

House Bill 1052

By: Representatives Mitchell of the 106<sup>th</sup>, Lim of the 99<sup>th</sup>, Hutchinson of the 107<sup>th</sup>, Wilson of the 80<sup>th</sup>, and Drenner of the 85<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 19-7-20 and Chapter 10 of Title 31 of the Official Code of Georgia  
2 Annotated, relating to circumstances of legitimacy, disproving legitimacy, and legitimation  
3 by marriage of parents and recognition of child and vital records, respectively, so as to  
4 remove restrictions on birth names; to remove requirements on the surname of a child; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 19-7-20 of the Official Code of Georgia Annotated, relating to circumstances  
9 of legitimacy, disproving legitimacy, and legitimation by marriage of parents and recognition  
10 of child, is amended by revising subsection (c) as follows:

11 "(c) The marriage of the mother and reputed father of a child born out of wedlock and the  
12 recognition by the father of the child as his shall render the child legitimate; ~~in such case~~  
13 ~~the child shall immediately take the surname of his father.~~"

**SECTION 2.**

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Chapter 10 of Title 31 of the Official Code of Georgia Annotated, relating to vital records, is amended in Code Section 31-10-9, relating to registration of births, by revising subsections (e) and (h) as follows:

"(e) The name of the natural father or putative father shall be entered on the certificate of live birth as follows:

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

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

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

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

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

"(h) All birth certificates filed and registered must identify the recorded ~~person~~ child by name and the name of each legal parent of such ~~person~~ child and the name of all other persons required by this Code section or by regulation. ~~No obscenities, numbers, symbols, or other such nonidentifying name information will be accepted.~~ The legal parent or parents of such child shall designate the first name and surname of the child and may

41 designate a middle name of the child. There shall be no restrictions on the selection of a  
42 child's first name, middle name, or surname; provided, however, that the department may  
43 impose a reasonable limitation on the length of any such name. If a legal parent has not  
44 decided upon a first name, or middle name, or surname for the child before the time limits  
45 established in this Code section, the birth record shall be registered without the child's first  
46 name, or middle name, or surname, or both any or all, unless a court order provides  
47 otherwise."

48 **SECTION 3.**

49 Said chapter is further amended in Code Section 31-10-14, relating to issuance of new  
50 certificate of birth following adoption and legitimation or paternity determination, by  
51 revising subsection (a) as follows:

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

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

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

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

66 (4) A request that a new certificate be established as prescribed by regulation and such  
67 evidence as required by regulation proving that both parents married to each other have  
68 acknowledged the paternity of such person ~~and request that the surname be changed to~~  
69 ~~that of the father."~~

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**SECTION 4.**

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