

Senate Bill 192

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

**AS PASSED**

**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.