

The House Committee on Judiciary offers the following substitute to HB 748:

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 a contact preference form to indicate a birth parent's desire or lack of desire to
8 be contacted; to provide for related matters; to provide for an effective date; to repeal
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

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

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

44 **SECTION 2.**

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

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

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

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

- 62 (i)(1) As used in this subsection, the term:
- 63 (A) 'Adoptee' means the person who was born in this state and who has had an original
 64 birth certificate sealed due to an adoption.
- 65 (B) 'Birth parent' means the person who is the biological parent of an adoptee and who
 66 is named as either the mother or father on the original birth certificate of the adoptee.
- 67 (C) 'Contact preference form' means the form developed by the state registrar pursuant
 68 to paragraph (3) of this subsection.
- 69 (2) The state registrar shall provide upon request to a birth parent a contact preference
 70 form as described in this subsection.
- 71 (3) The state registrar shall prescribe and, upon request, shall make available to each
 72 birth parent of an adoptee named on the original birth certificate a contact preference
 73 form on which the birth parent may state a preference regarding contact by an adoptee
 74 who is the birth child of the birth parent. The contact preference form shall include a
 75 place for the birth parent to provide his or her current name and contact information. The
 76 completed contact preference form shall be returned to the state registrar. The contact
 77 preference form shall provide the birth parent with the following options from which the
 78 birth parent shall select only one:
- 79 (A) 'I want to be contacted. I may change this preference by filling out another contact
 80 preference form.';
- 81 (B) 'I want to be contacted only through the adoption reunion registry established
 82 pursuant to subsection (f) of Code Section 19-8-23. I may change this preference by
 83 filling out another contact preference form.'; or
- 84 (C) 'I do not want to be contacted at this time. I may change this preference by filling
 85 out another contact preference form.'
- 86 (4) When the state registrar receives a completed contact preference form from a birth
 87 parent, the state registrar shall place the form on file and create an index of all contact
 88 preference forms received. If a birth parent shall file more than one contact preference
 89 form, only the most recent contact preference form filed shall be valid and provided to
 90 the adoptee as provided in this subsection. When the state registrar receives a request for
 91 an original birth certificate pursuant to subsection (h) of this Code section, the state
 92 registrar shall open the adoptee's sealed file and examine the adoptee's original birth
 93 certificate for the names of the birth parent or parents. The state registrar shall search the
 94 contact preference form index for the name of the birth parent or parents, and if a contact
 95 preference form is on file for such birth parent or parents, the state registrar shall provide
 96 the adoptee with a copy of such contact preference form.
- 97 (5) The state registrar shall maintain the following statistics, which shall be made
 98 available to the general public on an annual basis or more frequently if possible:

- 99 (A) The number of original birth certificates released since the effective date of this
100 subsection;
101 (B) The number of contact preference forms filed; and
102 (C) The number of birth parents who indicated on the contact preference form that
103 they:
104 (i) Wanted to be contacted;
105 (ii) Wanted to be contacted but only through the adoption reunion registry established
106 pursuant to subsection (f) of Code section 19-8-23; or
107 (iii) Did not want to be contacted."

108 **SECTION 3.**

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

110 **SECTION 4.**

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