

House Bill 1566

By: Representatives Bridges of the 7th, Burmeister of the 96th, Sheldon of the 71st, Post 2, Smith of the 87th, Jones of the 38th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital
2 records, so as to enact the "Health Care Protection Act"; to request that an unmarried mother
3 identify the name of a baby's father; to provide for county health departments to attempt to
4 locate putative fathers; to provide for amended birth certificates; to require the identification
5 on birth certificates of certain children born as a result of artificial insemination; to provide
6 for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Health Care Protection Act."

10 **SECTION 2.**

11 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
12 is amended by striking subsections (e) and (f) of Code Section 31-10-9, relating to
13 registration of births, and inserting in their respective places the following:

14 "(e) The name of the natural father or putative father shall be entered on the certificate of
15 live birth as follows:

16 (1) If the mother was married either at the time of conception or at the time of birth, the
17 name of the husband shall be entered on the certificate as the father of the child unless
18 paternity has been determined otherwise by a court having jurisdiction, in which case the
19 name of the father as determined by the court shall be entered;

20 (2)(A) If the mother is not married to the father at either the time of conception or at
21 the time of birth, ~~the name of the putative father shall not be entered on the certificate~~
22 ~~of birth without the written consent of the mother and the person to be named as father~~
23 the institution or other party, as applicable, shall request that the mother identify the
24 name of the child's father, which name shall be entered on the certificate of birth, if
25 given, and identified as unconfirmed. If the mother indicates that the father's name is

1 unknown the birth certificate shall so indicate. The name of the putative father and his
 2 address, if available, shall be recorded on a notification form which together with the
 3 birth certificate shall be filed in accordance with subsection (a) of this Code section.

4 (B) Upon receipt of a birth certificate and notification form, the local registrar shall
 5 forward the notification form to the county health department which shall attempt to
 6 locate the putative father. The county health department may seek the assistance of the
 7 county sheriff or local police department in its attempt to locate the putative father.

8 (C) If the county health department is able to contact the putative father, he shall be
 9 notified of his rights and responsibilities regarding the identified child. The putative
 10 father may either admit or deny paternity. If paternity is denied, the putative father shall
 11 be asked to submit to a DNA blood test to establish paternity. The cost of the paternity
 12 test shall be borne by the putative father if the test establishes paternity or, if the test
 13 fails to establish paternity, by the mother or the state, if the mother is indigent.

14 (D) The county health department shall notify the local registrar of the results of the
 15 paternity test. Upon receipt of a positive paternity test result the registrar shall remove
 16 the unconfirmed notation on the birth certificate. Upon receipt of a negative paternity
 17 test result the registrar shall remove the name of the putative father and replace it with
 18 the word 'unknown.'

19 (E) The county health department shall inform the mother of the result of each
 20 paternity test. Upon positive identification of the father an amended birth certificate
 21 shall be provided to the mother by the registrar;

22 (3) In any case in which paternity of a child is determined by a court of competent
 23 jurisdiction, the name of the father and the surname of the child shall be entered on the
 24 certificate of birth in accordance with the finding and order of the court;

25 (4) If the father is not named on the certificate of birth, no other information about the
 26 father shall be entered on the certificate; or

27 (5) In all other cases, the surname of the child shall be the legal surname of the mother
 28 at the time of the birth.

29 (f) The birth certificate of a child born to a married woman as a result of artificial
 30 insemination, with consent of her husband, shall be completed in accordance with the
 31 provisions of subsection (e) of this Code section. The birth certificate of a child born to an
 32 unmarried woman as a result of artificial insemination shall have placed on the birth
 33 certificate in the space where the father's name would be entered the words 'artificial
 34 insemination.'

35 SECTION 3.

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