

Senate Bill 263

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 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital
2 records, so as to provide for reports and registration of legitimations, paternity orders,
3 guardianships, and amendments and dissolutions of guardianships; to provide for duties of
4 courts, the Office of State Administrative Hearings, petitioners, clerks of courts, and the state
5 registrar; to provide for establishing a new certificate of birth in the case of legitimations and
6 paternity orders; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

10 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
11 is amended by adding a new Code Section 31-10-13.1 to read as follows:

12 "31-10-13.1.

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

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

22 (c) Whenever an order of legitimation is amended or annulled, the clerk of the court shall
23 prepare a report thereof, which shall include such facts as are necessary to identify the
24 original legitimation report and the facts amended in the legitimation order as shall be
25 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 2.

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 3.

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

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

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

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

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

18 ~~(2)(4)~~ (4) A request that a new certificate be established as prescribed by regulation and such
 19 evidence as required by regulation proving that ~~such person has been legitimated, or that~~
 20 ~~a court of competent jurisdiction has determined the paternity of such a person, or that~~
 21 both parents married to each other have acknowledged the paternity of such person and
 22 request that the surname be changed to that of the father."

23 SECTION 4.

24 Said chapter is further amended by adding a new Code Section 31-10-22.1 to read as follows:

25 "31-10-22.1.

26 (a) A record of each guardianship, amendment of guardianship, or dissolution of
 27 guardianship granted by any court of competent jurisdiction in this state shall be filed by
 28 the clerk of the court with the department and shall be registered if it has been filed in
 29 accordance with this Code section.

30 (b) In each case in which an order establishing a guardianship is entered by a court of
 31 competent jurisdiction in this state, the court shall require the preparation of a report of
 32 guardianship on a form prescribed and furnished by the state registrar. The report shall
 33 include such facts as are necessary to identify the ward, the guardian, and the court entering
 34 such order and shall include the date of the order and be certified by the clerk of court.

1 (c) Information necessary to prepare the report of guardianship shall be furnished by the
2 petitioner for guardianship or the petitioner's attorney. The provision of such information
3 shall be prerequisite to the issuance of a final order of guardianship in the matter by the
4 court.

5 (d) Whenever an order of guardianship is amended or dissolved, the clerk of the court shall
6 prepare a report of such amendment or dissolution, which shall include such facts as are
7 necessary to identify the original report of guardianship and the facts amended in the
8 guardianship order as shall be necessary to amend the record properly.

9 (e) Not later than the fifteenth day of each calendar month or more frequently, as directed
10 by the state registrar, the clerk of the court shall forward to the state registrar reports of
11 guardianship, amendments of orders of guardianship, and dissolutions of guardianship
12 which were entered in the preceding month, together with such related reports as the state
13 registrar shall require."

14 **SECTION 5.**

15 This Act shall become effective July 1, 2005.

16 **SECTION 6.**

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