

Senate Bill 263

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

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"31-10-13.1.

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

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

SECTION 2.

Said chapter is further amended by adding a new Code Section 31-10-13.2 to read as follows:

"31-10-13.2.

(a) In each case in which an order declaring paternity is entered by a court of competent jurisdiction in this state or by the Office of State Administrative Hearings, the clerk of the court or the Office of State Administrative Hearings shall not later than the fifteenth day of each calendar month or more frequently, as directed by the state registrar, forward to the state registrar a certified copy of each order of paternity, annulment of paternity, and amendment of an order of paternity which was entered in the preceding month. The order of paternity, annulment of paternity, and amendment of an order of paternity shall comply with paragraph (2) of subsection (c) of Code Section 31-10-23.

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

SECTION 3.

Said chapter is further amended in Code Section 31-10-14, relating to issuance of a new certificate of birth following adoption and legitimation or paternity determination, by striking subsection (a) and inserting in its place the following:

"(a) The state registrar shall establish a new certificate of birth for a person born in this state when the state registrar receives the following:

(1) A report of adoption as provided in Code Section 31-10-13 or a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption, together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth. A new certificate of birth shall not be established if the court decreeing the adoption directs that a new birth certificate not be issued; or

(2) A certified copy of an order of legitimation, annulment of legitimation, or amendment of an order of legitimation as provided in Code Section 31-10-13.1 that requires the establishment of a new certificate of birth;

(3) A certified copy of an order of paternity, annulment of paternity, or amendment of an order of paternity as provided in Code Section 31-10-13.2 that requires the establishment of a new certificate of birth; or

~~(2)(4) A request that a new certificate be established as prescribed by regulation and such evidence as required by regulation proving that such person has been legitimated, or that a court of competent jurisdiction has determined the paternity of such a person, or that~~

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.