~  
21 ~~direct party shall be forwarded to the state registrar upon receipt of his or her request.~~

22 (g) The new certificate shall be substituted for the original certificate of birth in the files  
23 and the original certificate of birth and the evidence of adoption, legitimation, or paternity  
24 determination shall not be subject to inspection except upon order of a court of competent  
25 jurisdiction. Notwithstanding the foregoing provisions of this subsection, any adult person  
26 who was born in this state and who has had an original birth certificate removed from the  
27 files due to an adoption, legitimation, or paternity determination may, upon written request,  
28 receive a copy of that birth certificate and any evidence of the adoption, legitimation, or  
29 paternity determination held with the original record. The copy of the original birth  
30 certificate shall be in a form that clearly indicates it is not a certified copy and that it may  
31 not be used for legal purposes.

32 (h) Upon written request to the state registrar, any adult adopted person in this state shall  
33 be issued a copy of his or her original certificate of birth in the custody of the state  
34 registrar, with filing fees and waiting periods identical to those imposed upon nonadopted  
35 citizens of this state."

1

**SECTION 3.**

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