

(e) If no certificate of birth is on file for the person for whom a new birth certificate is to be established under this Code section and the date and place of birth have not been determined in the adoption, legitimation, or paternity proceedings, a delayed certificate of birth shall be filed with the state registrar as provided [in Code Section 31-10-11](#) or [31-10-12](#) before a new certificate of birth is established. The new birth certificate shall be prepared on the delayed birth certificate form.

(f) When a new certificate of birth is established by the state registrar, the original birth certificate shall not be subject to inspection except as provided in this Code section. All copies of the original certificate of birth in the custody of any other custodian of vital records in this state shall be sealed from inspection and forwarded to the state registrar, as the state registrar shall direct.

(g) The new certificate shall be substituted for the original certificate of birth in the files and the original certificate of birth and the evidence of adoption, legitimation, or paternity determination shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by statute.

The Rules and Regulations of the State of Georgia provide as follows:

TITLE 290: DEPARTMENT OF HUMAN RESOURCES
ADMINISTRATION
CHAPTER 290-1-3 VITAL RECORDS

Ga. Comp. R. & Regs. r. 290-1-3-.08 (2006)

290-1-3-.08 Registration Following a Legal Change of Status.

(1) When evidence is presented reflecting a legal change of status by adoption of a person born in this State, legitimation, paternity determination, or acknowledgement of paternity, a new birth certificate may be established to reflect such change.

(2) The existing birth certificate and the evidence upon which the new birth certificate was based shall be placed in a special file. Such file shall not be subject to inspection except upon order of a court of competent jurisdiction, or by the State Registrar, or his or her designee for purposes of properly administering the Vital Records program.

290-1-3.14. Legitimation by Marriage

If the natural parents marry after the birth of a child, a new certificate of birth shall be prepared by the State Registrar for a child born in this State upon receipt of a notarized legitimation affidavit signed by the natural parents of said child, together with a certified copy of the parents' marriage record.

However, if the mother or the putative father is deceased at the time an application for amendment of the birth certificate is made, or another person is shown as the father of the child on the original certificate, or the birth certificate reflects that the natural mother was married at the time of conception, birth, or anytime between conception and birth, a new certificate may be prepared only when a determination of paternity is made by a court of competent jurisdiction in the State of Georgia, or a court of like jurisdiction from any other State or Territory, or following adoption of a child born in this State. Such court order must specify the name to be removed and the name to be added as father of the child.

Authority Ga. L. 1982, pp. 723, 760; [O.C.G.A. Secs. 31-2-4, 31-10-3, 31-10-14](#).

History. Original Rule entitled "Legitimation by Marriage" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency. **Repealed:** New Rule of same title adopted. Filed Feb. 23, 1993; eff. March 15, 1993.

290-1-3.15. Determination of Paternity

A new certificate of birth shall be prepared by the State Registrar for a child born in this State upon receipt of a certified copy of a determination of paternity by a court of competent jurisdiction together with a request from the natural mother or other person having legal custody of said child that such new certificate be prepared. If the surname of the child is not decreed by the court, the surname shall be entered on the new certificate as attested to by both parents. If both parents cannot agree upon a surname, the name shall be the same as that listed on the original birth certificate.

Authority Ga. L. 1982, pp. 723, 760; [O.C.G.A. Secs. 31-2-4, 31-10-3, 31-10-14](#).

History. Original Rule entitled "Legitimation by Court Order" was filed on May 18, 1983; effective June 17, 1983, as specified by the Agency. **Repealed:** New Rule entitled "Determination of Paternity" adopted. Filed Feb. 23, 1993; eff. March 15, 1993.

290-1-3.16. Affidavit of Paternity

A new certificate of birth shall be prepared by the State Registrar for a child born out of wedlock in this State upon receipt of a notarized affidavit of paternity signed by both parents. The notarized statement must also include the surname of the child to be listed on the certificate. However, if another man is shown as the father of the child on the original certificate, or the birth certificate reflects that the natural mother was married at the time of conception, birth, or anytime between conception and birth, a new certificate may be prepared only upon presentation of an order declaring paternity issued from a court of competent jurisdiction.

Authority Ga. L. 1982, pp. 723, 760; [O.C.G.A. Secs. 31-2-4, 31-10-3, 31-10-9, 31-10-](#)

[14](#). **History.** Original Rule entitled "New Certificate" was filed on May 18, 1983; effective June 17, 1993, as specified by the Agency. **Repealed:** New Rule entitled "Affidavit of Paternity" adopted. Filed Feb. 23, 1993; eff. March 15, 1993.