

SECTION 20-7-1780. Hearings and records confidential; access to records; furnishing nonidentifying information; violations; penalties.

(A) Unless the court otherwise orders, all hearings held in proceedings under Subarticles 7 and 9 of Article 11 of Chapter 7 of Title 20 are confidential and must be held in closed court without admittance of any person other than those persons involved in the proceedings and their counsel.

(B) All papers and records pertaining to the adoption and filed with the clerk of court are confidential from the time of filing and upon entry of the final adoption decree must be sealed and kept as a permanent record of the court and withheld from inspection. No person may have access to the records except for good cause shown by order of the judge of the court in which the decree of adoption was entered.

(C) All files and records pertaining to the adoption proceedings in the State Department of Social Services, or in any authorized agency, or maintained by any person certified by the department under the provisions of Section 20-7-1750, are confidential and must be withheld from inspection except upon court order for good cause shown.

(D) The provisions of this section must not be construed to prevent any adoption agency from furnishing to adoptive parents, biological parents, or adoptees nonidentifying information when in the sole discretion of the chief executive officer of the agency the information would serve the best interests of the persons concerned either during the period of placement or at a subsequent time nor must the provisions of Subarticles 7 and 9 of Article 11 of Chapter 7 of Title 20 be construed to prevent giving nonidentifying information to any other person, party, or agency who in the discretion of the chief executive officer of the agency has established a sufficient reason justifying the release of that nonidentifying information. As used in this subsection "nonidentifying information" includes but is not limited to the following:

(1) the health and medical histories of the biological parents;

(2) the health and medical history of the adoptee;

(3) the adoptee's general family background without name references or geographical designations; and

(4) the length of time the adoptee has been in the care and custody of the adoptive parent.

(E)(1) The public adoption agencies responsible for the placement shall furnish to an adoptee the identity of the adoptee's biological parents and siblings and to the biological

parents and siblings the identity of the adoptee under the following conditions:

(a) The adoptee must be twenty-one years of age or older, and the applicants shall apply in writing to the adoption agency for the information.

(b) The adoption agency must have a current file containing affidavits from the adoptee and the biological parents and siblings that they are willing to have their identities revealed to each other. The affidavit also must include a statement releasing the agency from any liability due to the disclosure. It is the responsibility of the person furnishing the affidavit to advise the agency of a change in his status, name, and address.

(c) The adoption agency shall establish and maintain a confidential register containing the names and addresses of the adoptees and biological parents and siblings who have filed affidavits. It is the responsibility of a person whose name and address are in the register to provide the agency with his current name and address.

(d) The adoptee and his biological parents and siblings shall undergo counseling by the adoption agency concerning the effects of the disclosure. The adoption agency may charge a fee for the services, but services must not be denied because of inability to pay.

(2) No disclosure may be made within thirty days after compliance with these conditions. The director of the adoption agency may waive the thirty-day period in extreme circumstances.

(3) The adoption agency may delay disclosure for twenty days from the expiration of the thirty-day period to allow time to apply to a court of competent jurisdiction to enjoin the disclosure for good cause shown.

(F)(1) It is unlawful for a person having custody, of or access to the papers, records, or files described in subsections (B) or (C) to disseminate or permit dissemination of information contained in them except as otherwise authorized in this section.

(2) A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

**HISTORY:** 1985 Act No. 158, Section 1, eff June 21, 1985; 1986 Act No. 464 Section 2, eff 6 months after approval by the Governor (Approved June 3, 1986); 1986 Act No. 525, Section 3, eff February 25, 1987; 1987 Act No. 144 Section 2, eff June 4, 1987; 1988 Act No. 653, Section 17, eff June 7, 1988; 1990 Act No. 567, Section 1, eff June 11, 1990; 1992 Act No. 261, Section 1, eff February 18, 1992.

SECTION 20-7-1790. Issuance and filing of amended birth certificates.

(A) For each adoption handled through a child placing agency as defined in Section 20-7-1650, the attorney for the petitioner shall, within fifteen days of the filing of the final decree, transmit to the appropriate agency a certified copy of the adoption decree and a Certificate of Adoption with Part II completed and verified by the adoptive parent and Part III certified by the clerk of court. The agency shall complete Part I of the Certificate of Adoption and transmit the form to the State Registrar of Vital Statistics within thirty days of the filing of the final decree.

(B) For other adoptions, the attorney for the petitioner shall complete Parts I and II of the Certificate of Adoption form provided by the State Registrar of Vital Statistics and file with the clerk of court at the time of filing of the final decree. The clerk of court shall certify Part III of the Certificate of Adoption and transmit the form to the State Registrar within thirty days of the filing of the final decree.

(C) In the case of a person who was born in a foreign country and who was not a United States citizen at birth, the court shall require evidence from sources determined to be reliable by the court as to the date and place of birth of the person and shall set forth in the order of the court the date and place of birth as established by the evidence. The court order and evidence submitted to the court must be attached to the Certificate of Adoption and transmitted to the State Registrar.

(D) The Certificate of Adoption form provided by the State Registrar must not be used in conjunction with any legal procedure affecting a birth certificate other than adoption.

(E) The State Registrar, upon receipt of a certified Certificate of Adoption, shall take action as provided by Section 44-63-140 with respect to the issuance and filing of an amended certificate.

HISTORY: 1986 Act No. 464 Section 2, eff 6 months after approval by the Governor (Approved June 3, 1986); 1987 Act No. 87 Section 1, eff July 1, 1987.

SECTION 44-63-140. Supplementary or amended birth certificates for adopted children or adults.

Upon receipt of a certified Certificate of Adoption pursuant to Section 20-7-1790:

(1) For a person born in this State, the state registrar shall prepare a supplementary Certificate of Birth in the name of

the adoptee, free of any reference to or indication of the fact that the child was adopted and showing the adoptive parents as the real parents, except that an adoption of an adult must display the words "By Adoption" on the face of the amended certificate.

The state registrar shall furnish a copy of the amended certificate to the county registrar who shall file the amended certificate in lieu of the copy of the original birth certificate. The state registrar shall require the county registrar to return the copy of the original certificate recorded at the county office to the state office to be placed in the special sealed file. Periodically, the state registrar shall transmit copies of amendatory certificates to the county registrar in the county of birth.

(2) When adoption is decreed by a family court in this State of a person born in a foreign country who was not a United States citizen at birth and evidence of the date and place of birth submitted to the court and the court order setting forth the date and place of birth are attached to the Certificate of Adoption, the state registrar, when directed by the court order, shall prepare a "Certificate of Foreign Birth". The certificate, and any issued copy of the certificate, must be labeled "Certificate of Foreign Birth" and must show the actual country of birth. A statement also must be included on the certificate, and any issued copy of the certificate, that it is not evidence of United States citizenship for the person for whom it is issued.

(3) If the person was born in a foreign country and was a United States citizen at the time of birth, the state registrar may not prepare a "Certificate of Foreign Birth" but shall notify the adoptive parents of the procedure for obtaining a revised birth certificate for their child through the United States Department of State.

(4) For a person born in another state in the United States, the state registrar shall transmit the certified Certificate of Adoption to the state registrar in the state of birth.

HISTORY: 1987 Act No. 87 Section 2, eff July 1, 1987; 1988 Act No. 341, Section 1, eff February 24, 1988.