

August 13, 2025

## NOTICE OF PROPOSED RULEMAKING

### Chapter 511-1-3 “Vital Records”

The Department of Public Health proposes revisions to the rules located in Chapter 511-1-3, “Vital Records” pursuant to its authority under Georgia Code Sections Code sections 31-2A-6, 31-10-3, 31-10-14.

The purpose of the proposed rulemaking is to amend Rules 511-1-3-.08 and Rule 511-1-3-.17, entitled “Child Names on Birth Certificates” and “New Certificate,” to provide a method for persons adopted, and in their demise, a proxy, to request their original birth certificate through the Department of Vital Records without court intervention.

The proposed rules are posted on the Department's website <http://dph.georgia.gov/regulationsrule-making>. Interested persons may submit comments on these proposed revisions in writing addressed to:

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Written comments must be submitted on or before August 29, 2025. Oral comments may be presented online or via phone at a public meeting scheduled for 1:30 PM on Thursday, August 28, 2025. To join the public meeting:

- To join by computer:
  - <https://gapublichealth.webex.com/gapublichealth/j.php?MTID=mfa0a306f54feb18da4037ba2c6c5b76f>
  - Meeting Number: 2538 478 4065
  - Password: s2mRfJGq5c3
- To join by phone:
  - 1-415-655-0001 US Toll
  - Access Code: 2538 478 4065

The Commissioner of Public Health will consider the proposed rules for adoption on or about September 12, 2025, to become effective on or about October 13, 2025.

*Jeff Rickman*

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Jeffrey T. Rickman

General Counsel

Georgia Department of Public Health

**RULES OF THE  
DEPARTMENT OF PUBLIC HEALTH**

**CHAPTER 511-1  
ADMINISTRATION**

**511-1-3  
VITAL RECORDS**

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### **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. Unless otherwise provided by law, sSuch file shall not be subject to inspection except upon order of a court of competent jurisdiction, 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.

### **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.
- (5) Any person who is 18 years of age or older who was born in this state and for whom a new birth certificate was prepared after adoption, may request and receive a copy of his or her original birth certificate by complying with the provisions listed in O.C.G.A. § 31-10-14(h)(1). The copy of the original birth certificate shall indicate that it is not a certified copy and may not be used for legal purposes. If the adopted person is deceased, then any parent, sibling, or descendant of that person may receive a copy of the decedent's original birth certificate pursuant to the procedures contained in O.C.G.A. § 31-10-14(h)(1). This subsection shall apply to applications for an original birth certificate for adopted persons submitted to the registrar on or after July 1, 2025.

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