

House Bill 664

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