

House Bill 748

By: Representatives Brockway of the 101st, Dempsey of the 13th, Willard of the 49th, McCall of the 30th, Oliver of the 83rd, and others

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 a copy of an original birth certificate to
5 certain adult persons who were adopted; to conform a provision sealing records relating to
6 adoptions; to provide for a fee and a waiting period; to provide for the form of such copy; to
7 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 19-8-23 of the Official Code of Georgia Annotated, relating to adoption
12 records, is amended by revising subsection (a) as follows:

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

27 30 days' prior written notice of the filing of such petition, the matter has come on before
 28 the court in chambers and, good cause having been shown to the court, the court has
 29 entered an order permitting such examination. Notwithstanding the foregoing, if the
 30 adoptee who is the subject of the records sought to be examined is less than 18 years of age
 31 at the time the petition is filed and the petitioner is someone other than one of the adoptive
 32 parents of the adoptee, then the department shall provide written notice of such proceedings
 33 to the adoptive parents by certified mail or statutory overnight delivery, return receipt
 34 requested, at the last address the department has for such adoptive parents and the court
 35 shall continue any hearing on the petition until not less than 60 days after the date the
 36 notice was sent. Each such adoptive parent shall have the right to appear in person or
 37 through counsel and show cause why such records should not be examined. Adoptive
 38 parents may provide the department with their current address for purposes of receiving
 39 notice under this subsection by mailing that address to:

40 Office of Adoptions
 41 Department of Human Services
 42 Atlanta, Georgia"

43 **SECTION 2.**

44 Code Section 31-10-14 of the Official Code of Georgia Annotated, relating to issuance of a
 45 new birth certificate following adoption, legitimation, or paternity determination, is amended
 46 by adding a new subsection to read as follows:

47 "(h)(1) Notwithstanding any other provision of this Code section or any other provision
 48 of law, any person who is 18 years of age or older, who was born in this state, and who
 49 has had an original birth certificate removed from his or her files due to an adoption may
 50 receive a copy of that original birth certificate by complying with the provisions of this
 51 subsection. The state registrar shall require a person seeking an original birth certificate
 52 to pay the fee for a birth certificate and observe the appropriate waiting period. The copy
 53 of the original birth certificate shall be in a form that clearly indicates it is not a certified
 54 copy and that it may not be used for legal purposes.

55 (2) If the person who was born in this state and who had an original birth certificate
 56 removed from his or her files due to an adoption is deceased, any parent, sibling, or
 57 descendant of that person may also receive a copy of the decedent's original birth
 58 certificate pursuant to the procedures contained in this subsection.

59 (3) This subsection shall apply to all applications for original birth certificates for
 60 adopted persons presented to the state registrar on or after July 1, 2012."

61 **SECTION 3.**

62 This Act shall become effective on July 1, 2012.

63 **SECTION 4.**

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