

## CHANGING THE FATHER'S NAME ON A BIRTH CERTIFICATE

**In order to change the father's name on a child's birth certificate, you must comply with Georgia Vital Records laws. The Government has a goal of ensuring the accuracy, reliability, and certainty of vital records. Consequently, it requires evidence of paternity before it will allow a change to be made. The Official Code of Georgia Annotated § 31-10-14, along with the Rules and Regulations of the State of Georgia Chapter 290-1-3 set forth the legal requirements.**

### **§ 31-10-14. New certificates of birth following adoption, legitimation, paternity determination and paternity acknowledgment**

"This Act shall become effective July 1, 2006."

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

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

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

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

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

(b) When a new certificate of birth is established pursuant to this Code section for a person born in this state, the date of birth contained on the original certificate shall be shown. The true place of birth shall be shown if the adoptee is the natural child of the spouse of the adoptive parent in the case of step-parent adoptions. The true place of birth shall be shown for all legitimations. For full adoptions, where neither parent is the natural parent of the adoptee, the place of birth shall be, at the election of the adoptive parents, either the true place of birth of the adoptee or the residence of the adoptive parents at the time of the adoptee's birth. The place of birth indicated must be located in Georgia.

(c) Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.

(d) Upon receipt of a report or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of competent jurisdiction or as provided by regulation.

(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.

Laws 1945, p. 236, § 25; Laws 1964, p. 499, § 1; Laws 1965, p. 546, § 1; Laws 1982, p. 723, § 1; Laws 1982, p. 723, § 2; Laws 1991, p. 94, § 31; Laws 1992, p. 2410, § 2; [Laws 2003, Act 207, § 10, eff. July 1, 2003](#); [Laws 2004, Act 660, § 3, eff. July 1, 2006](#).

**Formerly** Code 1933, § 88-1714; Code 1981, § 31-10-34.

#### HISTORICAL AND STATUTORY NOTES

Laws 2004, Act 660, § 5, provides:

#### **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.

**For more information, contact the Georgia Department of Vital Records at Phone: 404-679-4701, or visit their website at**

**<http://health.state.ga.us/programs/vitalrecords/birth.asp>**