

Senate Bill 249

By: Senator Thomas of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 19-8-23 of the Official Code of Georgia Annotated, relating to
2 adoption records, and Code Section 31-10-14 of the Official Code of Georgia Annotated,
3 relating to issuance of a new birth certificate following adoption, legitimation, or paternity
4 determination, so as to provide for the issuance of an original birth certificate to certain
5 persons who were adopted; to conform a provision sealing records relating to adoptions; to
6 provide for a fee and a waiting period; to provide for the form of such copy; to provide for
7 applicability and an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 19-8-23 of the Official Code of Georgia Annotated, relating to adoption
11 records, is amended by striking subsection (a) and inserting in lieu thereof the following:

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

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

13 Office of Adoptions

14 Department of Human Resources

15 Atlanta, Georgia"

16 **SECTION 2.**

17 Code Section 31-10-14 of the Official Code of Georgia Annotated, relating to issuance of a
18 new birth certificate following adoption, legitimation, or paternity determination, is amended
19 by inserting a new subsection to be designated subsection (h) to read as follows:

20 "(h) Notwithstanding any other provision of this Code section or any other provision of
21 law, any person who is 18 years of age or older, who was born in this state, and who has
22 had an original birth certificate removed from the files due to an adoption that was finalized
23 on or after July 1, 2005, may receive a copy of that original birth certificate by complying
24 with the provisions of this subsection. The state registrar shall require a person seeking an
25 original birth certificate to pay the fee for a birth certificate and observe the appropriate
26 waiting period. The copy of the original birth certificate shall be in a form that clearly
27 indicates it is not a certified copy and that it may not be used for legal purposes. This
28 subsection shall apply to all applications for original birth certificates for adopted persons
29 presented to the state registrar on or after July 1, 2005."

30 **SECTION 3.**

31 This Act shall become effective on July 1, 2005.

32 **SECTION 4.**

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