

The House Committee on Judiciary offered the following substitute to SB 192:

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 provisions relating to birth certificates
14 of adopted persons born in foreign countries; to change the provisions relating to the contents
15 of certificates and to reports and records; to change provisions relating to practices and
16 procedures; to provide for receipt of a copy of his or her original birth certificate by an
17 adopted person in certain circumstances; to provide for applicability; to provide an effective
18 date; to repeal conflicting laws; and for other purposes.

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

21 Code Section 15-11-103 of the Official Code of Georgia Annotated, relating to placement
22 of a child following an order terminating parental rights, custodial authority, and review of
23 placement, is amended by striking subsection (b) and inserting in lieu thereof the following:
24 "(b) The court shall transmit a copy of every final order terminating the parental rights of
25 a parent to the ~~Division of Family and Children Services Adoption Unit~~ Office of

1 Adoptions of the Department of Human Resources within 15 days of the filing of such
2 order."

3 **SECTION 2.**

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

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

13 ~~State Adoption Unit~~ Office of Adoptions

14 Georgia Department of Human Resources

15 Atlanta, Georgia

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

18 **SECTION 3.**

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

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

27 **SECTION 4.**

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

31 "19-8-14.

32 (a) It is the policy of this state that, in the best interest of the child, uncontested adoption
33 petitions should be heard as soon as possible but not later than 120 days after the date of
34 filing, unless the petitioner has failed to arrange for the court to receive the report required

1 by the provisions of Code Section 19-8-16 or has otherwise failed to provide the court with
2 all exhibits, surrenders, or certificates required by this chapter within that time period. It
3 is the policy of this state that, in contested adoption petitions, the parties shall make every
4 effort to have the petition considered by the court as soon as practical after the date of filing
5 taking into account the circumstances of the petition and the best interest of the child.

6 (b) Upon the filing of the petition for adoption, accompanied by the filing fee unless such
7 fee is waived, it shall be the responsibility of the clerk to accept the petition as filed.

8 (c) Upon the filing of the petition for adoption the court shall fix a date upon which the
9 petition shall be considered, which date shall be not less than ~~60~~ 45 days from the date of
10 the filing of the petition or, when Code Section 19-8-10 is relied upon, not less than 30
11 days from the receipt of notice as provided in subsection (c) of Code Section 19-8-10.

12 (d) Notwithstanding the provisions of subsections (a) and (c) of this Code section, it shall
13 be the petitioner's responsibility to request that the court hear the petition on a date that
14 allows sufficient time for fulfillment of notice requirements of Code Section 19-8-10 and
15 Code Section 19-8-12, where applicable.

16 (e) In the best interest of the child the court may hear the petition less than 45 days from
17 the date of filing upon a showing by the petitioner that either no further notice is required
18 or that any statutory requirement of notice to any person will be fulfilled at an earlier date,
19 and provided that any report required by Code Section 19-8-16 has been completed or will
20 be completed at an earlier date.

21 (f) The court in the child's best interest may grant such expedited hearings or continuances
22 as may be necessary for completion of applicable notice requirements, investigations, and
23 reports or for other good cause shown.

24 (g) Copies of the petition, the order fixing the date upon which the petition shall be
25 considered, and all exhibits, surrenders, or certificates required by this chapter shall be
26 forwarded by the clerk to the department within 15 days after the filing of the petition for
27 adoption, together with a request that a report and investigation be made as required by
28 law.

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

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

SECTION 5.

1
2 Said chapter is further amended in Code Section 19-8-16, relating to investigation by the
3 child-placing agency or other agent, by striking subsection (a) and inserting in lieu thereof
4 the following:

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

SECTION 6.

18
19 Said chapter is further amended by striking subsection (a) of Code Section 19-8-23, relating
20 to records of adoption, examination of such records by parties and attorneys, and use of such
21 information, and inserting in its place the following:

22 "(a) The original petition, all amendments and exhibits thereto, all motions, documents,
23 affidavits, records, and testimony filed in connection therewith, and all decrees or orders
24 of any kind whatsoever, except the original investigation report and background
25 information referred to in Code Section 19-8-20, shall be recorded in a book kept for that
26 purpose and properly indexed; and the book shall be part of the records of the court in each
27 county which has jurisdiction over matters of adoption in that county. ~~All~~ Except as
28 otherwise provided for birth certificates by subsection (h) of Code Section 31-10-14, all of
29 the records, including the docket book, of the court granting the adoption, of the
30 department, and of the child-placing agency that relate in any manner to the adoption shall
31 be kept sealed and locked. This subsection shall not supersede or affect the availability of
32 birth certificates pursuant to the procedure contained in subsection (h) of Code Section
33 31-10-14. The records may be examined by the parties at interest in the adoption and their
34 attorneys when, after written petition has been presented to the court having jurisdiction
35 and after the department and the appropriate child-placing agency have received at least
36 30 days' prior written notice of the filing of such petition, the matter has come on before

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

13 ~~Adoption Unit~~ Office of Adoptions

14 Department of Human Resources

15 Atlanta, Georgia"

16 SECTION 7.

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

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

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

1 ~~(B)(ii)~~ The identity of the biological parent submitting permission for the release of
 2 that parent's name has been verified by the department or the placement agency; and
 3 ~~(C)(iii)~~ The department or the placement agency has records pertaining to the
 4 finalized adoption and to the identity of the biological parent whose name is to be
 5 released.

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

10 (4)(A) If a biological parent has not filed written unrevoked permission for the release
 11 of that parent's name to the adopted child, the department or the placement agency,
 12 within six months of receipt of the written request of the adopted person who has
 13 reached 21 years of age, shall make diligent effort to notify each biological parent
 14 identified in the original adoption proceedings or in other records of the department or
 15 the placement agency relative to the adopted person. For purposes of this
 16 subparagraph, 'notify' means a personal and confidential contact with each biological
 17 parent ~~named on the original birth certificate~~ of the adopted person. The contact ~~shall~~
 18 ~~not be by mail and~~ shall be by an employee or agent of the placement agency which
 19 processed the pertinent adoption or by other agents or employees of the department.
 20 The contact shall be evidenced by the person who notified each parent certifying to the
 21 department that each parent was given the following information:

- 22 (i) The nature of the information requested by the adopted person;
- 23 (ii) The date of the request of the adopted person;
- 24 (iii) The right of each biological parent to file ~~within 60 days of receipt of the notice~~
 25 an affidavit with the placement agency or the department stating that such parent's
 26 identity should not be disclosed;
- 27 (iv) The right of each biological parent to file a consent to disclosure with the
 28 placement agency or the department ~~at any time~~; and
- 29 (v) The effect of a failure of each biological parent to file either a consent to
 30 disclosure or an affidavit stating that the information in the ~~original birth certificate~~
 31 ~~or~~ sealed adoption file should not be disclosed.

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

35 ~~(C) If, subsequent to being notified by the department or placement agency, a~~
 36 ~~biological parent has not filed an unrevoked consent to the disclosure of that parent's~~
 37 ~~identity at any time within six months after the written request for such information is~~

1 ~~received by the department or placement agency or such parent has filed with the~~
 2 ~~department or placement agency within 60 days after notice to such person of the~~
 3 ~~request for such information an affidavit objecting to such release, whichever occurs~~
 4 ~~later, that information regarding that biological parent will not be released. If, within~~
 5 ~~60 days of being notified by the department or the placement agency pursuant to~~
 6 ~~subparagraph (A) of this paragraph, a biological parent has filed with the department~~
 7 ~~or placement agency an affidavit objecting to such release, information regarding that~~
 8 ~~biological parent shall not be released.~~

9 (D)(i) ~~If six months after receipt of the adopted person's written request the director~~
 10 ~~of a placement agency or the commissioner certifies that the placement agency or the~~
 11 ~~department has either been unable to notify a biological parent identified in the~~
 12 ~~original adoption record ~~within six months after receipt of the adopted person's~~~~
 13 ~~~~written request and if neither identified biological parent has at any time filed an~~~~
 14 ~~~~unrevoked consent to disclosure with the placement agency or the department or has~~~~
 15 ~~been able to notify a biological parent identified in the original adoption record but~~
 16 ~~has not obtained a consent to disclosure from the notified biological parent, then the~~
 17 identity of a biological parent may only be disclosed as provided in division (ii)
 18 or (iii) of this subparagraph.

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

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

33 (5)(A) Upon written request of an adopted person who has reached 21 years of age or
 34 a person who has reached 21 years of age and who is the sibling of an adopted person,
 35 the department or a placement agency shall attempt to identify and notify the siblings
 36 of the requesting party, if such siblings are at least 18 years of age. Upon locating the
 37 requesting party's sibling, the department or the placement agency shall notify the

1 sibling of the inquiry. Upon the written consent of ~~the~~ a sibling so notified, the
 2 department or the placement agency shall forward the requesting party's name and
 3 address to the sibling and, upon further written consent of the sibling, shall divulge to
 4 the requesting party the present name and address of the sibling. If ~~the~~ a sibling is
 5 ~~deceased~~ or cannot be identified or located, the department or placement agency shall
 6 notify the requesting party of such circumstances but shall not disclose any names or
 7 other information which would tend to identify the sibling. If a sibling is deceased, the
 8 department or placement agency shall be authorized to disclose the name and place of
 9 burial of the deceased sibling, if known, to the requesting party without the necessity
 10 of obtaining a court order.

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

18 (ii) The adopted person who has reached 21 years of age or a person who has reached
 19 21 years of age and who is the sibling of an adopted person may petition the Superior
 20 Court of Fulton County to seek the release of the last known name and address of
 21 each of the siblings of the petitioning sibling, that are at least 18 years of age, from
 22 the department or placement agency. The court shall grant the petition if the court
 23 finds that the department or placement agency has made diligent efforts to locate such
 24 siblings pursuant to subparagraph (A) of this paragraph either without success or upon
 25 locating one or more of the siblings has not obtained a consent to disclosure from all
 26 the notified siblings and that failure to release the identity and last known address of
 27 said siblings would have an adverse impact upon the physical, mental, or emotional
 28 health of the petitioning sibling.

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

34 (6)(A) Upon written request of a biological parent of an adopted person who has
 35 reached 21 years of age, the department or a placement agency shall attempt to identify
 36 and notify the adopted person. Upon locating the adopted person, the department or the
 37 placement agency shall notify the adopted person of the inquiry. Upon the written

1 consent of the adopted person so notified, the department or the placement agency shall
2 forward the biological parent's name and address to the adopted person and, upon
3 further written consent of the adopted person, shall divulge to the requesting biological
4 parent the present name and address of the adopted person. If the adopted person is
5 deceased, the department or placement agency shall be authorized to disclose the name
6 and place of burial of the deceased adopted person, if known, to the requesting
7 biological parent without the necessity of obtaining a court order.

8 (B)(i) If six months after receipt of the written request from a biological parent of an
9 adopted person who has reached 21 years of age the placement agency or the
10 department has either been unable to notify the adopted person or has been able to
11 notify the adopted person but has not obtained a consent to disclosure from the
12 notified adopted person, then the identity of the adopted person may only be disclosed
13 as provided in division (ii) of this subparagraph.

14 (ii) The biological parent of an adopted person who has reached 21 years of age may
15 petition the Superior Court of Fulton County to seek the release of the last known
16 name and address of the adopted person from the department or placement agency.

17 The court shall grant the petition if the court finds that the department or placement
18 agency has made diligent efforts to locate such adopted person pursuant to
19 subparagraph (A) of this paragraph either without success or upon locating the
20 adopted person has not obtained a consent to disclosure from the adopted person and
21 that failure to release the identity and last known address of said adopted person
22 would have an adverse impact upon the physical, mental, or emotional health of the
23 petitioning biological parent.

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

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

34 (8) If a biological parent or parent or sibling of a biological parent notifies the
35 department or placement agency of the death of a biological parent or a sibling of an
36 adopted person, the department or placement agency shall add information regarding the
37 date and circumstances of the death to its records so as to enable it to share such

1 information with an adopted person or sibling of the adopted person if he or she makes
 2 an inquiry pursuant to the provisions of the Code section.

3 ~~(6)~~(9) The ~~Division of Family and Children Services Adoption Unit~~ Office of Adoptions
 4 within the department shall maintain a registry for the recording of requests by adopted
 5 persons for the name of any biological parent, for the recording of the written consent or
 6 the written objections of any biological parent to the release of that parent's identity to
 7 an adopted person upon the adopted person's request, and for nonidentifying information
 8 regarding any biological parent which may be released pursuant to paragraph (2) of this
 9 subsection. The department and any placement agency which receives such requests,
 10 consents, or objections shall file a copy thereof with that ~~unit~~ office.

11 ~~(7)~~(10) The department or placement agency may charge a reasonable fee to be
 12 determined by the department for the cost of conducting any search pursuant to this
 13 subsection.

14 ~~(8)~~(11) Nothing in this subsection shall be construed to require the department or
 15 placement agency to disclose to any party at interest, including but not limited to an
 16 adopted person who has reached 21 years of age, any information which is not kept by
 17 the department or the placement agency in its normal course of operations relating to
 18 adoption.

19 ~~(9)~~(12) Any department employee or employee of any placement agency who releases
 20 information or makes authorized contacts in good faith and in compliance with this
 21 subsection shall be immune from civil or criminal liability for such release of information
 22 or authorized contacts.

23 ~~(10)~~(13) Information authorized to be released pursuant to this subsection may be
 24 released under the conditions specified in this subsection notwithstanding any other
 25 provisions of law to the contrary.

26 ~~(11)~~(14) A placement agency which demonstrates to the department by clear and
 27 convincing evidence that the requirement that such agency search for or notify any
 28 biological parent, ~~or sibling, or adopted person~~ under subparagraph (A) of paragraph (4)
 29 of this subsection or subparagraph (A) of paragraph (5) of this subsection or
 30 subparagraph (A) of paragraph (6) of this subsection will impose an undue hardship upon
 31 that agency shall be relieved from that responsibility, and the department shall assume
 32 that responsibility upon such finding by the department of undue hardship. The
 33 department's determination under this subsection shall be a contested case within the
 34 meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

35 ~~(12)~~(15) Whenever this subsection authorizes both the department and a placement
 36 agency to perform any function or requires the placement agency to perform any function
 37 which the department is also required to perform, the department or agency may

1 designate an agent to perform that function and in so performing it the agent shall have
 2 the same authority, powers, duties, and immunities as an employee of the department or
 3 placement agency has with respect to performing that function."

4 SECTION 9.

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

8 "31-10-13.

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

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

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

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

29 (e) When the state registrar shall receive a certificate of adoption, report of annulment of
 30 adoption, or amendment of a decree of adoption of a person born outside this state, the state
 31 registrar shall forward such certificate or report to the state registrar in the indicated state
 32 of birth.

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

35 (1) If a person was born in a foreign country, is not a citizen of the United States, and
 36 does not meet the requirements of the federal Child Citizenship Act of 2000, P.L.

1 106-395, 114 Stat. 1631, but was adopted through a court in this state, the The state
 2 registrar shall prepare and register establish a certificate in this state of birth for a person
 3 born in a foreign country when the state registrar receives a certificate of adoption and
 4 ~~the child was not a United States citizen at birth.~~ The certificate of adoption shall specify
 5 ~~the actual place of birth which shall be shown as the place of birth on the birth certificate.~~
 6 ~~The new birth certificate shall be prepared on a 'Certificate of Foreign Birth' as prescribed~~
 7 ~~by the state registrar~~ shall be established upon receipt of a report of adoption from the
 8 court decreeing the adoption and proof of the date and place of birth of the child. The
 9 certificate shall be labeled 'Certificate of Foreign Birth' and shall show the actual country
 10 of birth. A statement shall also be included on the certificate indicating that it is not
 11 evidence of United States citizenship for the person for whom it is issued. After
 12 registration of the birth certificate in the new name of the adopted person, the state
 13 registrar shall seal and file the report of adoption which shall not be subject to inspection
 14 except upon order of a court of competent jurisdiction or as provided by statute; and
 15 (2) If a person was born in a foreign country and was not a citizen of the United States
 16 at the time of birth but meets the requirements of the federal Child Citizenship Act of
 17 2000, P.L. 106-395, 114 Stat. 1631, and was adopted through a court in this state, the
 18 state registrar shall prepare and register a certificate in this state. The certificate shall be
 19 established upon receipt of a report of adoption from the court decreeing the adoption and
 20 proof of the date and place of birth of the child. The certificate shall be labeled
 21 'Certificate of Foreign Birth' and shall show the actual country of birth. After registration
 22 of the birth certificate in the new name of the adopted person, the state registrar shall seal
 23 and file the report of adoption which shall not be subject to inspection except upon order
 24 of a court of competent jurisdiction or as provided by statute; and
 25 ~~(2)~~(3) If a person was born in a foreign country and was a citizen of the United States at
 26 the time of birth, the state registrar shall not prepare a 'Certificate of Foreign Birth' and
 27 shall notify the adoptive parents of the procedure for obtaining a revised birth certificate
 28 for their child through the United States Department of State."

29 SECTION 10.

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

33 "31-10-14.

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

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

7 (2) A request that a new certificate be established as prescribed by regulation and such
 8 evidence as required by regulation proving that such person has been legitimated, or that
 9 a court of competent jurisdiction has determined the paternity of such a person, or that
 10 both parents married to each other have acknowledged the paternity of such person and
 11 request that the surname be changed to that of the father.

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

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

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

30 (e) If no certificate of birth is on file for the person for whom a new birth certificate is to
 31 be established under this Code section and the date and place of birth have not been
 32 determined in the adoption, legitimation, or paternity proceedings, a delayed certificate of
 33 birth shall be filed with the state registrar as provided in Code Section 31-10-11 or
 34 31-10-12 before a new certificate of birth is established. The new birth certificate shall be
 35 prepared on the delayed birth certificate form.

36 (f) When a new certificate of birth is established by the state registrar, all the original birth
 37 certificate shall not be subject to inspection except as provided in this Code section. All

1 copies of the original certificate of birth in the custody of any other custodian of vital
2 records in this state shall be sealed from inspection ~~or~~ and forwarded to the state registrar,
3 as the state registrar shall direct.

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

8 (h) Notwithstanding the foregoing provisions of this Code section or any other provision
9 of law, any person who is 21 years of age or older, who was born in this state, and who has
10 had an original birth certificate removed from the files due to an adoption may receive a
11 copy of that original birth certificate by complying with the provisions of this subsection.
12 The state registrar shall require a person seeking an original birth certificate to pay the fee
13 for a birth certificate and observe the appropriate waiting period. The copy of the original
14 birth certificate shall be in a form that clearly indicates it is not a certified copy and that it
15 may not be used for legal purposes. This subsection shall apply to all applications for
16 original birth certificates for adopted persons presented to the state registrar on or after July
17 1, 2003."

18 SECTION 11.

19 This Act shall become effective July 1, 2003.

20 SECTION 12.

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