

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 change certain provisions relating to registration and certificate of births;
3 to provide for a short title; to provide for related matters; to provide an effective date; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

6 This Act shall be known and may be cited as "Walker's Act."
7

SECTION 2.

8 Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records,
9 is amended by striking Code Section 31-10-9, relating to registration of births, in its entirety
10 and inserting in its place the following:
11

12 "31-10-9.

13 (a) As used in this Code section, the term 'birth' means live birth or fetal death.

14 ~~(a)~~(b) A certificate of birth for each ~~live~~ birth which occurs in this state shall be filed with
15 the State Office of Vital Records within five days after such birth and filed in accordance
16 with this Code section and regulations of the department.

17 ~~(b)~~(c) When a birth occurs in an institution or en route thereto, the person in charge of such
18 institution or that person's designated representative shall obtain the personal data, prepare
19 the birth certificate, certify, either by signature or by an electronic process established or
20 approved by the State Office of Vital Records, that the child was born ~~alive~~ at the place
21 and time and on the date stated and file the certificate with the State Office of Vital
22 Records. The physician or other person in attendance shall provide the medical
23 information required by the certificate within 72 hours after the birth occurs.

1 ~~(e)~~(d) Except as provided in subsection ~~(b)~~ (c) of this Code section, when a birth occurs
 2 outside an institution, the certificate shall be prepared and filed by one of the following in
 3 the indicated order of priority:

4 (1) The physician or certified nurse midwife in attendance at or immediately after the
 5 birth; or in the absence of such person:

6 (2) Any other person in attendance at or immediately after the birth; or in the absence of
 7 such a person:

8 (3) The father or the mother; or in the absence of the father and inability of the mother:

9 (4) The person in charge of the premises where the birth occurred.

10 ~~(d)~~(e) When a birth occurs on a moving conveyance within the United States and the child
 11 is first removed from the conveyance in this state, the birth shall be registered in this state
 12 and the place where it is first removed shall be considered the place of birth. When a birth
 13 occurs on a moving conveyance while in international waters or airspace or in a foreign
 14 country or its airspace and the child is first removed from the conveyance in this state, the
 15 birth shall be registered in this state but the certificate shall show the actual place of birth
 16 insofar as can be determined.

17 ~~(e)~~(f) The name of the natural father or putative father shall be entered on the certificate
 18 of ~~five~~ birth as follows:

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

23 (2) If the mother is not married at either the time of conception or at the time of birth, the
 24 name of the putative father shall not be entered on the certificate of birth without the
 25 written consent of the mother and the person to be named as father;

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

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

31 (5) Except as provided in paragraph (3) of this subsection, in all other cases, the surname
 32 of the child shall be the legal surname of the mother at the time of the birth entered on the
 33 certificate as designated by the mother. When a paternity acknowledgment is completed,
 34 the surname of the child shall be entered as designated by both parents.

35 ~~(f)~~(g) The birth certificate of a child born to a married woman as a result of artificial
 36 insemination, with consent of her husband, shall be completed in accordance with the
 37 provisions of subsection ~~(e)~~ (f) of this Code section.

