



Brenda Fitzgerald, MD, Commissioner | Nathan Deal, Governor

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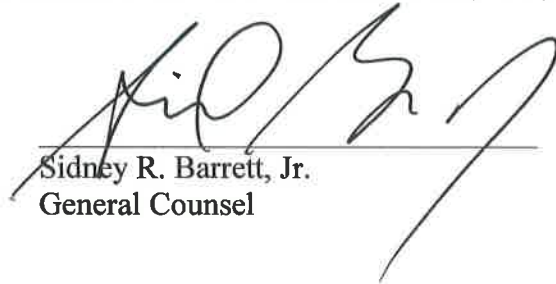
21 April 2014

NOTICE OF PROPOSED RULEMAKING
Public Health Regulation 511-1-3-.08
“Vital Records”

Please take note that the Department of Public Health proposes to revise its regulations governing how names are to be entered on birth certificates. The proposed revision is intended to clarify the rules for designating the child’s surname, and to ensure that the *bona fide* cultural conventions of the parents’ nation of origin will be accommodated in designating the child’s surname. The text of the proposed rule as revised is attached. This action is taken by the Department of Public Health pursuant to its authority under O.C.G.A. Sections 31-2A-4(12) and 31-2A-6.

Interested persons may submit comments on these proposed revisions in writing addressed to: Sidney R. Barrett, Jr., General Counsel, Georgia Department of Public Health, 2 Peachtree Street, NW, 15th Floor, Atlanta, GA 30303.

Comment may also be presented in person at a public meeting scheduled for 2:00 p.m., 2 May 2014, in room 9-260 at 2 Peachtree Street, NW, 9th Floor, Atlanta GA.



Sidney R. Barrett, Jr.
General Counsel



We Protect Lives.

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 *bona fide* 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.

AUTHORITY: O.C.G.A. Secs. 31-2A-6, 31-10-3, 31-10-14.