

Senate Bill 55

By: Senators Thomas of the 2nd, Squires of the 5th, Dean of the 31st and Thomas of the 54th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 15-11-103 of the Official Code of Georgia Annotated, relating to
2 placement of a child following an order terminating parental rights, custodial authority, and
3 review of placement, so as to correct the name of the Office of Adoptions; to amend Chapter
4 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, so as to change
5 the provisions relating to access to records; to correct the name of the Office of Adoptions;
6 to change the provisions relating to contents and furnishing of records and reports; to provide
7 for adoption by a child's great-grandparent; to change provisions relating to the time for
8 hearing a petition and forwarding copies of the petition and other documents; to provide for
9 a copy of the investigating agent's report to the petitioner's attorney; to change the provisions
10 relating to the powers and duties of the Department of Human Resources and child-placing
11 agencies; to provide for disclosure of certain information and the practices, procedures, and
12 requirements related thereto; to amend Chapter 10 of Title 31 of the Official Code of Georgia
13 Annotated, relating to vital records, so as to change the provisions relating to birth
14 certificates of persons who were adopted, for whom paternity was established, or who were
15 legitimated; to change provisions relating to birth certificates of adopted persons born in
16 foreign countries; to change the provisions relating to the contents of certificates and to
17 reports and records; to require the preparation and furnishing of certain reports by clerks of
18 courts and the Office of State Administrative Hearings; to change provisions relating to
19 practices and procedures; to provide for receipt of a copy of his or her original birth
20 certificate by an adopted person in certain circumstances; to provide an effective date; to
21 repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **SECTION 1.**

24 Code Section 15-11-103 of the Official Code of Georgia Annotated, relating to placement
25 of a child following an order terminating parental rights, custodial authority, and review of
26 placement, is amended by striking subsection (b) and inserting in lieu thereof the following:

1 "(b) The court shall transmit a copy of every final order terminating the parental rights of
 2 a parent to the ~~Division of Family and Children Services Adoption Unit~~ Office of
 3 Adoptions of the Department of Human Resources within 15 days of the filing of such
 4 order."

5 SECTION 2.

6 Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, is
 7 amended by striking subsection (j) of Code Section 19-8-5, relating to the surrender or
 8 termination of parental or guardian's rights when the child is to be adopted by a third party,
 9 and inserting in lieu thereof the following:

10 "(j) A copy of each surrender specified in subsection (a) of this Code section, together with
 11 a copy of the acknowledgment specified in subsection (f) of this Code section and a copy
 12 of the affidavits specified in subsections (g) and (h) of this Code section and the name and
 13 address of each person to whom the child is surrendered, shall be mailed, by registered or
 14 certified mail or statutory overnight delivery, return receipt requested, to the

15 ~~State Adoption Unit~~ Office of Adoptions

16 Georgia Department of Human Resources

17 Atlanta, Georgia

18 within 15 days from the execution thereof. Upon receipt of the copy the department may
 19 commence its investigation as required in Code Section 19-8-16."

20 SECTION 3.

21 Said chapter is further amended in Code Section 19-8-7, relating to adoption of a child by
 22 relatives, by striking subsection (a) and inserting in lieu thereof the following:

23 "(a) Except as otherwise authorized in this Code section, a child who has any living parent
 24 or guardian may be adopted by a relative who is related by blood or marriage to the child
 25 as a grandparent, great-grandparent, aunt, uncle, great aunt, great uncle, or sibling only if
 26 each such living parent and each such guardian has voluntarily and in writing surrendered
 27 to that relative and any spouse of such relative all of his or her rights to the child for the
 28 purpose of enabling that relative and any such spouse to adopt the child."

29 SECTION 4.

30 Said chapter is further amended by striking Code Section 19-8-14, relating to the time for
 31 hearing a petition and sending a copy of the petition to the Department of Human Resources,
 32 and inserting in lieu thereof the following:

1 "19-8-14.

2 (a) Upon the filing of the petition for adoption the court shall fix a date upon which the
 3 petition shall be considered, which date shall be not less than 60 days from the date of the
 4 filing of the petition or, may in its discretion hear the petition on the date of filing or the
 5 court shall assign the petition for hearing on the earliest available date; provided, however,
 6 that:

7 (1) When ~~when~~ Code Section 19-8-10 is relied upon, the hearing may not be held not
 8 less than 30 days from the receipt of notice as provided in subsection (c) of Code Section
 9 19-8-10;

10 (2) When Code Section 19-8-11 is relied upon, the hearing may not be held less than 30
 11 days nor more than 60 days from the receipt of notice as provided in subsection (b) of
 12 Code Section 19-8-11; and

13 (3) When an investigation and report are required pursuant to the provisions of
 14 subsection (a) of Code Section 19-8-16, the hearing may not be held less than 45 days
 15 from the filing of the petition unless the child-placing agency or other agent appointed
 16 by the court agrees to provide the report to the court by an earlier date.

17 (b) Copies of the petition, the order fixing the date upon which the petition shall be
 18 considered, and all exhibits, surrenders, or certificates required by this chapter shall be
 19 forwarded by the clerk to the department within 15 days after the filing of the petition for
 20 adoption, together with a request that a report and investigation be made as required by
 21 law.

22 (c) Copies of the petition, the order fixing the date upon which the petition shall be
 23 considered, and all exhibits, surrenders, or certificates required by this chapter shall be
 24 forwarded by the clerk to the child-placing agency or other agent appointed by the court
 25 pursuant to the provisions of Code Section 19-8-16 within 15 days after the filing of the
 26 petition for adoption, together with a request that a report and investigation be made as
 27 required by law.

28 (d) Copies of all motions, amendments, and other pleadings filed and of all orders entered
 29 in connection with the petition for adoption shall be forwarded by the clerk to the
 30 department within 15 days after such filing or entry."

31 SECTION 5.

32 Said chapter is further amended in Code Section 19-8-16, relating to investigation by the
 33 child-placing agency or other agent, by striking subsection (a) and inserting in lieu thereof
 34 the following:

35 "(a) Prior to the date set by the court for a hearing on the petition for adoption, it shall be
 36 the duty of a child-placing agency appointed by the court or any other independent agent

1 appointed by the court to verify the allegations in the petition for adoption, to make a
 2 complete and thorough investigation of the entire matter, including a criminal records
 3 check of each petitioner, and to report its findings and recommendations in writing to the
 4 court where the petition for adoption was filed. The department, child-placing agency, or
 5 other independent agent appointed by the court shall also provide the attorney for petitioner
 6 with a copy of the report to the court. If for any reason the child-placing agency or other
 7 agent finds itself unable to make or arrange for the proper investigation and report, it shall
 8 be the duty of the agency or agent to notify the court immediately, or at least within 20
 9 days after receipt of the request for investigation service, that it is unable to make the report
 10 and investigation, so that the court may take such other steps as in its discretion are
 11 necessary to have the entire matter investigated."

12 SECTION 6.

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

16 "(a) The original petition, all amendments and exhibits thereto, all motions, documents,
 17 affidavits, records, and testimony filed in connection therewith, and all decrees or orders
 18 of any kind whatsoever, except the original investigation report and background
 19 information referred to in Code Section 19-8-20, shall be recorded in a book kept for that
 20 purpose and properly indexed; and the book shall be part of the records of the court in each
 21 county which has jurisdiction over matters of adoption in that county. ~~All~~ Except as
 22 otherwise provided for birth certificates by subsection (h) of Code Section 31-10-14, all of
 23 the records, including the docket book, of the court granting the adoption, of the
 24 department, and of the child-placing agency that relate in any manner to the adoption shall
 25 be kept sealed and locked. This subsection shall not supersede or affect the availability of
 26 birth certificates pursuant to the procedure contained in subsection (h) of Code Section
 27 31-10-14. The records may be examined by the parties at interest in the adoption and their
 28 attorneys when, after written petition has been presented to the court having jurisdiction
 29 and after the department and the appropriate child-placing agency have received at least
 30 30 days' prior written notice of the filing of such petition, the matter has come on before
 31 the court in chambers and, good cause having been shown to the court, the court has
 32 entered an order permitting such examination. Notwithstanding the foregoing, if the
 33 adoptee who is the subject of the records sought to be examined is less than 18 years of age
 34 at the time the petition is filed and the petitioner is someone other than one of the adoptive
 35 parents of the adoptee, then the department shall provide written notice of such proceedings
 36 to the adoptive parents by certified mail or statutory overnight delivery, return receipt

1 requested, at the last address the department has for such adoptive parents and the court
 2 shall continue any hearing on the petition until not less than 60 days after the date the
 3 notice was sent. Each such adoptive parent shall have the right to appear in person or
 4 through counsel and show cause why such records should not be examined. Adoptive
 5 parents may provide the department with their current address for purposes of receiving
 6 notice under this subsection by mailing that address to:

7 ~~Adoption Unit~~ Office of Adoptions
 8 Department of Human Resources
 9 Atlanta, Georgia"

10 SECTION 7.

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

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

21 (2) Upon receipt by the Office of Adoptions of the department or by a child-placing
 22 agency of documented medical information relevant to an adoptee, the office or
 23 child-placing agency shall use reasonable efforts to contact the adoptive parents of the
 24 adoptee or the adoptee if he or she is 18 years of age or older and provide such
 25 documented medical information to the adoptive parents or the adoptee. The office or
 26 child-placing agency shall be entitled to reimbursement of reasonable costs for postage
 27 and photocopying incurred in the delivery of such documented medical information to
 28 the adoptive parents or adoptee."

29 SECTION 8.

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

33 "(f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:
 34 (A) 'Commissioner' means the commissioner of ~~the Department of Human Resources~~
 35 human resources or that person's designee.

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

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

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

11 (2) The department or a placement agency, upon the written request of an adopted person
12 who has reached ~~21~~ 18 years of age or upon the written request of an adoptive parent on
13 behalf of that parent's adopted child ~~under 21 years of age~~, shall release to such adopted
14 person or to the adoptive parent on the child's behalf nonidentifying information
15 regarding such adopted person's biological parents and information regarding such
16 adopted person's birth. Such information may include the date and place of birth of the
17 adopted person and the genetic, social, and health history of the biological parents. No
18 information released pursuant to this ~~subsection~~ paragraph shall include the name or
19 address of either biological parent or the name or address of any relative by birth or
20 marriage of ~~the~~ either biological parent.

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

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

27 ~~(B)~~(ii) The identity of the biological parent submitting permission for the release of
28 that parent's name has been verified by the department or the placement agency; and

29 ~~(C)~~(iii) The department or the placement agency has records pertaining to the
30 finalized adoption and to the identity of the biological parent whose name is to be
31 released.

32 (B) If the adopted person is deceased and leaves a child, such child, upon reaching 21
33 years of age, may seek the name and other identifying information concerning his or
34 her grandparents in the same manner as the deceased adopted person and subject to the
35 same procedures contained in this Code section.

36 (4)(A) If a biological parent has not filed written unrevoked permission for the release
37 of that parent's name to the adopted child, the department or the placement agency,

1 within six months of receipt of the written request of the adopted person who has
 2 reached 21 years of age, shall make diligent effort to notify each biological parent
 3 identified in the original adoption proceedings or in other records of the department or
 4 the placement agency relative to the adopted person, including, but not limited to, the
 5 adopted person's original birth certificate. For purposes of this subparagraph, 'notify'
 6 means a personal and confidential contact with each biological parent named on the
 7 original birth certificate of the adopted person. The contact ~~shall not be by mail and~~
 8 shall be by an employee or agent of the placement agency which processed the
 9 pertinent adoption or by other agents or employees of the department. The contact shall
 10 be evidenced by the person who notified each parent certifying to the department that
 11 each parent was given the following information:

- 12 (i) The nature of the information requested by the adopted person;
- 13 (ii) The date of the request of the adopted person;
- 14 (iii) The right of each biological parent to file ~~within 60 days of receipt of the notice~~
 15 an affidavit with the placement agency or the department stating that such parent's
 16 identity should not be disclosed;
- 17 (iv) The right of each biological parent to file a consent to disclosure with the
 18 placement agency or the department ~~at any time~~; and
- 19 (v) The effect of a failure of each biological parent to file either a consent to
 20 disclosure or an affidavit stating that the information in the ~~original birth certificate~~
 21 ~~or sealed adoption file~~ should not be disclosed.

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

25 (C) ~~If, subsequent to being notified by the department or placement agency, a~~
 26 ~~biological parent has not filed an unrevoked consent to the disclosure of that parent's~~
 27 ~~identity at any time within six months after the written request for such information is~~
 28 ~~received by the department or placement agency or such parent has filed with the~~
 29 ~~department or placement agency within 60 days after notice to such person of the~~
 30 ~~request for such information an affidavit objecting to such release, whichever occurs~~
 31 ~~later, that information regarding that biological parent will not be released. If, within~~
 32 60 days of being notified by the department or the placement agency pursuant to
 33 subparagraph (A) of this paragraph, a biological parent has filed with the department
 34 or placement agency an affidavit objecting to such release, information regarding that
 35 biological parent shall not be released.

36 (D)(i) If six months after receipt of the adopted person's written request the director
 37 of a placement agency or the commissioner certifies that the placement agency or the

1 department has either been unable to notify a biological parent identified in the
2 original adoption record ~~within six months after receipt of the adopted person's~~
3 ~~written request and if neither identified biological parent has at any time filed an~~
4 ~~unrevoked consent to disclosure with the placement agency or the department or has~~
5 been able to notify a biological parent identified in the original adoption record but
6 has not obtained a consent to disclosure from the notified biological parent, then the
7 identity of a biological parent may only be disclosed as provided in division (ii) or
8 (iii) of this subparagraph.

9 (ii) The adopted person who has reached 21 years of age may petition the Superior
10 Court of Fulton County to seek the release of the identity of each of that person's
11 biological ~~parent~~ parents from the department or placement agency. The court shall
12 grant the petition if the court finds that the department or placement agency has made
13 diligent efforts to locate each biological parent pursuant to this subparagraph either
14 without success or upon locating a biological parent has not obtained a consent to
15 disclosure from the notified biological parent and that failure to release the identity
16 of each biological parent would have an adverse impact upon the physical, mental, or
17 emotional health of the adopted person.

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

23 (5)(A) Upon written request of an adopted person who has reached 21 years of age or
24 a person who has reached 21 years of age and who is the sibling of an adopted person,
25 the department or a placement agency shall attempt to identify and notify the siblings
26 of the requesting party, if such siblings are at least 18 years of age. Upon locating the
27 requesting party's sibling, the department or the placement agency shall notify the
28 sibling of the inquiry. Upon the written consent of ~~the~~ a sibling so notified, the
29 department or the placement agency shall forward the requesting party's name and
30 address to the sibling and, upon further written consent of the sibling, shall divulge to
31 the requesting party the present name and address of the sibling. If ~~the~~ a sibling is
32 ~~deceased or cannot be identified or located,~~ the department or placement agency shall
33 notify the requesting party of such circumstances but shall not disclose any names or
34 other information which would tend to identify the sibling. If a sibling is deceased, the
35 department or placement agency shall be authorized to disclose the name and place of
36 burial of the deceased sibling, if known, to the requesting party without the necessity
37 of obtaining a court order.

1 (B)(i) If six months after receipt of the written request from an adopted person who
2 has reached 21 years of age or a person who has reached 21 years of age and who is
3 the sibling of an adopted person, the placement agency or the department has either
4 been unable to notify one or more of the siblings of the requesting party or has been
5 able to notify a sibling of the requesting party but has not obtained a consent to
6 disclosure from the notified sibling, then the identity of the siblings may only be
7 disclosed as provided in division (ii) of this subparagraph.

8 (ii) The adopted person who has reached 21 years of age or a person who has reached
9 21 years of age and who is the sibling of an adopted person may petition the Superior
10 Court of Fulton County to seek the release of the last known name and address of
11 each of the siblings of the petitioning sibling, that are at least 18 years of age, from
12 the department or placement agency. The court shall grant the petition if the court
13 finds that the department or placement agency has made diligent efforts to locate such
14 siblings pursuant to subparagraph (A) of this paragraph either without success or upon
15 locating one or more of the siblings has not obtained a consent to disclosure from all
16 the notified siblings and that failure to release the identity and last known address of
17 said siblings would have an adverse impact upon the physical, mental, or emotional
18 health of the petitioning sibling.

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

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

35 (B)(i) If six months after receipt of the written request from a biological parent of an
36 adopted person who has reached 21 years of age the placement agency or the
37 department has either been unable to notify the adopted person or has been able to

1 notify the adopted person but has not obtained a consent to disclosure from the
 2 notified adopted person, then the identity of the adopted person may only be disclosed
 3 as provided in division (ii) of this subparagraph.

4 (ii) The biological parent of an adopted person who has reached 21 years of age may
 5 petition the Superior Court of Fulton County to seek the release of the last known
 6 name and address of the adopted person from the department or placement agency.
 7 The court shall grant the petition if the court finds that the department or placement
 8 agency has made diligent efforts to locate such adopted person pursuant to
 9 subparagraph (A) of this paragraph either without success or upon locating the
 10 adopted person has not obtained a consent to disclosure from the adopted person and
 11 that failure to release the identity and last known address of said adopted person
 12 would have an adverse impact upon the physical, mental, or emotional health of the
 13 petitioning biological parent.

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

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

24 (8) If a biological parent or parent or sibling of a biological parent notifies the
 25 department or placement agency of the death of a biological parent or a sibling of an
 26 adopted person, the department or placement agency shall add information regarding the
 27 date and circumstances of the death to its records so as to enable it to share such
 28 information with an adopted person or sibling of the adopted person if he or she makes
 29 an inquiry pursuant to the provisions of the Code section.

30 (6)(9) The ~~Division of Family and Children Services Adoption Unit~~ Office of Adoptions
 31 within the department shall maintain a registry for the recording of requests by adopted
 32 persons for the name of any biological parent, for the recording of the written consent or
 33 the written objections of any biological parent to the release of that parent's identity to
 34 an adopted person upon the adopted person's request, and for nonidentifying information
 35 regarding any biological parent which may be released pursuant to paragraph (2) of this
 36 subsection. The department and any placement agency which receives such requests,
 37 consents, or objections shall file a copy thereof with that ~~unit~~ office.

1 ~~(7)~~(10) The department or placement agency may charge a reasonable fee to be
 2 determined by the department for the cost of conducting any search pursuant to this
 3 subsection.

4 ~~(8)~~(11) Nothing in this subsection shall be construed to require the department or
 5 placement agency to disclose to any party at interest, including but not limited to an
 6 adopted person who has reached 21 years of age, any information which is not kept by
 7 the department or the placement agency in its normal course of operations relating to
 8 adoption.

9 ~~(9)~~(12) Any department employee or employee of any placement agency who releases
 10 information or makes authorized contacts in good faith and in compliance with this
 11 subsection shall be immune from civil or criminal liability for such release of information
 12 or authorized contacts.

13 ~~(10)~~(13) Information authorized to be released pursuant to this subsection may be
 14 released under the conditions specified in this subsection notwithstanding any other
 15 provisions of law to the contrary.

16 ~~(11)~~(14) A placement agency which demonstrates to the department by clear and
 17 convincing evidence that the requirement that such agency search for or notify any
 18 biological parent, or sibling, or adopted person under subparagraph (A) of paragraph (4)
 19 of this subsection or subparagraph (A) of paragraph (5) of this subsection or
 20 subparagraph (A) of paragraph (6) of this subsection will impose an undue hardship upon
 21 that agency shall be relieved from that responsibility, and the department shall assume
 22 that responsibility upon such finding by the department of undue hardship. The
 23 department's determination under this subsection shall be a contested case within the
 24 meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

25 ~~(12)~~(15) Whenever this subsection authorizes both the department and a placement
 26 agency to perform any function or requires the placement agency to perform any function
 27 which the department is also required to perform, the department or agency may
 28 designate an agent to perform that function and in so performing it the agent shall have
 29 the same authority, powers, duties, and immunities as an employee of the department or
 30 placement agency has with respect to performing that function."

31 **SECTION 9.**

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

1 "31-10-13.

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

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

13 (c) Whenever an adoption decree is amended or annulled, the clerk of the court shall
14 prepare a report thereof, which shall include such facts as are necessary to identify the
15 original adoption report and the facts amended in the adoption decree as shall be necessary
16 to amend the birth record properly.

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

22 (e) When the state registrar shall receive a certificate of adoption, report of annulment of
23 adoption, or amendment of a decree of adoption of a person born outside this state, the state
24 registrar shall forward such certificate or report to the state registrar in the indicated state
25 of birth.

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

28 (1) If a person was born in a foreign country, is not a citizen of the United States, and
29 does not meet the requirements of the federal Child Citizenship Act of 2000, P.L.
30 106-395, 114 Stat. 1631, but was adopted through a court in this state, the ~~The~~ state
31 registrar shall prepare and register ~~establish~~ a certificate in this state ~~of birth~~ for a person
32 born in a foreign country when the state registrar receives a certificate of adoption and
33 ~~the child was not a United States citizen at birth.~~ The certificate of adoption shall specify
34 ~~the actual place of birth which shall be shown as the place of birth on the birth certificate.~~
35 ~~The new birth certificate shall be prepared on a 'Certificate of Foreign Birth' as prescribed~~
36 ~~by the state registrar~~ shall be established upon receipt of a report of adoption from the
37 court decreeing the adoption and proof of the date and place of birth of the child. The

1 certificate shall be labeled 'Certificate of Foreign Birth' and shall show the actual country
 2 of birth. A statement shall also be included on the certificate indicating that it is not
 3 evidence of United States citizenship for the person for whom it is issued. After
 4 registration of the birth certificate in the new name of the adopted person, the state
 5 registrar shall seal and file the report of adoption which shall not be subject to inspection
 6 except upon order of a court of competent jurisdiction or as provided by statute; and

7 (2) If a person was born in a foreign country and was not a citizen of the United States
 8 at the time of birth but meets the requirements of the federal Child Citizenship Act of
 9 2000, P.L. 106-395, 114 Stat. 1631, and was adopted through a court in this state, the
 10 state registrar shall prepare and register a certificate in this state. The certificate shall be
 11 established upon receipt of a report of adoption from the court decreeing the adoption and
 12 proof of the date and place of birth of the child. The certificate shall be labeled
 13 'Certificate of Foreign Birth' and shall show the actual country of birth. After registration
 14 of the birth certificate in the new name of the adopted person, the state registrar shall seal
 15 and file the report of adoption which shall not be subject to inspection except upon order
 16 of a court of competent jurisdiction or as provided by statute; and

17 ~~(2)~~(3) If a person was born in a foreign country and was a citizen of the United States at
 18 the time of birth, the state registrar shall not prepare a 'Certificate of Foreign Birth' and
 19 shall notify the adoptive parents of the procedure for obtaining a revised birth certificate
 20 for their child through the United States Department of State."

21 SECTION 10.

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

23 "31-10-13.1.

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

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

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

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

6 (e) When the state registrar shall receive a report of legitimation, report of annulment of
7 legitimation, or amendment of an order of legitimation of a person born outside this state,
8 the state registrar shall forward such report to the state registrar in the indicated state of
9 birth."

10 **SECTION 11.**

11 Said chapter is further amended by adding a new Code Section 31-10-13.2 to read as follows:
12 "31-10-13.2.

13 (a) In each case in which an order declaring paternity is entered by a court of competent
14 jurisdiction in this state or by the Office of State Administrative Hearings, the court or the
15 office shall require the preparation of a report of paternity on a form prescribed and
16 furnished by the state registrar. The report shall include such facts as are necessary to
17 locate and identify the original certificate of birth of the person whose paternity has been
18 established; shall provide information necessary to establish a new certificate of birth of
19 the person whose paternity has been established; and shall identify the order declaring
20 paternity and be certified by the clerk of court or the Office of State Administrative
21 Hearings.

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

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

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

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

4 SECTION 12.

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

8 "31-10-14.

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

11 (1) A report of adoption as provided in Code Section 31-10-13 or a report of adoption
 12 prepared and filed in accordance with the laws of another state or foreign country, or a
 13 certified copy of the decree of adoption, together with the information necessary to
 14 identify the original certificate of birth and to establish a new certificate of birth. A new
 15 certificate of birth shall not be established if the court decreeing the adoption directs that
 16 a new birth certificate not be issued; or

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

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

19 ~~(2)~~(4) A request that a new certificate be established as prescribed by regulation and such
 20 evidence as required by regulation proving that such person has been legitimated, or that
 21 a court of competent jurisdiction has determined the paternity of such a person, or that
 22 both parents married to each other have acknowledged the paternity of such person and
 23 request that the surname be changed to that of the father.

24 (b) When a new certificate of birth is established pursuant to this Code section for a person
 25 born in this state, the exact date of birth contained on the original certificate shall be
 26 shown. The true place of birth shall be shown if the adoptee is the natural child of the
 27 spouse of the adoptive parent in the case of step-parent adoptions. The true place of birth
 28 shall be shown for all legitimations. For full adoptions, where neither parent is the natural
 29 parent of the adoptee, the place of birth shall be, at the election of the adoptive parents,
 30 either the true place of birth of the adoptee or the residence of the adoptive parents at the
 31 time of the adoptee's birth. The place of birth indicated must be located in Georgia. ~~The~~
 32 ~~new certificate shall be substituted for the original certificate of birth and the evidence of~~
 33 ~~adoption, legitimation, paternity determination, or paternity acknowledgment shall be~~
 34 ~~sealed and shall not be subject to inspection except upon order of a court of competent~~
 35 ~~jurisdiction or as provided by regulation.~~

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

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

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

13 (f) When a new certificate of birth is established by the state registrar, all copies of the
14 original certificate of birth in the custody of any other custodian of vital records in this state
15 shall be sealed from inspection, destroyed, or forwarded to the state registrar, as the state
16 registrar shall direct.

17 (g) The new certificate shall be substituted for the original certificate of birth in the files
18 and the original certificate of birth and the evidence of adoption, legitimation, or paternity
19 determination shall not be subject to inspection except upon order of a court of competent
20 jurisdiction or as provided by statute.

21 (h) Notwithstanding the foregoing provisions of this Code section or any other provision
22 of law, any person who is 21 years of age or older, who was born in this state, and who has
23 had an original birth certificate removed from the files due to an adoption may receive a
24 copy of that original birth certificate by complying with the provisions of this subsection.
25 First, the person seeking such an original birth certificate shall make written request to the
26 Office of Adoptions for information from the registry maintained in accordance with
27 subsection (f) of Code Section 19-8-23 as to whether each biological parent has consented
28 or objected to the release of that biological parent's name to the adopted person. The
29 person seeking such an original birth certificate shall apply on a form issued by the state
30 registrar; such form shall require the applicant to assert that he or she has sought and
31 received the information relating to consent or objection to release of the name of each
32 biological parent. Release of an original birth certificate in accordance with this subsection
33 shall not be denied because of objection or lack of consent by either biological parent. The
34 state registrar shall require a person seeking an original birth certificate to pay the fee for
35 a birth certificate and observe the appropriate waiting period. The copy of the original
36 birth certificate shall be in a form that clearly indicates it is not a certified copy and that it
37 may not be used for legal purposes. This subsection shall apply to all applications for

1 original birth certificates for adopted persons presented to the state registrar on or after July
2 1, 2003."

3 **SECTION 13.**

4 This Act shall become effective July 1, 2003.

5 **SECTION 14.**

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