

Senate Bill 192

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 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 correct the name of
3 the Office of Adoptions; to amend Chapter 10 of Title 31 of the Official Code of Georgia
4 Annotated, relating to vital records, so as to change the provisions relating to the contents of
5 certificates and to reports and records; to change provisions relating to practices and
6 procedures; to provide for receipt of a copy of his or her original birth certificate by an
7 adopted person in certain circumstances; to provide for applicability; to provide an effective
8 date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

14 "(a) The original petition, all amendments and exhibits thereto, all motions, documents,
15 affidavits, records, and testimony filed in connection therewith, and all decrees or orders
16 of any kind whatsoever, except the original investigation report and background
17 information referred to in Code Section 19-8-20, shall be recorded in a book kept for that
18 purpose and properly indexed; and the book shall be part of the records of the court in each
19 county which has jurisdiction over matters of adoption in that county. ~~All~~ Except as
20 otherwise provided for birth certificates by Code Section 31-10-14, all of the records,
21 including the docket book, of the court granting the adoption, of the department, and of the
22 child-placing agency that relate in any manner to the adoption shall be kept sealed and
23 locked. This subsection shall not supersede or affect the availability of birth certificates
24 pursuant to the procedure contained in Code Section 31-10-14. The records may be
25 examined by the parties at interest in the adoption and their attorneys when, after written
26

1 petition has been presented to the court having jurisdiction and after the department and the
 2 appropriate child-placing agency have received at least 30 days' prior written notice of the
 3 filing of such petition, the matter has come on before the court in chambers and, good
 4 cause having been shown to the court, the court has entered an order permitting such
 5 examination. Notwithstanding the foregoing, if the adoptee who is the subject of the
 6 records sought to be examined is less than 18 years of age at the time the petition is filed
 7 and the petitioner is someone other than one of the adoptive parents of the adoptee, then
 8 the department shall provide written notice of such proceedings to the adoptive parents by
 9 certified mail or statutory overnight delivery, return receipt requested, at the last address
 10 the department has for such adoptive parents and the court shall continue any hearing on
 11 the petition until not less than 60 days after the date the notice was sent. Each such
 12 adoptive parent shall have the right to appear in person or through counsel and show cause
 13 why such records should not be examined. Adoptive parents may provide the department
 14 with their current address for purposes of receiving notice under this subsection by mailing
 15 that address to:

16 ~~Adoption Unit~~ Office of Adoptions
 17 Department of Human Resources
 18 Atlanta, Georgia"

19 **SECTION 2.**

20 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
 21 is amended by striking Code Section 31-10-14, relating to issuance of a new certificate of
 22 birth following adoption and legitimation or paternity determination, and inserting in its
 23 place the following:

24 "31-10-14.

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

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

33 (2) A request that a new certificate be established as prescribed by regulation and such
 34 evidence as required by regulation proving that such person has been legitimated, or that
 35 a court of competent jurisdiction has determined the paternity of such a person, or that

1 both parents married to each other have acknowledged the paternity of such person and
2 request that the surname be changed to that of the father.

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

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

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

21 (e) If no certificate of birth is on file for the person for whom a new birth certificate is to
22 be established under this Code section and the date and place of birth have not been
23 determined in the adoption, legitimation, or paternity proceedings, a delayed certificate of
24 birth shall be filed with the state registrar as provided in Code Section 31-10-11 or
25 31-10-12 before a new certificate of birth is established. The new birth certificate shall be
26 prepared on the delayed birth certificate form.

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

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

35 (h) Notwithstanding the foregoing provisions of this Code section or any other provision
36 of law, any person who is 21 years of age or older, who was born in this state, and who has
37 had an original birth certificate removed from the files due to an adoption may receive a

1 copy of that original birth certificate by complying with the provisions of this subsection.
2 The state registrar shall require a person seeking an original birth certificate to pay the fee
3 for a birth certificate and observe the appropriate waiting period. The copy of the original
4 birth certificate shall be in a form that clearly indicates it is not a certified copy and that it
5 may not be used for legal purposes. This subsection shall apply to all applications for
6 original birth certificates for adopted persons presented to the state registrar on or after July
7 1, 2003."

8 **SECTION 3.**

9 This Act shall become effective July 1, 2003.

10 **SECTION 4.**

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