

Senate Bill 263

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

**AS PASSED SENATE**

**A BILL TO BE ENTITLED**

**AN ACT**

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

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

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

12 "31-10-13.1.

13 (a) For each legitimation, annulment of legitimation, and amendment of an order of  
14 legitimation decreed by a court of competent jurisdiction in this state, the clerk of the court  
15 shall not later than the fifteenth day of each calendar month or more frequently, as directed  
16 by the state registrar, forward to the state registrar a certified copy of each order of  
17 legitimation, annulment of legitimation, and amendment of an order of legitimation which  
18 was entered in the preceding month. Each order of legitimation, annulment of legitimation,  
19 and amendment of an order of legitimation shall comply with paragraph (2) of subsection  
20 (c) of Code Section 31-10-23.

21 (b) When the state registrar receives a certified copy of the order of legitimation, report of  
22 annulment of legitimation, or amendment of an order of legitimation of a person born  
23 outside this state, the state registrar shall forward such certified copy of the order to the  
24 state registrar in the indicated state of birth."



1 both parents married to each other have acknowledged the paternity of such person and  
2 request that the surname be changed to that of the father."

3 **SECTION 4.**

4 Said chapter is further amended in Code Section 31-10-23, relating to amendment of  
5 certificates or reports, by striking subsection (c) and inserting in lieu thereof the following:

6 "(c)(1) Upon receipt of a certified copy of an order to legitimate a child, or an affidavit  
7 signed by the natural parents whose marriage had legitimated a child, the director shall  
8 register a new birth certificate if paternity was not shown on the original certificate. Such  
9 certificate shall not be marked 'amended.'

10 (2) If paternity was shown on the original certificate, the record can be changed only by  
11 an order from ~~the superior court~~ a court of competent jurisdiction or the Office of State  
12 Administrative Hearings to remove the name of the person shown on the certificate as the  
13 father and to add the name of the natural father and to show the child as the legitimate  
14 child of the person so named. The order must specify the name to be removed and the  
15 name to be added."

16 **SECTION 5.**

17 This Act shall become effective July 1, 2006.

18 **SECTION 6.**

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