

HOUSE SUBSTITUTE TO SENATE BILL 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 **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 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 of the records,
28 including the docket book, of the court granting the adoption, of the department, and of the
29 child-placing agency that relate in any manner to the adoption shall be kept sealed and
30 locked. The records may be examined by the parties at interest in the adoption and their
31 attorneys when, after written petition has been presented to the court having jurisdiction
32 and after the department and the appropriate child-placing agency have received at least
33 30 days' prior written notice of the filing of such petition, the matter has come on before
34 the court in chambers and, good cause having been shown to the court, the court has
35 entered an order permitting such examination. Notwithstanding the foregoing, if the
36 adoptee who is the subject of the records sought to be examined is less than 18 years of age

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

10 ~~Adoption Unit~~ Office of Adoptions
 11 Department of Human Resources
 12 Atlanta, Georgia"

13 SECTION 7.

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

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

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

32 SECTION 8.

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

1 "(f)(1) Notwithstanding Code Section 19-8-1, for purposes of this subsection, the term:

2 (A) 'Biological parent' means the biological mother or biological father who
 3 surrendered that person's rights or had such rights terminated by court order giving rise
 4 to the adoption of the child.

5 ~~(A)(B)~~ 'Commissioner' means the commissioner of the ~~Department of Human~~
 6 ~~Resources~~ human resources or that person's designee.

7 ~~(B)(C)~~ 'Department' means the Department of Human Resources or, when the
 8 Department of Human Resources so designates, the county department of family and
 9 children services which placed for adoption the person seeking, or on whose behalf is
 10 sought, information under this subsection.

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

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

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

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

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

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

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

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

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

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

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

30 ~~(C) If, subsequent to being notified by the department or placement agency, a~~
 31 ~~biological parent has not filed an unrevoked consent to the disclosure of that parent's~~
 32 ~~identity at any time within six months after the written request for such information is~~
 33 ~~received by the department or placement agency or such parent has filed with the~~
 34 ~~department or placement agency within 60 days after notice to such person of the~~
 35 ~~request for such information an affidavit objecting to such release, whichever occurs~~
 36 ~~later, that information regarding that biological parent will not be released. If, within~~
 37 60 days of being notified by the department or the placement agency pursuant to

1 subparagraph (A) of this paragraph, a biological parent has filed with the department
 2 or placement agency an affidavit objecting to such release, information regarding that
 3 biological parent shall not be released.

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

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

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

28 (5)(A) Upon written request of an adopted person who has reached 21 years of age or
 29 a person who has reached 21 years of age and who is the sibling of an adopted person,
 30 the department or a placement agency shall attempt to identify and notify the siblings
 31 of the requesting party, if such siblings are at least 18 years of age. Upon locating the
 32 requesting party's sibling, the department or the placement agency shall notify the
 33 sibling of the inquiry. Upon the written consent of ~~the~~ a sibling so notified, the
 34 department or the placement agency shall forward the requesting party's name and
 35 address to the sibling and, upon further written consent of the sibling, shall divulge to
 36 the requesting party the present name and address of the sibling. If ~~the~~ a sibling is
 37 ~~deceased~~ or cannot be identified or located, the department or placement agency shall

1 notify the requesting party of such circumstances but shall not disclose any names or
 2 other information which would tend to identify the sibling. If a sibling is deceased, the
 3 department or placement agency shall be authorized to disclose the name and place of
 4 burial of the deceased sibling, if known, to the requesting party without the necessity
 5 of obtaining a court order.

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

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

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

29 (6)(A) Upon written request of a biological parent of an adopted person who has
 30 reached 21 years of age, the department or a placement agency shall attempt to identify
 31 and notify the adopted person. Upon locating the adopted person, the department or the
 32 placement agency shall notify the adopted person of the inquiry. Upon the written
 33 consent of the adopted person so notified, the department or the placement agency shall
 34 forward the biological parent's name and address to the adopted person and, upon
 35 further written consent of the adopted person, shall divulge to the requesting biological
 36 parent the present name and address of the adopted person. If the adopted person is
 37 deceased, the department or placement agency shall be authorized to disclose the name

1 and place of burial of the deceased adopted person, if known, to the requesting
2 biological parent without the necessity of obtaining a court order.

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

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

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

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

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

35 ~~(6)~~(9) The Division of Family and Children Services Adoption Unit Office of Adoptions
36 within the department shall maintain a registry for the recording of requests by adopted
37 persons for the name of any biological parent, for the recording of the written consent or

1 the written objections of any biological parent to the release of that parent's identity to
 2 an adopted person upon the adopted person's request, and for nonidentifying information
 3 regarding any biological parent which may be released pursuant to paragraph (2) of this
 4 subsection. The department and any placement agency which receives such requests,
 5 consents, or objections shall file a copy thereof with that ~~unit~~ office.

6 ~~(7)~~(10) The department or placement agency may charge a reasonable fee to be
 7 determined by the department for the cost of conducting any search pursuant to this
 8 subsection.

9 ~~(8)~~(11) Nothing in this subsection shall be construed to require the department or
 10 placement agency to disclose to any party at interest, including but not limited to an
 11 adopted person who has reached 21 years of age, any information which is not kept by
 12 the department or the placement agency in its normal course of operations relating to
 13 adoption.

14 ~~(9)~~(12) Any department employee or employee of any placement agency who releases
 15 information or makes authorized contacts in good faith and in compliance with this
 16 subsection shall be immune from civil or criminal liability for such release of information
 17 or authorized contacts.

18 ~~(10)~~(13) Information authorized to be released pursuant to this subsection may be
 19 released under the conditions specified in this subsection notwithstanding any other
 20 provisions of law to the contrary.

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

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

36 SECTION 9.

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

4 "31-10-13.

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

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

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

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

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

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

31 (1) If a person was born in a foreign country, is not a citizen of the United States, and
 32 does not meet the requirements of the federal Child Citizenship Act of 2000, P.L.
 33 106-395, 114 Stat. 1631, but was adopted through a court in this state, the ~~The~~ state
 34 registrar shall prepare and register ~~establish~~ a certificate in this state ~~of birth~~ for a person
 35 ~~born in a foreign country when the state registrar receives a certificate of adoption and~~
 36 ~~the child was not a United States citizen at birth.~~ The certificate of adoption shall specify
 37 ~~the actual place of birth which shall be shown as the place of birth on the birth certificate.~~

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

24 SECTION 10.

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

28 "31-10-14.

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

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

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

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

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

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

24 (e) If no certificate of birth is on file for the person for whom a new birth certificate is to
 25 be established under this Code section and the date and place of birth have not been
 26 determined in the adoption, legitimation, or paternity proceedings, a delayed certificate of
 27 birth shall be filed with the state registrar as provided in Code Section 31-10-11 or
 28 31-10-12 before a new certificate of birth is established. The new birth certificate shall be
 29 prepared on the delayed birth certificate form.

30 (f) When a new certificate of birth is established by the state registrar, ~~all~~ the original birth
 31 certificate shall not be subject to inspection except as provided in this Code section. All
 32 copies of the original certificate of birth in the custody of any other custodian of vital
 33 records in this state shall be sealed from inspection ~~or~~ and forwarded to the state registrar,
 34 as the state registrar shall direct.

35 (g) The new certificate shall be substituted for the original certificate of birth in the files
 36 and the original certificate of birth and the evidence of adoption, legitimation, or paternity

1 determination shall not be subject to inspection except upon order of a court of competent
2 jurisdiction or as provided by statute."

3 **SECTION 11.**

4 This Act shall become effective July 1, 2003.

5 **SECTION 12.**

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