

# **RULES OF THE DEPARTMENT OF PUBLIC HEALTH**

## **CHAPTER 511-1-3**

### **Vital Records**

#### **Rule 511-1-3-.01 Forms**

All forms, certificates, and reports used in the system of Vital Records are the property of the Georgia Department of Public Health and shall be surrendered to the State Registrar of Vital Records, hereinafter referred to as "State Registrar", upon demand. The forms prescribed and distributed by the State Registrar for reporting vital events shall be used only for official purposes. Only those forms furnished or approved by the State Registrar shall be used in the reporting of vital events or in making copies thereof.

#### **Rule 511-1-3-.02 Requirements for Preparation of Certificates**

- (1) All certificates and reports relating to Vital Records registration must be typewritten on a form or in a format prescribed by the State Registrar. All certificates or reports may be filed and registered by electronic or other means as approved by the State Registrar. All entries and signatures required shall be entered in black or blue-black, unfading ink. Unless otherwise directed by the State Registrar, no certificate shall be considered complete and acceptable for registration that:
  - (a) Does not have the certifier's name typed or printed legibly under his or her signature as required;
  - (b) Does not supply all items of information called for thereon, or satisfactorily account for their omission;
  - (c) Contains alterations or erasures;
  - (d) Does not contain handwritten signatures as required;
  - (e) Is marked "copy" or "duplicate";
  - (f) Is a carbon copy;
  - (g) Is prepared on an improper or unauthorized form;
  - (h) Contains improper or inconsistent data;
  - (i) Contains an indefinite cause of death which denotes only symptoms of disease or conditions resulting from disease; or
  - (j) Is not prepared in conformity with regulations or instructions issued by the State Registrar or filed within the time limits prescribed.

- (2) All Vital Records, certificates, reports and other documents must be in the English language or be accompanied by a certified translation in the English language, as designated by Resolution No. 70 of the General Assembly, Ga. Laws 1986, Page 529. The certification must be by the translator and must certify to the accuracy of the translation. The Department reserves the right to verify the accuracy of any translation.
- (3) The Department reserves the right to verify the jurisdictional basis of any court order upon which a vital record is to be made or amended or otherwise affected, and return any such order to the registrant for amendment or clarification if in the Department's opinion the order does not sufficiently authorize or specify the vital record action sought.
- (4) Certified or other copies of Vital Records may be obtained either at the State Office of Vital Records in Atlanta, or a designated office having the record.

**Rule 511-1-3-.03 Designation of Additional Offices**

- (1) The State Registrar shall delegate such duties and responsibilities to such offices as he or she deems necessary to insure the efficient operation of the Vital Records registration system. These may include any or all of the following:
  - (a) The receipt and processing of birth, death, and spontaneous fetal death certificates. This would include the receipt of these records from the person responsible for filing the record, examining them for accuracy and completeness, the rejection of incomplete or inaccurate records, and forwarding them to the State Office of Vital Records at intervals prescribed by the State Registrar or as specified by law;
  - (b) Issuance of certified copies of birth or death certificates. The records from which the certified copies are issued shall be provided by the State Office of Vital Records. All forms and procedures used to issue the copies shall be provided or approved by the State Registrar;
  - (c) Acting as the agent of the State Registrar in their designated area and providing assistance to physicians, hospitals, funeral directors, and others in matters related to the Vital Records registration system.
- (2) The State Registrar shall determine the responsibilities and duties of each office independently.

**Rule 511-1-3-.04 Infants of Unknown Parentage: Foundling Registration**

- (1) The report for an infant of unknown parentage shall be registered on a Certificate of Live Birth and shall:
  - (a) Have "foundling" plainly marked in the space provided for the child's name on the certificate;

- (b) Show the required facts as determined by approximation and leave parentage data blank; and
  - (c) Show the signature required and title of the custodian of the infant in lieu of the attendant.
- (2) When a report has been placed in a special file as provided by O.C.G.A. Section 31-10-10, only the State Registrar or his designee may inspect such information for purposes of properly administering the Vital Records program.

**Rule 511-1-3-.05 Registration of Out of Institution Births**

- (1) In any case where a birth occurs outside a hospital, or other recognized medical facility, without medical attendance and the birth certificate is filed by someone other than a health care provider, additional evidence in support of the facts of birth shall be completed and filed in the presence of the local Vital Records registrar in the county where the birth occurred. A birth certificate for a birth which occurs outside a recognized medical institution shall only be filed upon personal presentation of the following evidence by the individual(s) filing the certificate:
- (a) Proof of pregnancy:
    - 1. Prenatal records; or
    - 2. Statement from a physician or other licensed health care provider who is qualified to determine pregnancy; or
    - 3. Prenatal blood analysis or positive pregnancy test results from a laboratory.
  - (b) Proof of the mother's residence on the date of the out of institution birth:
    - 1. A valid driver's license, or a state-issued identification card, which includes the mother's current residence on the face of the license or card; or
    - 2. A rent receipt which includes the mother's name and address, and the name, address, and signature of the mother's landlord.
  - (c) An identifying document, with photograph, for the individual(s) personally presenting the evidence required to file the certificate.
  - (d) Affidavits:
    - 1. At least two affidavits signed by persons present or in attendance at the birth, eighteen years or older; or

2. A signed affidavit from a licensed physician describing his or her knowledge of the mother prior to birth, and his or her knowledge of the newborn resulting from his or her first examination of the infant.
- (2) At the discretion of the State Registrar, the procedures contained in these Regulations may be supplemented with additional requirements which may be needed to verify the facts of birth. Such additional requirements may include, but are not limited to:
  - (a) Supplemental information; or
  - (b) A home visit by a public health nurse or other health professional.
- (3) The pregnant woman may appear in person before the local registrar, prior to giving birth to "pre-register" the birth. Completion of the birth certificate after the birth occurs is required before the birth shall be registered.
- (4) If the required evidence is not available and the registrar is unable to verify the facts of the birth, the out of institution birth may be registered only by order of a court of competent jurisdiction.

**Rule 511-1-3-.06 Who May Request the Registration of and Sign A Delayed Certificate of Birth**

- (1) Any person born in this State whose birth is not recorded in this State, his or her parent or legal guardian, or their respective legal representative may request the registration of a delayed certificate of birth, subject to these Regulations and instructions issued by the State Registrar.
- (2) Each delayed certificate of birth shall be signed and sworn to before an official authorized to administer oaths by the person whose birth is to be registered, if such person is 18 years of age or over, and is competent to sign and swear to the accuracy of the facts stated therein; otherwise the certificate shall be signed and sworn to by one of the parents of the registrant, his or her legal guardian, or their legal representative.

**Rule 511-1-3-.07 Facts to be Established for a Delayed Registration of Birth**

The minimum facts which must be established by documentary evidence shall be the following:

- (a) The full name of the person at the time of birth;
- (b) The date of birth;
- (c) The place of birth;

- (d) The full maiden name of the mother; and
- (e) The full name of the father; except that if the mother was not married either at the time of conception or birth, the name of the father shall not be entered on the delayed certificate except as provided in Rule 511-1-3-.08.

**Rule 511-1-3-.08 Child Names on Birth Certificates**

- (1) The surname of the child shall be entered on the birth certificate in accordance with the following rules:
  - (a) The surname of the child shall be the surname of the father in the following cases:
    - 1. If the mother is married to the father either at the time of conception or at the time of birth, then the surname of the mother's husband shall be entered, unless paternity has been determined otherwise by a court of competent jurisdiction.
    - 2. If the mother is not married to the father either at the time of conception or at the time of birth, then the name of the father shall be entered only if he and the mother have signed a written consent. Such a written consent includes, but is not limited to, a paternity acknowledgement executed in accordance with Code Section 19-7-46.1.
    - 3. If a court of competent jurisdiction has issued an order determining the paternity of the child, then the surname of the father shall be entered in accordance with the order of the court.
  - (b) In all other cases, the surname of the child shall be the legal surname of the mother at the time of birth as designated by the mother.
  - (c) Notwithstanding subsections (a) and (b) above, the parents may designate a surname that is not the legal surname of the mother or father, if that surname is chosen in accordance with a *bonafide* cultural naming convention practiced in the nation of origin of one or both of them.
- (2) No portion of the child's name as entered on the birth certificate shall include any number, symbol, or other non-identifying name information, nor shall it include any word or term that constitutes an obscenity in any language.
- (3) 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. 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 designee for purposes of properly administering the Vital Records program.

**Rule 511-1-3-.09 Documentary Evidence - Requirements for Delayed Registration**

- (1) To be acceptable for filing, the name of the registrant, the date of birth, place of birth, and parentage entered on a delayed certificate of birth shall be substantiated by at least:
  - (a) Two different pieces of documentary evidence, acceptable under Rule 511-1-3-.10 if the record is filed within seven years of the date of birth. Facts of parentage shall be supported by at least one document.
  - (b) Three different pieces of documentary evidence, acceptable under Rule 511-1-13-.10 if the record is filed seven years or more after the date of birth. Facts of parentage shall be supported by at least one document.
- (2) All documents submitted as evidence:
  - (a) For persons under the age of seven years, must have been established within the first three years of the date of birth and must have been created at least one year prior to the date of application;
  - (b) For persons age seven years or older, must have been established at least ten years prior to the date of application to register a delayed birth certificate, or within three years of the date of birth.

**Rule 511-1-3-.10 Documentary Evidence - Acceptability**

- (1) The State Registrar may establish additional written procedures for all documentary evidence requirements to substantiate any amendment to a vital record or to substantiate the required items on a delayed birth certificate. The State Registrar shall determine the acceptability of all documentary evidence submitted, and establish a priority of best evidence.
- (2) Documents presented, such as census, hospital, church, or school records must be from independent sources and shall be in the form of the original record or a duly certified copy thereof, or a signed statement from the custodian of the record or document. Affidavits of personal knowledge or bible records are not acceptable as evidence to establish a delayed certificate of birth, or to amend a birth certificate.

**Rule 511-1-3-.11 Abstraction of Documentary Evidence**

- (1) The State Registrar, or his or her designee, shall abstract onto the amended birth certificate form or the delayed certificate of birth a description of each document

submitted to support the alleged amendment or the facts shown on the delayed birth certificate. This description shall include the following:

- (a) The title or description of the document;
  - (b) The name and address of the custodian, if the document is an original or certified copy of a record, or a signed statement from the custodian;
  - (c) The date of the original filing of the document being abstracted and,
  - (d) All birth facts required by these Rules, contained in each document accepted as evidence.
- (2) All documents submitted in support of an amendment or for the registration of a delayed birth certificate shall be returned to the applicant after review.

#### **Rule 511-1-3-.12 Certification by the State Registrar**

- (1) The State Registrar, or his or her designated representative, shall, by signature, certify:
  - (a) That no prior birth certificate is on file for the person whose birth is to be recorded;
  - (b) That he or she has reviewed the evidence submitted to establish the facts of birth; and
  - (c) That the abstract of the evidence appearing on the delayed certificate of birth accurately reflects the nature and content of the document.
- (2) If an original birth certificate with a State file number is subsequently discovered for the registrant the delayed birth certificate shall be null and void and removed from the file. The State Registrar shall notify the registrant by regular mail upon taking such action.

#### **Rule 511-1-3-.13 Dismissal After One Year**

- (1) Applications for amendments and delayed certificates which have not been completed within one year from the date of application may be dismissed at the discretion of the State Registrar.
- (2) When the applicant has presented to the State Registrar, or his or her representative, documentation and still is not able to meet the minimum requirements to amend a birth certificate or establish a delayed certificate of birth, as set forth in these Rules, the applicant must be advised in writing of the State Registrar's decision and the right of judicial appeal as provided by O.C.G.A. Section 31-10-12.

### **Rule 511-1-3-.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 any time 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.

### **Rule 511-1-3-.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.

### **Rule 511-1-3-.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 any time 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.

### **Rule 511-1-3-.17 New Certificate**

- (1) The new certificate of birth prepared for a person born in this State after adoption, legitimation, determination of paternity, or acknowledgement of paternity shall be on the form prescribed by the Department and shall include the following items and such other information necessary to complete the certificate:
  - (a) The name of the child as it will appear on the new certificate;
  - (b) The date and place of birth as transcribed from the original certificate;



- (c) The names and personal particulars of the adoptive parents or the natural parents whichever is appropriate;
  - (d) The birth number assigned to the original birth certificate;
  - (e) The original filing date; and
  - (f) The name of the attendant, printed or typed.
- (2) The information necessary to locate the existing certificate and to complete the new certificate shall be submitted to the State Registrar or his or her designee on forms prescribed and approved by the State Registrar.
- (3) A State file number from the delayed numbering series will be assigned to certificates prepared in this State for persons born in a foreign country, not entitled to citizenship at birth, and shall be prepared on a Certificate of Foreign Birth.
- (4) A State file number from the delayed numbering series will be assigned to certificates prepared for full adoptions, where neither parent is the natural parent, for persons born in this State and the adoptive parents elect to show the place of birth as the residence of the adoptive parents at the time of the adoptee's birth. The place of birth indicated must be located in Georgia.

#### **Rule 511-1-3-.18 Existing Certificate to be Placed in a Special File**

- (1) After preparation of a new certificate for a person born in this State, the existing birth certificate and the evidence upon which the new certificate was based are to be placed in a special file. Unless otherwise provided by law, 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 statistics program.
- (2) After preparation of a special certificate of birth following adoption of a person born outside this State, the copy of the certificate from the State where birth actually occurred shall be placed in a special file. Unless otherwise provided by law, 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 statistics program.

#### **Rule 511-1-3-.19 Reporting of Deaths**

- (1) **For whom required.** A report of death shall be filed for the following persons:
- (a) A person who dies in this State;

- (b) A person whose body is discovered in this State;
  - (c) A person who dies on a moving conveyance and whose body is first removed from the conveyance in this State; and
  - (d) A spontaneous fetal death occurring in this State.
- (2) **Manner of reporting.** Death reports, including the certification of cause of death, shall be filed electronically with the Office of Vital Records in such manner as may be determined by the State Registrar.
- (3) **Information to be reported.** A report of death shall include the following information, if known or ascertainable from the decedent's next of kin or the best qualified person or source available:
- (a) Decedent's full legal name;
  - (b) Decedent's date of birth;
  - (c) Decedent's date of death. If the date of death is unknown, then the date on which the body was found shall be entered.
  - (d) Place of death.
    - 1. If unknown, then the place where the body was found shall be entered.
    - 2. If death occurred on a moving conveyance within the United States, then the place where the body was first removed from the conveyance shall be used.
    - 3. If death occurred on a moving conveyance in international waters or airspace, then the actual place of death insofar as it can be determined shall be entered.
  - (e) Cause of death, in accordance with subsection (5) of this Rule.
  - (f) Any other such information as the State Registrar may require.
- (4) **Who must file.** The report of death shall be filed by the funeral director who first assumes custody of the body, unless a death report was previously made by the hospital or other institution in which death occurred.
- (5) **Cause of death.** The electronic death report filed in accordance with subsections (1) through (4) of this Rule shall be supplemented by an electronic report of the cause of death. The cause of death shall be reported by:
- (a) The attending physician, if the decedent is a non-resident burn victim that dies in a treatment facility in this State;

- (b) The physician attending the decedent for the illness or condition which resulted in death;
  - (c) If there is no attending physician as provided in subsection (5)(b) of this Rule, or with such physician's approval, certification of the cause of death may be made by any of the following persons, provided they had access to the decedent's medical history, viewed the decedent at or after death, and death occurred due to natural causes:
    - 1. A physician who is an associate of the attending physician;
    - 2. The chief medical officer of the institution in which death occurred;
    - 3. A physician who performed an autopsy on the decedent; or
    - 4. If death occurred without medical attendance, or if inquiry was required by Title 45, Chapter 16, Article 2, then by the county medical examiner or coroner.
  - (d) A determination of the cause of death must be made by the responsible physician, medical examiner, or coroner; however, the task of reporting that determination to the Office of Vital Records may be delegated to a person under his or her supervision.
  - (e) Notwithstanding any other provision of this Rule, if death occurs during a state of emergency declared by the Governor due to an influenza pandemic, then cause of death may be certified and reported by any registered nurse or physician's assistant, provided that such person had access to the decedent's medical history, viewed the decedent at or after death, and death occurred due to natural causes.
- (6) When reporting is due.**
- (a) The report of death shall be made within three calendar days after death.
  - (b) Certification of the cause of death shall be made within three calendar days after death; provided, however, that if death occurred without medical attendance, or in cases subject to inquiry under Title 45, Chapter 16, Article 2, certification shall be made within 30 days after notification of death.
  - (c) If for any reason the cause of death cannot be determined within 48 hours after death, then "under review" shall be entered on the death report and amended promptly after the determination is made. Until the cause of death is certified, final disposition of the body shall not be made unless authorized by the attending physician or, with regard to a body subject to inquiry under Title 45, Chapter 16, Article 2, by the county coroner or medical examiner.

**Rule 511-1-3-.20 [Repealed]**

**Rule 511-1-3-.21 Disposition of Reports of Induced Terminations of Pregnancy**

- (1) Reports of induced termination of pregnancy are collected solely for epidemiological purposes. Such reports may be retained for as long as the State Registrar deems necessary and then shall be destroyed.
- (2) The provisions of this Rule shall also apply to all records of induced termination of pregnancy filed prior to the adoption of this Rule.

**Rule 511-1-3-.22 Removal of Body**

Before removing a dead body or fetus from the place of death, the person removing such body or fetus shall:

- (a) Obtain assurance from the attending physician, the associate physician, or the chief medical officer of the institution in which death occurred that the death is from natural causes and that the physician will assume responsibility for certifying the cause of death or fetal death and receive written permission to remove the body from the place of death; or
- (b) Notify the coroner or medical examiner if the case comes within his or her jurisdiction or, if the physician cannot certify the cause of death, obtain assurance from the coroner or medical examiner that he or she will assume responsibility for certifying the cause of death, and obtain written permission to remove the body.

**Rule 511-1-3-.23 Permits for Disposition, Disinterment and Reinterment**

- (1) An authorization for disinterment and reinterment of a dead body shall be issued by the local registrar upon receipt of an order of a court of competent jurisdiction directing such disinterment, or upon receipt of a written application signed jointly by the surviving spouse, or the next of kin in the absence of a surviving spouse; the owner of the cemetery plot; and the person who is in charge of the disinterment.
- (2) Upon receipt of a court order or signed application as described above, the local registrar may issue one authorization to permit disinterment and reinterment of all remains in a mass disinterment provided that, insofar as possible, the remains of each body be identified and the place of disinterment and reinterment specified. The authorization shall be permission for disinterment, transportation, and reinterment.
- (3) The local registrar shall make arrangements to ensure that disposition permits may be issued 24 hours a day, seven days a week. For this purpose, the local registrar may appoint local persons or entities, including hospitals, hospices, and funeral homes, to

serve as deputy local registrars for the limited purpose of issuing disposition permits in accordance with this Rule.

- (4) A disposition permit shall not be issued until the cause of death has been certified by a person authorized to do so under DPH Rule 511-1-3-.19(5); authorization given by the decedent's attending physician; or, with regard to a body subject to inquiry under Title 45, Chapter 16, Article 2, approval given by the county coroner or medical examiner.

#### **Rule 511-1-3-.24 Amendment of Minor Errors on Birth, Death, and Spontaneous Fetal Death Certificates During the First Year**

- (1) Amendment of obvious errors, transposition of letters in words of common knowledge or omissions, but not to include the father's name on a birth certificate or a spontaneous fetal death certificate, may be made on the original birth, death, or spontaneous fetal death certificate by the State Registrar or designated person within the first year of the date of birth or date of death either upon his or her own observation or query. When such additions or minor amendments are made by the State Registrar or designated person, a notation as to the source of the information, together with the date the change was made and the initials of the authorized agent making the change shall be made on the back of the certificate in such a way as not to become a part of any certification issued. The certificate shall not be marked "Amended."
- (2) Unless otherwise provided by Statute or in these Rules, correction of errors on birth, death and spontaneous fetal death certificates may be made on the face of the original record during the first year following the event.
- (3) Some corrections may require documentary evidence to substantiate the correction requested. The State Registrar may establish written requirements and procedures for corrections to all Vital Records. The certificate shall not be marked "Amended."
- (4) In the absence of evidence of marriage and or dissolution of marriage, to change the marital status on a death certificate or remove or change the name of a spouse listed on a death certificate requires an order from a court of competent jurisdiction.

#### **Rule 511-1-3-.25 All Other Amendments**

- (1) Unless otherwise provided in these Rules or by Statute, all other amendments to a vital record after the first year of the event shall be supported by:
  - (a) An affidavit setting forth:
    1. Information to identify the certificate;
    2. The incorrect data as it is listed on the certificate;

3. The corrected entry as it should appear;
  4. An abstract of the evidence which substantiates the amendment of the certificate.
- (b) One or more items of documentary evidence which support the alleged facts, acceptable under Rule 511-1-3-.10 and which were established at least five years prior to the date of application for amendment or within seven years of the date of the event.
- (2) If the record is for a child less than twelve years of age, the documentary evidence must be at least five years old or not more than three years after the date of birth shown on the certificate. In all cases, documents submitted must have been created at least one year prior to application for amendment.
  - (3) Correction of the spelling of a surname requires one document which has been in existence prior to the registrant's seventh birthday, and shows the correct spelling of the parents' surname.
  - (4) The affidavit required to correct a birth or spontaneous fetal death certificate under the provisions of this Rule, may be accepted from one of the parents, the legal guardian, or a registrant who has reached the age of majority in the case of birth correction.
  - (5) The affidavit to correct a death certificate under the provisions of this Rule may be accepted from the informant, the funeral director responsible for completing the certificate, the person who originally certified cause of death, or a family member of the decedent.
  - (6) The State Registrar or, his or her designee, shall evaluate the evidence submitted in support of any amendment, and shall determine whether an amendment should be allowed. If the evidence submitted is rejected, the State Registrar, or his or her designee, shall inform the applicant of the rejection and the reasons for the rejection in writing. The applicant shall be advised of the right to appeal under Rule 511-1-3-.39.
  - (7) The State Registrar may establish additional written procedures for documentary evidence requirements to substantiate all requested amendments for birth certificates, spontaneous fetal death certificates and death certificates.

#### **Rule 511-1-3-.26 Who May Apply to Amend a Vital Record**

- (1) To amend a birth certificate, application may be made by one of the parents listed on the certificate, the legal guardian, a registrant who has reached the age of majority, or the individual responsible for filing the certificate.

- (2) To amend a death certificate or a spontaneous fetal death certificate, application may be made by the informant listed on the certificate, a family member, their legal representative, or the funeral director who signed the death certificate or spontaneous fetal death certificate. Application to amend the cause of death may be made only by the physician who originally certified cause of death, the attending physician of the decedent, or the coroner or medical examiner.
- (3) Requests to amend applications for a marriage license or certificates of marriage shall be made to the Judge of the Probate Court of the county in which the license was issued.
- (4) Requests to amend reports of divorce shall be made to the Clerk of the Superior Court of the county in which the decree was granted.
- (5) To amend a Report of Induced Termination of Pregnancy, a signed statement must be received from the person in charge of the clinic or institution from which the report was prepared, stating in what manner the report has been corrected.

**Rule 511-1-3-.27 Amendment of Registrants' Given Names on Birth Certificates Within the First Year**

- (1) Until the registrant's first birthday, given names may be added to, changed, or corrected upon receipt of an affidavit signed by;
  - (a) Both parents; or
  - (b) The mother of a child born out of wedlock; or
  - (c) Either parent in the case of the death or incapacity of the other; or
  - (d) The legal guardian or agency having legal custody of the registrant.
- (2) When a paternity affidavit has been completed and filed, no further amendment to the child's name shall be made except upon receipt of an order from an appropriate court, or if the natural parents marry after the birth of the child and thereby legitimize the child.
- (3) After one year from the date of birth, the provisions of Rules 511-1-3-.25 and 511-1-3-.10 must be followed to add a given name omitted on the birth certificate, or to amend a given name if the name was misspelled on the birth certificate. The State Registrar may change a given name after one year only upon receipt of an order from a court of competent jurisdiction requiring such change.

**Rule 511-1-3-.28 Medical Items**

Unless otherwise provided by Statute or in these Rules, all items of a medical nature on a vital record may be amended only upon receipt of a signed statement from those persons responsible

for the completion of such items. The State Registrar may require documentary evidence to substantiate the requested amendment.

### **Rule 511-1-3-.29 Amendment of the Same Item More than Once**

Upon amendment of an item in a vital record, that item shall not be amended again except upon receipt of a court order from a court of competent jurisdiction. A paternity affidavit and a legitimation affidavit shall be considered to be an amendment; therefore, once a paternity affidavit or legitimation affidavit has been completed and filed, no further correction of the child's name shall be made except upon receipt of an order from a court of competent jurisdiction.

### **Rule 511-1-3-.30 Amendment of Date of Birth**

The date of birth may be changed no more than one year by supporting evidence created prior to the registrant's seventh birthday. No date of birth shall be amended to show a date of birth after the file date listed on the original birth certificate. To change the year of birth by more than one year requires an order from a Superior Court or Probate Court.

### **Rule 511-1-3-.31 Methods of Amending Certificates**

Certificates of birth, death, spontaneous fetal death, marriage, or a report of induced termination of pregnancy, may be amended by the State Registrar by the following methods:

- (a) Completing the item on the certificate, as provided elsewhere in these Regulations where the item was left blank on the original certificate, provided the amendment takes place during the first year following the event.
- (b) Drawing a single line through the item to be amended and inserting the correct data immediately above or to the side thereof. The line drawn through the original entry shall not obliterate such entry. A short explanation of the change and the justification or authorization should be typed or written on the back of the certificate. The person making the change on the certificate shall show the date of the change and print or type their name on the reverse of the certificate.
- (c) Unless otherwise provided by Statute or in these Regulations, a special Amended birth certificate Form shall be completed for all corrections or additions made on a birth certificate after the first year. Such form shall include the incorrect information as it appears on the original birth certificate, the correct information as it should appear, an abstract of the documentation used to substantiate the amendment, and sufficient information about the registrant to link the special form to the original record. Copies of the amended birth certificate shall be issued in lieu of copies of the original certificate. County copies of the original certificate shall be forwarded to the State Registrar by the local custodian upon receipt of a copy of the amended certificate.



- (d) A certificate of birth amended pursuant to the provisions of Section 31-10-23(e) of the Official Code of Georgia Annotated shall be amended by preparing a new certificate. The item numbers of the entries that were amended shall not, however, be identified on the new certificate or on any certified copies that may be issued of that certificate. A new State file number shall be assigned to the new certificate. The original certificate shall be removed from the active files and placed with the order in the confidential files.

**Rule 511-1-3-.32 Record Preservation**

- (1) When an authorized reproduction of a vital record has been properly prepared by the State Registrar and when all steps have been taken to insure the continued preservation of the information, the record at the State or County offices of Vital Records from which such authorized reproduction was made may be disposed of by the State Registrar. Such record may not be disposed of, however, until the quality of the authorized reproduction has been tested to insure that acceptable certified copies can be issued and until a security copy of such document has been placed in a secure location removed from the building where the authorized reproduction is housed.
- (2) The State Registrar may offer the original documents from which the authorized reproductions are made to the Secretary of State. The Secretary of State may be allowed to retain permanently such records provided they adhere to the restrictions in the Vital Records law related to access to such records. If the Secretary of State does not wish to place such records in his or her files, the State Registrar shall be authorized to destroy the documents. Such destruction shall be by approved methods for disposition of confidential or sensitive documents.

**Rule 511-1-3-.33 Disclosure of Vital Records and Information**

- (1) Copies of vital records maintained by the Office of Vital Records, and information contained in such vital records, shall not be disclosed except as permitted by
  - (a) Chapter 10 of Title 31;
  - (b) Code Section 19-7-46.1;
  - (c) the rules of the Department; or
  - (d) as directed by court order.

A vital record shall not be disclosed pursuant to subpoena or civil discovery request unless the requesting party demonstrates its right to the record under this Rule.

- (2) For purposes of this Rule, the term **certified copy** means a copy of a vital record printed on colored stock and bearing the raised seal of the State Registrar. A person entitled to

have a plain paper copy of a vital record may request that the copy be certified in accordance with Code Sections 24-9-920 and 24-8-803(9).

- (3) A certified copy of a birth certificate may be issued only to the following persons or their legal representatives:
- (a) The person whose birth is recorded on the certificate;
  - (b) A parent of such person, except as provided in subsection (4) below;
  - (c) A grandparent of such person;
  - (d) An adult brother or sister of such person;
  - (e) An adult child of such person;
  - (f) The living legal spouse of such person;
  - (g) A person who has been appointed, or who has applied in good faith to become, a legal guardian of such person; or
  - (h) A person who demonstrates that a certified copy of the birth certificate is needed to establish a legal right or claim.

A plain paper copy of a birth certificate may be issued only to a person entitled to receive a certified copy; provided, however, that if the birth occurred more than one hundred years before the date of request, a plain paper copy may be provided to any person.

- (4) A natural parent of an adopted child with no legal right to custody may not have access to the child's birth records except upon court order.
- (5) A certified copy of a death or spontaneous fetal death certificate may be issued only to the following persons or their legal representatives:
- (a) A child, parent, legal living spouse, or other next of kin of the decedent;
  - (b) A person who has been appointed, or who has applied in good faith to become, the executor or administrator of the decedent's estate; or
  - (c) A person who demonstrates that a certified copy of the death certificate is needed to establish a legal right or claim.

A plain paper copy of a death certificate showing cause of death may be issued to any person; provided, however, that the decedent's Social Security number shall be redacted.

- (6) A certified copy of a voluntary acknowledgment of paternity, or a certified copy of a voluntary acknowledgment of legitimation executed prior to 1 July 2016, may be issued only to the following persons or their legal representatives:
- (a) Either of the persons who signed the acknowledgment;
  - (b) The person whose paternity or legitimation was acknowledged, if she or she is at least 18 years of age;
  - (c) A person who has been appointed, or who has applied in good faith to become, a legal guardian or custodian of the person whose paternity or legitimation was acknowledged;
  - (d) A living legal spouse or next of kin of the person whose paternity or legitimation was acknowledged;
  - (e) An attorney who demonstrates that the certificate is needed for purposes of legal investigation on behalf of a client; or
  - (f) A licensed child-placing agency that demonstrates that the certificate is needed for official purposes.

A plain paper copy of a voluntary acknowledgement of paternity, or a voluntary acknowledgement of legitimation executed prior to 1 July 2016, may be issued only to a person entitled to receive a certified copy.

- (7) The State Registrar, in his or her reasonable discretion, may disclose information from Vital Records for statistical or research purposes, subject to such conditions as the State Registrar may impose, including without limitation a written agreement to maintain the confidentiality of the information so disclosed.
- (8) The State Registrar may provide copies of or disclose information from Vital Records to authorized representatives of Federal, State or County agencies who request such data in the conduct of their official duties.
- (9) The State Registrar or local custodian shall not issue a copy of a vital record, or information contained in vital records, until a signed application has been received with the appropriate fee. To determine an applicant's right to information from a vital record, the State Registrar or local registrar may request additional information from the applicant, including without limitation proof of the applicant's identity or a sworn statement.
- (10) Information contained in the "Information for Medical and Health Use Only" section on a birth certificate or spontaneous fetal death certificate, or the "Information for Statistical Purpose Only" section of the certificate of marriage or report of divorce, dissolution of marriage, or annulment, shall not be disclosed unless specifically authorized by the State Registrar for statistical or research purposes or upon court order.

### **Rule 511-1-3-.34 Copies of Data from Vital Records**

- (1) Full or short form certified copies of a Vital Record may be made by mechanical, electronic, or other reproductive processes, except that the "Information for Medical and Health Use Only" section of the birth certificate and spontaneous fetal death certificate or the "Information for Statistical Purposes Only" section of the certificate of marriage and report of divorce, dissolution of marriage or annulment shall not be included. The cause of death listed on a death certificate shall be issued as provided only in Rule 511-1-3-.33.
- (2) When a certified copy is issued, each certification shall be certified as a true copy by the officer in whose custody the record is entrusted, and shall include the date issued, the original signature or authorized facsimile thereof, of the issuing officer, the State Registrar's authorized facsimile signature, and the impressed seal of the issuing office. When certifying birth records which are not on file in the State Office of Vital Records or do not contain the State file number, a certifying statement which does not contain the facsimile signature of the State Registrar must be prepared by the issuing officer.
- (3) When the State Registrar receives information or finds evidence that a certificate was registered through misrepresentation or fraud, he or she shall have authority to withhold the issuance of a certified copy of such certificate, remove the certificate from the files and place the certificate and all evidence which supports the finding of misrepresentation or fraud in a special file. Such certificate will be marked "Void". The registrant will be notified in writing of his or her right to appeal together with the reason upon which the State Registrar invalidated the record.
- (4) Copies of birth certificates of deceased persons may be issued to any person who shows proof of death of the person named. Such copies shall be clearly marked "Deceased" in large letters on the face of the birth certificate.

### **Rule 511-1-3-.35 Fees for Copies and Searches**

- (1) No certified copy shall be issued until the fee for the search of such copy is received unless specific approval has been obtained from the State Registrar or otherwise provided for by statute.
- (2) For statistical research purposes, the State Registrar shall determine the fee for such services on the basis of the costs providing such services and determine the manner in which such costs must be paid.
- (3) The State Registrar shall prescribe the fees to be paid for the replacement of a birth certificate subsequent to adoption, legitimation, paternity determination, paternity acknowledgement, court order, filing a delayed registration of birth, or an amendment of a vital record, provided that no fee shall be charged for an amendment completed within one year after the filing of the record.

### **Rule 511-1-3-.36 Funeral Director's Records**

- (1) Each funeral director shall keep a record containing, as a minimum, information about each dead body or fetus the funeral director disposes of, as follows:
  - (a) The date, place, and time of receipt;
  - (b) The date, place, and manner of disposition;
  - (c) If the dead body or fetus is delivered to another funeral director, the date of such delivery, and the name and address of the funeral director to whom delivered; and
  - (d) The items required by the certificate of death for those deaths for which the funeral director was required to file the certificate.
- (2) Such records as described in Paragraph (1) above may be reviewed at the request of the State Registrar or his or her authorized representative.

### **Rule 511-1-3-.37 Matching of Birth and Death Certificates**

- (1) To protect the integrity of Vital Records and to prevent the fraudulent use of birth certificates of deceased persons, the State Registrar is authorized to match birth and death certificates in accordance with established written guidelines which provide the standards for determining a match does exist. These standards shall specify the information about the decedent which must be available and which must be compared to the information on the birth certificate before a match can be made. These items shall include as a minimum: name of decedent; name of father and maiden name of mother; date of birth or age of decedent; state of birth of decedent; county of birth; and marital status of decedent. No match shall be made unless there is documented proof of the fact of death.
- (2) The death certificate State file number shall be posted to the corresponding birth certificate; the State file number of the corresponding birth certificate, to the death certificate; and the birth index duly marked. A birth certificate thus matched may be issued marked "Deceased".

### **Rule 511-1-3-.38 Transmittal of Certificates and Reports**

- (1) Unless otherwise provided in this Chapter, a completed report of live birth, death, or spontaneous fetal death filed with a local registrar shall be transmitted to the State Office of Vital Records within two business days of receipt by the local registrar.
- (2) Each official issuing marriage licenses shall forward to the State Office of Vital Records, before the tenth day of each month, the following information with respect to each completed marriage license returned to such official during the preceding month: gender, date of birth, number of marriage (e.g., first, second, third, etc.), and the first, middle, and

last name of each party; city, county, and date of ceremony; name, title, and address of officiator; and name of probate judge or clerk.

- (3) The Clerk of Superior Court shall complete and forward to the State Office of Vital Records, before the tenth day of each month, the following information with respect to each divorce, dissolution of marriage, or annulment decree granted during the preceding calendar month: civil action number; date of divorce decree; county of issuance; gender, date of birth, county of residence, number of marriage (e.g., first, second, third, etc.), and the first, middle, and last name of each party; original date of marriage; and number of children under 18 years of age.
- (4) The Clerk of the Superior Court shall complete and forward to the State Office of Vital Records, before the 15th day of each month, all completed certificates of adoption, annulments of adoption, and amendments of decrees of adoption which were entered in the preceding calendar month.

#### **Rule 511-1-3-.39 Appeals and Hearings**

- (1) Persons seeking to obtain or amend a vital record may appeal the action or refusal to act of local custodians, registrars, or employees of the Office of Vital Records, by filing an appeal in writing with the State Registrar. The appeal must specifically identify the employee or official involved, the action or refusal to act, and must state the complainant's right or standing to complain of the action or inaction.
- (2) The State Registrar will make such investigation of the appeal as is necessary to resolve the matter. A written decision will be issued by the Registrar, except that the State Registrar may appoint a special assistant to investigate and decide the appeal in his or her name.
- (3) The appointment of a local registrar or local custodian may be revoked for cause in the discretion of the State Registrar. A decision by the State Registrar to revoke an appointment may be appealed by filing a request in writing with the Department's Office of General Counsel within 30 days from the date of the decision. The appeal must state the factual grounds in support of the claim that the State Registrar has abused his or her discretion in rescinding the appointment. The appeal shall be immediately referred to the Office of State Administrative Hearings for hearing in accordance with Code Section 50-13-41. Prior to hearing by OSAH, the appellant may request a conference with the State Registrar before a member of the Board of Public Health appointed to serve as mediator. The purpose of the conference is to discuss any issues in dispute, to present any additional matters relevant to the State Registrar's decision, and to seek settlement. As a result of the conference, the mediator may recommend that the State Registrar's decision be affirmed, modified, or rescinded. If the matter is not settled by agreement of the parties, then the matter shall proceed to hearing before OSAH.

#### **Rule 511-1-3-.40 Service of Process**

Legal process involving a Vital Records function or in a matter wherein the Vital Records Service is entitled to notice shall be served upon the Commissioner of Public Health. This Rule shall be cumulative of all other requirements imposed by law for service of process or notice upon the Department of Public Health.