

**Law of Georgia**  
**on Civil Status Acts**

**Chapter I - General Provisions**

**Article 1 - Purpose of the Law**

The purpose of this Law is to form a unified system for registration and recording of civil status acts.

**Article 2 - Scope of the Law**

This Law determines the types of civil status acts, the basic conditions for their registration, for making changes, corrections and additions to civil records, for re-registration of civil status acts, for annulment of birth and death records, for registration of birth and death, for ascertaining facts of legal significance regarding a person's birth or death at certain time and in certain circumstances, for issuing documents of civil status registration, and identifies the bodies authorised in the sphere of civil status acts.

**Article 3 - Definition of terms**

For the purposes of this Law, the terms used have the following meanings:

- a) civil status act – a fact of legal significance under this Law: birth, paternity establishment, adoption, marriage, divorce, change of first name and/or surname, death;
- b) civil status record – an individual administrative act evidencing the fact of legal significance under this Law;
- c) civil status registration – based on the state interests, registration of a fact of legal significance under this Law to protect the property and personal non-property rights of a natural person;
- d) civil status registration certificate – a document issued by an authorised body on the basis of a civil status record evidencing civil status registration;
- e) change in a civil status record – replacement of current data in a civil status record with new data;
- f) correction in a civil status record – replacement of incorrect data in a civil status record with correct data;
- g) addition to a civil status record – completion of incomplete data in a civil status record;
- h) database of civil status acts – a collection of data created on the basis of information processed by civil status registration authorities in the process of exercising their powers under this Law;
- i) electronic database of civil status acts – a database of civil status acts or part of it that is available in electronic form;
- j) child – a person whose birth, paternity establishment, or adoption is to be registered;
- k) legalisation – certification by a duly authorised state body of genuineness of a signature on a document, authority of a signatory, and authenticity of a seal or a stamp affixed;
- l) *apostillisation* – certification by a duly authorised state body, under a simplified procedure, of genuineness of a signature on a document, authority of a signatory, and authenticity of a seal or a stamp under the Hague Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents.

*Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012*

*Law of Georgia No 6317 of 25 May 2012– website, 19.6.2012*

*Law of Georgia No 2482 of 29 May 2014– website, 29.5.2014*

**Article 4 - Civil status registration authorities**

1. Civil status registration authorities are as follows:

- a) the Legal Entity under Public Law – the Public Services Development Agency operating under the governance of the Ministry of Justice of Georgia ('the Agency'), which exercises powers through its territorial offices;
- b) a diplomatic mission of Georgia abroad, Interests Section of Georgia opened at a diplomatic mission of a third state, and consular office of Georgia abroad ('a consular office') – within the scope of delegated powers;



c) notary - within the scope of delegated powers.

2. The following shall fall within the power of civil status registration authorities:

a) registration of birth, paternity establishment, adoption, marriage, divorce, change of first name and/or surname, and death;

b) making of changes, corrections, and/or additions to civil status records;

c) re-registration of civil status acts;

d) annulment of birth and death record;

e) ascertainment of the following facts of legal significance:

e.a) ascertainment of the fact of a person's birth at certain time and in certain circumstances

e.b) ascertainment of the fact of a person's death at certain time and in certain circumstances

e.c) ascertainment of the fact of a person's birth registration

e.d) ascertainment of the fact of a person's death registration

f) issuance of civil status certificates and documents evidencing civil status registration;

g) storage of civil status records;

h) issuance of documents to citizens of Georgia, to persons having the status of stateless person in Georgia to evidence that there are no bars to their marriage abroad;

i) exercise of powers defined in this Law and other legal acts.

3. The Agency shall be authorised to certify and issue copies of administrative acts and other documents issued within the system of the Ministry of Justice of Georgia in the field of civil status acts prior to the establishment of the Agency.

4. A consular office shall exercise all powers under the second paragraph of this article or separate actions necessary for exercising these powers within the scope of powers delegated to a consular official, unless otherwise provided in a treaty or international agreement of Georgia. The procedures and terms for exercising the delegated powers and the scope of delegation shall be defined by a joint order of the Minister of Foreign Affairs of Georgia and the Minister of Justice of Georgia

5. A notary shall be authorised to conduct the registration of marriage and divorce and to issue registration certificates of the same civil status acts as determined by this Law and by an order of the Minister of Justice.

*Law of Georgia No 5851 of 16 March 2012 – website, 23.3.2012*

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

*Law of Georgia No 6317 of 25 May 2012 – website, 19.6.2012*

*Law of Georgia No 2482 of 29 May 2014 – website, 29.5.2014*

#### **Article 5 - Civil status records and civil status certificates**

The forms, reference details and blank samples of civil status records and civil status certificates, also the procedures for the storage of civil status records and for the issuance of civil status certificates shall be determined by an order of the Minister of Justice of Georgia.

#### **Article 6 - Civil status certificates**

1. A civil status registration authority, at the request of an authorised person, shall issue a civil status certificate on the basis of a civil status record stored in the database of civil status acts.

2. A civil status certificate shall be printed and completed in the official language of Georgia, except as provided for in a treaty or international agreement of Georgia, or in this Law. A civil status certificate may be printed and/or completed in a foreign language in the cases determined by an order of the Minister of Justice of Georgia.

#### **Article 7 - Availability of information**

1. Civil status registration data shall be available to any capable person of full age with respect to whom such an act has been registered, unless otherwise provided for in the legislation of Georgia.

2. Death registration data shall be open and available to any person.



3. A ministry of Georgia and its territorial body, a state sub-agency, a legal entity under public law and its territorial body, a judicial body, a local self-government body, and any person exercising powers under public law according to the legislation of Georgia, may receive information about civil status registration that is necessary for exercising their powers, unless otherwise determined by law.

4. A copy of a civil status record, except for the copies of birth and adoption records, shall be issued at the request of a person authorised to receive such personal data.

5. Where necessary, the civil status registration authority shall issue an original copy of a civil status record under a decision of an investigative body and under a court judgment. An original copy of a civil status record shall be returned to the issuing authority after proper examination and assessment or upon the entry into force of a final judgment on the case.

6. Registration data of a civil status act shall be available to an authorised body of the other country in the case provided for in a treaty or international agreement of Georgia.

#### **Article 8 - Genuineness of civil status records and civil status registration documents**

The following shall be considered as genuine in Georgia:

a) civil status records, civil status registration documents, including the copies of civil status records certified by the civil status registration authority that are drafted in Georgia or by a consular office based on legislation effective at the moment of drafting such documents;

b) civil status records and civil status registration documents that are drafted and legalised or apostilled abroad based on legislation of other country, unless otherwise provided for by under this Law or a treaty or international agreement of Georgia;

c) civil status registration documents that are drafted in Georgia on the basis of religious rites prior to the creation or restoration of the bodies authorised to register civil status acts according to legislation effective at the moment of drafting such documents.

#### **Article 9 - Genuineness of data provided in civil status records**

Where there is discrepancy in the civil status records registered with respect to a person, or there is conflict between a civil status record and the data provided in a civil status certificate, the data given in a birth record shall be deemed genuine, unless proved otherwise.

#### **Article 10 - Civil status registration with respect to aliens illegally residing in Georgia**

Only the birth and death registration shall be carried out with respect to aliens illegally residing in Georgia.

#### **Article 11 – Procedures for submitting and considering applications**

1. The procedures and conditions for submitting and considering applications for issuing administrative acts or for implementation of an action, also the procedures and conditions for civil status registration shall be determined by this Law and an order of the Minister of Justice of Georgia.

2. Documents issued by an authorised body of any other country, which are to be submitted to the civil status registration authority, must be legalised or apostilled, unless otherwise provided for in the legislation of Georgia.

3. The procedures for submitting documents issued in any other country to the civil status registration authority shall be determined by an order of the Minister of Justice of Georgia

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

#### **Article 12 - Request for information**

All natural and legal persons, also administrative bodies shall furnish the civil status registration authority with any requested information (including the information containing personal data) that is necessary for exercising the powers under this Law.

#### **Article 13 - Procedures for recording first names and surnames**

First names and surnames shall be recorded in civil status records and civil status certificates in the manner provided for in an order of the Minister of Justice of Georgia.

#### **Article 14 - Language of record-keeping**

In exercising the powers under this Law, record-keeping at the civil status registration authority shall be conducted in the official language of Georgia.



### **Article 15 - Exclusion**

1. Where there are grounds for exclusion as provided for in Article 92 of the General Administrative Code of Georgia, the Chairperson of the Agency shall review the application for exclusion and shall decide on exclusion or self-exclusion of an official of the Agency's territorial office.
2. If the application for exclusion is upheld, the case shall be referred for consideration to another territorial office of the Agency by decision of the Chairperson of the Agency.
3. The procedures and conditions for exclusion of a consular official shall be determined by a joint order of the Minister of Justice and the Minister of Foreign Affairs of Georgia

### **Article 16 – Period for consideration of applications**

1. The civil status registration authority shall consider applications for issues falling within its powers in the period determined by the General Administrative Code of Georgia, unless otherwise provided for in the legislation of Georgia.
2. If there is a precondition for the civil status registration authority to refuse performing an action within its powers or issuing an administrative act, the time frame for consideration of applications determined by the legislation of Georgia may be extended at the request of an applicant and with the consent of all interested parties to an administrative proceeding, if the extension is necessary for the provision of such document that may contribute to meeting the applicant's request. The civil status registration authority shall make a substantiated decision on the extension of the time frame.
3. The civil status registration authority shall continue to consider applications for a reasonable period of time. The whole period for consideration of applications shall not exceed six months.
4. The procedures provided in the second paragraph of this article shall not restrict the right of the civil status registration authority to extend the time frame for administrative proceedings on its own initiative as determined by the legislation of Georgia.

### **Article 17 - Suspension of consideration of applications**

The civil status registration authority shall be authorised to suspend the consideration of applications on the basis of a substantiated decision if judicial proceedings are pending on the same issue. Consideration of applications shall be suspended until the court decision comes into force.

### **Article 18 - Waiver of claims**

1. When considering an application, the applicant may waive his/her claim before taking a decision.
2. If an applicant waives his/her claim, the civil status registration authority shall decide to terminate the application consideration process.
3. The procedures provided for in this article shall not apply to the consideration of applications filed for the registration of birth, death, adoption, for making changes, corrections and additions in civil status records, and for the annulment of civil status records.

### **Article 19 - Refusal of the authorised body**

Unless otherwise provided for in the legislation of Georgia, an applicant may be refused to have his/her application satisfied in the following cases:

- a) the performance of a relevant action or the issuance of an administrative act is requested by an unauthorised person;
- b) no documents required by the legislation of Georgia for the performance of relevant actions or for the issuance of an administrative act have been submitted;
- c) his/her request is contrary to the legislation of Georgia.

## **Chapter II - Registration of Birth**

### **Article 20 - Birth**

Birth is a fact of legal significance that is subject to compulsory registration by the civil status registration authority.

### **Article 21 - Documents evidencing birth**

1. For birth registration, the following shall be the documents evidencing birth:



- a) medical certificate of birth
  - b) decision of an authorised body on ascertaining a fact of legal significance regarding a person's birth at certain time and in certain circumstances
  - c) document of birth issued by an authorised body of the other country based on legislation of the same country.
2. For birth registration, other documents evidencing birth may also be defined under an order of the Minister of Justice of Georgia.

#### **Article 22 - Conditions for birth registration**

The civil status registration authority shall register the birth of a child of a Georgian citizen, a stateless person having the status in Georgia who was born abroad and the birth of a child born in Georgia.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

#### **Article 23 - Obligation to apply to civil status registration authority for birth registration**

1. The following persons shall be obliged to apply to the civil status registration authority for birth registration:

- a) the head of a medical institution or his/her authorised representative, provided a child was born in that institution;
- b) a person authorised to issue a medical certificate of birth but who is not employed by any medical institution, provided he/she assisted a child's mother in delivery outside a medical institution;
- c) a parent of a child, if the persons indicated in sub-paragraphs (a) and (b) of this article have not announced the child's birth or if a child was born outside a medical institution without assistance of the person authorised to issue a medical certificate of birth or if a child was born in the other country;
- d) an authorised representative of Local Administration ('Gmgeoba') (City Hall), if a child was born outside a medical institution without the assistance of the person authorised to issue a medical certificate of birth;
- e) the head of a custody and guardianship authority or of an educational institution, if the person whose birth has not been registered is the ward of such institution or is under its custody and guardianship.

2. The persons specified in paragraphs 1(a) and 1(b) of this article shall be required to apply to the civil status registration authority for birth registration, regardless of whether or not other persons fulfil this obligation.

3. The persons specified in paragraphs 1(a) and 1(b) of this article shall apply to the civil status registration authority for birth registration as determined by Article 24 of this Law within five working days after the birth of a child.

4. The custody and guardianship authority, the head of an educational institution and an authorised representative of Gmgeoba (City Hall) shall apply to the civil status registration authority as determined in Chapter XII of this Law, within one month from notification, regarding the absence of birth registration or regarding the birth of a child born outside a medical institution without assistance of the person authorised to issue a medical certificate.

5. A child's parent shall apply to the civil status registration authority for a child's birth within one month after birth. If a parent is unable to present a medical certificate of birth, he/she shall apply to the civil status registration authority as determined in Chapter XII of this Law.

6. If a custody and guardianship authority of the other country applies to the consular office, the birth registration shall be carried out only if the conditions defined in Article 22 exist.

*Law of Georgia No 2482 of 29 May 2014 – website, 29.5.2014*

#### **Article 24 - Submission of medical certificate of birth**

1. The head of a medical institution or an authorised representative shall submit a medical certificate of birth to the Agency only in electronic form. A medical certificate of birth may be filed in printed form in the case determined in a joint order of the Minister of Labour, Health, and Social Affairs of Georgia and the Minister of Justice of Georgia.

2. Details of medical certificates of birth and the procedures for drafting and sending medical certificates shall be determined by a joint order of the Minister of Labour, Health, and Social Affairs of Georgia and the Minister of Justice of Georgia.

3. An institution/a person sending a medical certificate of birth to the Agency shall be responsible for the accuracy and completeness of the medical certificate sent, except when it is impossible to fully complete it due to the failure to obtain appropriate information.

4. The Agency shall be authorised not to register birth if the medical certificate of birth under this article does not fully include the information determined by a joint order of the Minister of Labour, Health, and Social Affairs of Georgia and the Minister of Justice of Georgia.

#### **Article 25 - Determination of child's first name, surname, and place of birth at birth registration**



1. The procedures for determining a child's first name, surname, and place of birth upon the birth registration shall be defined by an order of the Minister of Justice of Georgia.

2. The civil status registration authority, taking into account the child's sex, shall give a child through special software, a name randomly selected from the sex-specific names registered in the Agency database unless an authorised person applies for giving a name to a child when registering birth.

#### **Article 26 - Recording of child's parents at birth registration**

1. Whether a child is born to married parents shall be determined by a joint statement of spouses or by a statement of one of the spouses, and by the documents evidencing the child's birth and the parents' marriage.

2. In the case of the death of a father, a child shall be deemed born to married parents if he/she was born not later than 10 months after the father's death.

3. Whether a child is born to unmarried parents shall be determined by a joint statement of parents and by a document evidencing the child's birth.

4. If a child was born to an unmarried mother and there is no joint statement of parents or a court decision of paternity establishment, the data of the child's father shall not be specified in the birth record.

5. In the case of unmarried parents, the data about the mother shall be specified in the birth record based on a document of birth and the mother's statement, while the data about the father shall be specified based on a joint statement of parents. If, at the time of birth registration, the mother is dead, or the court has declared her as missing, or has deprived her of parental rights, the data about the mother shall be specified in the birth record based on a document of birth, while the data about the father shall be specified based on the father's statement.

6. A child born during marriage shall not be considered as born to married parents if the child's mother and her spouse file a relevant statement at birth registration.

7. If a child has been registered based on a statement of one of the married parents, the parent whose statement was not provided when conducting registration shall have the right to challenge the information specified in the birth record within one year from the moment when he/she learns or should have learned about the registration of birth. If a child's parent is under age at the time of origin of the right to appeal, the appeal period shall commence as soon as he/she comes of age.

*Law of Georgia No 3347 of 20 March 2015 – website, 31.3.2015*

#### **Article 27 - Assignment of personal identification number**

1. A personal identification number is a person's unique identification information that may not be changed except for the cases directly provided for by the legislation of Georgia.

2. A personal identification number shall be assigned to a person at the moment of birth registration and in the cases provided for by the Law of Georgia on the Procedures for Registration of Citizens of Georgia and Aliens Residing in Georgia and for Issuance of Identity (Residence) Cards and Passports of Citizens of Georgia. The procedure for assigning a personal identification number shall be determined by an order of the Minister of Justice of Georgia.

3. Birth registration may be conducted without assigning a personal identification number in the cases determined in a joint order of the Minister of Justice of Georgia and the Minister of Foreign Affairs of Georgia.

*Law of Georgia No 2482 of 29 May 2014 – website, 29.5.2014*

#### **Article 28 - Birth registration of foundlings**

1. Birth registration of foundlings shall be conducted based on an application filed by a custody and guardianship authority for birth registration. The application shall contain a child's first name, surname, and the possible date and place of birth.

2. A medical report on determining the age of a child shall be attached to the application mentioned in the first paragraph of this article.

#### **Article 29 - Registration of stillborn children**

1. Birth registration of stillborn children shall be conducted under the procedure determined by this Law for registration of birth. A stillborn child's death shall not be registered.

2. The first name and surname of a stillborn child shall not be indicated in a civil birth record.

#### **Article 30 - Birth registration of children born as a result of extracorporeal fertilization**

Birth registration of children born as a result of extracorporeal fertilization shall be conducted under the procedure determined by this Law, the Law of Georgia on Health Care and an order of the Minister of Justice of Georgia.



### Article 31 - Paternity establishment

Paternity establishment is a fact of legal significance recognising a person as the father of a child that shall be registered by the civil status registration authority based on an authorised person's application or a court decision.

### Article 32 - Right to apply to civil status registration authority for registration of paternity establishment

1. The following persons shall be authorised to apply to the civil status registration authority for registration of paternity establishment:

- a) the parents jointly who are not married at the moment of the child's birth
- b) a child (after coming of age), one of his/her parents, a custodian or a guardian, provided the paternity has been established by a court decision
- c) a child's father if the child is under age, and his/her mother is deceased, or has been declared missing, or has been deprived of parental rights by court.

2. A joint application of parents for the paternity establishment regarding a child, who has not been born yet, may be submitted during the mother's pregnancy. In this case, parents are not required to submit a new application for registration of paternity establishment if both or one of the parents has not withdrawn the previous application.

3. Registration of paternity establishment shall be conducted if:

- a) a child, with respect to whom the registration of paternity establishment is to be conducted, is a citizen of Georgia, a person holding the Georgian residence permit, was born in Georgia, or if his/her birth has been registered by an authorised body of Georgia;
- b) one of the parents of the underage child is a citizen of Georgia or a person holding the Georgian permanent residence permit;
- c) a Georgian court has delivered a judgement establishing paternity;
- d) a judgement establishing paternity has been rendered by the court of other country and has been recognised as determined by the legislation of Georgia.

*Law of Georgia No 3347 of 20 March 2015 – website, 31.3.2015*

### Article 33 - Court judgement establishing paternity

1. A court shall send its judgement establishing paternity to the civil status registration authority within five business days after the entry into force of the judgement according to the place of delivery of the judgement.

2. The civil status registration authority shall conduct registration of paternity establishment based on a judgement establishing paternity presented by the court and shall make relevant changes in the birth record.

3. The procedure for paternity establishment based on a court judgement shall be defined by an order of the Minister of Justice of Georgia unless otherwise provided for by this Law.

### Article 34 - Special procedure for paternity establishment

1. If a person named as the father in a birth record is not a biological father of a child, the civil status registration authority shall be authorised to register paternity establishment at a joint request of the persons specified as parents in birth record and the biological father or on the basis of a court judgement.

2. If the data of a child's father are entered in a birth record based on a court judgement establishing paternity or on a paternity establishment record, the paternity establishment shall be registered only under a court judgement, except when the registration of paternity establishment was conducted at the time of registration of the child's birth.

3. If paternity establishment is registered under the procedure defined in paragraph 1 of this article, the record of paternity establishment drawn up during the registration of child's birth shall be deemed void.

### Article 35 - Registration of paternity establishment in respect to persons of full age

1. The registration of paternity establishment with respect to an adult, and the change of his/her surname shall be allowed only with the consent of this person; and if this person is recognised as a beneficiary of support – by court judgement.

2. The consent defined in paragraph 1 of this article shall not be required if the registration of paternity establishment is conducted based on a court judgement.



**Article 36 - Establishing paternity of beneficiaries of support**

If the father of a child is recognised as incapable beneficiary of support, registration of paternity establishment is allowed only by court judgement.

Law of Georgia No 3347 of 20 March 2015 – website, 31.3.2015

**Article 37 - Establishing paternity at birth registration**

If a person is recognised as the father of a child at birth registration, paternity establishment shall not be registered.

**Article 38 - Period for registration of paternity establishment**

Paternity establishment shall be registered within one business day after the submission of application.

**Article 39 – Annulment of civil status act of paternity establishment**

Paternity establishment records may be considered void if the court finds that the person named in the paternity establishment record as the father is not the father of a child.

**Chapter IV - Registration of Adoption**

**Article 40 - Basis for registration of adoption**

Adoption is a fact of legal significance registered by the civil status registration authority based on an application of an authorised person and on a court judgement, but in the cases under Article 44 of this Law - based on a court decision only.

**Article 41 - Right to apply to civil status registration authority for registration of adoption**

An adoptive parent, full age and capable adoptee, and a custody and guardianship authority shall be authorised to apply to the civil status registration authority for the registration of adoption.

**Article 42 - Changing data of adoptee and/or his/her parent(s)**

1. In order to ensure the confidentiality of adoption, the first name, surname, place of birth, date of birth of an adoptee, and the data of his/her parent(s) may be replaced with the data of adoptive parent(s) at the request of adoptive parent(s) and/or on the basis of a court judgement at registration of adoption.
2. Respective changes shall be made to the adoptee's birth record if the data of the adoptee and/or his/her parent(s) are changed.
3. In order to ensure the confidentiality of adoption, an adoptee's birth with changed data may be re-registered at the request of the adoptive parent(s).
4. If birth is re-registered with changed data, the personal identification number of an adoptee under the age of 10 shall be changed at the request of the adoptive parent(s).
5. If a court judgement on adoption provides for the maintenance of legal relationship of an adoptee with his/her parent(s), the data of the parent(s) shall not be changed in the adoptee's civil birth record.

Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012

**Article 43 - Registration of adoption when birth records are not available**

If prior to registration of adoption it is identified that an adoptee's birth record is not stored in the database of civil status acts, the adoption shall be registered after the adoptee's birth registration.





#### **Article 44 - Court judgments on adoption and annulment of adoption**

1. The court shall send its judgment on adoption to the civil status registration authority according to the place of delivering the judgment, and shall send its judgement on annulment of adoption to the civil status registration authority according to the place of registration of adoption. A court judgement shall be sent to the civil status registration authority within five business days after its entry into force.
2. The civil status registration authority shall register adoption within 30 days from the receipt of a court judgement on adoption and shall make the relevant change(s) in the adoptee's birth record.
3. If adoption is registered according as determined by this article, an adoptive parent shall be authorised to request the change of the data of the adoptee or his/her parent(s) within 30 days from the entry into force of a court judgement as determined in Article 42 of this Law.

#### **Article 45 - Registration of adoption based on a court judgement of other country**

Adoption shall be registered based on a court judgement of other country after the judgement is recognised by the Supreme Court of Georgia, unless otherwise provided for in a treaty or international agreement of Georgia.

#### **Article 46 - Annulment of adoption records**

1. After a court judgement annulling adoption enters into force, the respective adoption record shall be annulled.
2. The annulment of adoption shall result in the annulment of change(s) made to birth record of an adoptee and in the restoration of original data.
3. If a new birth record is made in order to ensure the confidentiality of adoption, an adoptee's new birth record shall also be deemed annulled if the adoption is annulled. In this case, the original birth record shall be deemed genuine.
4. If an adoption record is annulled, the data of an adoptee changed due to adoption, except for the parents' data, shall be retained on the basis of a court judgement, at his/her request or at the request of his/her legal representative. The changed data of a 10-year-old adoptee shall be retained by his/her consent.
5. In the cases defined in paragraph 4 of this article, an adoptee or his/her legal representative shall apply to the civil status registration authority within the period determined by an order of the Minister of Justice of Georgia.

#### **Article 47 - Maintenance of confidentiality of adoption**

1. Issuance of adoption registration data shall not be permissible without the consent of a biological parent, an adoptive parent and a full age adoptee, except for the cases directly provided for by law.
2. An adoptive parent shall be authorised to receive information on adoption registration without limitations.
3. An adoptee shall be authorised to receive information on adoption registration without limitations if the data of his/her parents have not been changed as a result of adoption. The procedures and conditions for the issuance of adoption certificate to an adoptee shall be determined by an order of the Minister of Justice of Georgia.
4. Adoption registration data may be issued at the request of the custody and guardianship authority, based on a decision of an investigative body or a court judgement.

### **Chapter V - Registration of Marriage**

#### **Article 48 - Origin of marriage**

For the origin of marriage, it is mandatory that the civil status registration authority register the marriage.

#### **Article 49 - Place of marriage registration**

1. Marriage shall be registered at the place chosen by the persons wishing to get married.
2. Registration of marriage for a person in a prison facility shall take place in a specially designated area within the facility.

[2. Registration of marriage for a person placed in a penitentiary institution shall take place in a specially designated area within the institution. **(Shall become effective as from 1 July 2015)**]

*Law of Georgia No 3559 of 1 May 2015 – website, 18.5.2015*



### **Article 50 – Conditions for marriage registration**

In order to register marriage, the persons wishing to marry shall be of marriage age and shall give their consent to marriage.

### **Article 51 - Marriage age**

1. Marriage shall be permitted from the age of 18.
2. Marriage of a minor at the age of 16 shall be allowed with the prior written consent of parents or custodian. If the parents or the custodian refuses to give consent or if it is impossible to obtain such consent, marriage of a minor at the age of 16 shall be allowed on the basis of a court judgement.
3. Marriage of full age persons with limited capabilities shall be allowed with prior written consent of custodian. If the custodian refuses to give his/her consent or if it impossible to obtain such consent, marriage of a full age person with limited capability shall be allowed on the basis of a court judgement.

### **Article 52 - Registration of marriage**

1. In order to register marriage, an application of persons wishing to marry shall be submitted to the civil status registration authority.
2. Persons wishing to marry shall submit an application to the civil status registration authority in person or through a representative. Representation powers shall be confirmed as determined by the legislation of Georgia.
3. Persons wishing to marry shall confirm in their application that there are no bars to their marriage as provided in Article 54 of this Law and that they are aware of each other's health and marital status, know how many times each of them has been married before, and shall also define whether they have children.
4. Marriage shall be registered with the attendance of persons wishing to marry and at least of two legally capable witnesses of full age. Registration of marriage through a representative of the person wishing to marry shall not be permitted.
5. Registration of marriage may be held in a festive atmosphere if requested so by the persons wishing to marry.
6. The procedures for registration of marriage shall be defined by an order of the Minister of Justice of Georgia.

### **Article 53 – Change of surname by the person wishing to marry**

1. At registration of marriage the spouses may take one of their surnames as their common surname. Both or one of them may also take the surname after combining his/her own surname with his/her spouse's surname.
2. Surnames of spouses may not be combined at registration of marriage if one of the spouse's premarital surnames consists of two parts (double surname).
3. If a married person gets married again without terminating the previous marriage and changes his/her surname, the surname indicated in the last marriage record shall be deemed his/her genuine surname until the annulment of his/her second marriage.

### **Article 54 - Bars to marriage**

1. Marriage shall not be allowed:
  - a) between the persons of whom at least one is already married to another person;
  - b) between direct ascendants and descendants;
  - c) between biological and non-biological sisters and brothers;
  - d) between adoptive parents and adoptees;
  - e) between the persons of whom at least one is a beneficiary of support and who have not concluded a marriage contract provided for in Article 1172(2) of the Civil Code of Georgia.
2. Paragraph 1(b-d) of this article shall be applied even if the kinship relationship is terminated as a result of adoption.

*Law of Georgia No 3347 of 20 March 2015 – website, 31.3.2015*

## **Chapter VI - Registration of Divorce**



#### **Article 55 - Registration of divorce**

1. In order to make divorce effective, it shall be registered by the civil status registration authority.
2. An authorised person's application for registration of divorce shall be filed to the civil status registration authority. Divorce may also be registered on the basis of a court judgment on divorce presented according to Article 58 of this Law.
3. The civil status registration authority shall register divorce if one of the spouses is a citizen of Georgia or holds a Georgian residence permit, or if the marriage is registered by an authorised body of Georgia.
4. The procedures for registration of divorce shall be defined by an order of the Minister of Justice of Georgia.

#### **Article 56 - Authority to apply to the civil status registration authority for registration of divorce**

1. The following persons shall be authorised to apply to the civil status registration authority for registration of divorce:
  - a) the spouses wishing to divorce jointly
  - b) one of the spouses, if:
    - a.a) a court judgement on divorce is available;
    - a.b) the other spouse is recognised by the court as missing;
    - a.c) (Deleted – 20.3.2015, No 3347);
    - a.d) the other spouse has been sentenced to at least three years of imprisonment for committing a crime.
2. A representative of the spouse(s) wishing to divorce may apply to the civil status registration authority for registration of divorce in the cases provided for by the legislation of Georgia. The representative powers shall be evidenced as determined by the legislation of Georgia.

*Law of Georgia No 3347 of 20 March 2015 – website, 31.3.2015*

#### **Article 57 - Procedures for divorcing the convicted spouse**

1. Registration of divorcing the convicted spouse shall be conducted if there is no dispute between the spouses regarding the division of their common co-ownership, payment of alimony in favour of an incapacitated spouse, or with respect to children they have in common.
2. In order to verify the absence of the grounds for refusing to register divorce from the convicted spouse, the civil status registration authority shall notify the convicted spouse about submission of the application for divorce and shall define a reasonable period for submitting a written reply.
3. The period for submitting a reply must not exceed one month from the day of notification if the convicted spouse is serving the sentence in Georgia. If the convicted spouse is in prison of other country, the period specified above must not exceed six months from the day of notification.
4. If the convicted spouse declares that there is no dispute between the spouses under paragraph 1 of this article or fails to submit a written reply within the determined period, the civil status registration authority shall register the divorce.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

*Law of Georgia No 3347 of 20 March 2015 – website, 31.3.2015*

#### **Article 58 - Court judgement on divorce**

1. The court shall forward its judgement on divorce to the civil status registration authority within five business days from its entry into force according to the place of the judgement delivered.
2. The civil status registration authority shall register divorce on the basis of a court judgement on divorce submitted by the court.
3. The civil status registration authority shall be authorised not to register divorce if each spouse's personal identification number (if any), first name, surname, date of birth, date of registration of marriage, or the name of the registering authority is not ascertained by the court judgement on divorce.
4. The procedures for registration of divorce on the basis of a court judgement shall be defined by an order of the Minister of Justice of Georgia, unless otherwise considered under this Law.

#### **Article 59 - Retention of surname and reversion to premarital surname at registration of divorce**

At registration of divorce, the spouse having changed his/her surname after marriage may bear the surname changed after marriage or apply for the reversion to his/her premarital surname.



## **Article 60 – Period for registration of divorce**

1. In the cases provided in Article 56(1)(a)-(b.b) of this Law, divorce shall be registered after five days from the submission of application unless the applying spouse, or at least one of the spouses in the case of joint application, refuses to divorce during this time.
2. Divorce with the spouse sentenced to at least three years shall be registered within two business days after the receipt of the appropriate reply provided for in Article 57 of this Law; and if the reply is not submitted within the period fixed by the civil status registration authority, the divorce shall be registered within two business days after expiry of that period.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

*Law of Georgia No 3347 of 20 March 2015 – website, 31.3.2015*

## **Article 61 - Termination of marriage**

In the case of divorce, marriage shall be deemed terminated once the divorce is registered.

## **Chapter VII - Registration of Change of First Name and/or Surname**

### **Article 62 - Right to change first name and/or surname**

1. A citizen of Georgia and a stateless person having status in Georgia, whose birth has been registered in Georgia (except for the birth registration conducted according to Article 85 of this Law), may change his/her first name and/or surname.
2. In order to change first name and/or surname, the civil status registration authority shall be obliged to register the change of first name and/or surname.
3. The grounds for the change of first name and/or surname shall be an authorised person's application and the existence of the circumstances defined in this Chapter.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

### **Article 63 – Change of first names and/or surnames of incapable persons or persons with limited capabilities**

1. The first name and/or surname of a minor aged from 16 to 18 may be changed at the parson's request and with the consent of his/her parent(s) or any other legal representative.
2. The first name and/or surname of a minor under the age of 16 shall be changed by his/her parents' agreement. If parents fail to reach agreement, the issue of changing the first name and/or surname of a minor shall be decided by court considering the minor's interests.
3. If an unmarried mother changes her surname as determined by this Chapter, and if the parent, whose surname is born by his/her underage child, changes his/her surname, and the parents have different surnames, the family name of the minor under the age of 10 shall be changed along with the change of his/her parent's surname.
4. If a minor attains the age of 10, his/her first name and/or surname may be changed only with his/her consent.
5. The first name and/or surname of a beneficiary of support may be changed at his/her request and through his/her supporter, unless otherwise determined under court decision..
6. The first name and/or surname of a full age person with limited capability may be changed at the request of this person and with his/her custodian's consent.

*Law of Georgia No 3347 of 20 March 2015 – website, 31.3.2015*

### **Article 64 - Conditions for changing first names and surnames**

1. A person of full age may, at his/her own will, change his/her first name only once, unless otherwise determined by law.
2. A person may change his/her surname and take:
  - a) the surname of a direct ascendant
  - b) the combined surname of the parents
  - c) the surname of an actual caregiver



d) the surname of an adopting parent

e) the surname of a spouse

f) the surname granted by an authorised body of other country.

3. If the condition provided in paragraph 2(f) of this article exists, the surname may be changed if the person's civil status act of birth has been registered in Georgia and he/she acquired the citizenship of Georgia after having been assigned a surname by an authorised body of other country.

4. The surname may also be changed if a person wants to take the surname as a result of combining his/her surname and the surname of his/her spouse, to reverse to his/her premarital surname or to retrieve his/her historical surname.

*Law of Georgia No 2482 of 29 May 2014 – website, 29.5.2014*

#### **Article 65 - Retrieval of historical surname**

1. A person may apply for the retrieval of his/her historical surname if a body of evidence confirms that his/her surname comes from the transformation of other surname or from the adoption of other surname by a historical surname bearer.

2. Along with other evidence, a substantiated scientific assumption may also be used as the basis for the retrieval of a historical surname that proves the existence of circumstances specified in the first paragraph of this article.

3. The procedure for retrieving a historical surname shall be defined by an order of the Minister of Justice of Georgia.

#### **Article 66 - Recognition of surnames as valid**

1. A surname specified in person's identification or other documents that do not correspond to the surname specified in his/her civil birth record may be recognised as valid if reverting to the surname specified in his/her civil birth record (obtaining identification or other documents) is associated with disproportionate expenses and effort.

2. A surname may be recognised as valid if a person, within at least five years before entering this Law into force, held identification or other official document specifying the surname that does not correspond to the surname defined in his/her civil birth record.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

#### **Article 67 - Establishment of surname**

1. The surname of a direct ascendant or other surname born by a person for at least five years before entering this Law into force may be established, upon his/her desire, for any person whose surname is not specified in his/her civil birth record. This shall be evidenced by the documents drawn up in his/her name and by other evidence.

2. If it is impossible to establish a surname according to the first paragraph of this article, the person's surname derived from his/her first name or the first name of his/her direct ascendant may be established with or without desirable suffix.

#### **Article 68 - Refusal to register change of first name and/or surname**

1. First name may not be changed if an applicant chooses the name that contains digits, punctuation marks, geometrical figures, graphic images, symbols, indecent or offensive words, or words consisting of multiple parts (consisting of more than two names).

2. Surnames of spouses or parents must not be combined if either surname consists of two parts (double surname).

3. The change of first name and surname, the recognition of surname as valid and the establishment of surname shall not be permitted if a person is suspected of committing a crime and is wanted by the Georgian law enforcement authorities.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

#### **Article 69 - Time frame for consideration of applications**

The time frame for making a decision on the change of first name and/or surname, also on the establishment of surname and the conduction of respective civil status registration must not exceed 45 calendar days from the submission of application.

### **Chapter VIII - Death Registration**



## **Article 70 - Conditions for death registration**

1. Registration of death of a citizen of Georgia, stateless person having the status in Georgia and any person deceased in Georgia shall be mandatory as determined by this Law.
2. Death of a person holding the Georgian permanent residence permit but deceased in other country shall be registered only if the person concerned so desires.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

## **Article 71 - Application for death registration**

1. The following persons shall be required to apply to the civil status registration authority for the registration of a person's death:
  - a) the head of a medical, anatomic pathology (clinical pathology) or forensic institution or his/her authorised representative, within five business days from a person's death, provided he/she has died at the above mentioned institution or the fact of death has been established/confirmed by the same institution;
  - b) the person who is authorised to issue a medical certificate of death but is not employed by any medical, anatomic pathology (clinical pathology) or forensic institution, within five business days from a person's death, provided the same person has issued a medical certificate of death or established the fact of death;
  - c) the representative of Gamgeoba (City Hall), within five business days from being notified of a person's death;
  - d) the Ministry of Internal Affairs of Georgia, with respect to an officer killed in any military action or natural calamity, within 30 calendar days from being notified of a person's death;
  - e) the Ministry of Defence of Georgia, with respect to an officer killed under martial law, or during the participation in any mission for keeping and restoring international peace and safety, or during other peacekeeping missions, within 30 calendar days from being notified of a person's death;
  - f) a parent (an adoptive parent), a spouse or a child (an adoptee) if he/she can assume that the persons specified in this paragraph are not aware of the fact of a person's death.
2. Any legally capable person of full age or an administrative body may apply to the civil status registration authority for the registration of a person's death.
3. If a person dies in other country, an authorised body in the country of residence of the deceased person may also apply to the consular office for the registration of a person's death.
4. The documents to be presented by persons having the obligation to apply to the civil status registration authority for the registration of a person's death shall be defined by an order of the Minister of Justice of Georgia.

## **Article 72 - Documents evidencing death**

1. For the registration of death, the following shall be the documents evidencing a person's death:
  - a) a medical certificate of death
  - b) a decision of an authorised body establishing the fact of legal significance related to a person's death
  - c) a court decision of declaring a person as dead
  - d) a report drafted by the representative of Gamgeoba (City Hall) on confirming the death of a person
  - e) a certificate issued by an authorised body for the death of a person subjected to repressions under the decision of the court or the administrative body of the Soviet Socialist Republic of Georgia (the Ministry of Internal Affairs or the Ministry of Defence)
  - f) a notification of the Ministry of Defence of Georgia or the Ministry of Internal Affairs of Georgia regarding the death of an officer during peacekeeping missions, in war or combat operations, also during natural disaster
  - g) a document evidencing the death issued by an authorised body of other country under the legislation of the same country.
2. The death of a person killed as a result of a natural disaster or a catastrophe may also be registered under a relevant legal act issued by the Minister of Justice of Georgia.
3. The details of a report to be drafted by the representative of Gamgeoba (City Hall) and the procedure for drafting and submitting a report to the civil status registration authority shall be defined by an order of the Minister of Justice of Georgia.
4. If the representative of Gamgeoba (City Hall) does not have sufficient or reliable information on the fact of a person's death and if it is impossible to draft a report in the form established by an order of the Minister of Justice of Georgia, he/she shall be required to inform the civil status registration authority about the fact of a person's death without drafting a report.
5. For the registration of death, other documents evidencing a person's death may be defined by an order of the Minister of Justice of Georgia.



### **Article 73 - Submission of medical certificate of death**

1. The head of a medical, anatomic pathology (clinical pathology) or forensic institution, or his/her authorised representative, also a person who is authorised to issue a medical certificate of death, but is not employed by any of the above institutions, shall be obliged to submit an electronic medical certificate of death to the Agency. A medical certificate of death may be submitted in the printed form in the cases defined in a joint order of the Minister of Labour, Health, and Social Affairs of Georgia and the Minister of Justice of Georgia.
2. The details and the procedure for drafting and sending medical certificate of death shall be defined by a joint order of the Minister of Labour, Health, and Social Affairs of Georgia and the Minister of Justice of Georgia.
3. An entity/person sending a medical certificate of death to the Agency shall be responsible for the accuracy and completeness of the sent medical certificate, except when it is impossible to fully complete the certificate due to the failure to obtain relevant information.

### **Article 74 - Registration of death of unknown persons**

If a medical, anatomic pathology (clinical pathology) or forensic institution, or any other authorised body fails to identify a deceased person, the death registration shall be conducted as the registration of death of an unknown person.

### **Article 75 - Court decision declaring a person as deceased**

1. The court shall send its decision declaring a person as deceased to the civil status registration authority within five days from its entry into force according to the place of delivering the decision. 2. The civil status registration authority shall register death on the basis of the court decision declaring a person as deceased.
3. When registering the death of a person declared by the court as deceased, the date of the entry into force of the court decision shall be deemed as the date of death, unless otherwise specified in the decision.
4. The civil status registration authority shall be authorised not to register death if a court decision declaring a person as deceased does not establish the personal identification number (if any), name, surname, date or place of birth of the person declared dead.

## **Chapter IX - Making Changes, Corrections and/or Additions to Civil Records**

### **Article 76 - Making changes, corrections and/or additions to civil records**

1. An application of an authorised person and existence of the relevant circumstances specified in Articles 78-80 of this Law shall be the basis for making changes, corrections and/or additions to civil records.
2. The civil status registration authority shall be authorised to make respective changes, corrections and/or additions to civil records on its own initiative if the circumstances specified in Articles 78-80 of this Law are identified.

### **Article 77 - Persons authorised to submit an application for making changes, corrections and/or additions to civil records**

1. A person with respect to whom the relevant civil record has been drawn up shall be authorised to apply to the civil status registration authority for making changes, corrections, and/or additions to the civil record.
2. A parent/an adoptive parent of a person specified in the first paragraph of this article may also submit an application for making changes, corrections and/or additions to their own data in the civil record registered with respect to their child/adoptee.
3. Changes, corrections and/or additions to a civil record registered with respect to a minor under the age of 18 may be made on the basis of an application of his/her parent, adoptive parent, custodian, or guardian.
4. Changes, corrections and/or additions to a civil record registered with respect to a person whose legal capacity has been restricted by a court decision may be made on the basis of an application of the person concerned and with the consent of his/her custodian.
5. Changes, corrections and/or additions to a civil status record of a deceased person may be made on the basis of an application of any person concerned.

### **Article 78 - Changes to civil records**



The existence of one of the following circumstances shall be the basis for making changes to a civil record:

- a) adoption registration, provided the data specified in an adoptee's civil birth record are to be changed under a court decision on adoption or at an adoptive parent's request;
- b) registration of paternity establishment;
- c) registration of a parent's marriage, provided the parent changes his/her surname at the time of marriage registration;
- d) registration of a parent's divorce, provided the parent changes his/her surname at the time of divorce registration;
- e) registration of the change of first name and/or surname;
- f) establishment of surname;
- f<sup>1</sup>) recognition of surname as valid;
- g) change of sex, provided a person desires to change his/her first name and/or surname because of the change of sex;
- h) a court decision on making changes to a civil record;
- i) identification of a deceased person, provided the civil status registration authority has registered his/her death as the death of an unknown person;
- j) change of a person's citizenship status, provided the person has been granted citizenship of Georgia or has ceased to be a citizen of Georgia, or if a person forfeited citizenship of Georgia.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

#### **Article 79 - Making corrections to civil records**

The existence of one of the following circumstances shall be the basis for making corrections to civil records:

- a) detection of an error made at the moment of civil status registration;
- b) a court decision identifying inaccuracy of the data specified in a civil record;
- c) a decision of an authorised body establishing a fact of legal significance.

#### **Article 80 - Making additions to civil records**

The civil status registration authority shall be authorised to make an addition to any civil record if it has been identified that the data are missing or incomplete data are entered when conducting civil status registration.

#### **Article 81 - Consideration of applications for making changes, corrections and/or additions to civil records**

The civil status registration authority shall consider an application for making changes, corrections and/or additions to civil records within not later than 15 calendar days from the submission of an application. If the civil status registration authority makes changes, corrections and/or additions to civil records on its own initiative, the above application shall be considered within one month from the commencement of administrative proceedings, unless otherwise defined by the legislation of Georgia.

#### **Article 82 - Making changes, corrections and/or additions to civil records registered by an authorised body of other country**

The civil status registration authority shall not make changes, corrections and/or additions to civil records registered by an authorised body of other country.

### **Chapter X - Re-registration of Civil Status Acts**

#### **Article 83 - Re-registration of civil status acts**

1. The civil status registration authority shall conduct re-registration of civil status acts if:

- a) a civil record has been lost or destroyed and there is a decision of an authorised body establishing the fact of legal significance related to civil status registration;





b) civil status registration has been conducted by an authorised body of other country not being registered in Georgia with respect to a citizen of Georgia or a person holding Georgian permanent residence permit.

2. Re-registration of birth and paternity establishment registered by an authorised body of other country may also be conducted with respect to an underage child of a citizen of Georgia.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

#### **Article 84 - Re-registration of civil status acts based on a decision establishing the fact of legal significance**

1. If a civil status record (except for birth and death records) is lost or destroyed, re-registration of a civil status record shall be conducted on the basis of a court decision establishing the relevant fact of legal significance.

2. Re-registration of birth or death shall be conducted on the basis of a decision of an authorised body establishing the fact of legal significance.

3. If a decision under this article does not contain the data required for the relevant civil status registration, the civil status registration authority shall be authorised not to conduct the re-registration of a civil status record.

4. The civil status registration authority shall be authorised not to conduct re-registration of a civil status record if:

a) the following has not been determined by the decision establishing the fact of legal significance of the registration of paternity establishment:

a.a) the personal identification numbers (if any) of a child and a father

a.b) the name, surname, and date of birth of a father

a.c) the name, surname (before and after the registration of paternity establishment), and date of birth of a child

a.d) the date of the registration of paternity establishment

b) the following has not been determined by the decision establishing the fact of legal significance related to the registration of adoption:

b.a) the personal identification numbers (if any) of an adoptive parent and an adoptee

b.b) the name, surname, and date of birth of an adoptive parent

b.c) the name, surname, date and place of birth (before and after the adoption) of an adoptee

b.d) the parents of an adopted child (before and after the adoption)

b.e) the date of the registration of adoption

c) the following data of spouse(s) have not been determined by the decision establishing the fact of legal significance related to the registration of marriage or divorce:

c.a) the personal identification number (if any)

c.a) the name and/or surname (before and after the marriage (divorce))

c.b) the date of birth

c.c) the date of the registration of marriage or divorce

d) the following data of a person have not been determined by the decision establishing the fact of legal significance related to the registration of first name and/or surname change:

d.a) the personal identification number (if any)

d.b) the first name and/or surname before and after the change of first name and/or surname

d.c) the date of birth

d.d) the date of registration of the first name and/or surname change

d.e) the name of the authority having registered the change of first name and/or surname.

#### **Article 85 - Re-registration of civil status acts registered by an authorised body of other country**

1. Re-registration of civil status acts by an authorised body of other country with respect to a citizen of Georgia or a person holding a Georgian permanent residence permit may be conducted at the request of the person with respect to whom the civil status registration took place in the other country; and if the person is deceased, the same may be done at the request of any person.

2. Re-registration of civil status acts registered by an authorised body of other country shall be conducted on the basis of a certified copy, an extract from



civil record, or a civil status registration certificate.

3. Additional grounds for the re-registration of civil status acts registered by an authorised body of other country may be defined by an order of the Minister of Justice of Georgia.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

## **Chapter XI – Annulment of Civil Status Records**

### **Article 86 – A body authorised to annul civil status records**

1. Civil records (except for birth and death records) shall be annulled by the court.
2. Birth and death records may be annulled by the decision of the civil status registration authority as determined by the General Administrative Code of Georgia.

### **Article 87 – Annulment of civil birth and death records**

1. Civil birth and death records shall be annulled by the civil status registration authority that has conducted the respective civil status registration.
2. The civil status registration authority shall annul a civil record following an application of a person concerned or on its own initiative.
3. If the authority having conducted the civil status registration no longer exists, the issue of annulment of civil records shall be resolved by the civil status registration authority within the jurisdiction where the civil status registration took place.
4. If the authority having conducted the civil status registration no longer exists and if the jurisdiction of the authority is not part of the jurisdiction of any other civil status registration authority, the issue of annulment of civil status records shall be resolved by any civil status registration authority.

### **Article 88 - Special conditions for annulment of civil status records**

1. If there are several civil status records due to the multiple registration of birth and death of one and the same person, including as a result of the restoration of birth and death records before entering this Law into force, the civil status registration authority shall be authorised to annul one of civil status records upon application of an interested person concerned or on its own initiative.
2. In the case defined in the first paragraph of this article, if the grounds for civil status registration are a court decision, the annulment of the civil status record registered on the above grounds shall be allowed only with the consent of an interested person.
3. The Agency shall apply to the court for annulment of the court decision and the civil status record if the consent of an interested person is not available.
4. If the civil status registration authority annuls a civil status record registered on the basis of a court decision, re-registration of the civil status record based on the same court decision shall not be permitted.

### **Article 89 - Procedures for submission and consideration of applications for annulment of civil status records**

1. The civil status registration authority shall consider an application for annulment of civil status records as determined by Chapter VI of the General Administrative Code of Georgia.
2. The civil status registration authority shall be authorised to hold an oral hearing according to the procedures under Articles 108-112 of the General Administrative Code of Georgia, considering special characteristics given in this Law, if obtaining explanations from the parties or questioning of witnesses or experts is required for the establishment of essential circumstances of the case.
3. When holding an oral hearing in administrative proceedings for the annulment of a civil status record, the chairperson of the meeting may further act as a secretary of the meeting, provided the civil status registration authority consists of one officer only.
4. The procedures under Article 92 of this Law shall apply while obtaining and investigating evidence during administrative proceedings regarding the annulment of civil records.

## **Chapter XII - Establishment of Some Facts of Legal Significance**

### **Article 90 - Facts of legal significance to be established by the civil status registration authority**

1. The civil status registration authority shall establish the following facts of legal significance as defined by this Chapter:



- a) the fact of a person's birth at certain time and in certain circumstances
- b) the fact of a person's death at certain time and in certain circumstances
- c) the fact of registration of a person's birth
- d) the fact of registration of a person's death.

2. The civil status registration authority shall be authorised to establish any fact of legal significance that took place in the territory of Georgia.

3. The civil status registration authority shall establish any fact of legal significance that occurred abroad only with respect to a citizen of Georgia, an underage child a citizen of Georgia, a stateless person having the status in Georgia and a person having the status of refugee or the humanitarian status in Georgia.

4. The civil status registration authority shall be authorised to establish the facts of legal significance under paragraph 1(a) and (c) of this article with respect to the person residing in Georgia, whose civil status is uncertain at the moment of consideration of the application for establishing the fact of legal significance, provided, however, there is a reasonable assumption that the Georgian citizenship of a person may be established.

5. The civil status registration authority shall establish any fact of legal significance only in the cases where it is impossible to obtain documents evidencing such fact under any other procedure or it is impossible to restore a lost document or the restoration of the document is associated with disproportionate expenses and efforts.

*Law of Georgia No 6301 of 25 May 2012 – website, 12.6.2012*

#### **Article 91 - Persons authorised to submit applications for establishment of facts of legal significance**

Any interested person shall be authorised to apply to the civil status registration authority for the establishment of a fact of legal significance.

#### **Article 92 - Evidence for the proceedings on establishing facts of legal significance**

1. When establishing a fact of legal significance, the civil status registration authority shall be authorised to use and rely on explanations provided by the parties, testimonies of the witnesses and other evidence along with written and material evidence.

2. When establishing a fact of legal significance, unless otherwise provided by the General Administrative Code of Georgia, the provisions of Section III of the Civil Procedure Code of Georgia, except for Articles 102(3), 103, 104(2), 106, 109(2), 110, 116(2), 118, 119, 126, 131-133, 134 (2)(2<sup>1</sup>), 136, 145(1), 146, 155-157 and 169 (4)(5), shall apply to the obtaining, examination and assessment of evidence.

3. The civil status registration authority shall apply the provisions of the Civil Procedure Code of Georgia in the process of establishing facts of legal significance, considering the specificities under this Law and other primary or secondary legislation regulating the Agency activity.

#### **Article 93 - Responsibility for misleading the civil status registration authority**

1. An interested party, expert and/or witness giving false explanation or testimony to, or misleading the civil status registration authority when establishing a fact of legal significance shall be held responsible respectively.

2. A person summoned as witness shall be obliged to testify with respect to issues related to the establishment of a fact of legal significance.

#### **Article 94 - Procedures for the review of applications for establishing facts of legal significance**

1. The civil status registration authority, in the process of administrative proceedings for establishing a fact of legal significance, shall be obliged to hold oral hearing to which an applicant, other interested persons and witnesses shall be summoned. The applicant, interested persons and witnesses shall be notified about the oral hearing at least five calendar days before the hearing and shall be summoned for participation.

2. The procedures established by Chapters VI and VIII of the General Administrative Code of Georgia, considering the provisions of this Law, shall apply to administrative proceedings for establishing a fact of legal significance, unless otherwise determined by law.

3. When holding an oral hearing in administrative proceedings for establishing a fact of legal significance under this Chapter, the chairperson of the meeting may further act as a secretary of the meeting, provided the civil status registration authority consists of one officer only.

4. The decision establishing a fact of legal significance or refusing to establish a fact of legal significance shall be made not later one month after the submission of the relevant application. The civil status registration authority may make a decision extending time limit if a longer time limit than defined in this Law is required for the establishment of essential circumstances of the case.

5. The entire time limit for making a decision establishing a fact of legal significance shall not exceed two months.

#### **Article 95 - Decisions establishing facts of legal significance**



1. The decision establishing a fact of legal significance shall also contain the information necessary for drafting the respective civil status record, in addition to the details specified in Article 52 of the General Administrative Code of Georgia.
2. In the process of establishing a fact of legal significance related to a person's birth at certain time and in certain circumstances and of birth registration, the civil status registration authority shall be authorised to ascertain parents' data, provided that sufficient evidence is available, except when there is dispute between the parties to administrative proceedings with respect to the parents' identity.
3. Any failure to establish the data necessary for civil status registration may not serve as unconditional grounds for the refusal to establish the fact of legal significance. The civil status registration authority shall be authorised to make a decision establishing a fact of legal significance without a certain piece of information if it cannot be established due to the lack of sufficient evidence or for other reasons.
4. In the case of failure to establish the month and day of birth due to the absence of sufficient evidence in the administrative proceedings for the establishment of a fact of legal significance related to birth at certain time and in certain circumstances, the above data shall be defined as determined by an order of the Minister of Justice of Georgia.
5. A fact of legal significance must not be established if:
  - a) it is impossible to ascertain a person's name, surname or date (year) of birth in the administrative proceedings for the establishment of a fact of legal significance related to birth at certain time and in certain circumstances;
  - b) it is impossible to ascertain an approximate date of birth registration, registering authority or any of the data under subparagraph (a) of this paragraph in the administrative proceedings for the establishment of a fact of legal significance related to the registration of birth;
  - c) it is impossible to ascertain a person's name, surname, date of birth or death in the administrative proceedings for the establishment of a fact of legal significance related to death at certain time and in certain circumstances;
  - d) it is impossible to ascertain an approximate date of person's death registration, registering authority or any of the data under subparagraph (c) of this paragraph in the administrative proceedings for the establishment of a fact of legal significance related to the registration of death.
6. The civil status registration authority shall be authorised to make a decision establishing a fact of legal significance without indicating the surname of a deceased person, provided it is impossible to ascertain the surnames of the parents when establishing a fact of legal significance with respect to the deceased person, and moreover, provided no official documents with reference to his/her surname have been issued to him/her.
7. The civil status registration authority shall be authorised to refuse to establish a fact of legal significance, provided it finds that the testimony of witnesses and other presented evidence is insufficient or unreliable.

#### **Article 96 - Termination of administrative proceedings**

1. If administrative proceedings have been initiated at the civil status registration authority in order to establish a fact of legal significance and later it has been identified that it is possible to obtain documents evidencing such fact otherwise or to restore a lost document, the civil status registration authority shall terminate administrative proceedings at any stage and shall make a justified decision to this effect.
2. If an applicant has no interest in the fact of legal significance that is to be established, he/she shall be authorised to apply to the civil status registration authority at any stage of administrative proceedings and request the termination of proceedings.
3. The civil status registration authority shall be authorised to refuse to terminate administrative proceedings if there is public interest in the establishment of a fact of legal significance and/or if the establishment of a fact of legal significance is important for the improvement of the civil status act database.

#### **Article 97 - Civil status registration based on a decision establishing facts of legal significance**

The procedures for civil status registration based on a decision establishing a fact of legal significance under this Chapter shall be defined by an order of the Minister of Justice of Georgia..

### **Chapter XIII - Transitional and Final Provisions**

#### **Article 98 - Transitional provisions**

1. Both copies of a civil status record drafted before entering this Law into force shall have equal legal effect. In the case of discrepancy between the two copies of a civil status record, preferential use of the data of one of the copies shall be decided by the civil status registration authority.
2. If it is impossible to recognise a civil status record as genuine under the procedures provided in the first paragraph of this article, an authorised body shall establish a fact of legal significance related to civil status registration upon the application of any interested person as determined by law.
3. The copy of a civil status record stored in the civil status act database and drafted before entering this Law into force shall have the same legal force as the original one.
4. If a person remarries without getting divorced before entering this Law into force, then at the joint application of spouses from the previous marriage,



their marriage shall be deemed terminated from the date of the next marriage registration.

5. Civil marriage records registered before 30 January 2006, which do not contain the signatures of witnesses, shall be deemed genuine if the entered data are correct and/or other procedures for marriage registration are not violated.

6. Civil status records drafted before 1 September 2009, which are not certified by the signature of authorised persons and/or appropriate seals, shall be deemed genuine if the entered details are correct and/or other procedures for civil status registration are not violated. This paragraph shall not apply to civil status records, according to which a new civil status record has been registered based on the established fact of legal significance.

6<sup>1</sup>. Change of first name carried out before 1 June 2014 shall not restrict a person's right to change his/her first name according to Article 64(1) of this Law.

7. If civil birth or death records do not specify the date of registration and it is impossible to establish it otherwise, the date of registration shall be deemed to be the date of child's birth or person's death respectively. This procedure shall apply to civil birth and death records drafted before entering this Law into force.

8. The procedures for exercising powers delegated by the Agency to a consular official and the delegation limits shall be defined by a joint order of the Minister of Foreign Affairs of Georgia and the Minister of Justice of Georgia before 1 February 2012.

9. Details of medical certificates of child's birth and person's death, the procedures for drafting and sending certificates shall be defined by a joint order of the Minister of Labour, Health and Social Affairs of Georgia and the Minister of Justice of Georgia before 1 February 2012.

10. The Minister of Justice of Georgia shall ensure that the normative acts determined under this Law are issued before 1 February 2012.

*Law of Georgia No 2482 of 29 May 2014 – website, 29.5.2014*

### **Article 98<sup>1</sup> - Legal regulation during transition period in relation to persons declared legally incompetent by court before 1 April 2015**

1. Marriage may not be allowed between the persons of whom at least one is a person declared legally incompetent by court before 1 April 2015 until the individual examination of such a person is conducted.

2. If, at the time of birth registration, the mother is a person declared legally incompetent by court before 1 April 2015 and her individual examination has not been conducted, the data about the mother shall be specified in the birth record based on a document of birth, while the data about the father shall be specified based on the father's statement.

3. The right to apply to a civil status registration authority for registration of paternity establishment, in addition to the persons specified in Article 32(1) of this Law, shall be granted to a child's father if the child is under age, and his/her mother is declared legally incompetent by court before 1 April 2015 and her individual examination has not been conducted.

4. If an adult is a person declared legally incompetent by court before 1 April 2015 and his/her individual examination has not been conducted, the registration of paternity establishment with respect to him/her, and the change of his/her surname shall be allowed only by court judgement.

5. If a child's father is a person declared legally incompetent by court before 1 April 2015 and his individual examination has not been conducted, the registration of paternity establishment shall be allowed only by court judgement.

6. Registration of the divorce from the spouse who is a person declared legally incompetent by court before 1 April 2015 and whose individual examination has not been conducted, shall be conducted if there is no dispute between the spouses regarding the division of their common co-ownership, payment of alimony in favour of an incapacitated spouse, or with respect to children they have in common.

7. In order to verify the absence of the grounds for refusing to register divorce from the spouse who is a person declared legally incompetent by court before 1 April 2015 and whose individual examination has not been conducted, the civil status registration authority shall notify the custodian of the legally incompetent spouse about the submission of an application for divorce and shall define a reasonable period for submitting a written reply.

8. The period for submitting a reply under paragraph 7 of this article must not exceed one month from the day of notification if the custodian of the spouse declared legally incompetent by court before 1 April 2015 is in Georgia. If the custodian of the spouse declared legally incompetent by court before 1 April 2015 is in another country, the period specified above must not exceed six months from the day of notification.

9. If the custodian of the spouse declared legally incompetent by court before 1 April 2015 and whose individual examination has not been conducted declares that there is no dispute between the spouses under paragraph 6 of this article or fails to submit a written reply within the determined period, the civil status registration authority shall register the divorce.

10. Divorce with the spouse who is a person declared legally incompetent by court before 1 April 2015 and whose individual examination has not been conducted, shall be registered within two business days after the receipt of the reply provided for in paragraph 7 of this article; and if the reply is not submitted within the period fixed by the civil status registration authority, the divorce shall be registered within two business days after expiry of that period.

11. Changes, corrections and/or additions to a civil record registered with respect to an adult who is a person declared legally incompetent by court before 1 April 2015 and whose individual examination has not been conducted, may be made on the basis of an application of his/her custodian.

12. The first name and/or surname of an adult who is a person declared legally incompetent by court before 1 April 2015 and whose individual examination has not been conducted, may be changed at the request of his/her custodian.

*Law of Georgia No 3347 of 20 March 2015 – website, 31.3.2015*



**Article 99 - Final provisions**

1. The Law of Georgia on Civil Status Registration of 15 October 1998 (The Legislative Herald of Georgia, No 3, 1998, Art. 30) shall be declared void.
2. This Law, except for Articles 1-97, Article 98(1)-(7) and Article 99(1) shall enter into force upon promulgation.
3. Articles 1-97, Article 98(1)-(7) and Article 99(1) of this Law shall enter into force on 1 February 2012.

**President of Georgia**

**M. Saakashvili**

**Tbilisi**

**20 December 2011**

**№5562- ES**

