

## **Information on Obtaining the Release of Confidential Adoption Records**

The purpose of this information is to assist individuals in their efforts to obtain the release of confidential adoption records from the Unified Judicial System of South Dakota and certain South Dakota agencies and/or adoption agencies. Many of the adoptions in South Dakota go through the South Dakota Department of Social Services Child Protective Services Division.

While South Dakota law does allow some information in adoption records to be inspected or copied without a court order by adoptive parents and their attorneys, representatives of the Department of Social Services (DSS), or the adoptee upon reaching the age of eighteen, no information that would tend to identify the parent or other biological relative of the adoptee can be released without a court order. However, in order to ensure that no identifying information is released, the Courts and other SD state offices and/or adoption agencies involved will generally require you to get a court order before providing access to their records. SDCL § 25-6-15.

(Check the DSS website for additional information [dss.sd.gov/childprotection/adoption/records](https://dss.sd.gov/childprotection/adoption/records))

To request a court order, the Petitioner (person requesting access) must complete and file a PETITION FOR RELEASE OF CONFIDENTIAL ADOPTION RECORDS with the Court. The Instructions and Checklist to help you do this are on page 2 of this document. In addition to completing all the required paperwork, the Petitioner will also have to contact DSS, or other adoption agency involved, so they can sign in Section 2 of the PETITION acknowledging that they have received notice of the PETITION and waive any notice of hearing on the matter. Depending on the judge handling the matter, a hearing may or may not be required. Be sure to include a reason for requesting access to the adoption records. Please note that the decision to grant or deny a petition for the release of confidential adoption records is at the judge's discretion.

If you do not know what agency has the adoption records, or what Court the adoption proceedings occurred in, you can try contacting the South Dakota Department of Social Services or the Vital Records Office. They may be able to help you obtain that information.

**SD Dept. of Social Services  
Child Protective Services  
700 Governors Drive  
Pierre, SD 57501  
Phone: 605-773-3227**

**SD Dept. of Health  
Office of Vital Records  
207 East Missouri Ave, Suite 1-A  
Pierre, SD 57501  
Phone: 605-773-4961**

## **Checklist and Instructions for Individuals Requesting the Release of Confidential Adoption Records**

PLEASE READ ALL INSTRUCTIONS BEFORE BEGINNING TO FILL OUT ANY DOCUMENTS. IT IS IMPORTANT TO FOLLOW ALL INSTRUCTIONS CAREFULLY. USE BLACK OR BLUE INK ONLY.

- \_\_\_\_\_ 1. You are the Petitioner. The top part of the PETITION FOR RELEASE OF CONFIDENTIAL ADOPTION RECORDS is the Heading. Fill in the County name, Circuit number, and your name on the Petitioner line. The Clerk of Court will fill in the file number when you file the documents.
- \_\_\_\_\_ 2. Complete SECTION 1. You must fill in all blanks and answer all questions completely. You must explain why you want access to the information you are requesting. The Vital Records Office, and Department of Social Services (DSS) or adoption agency involved will usually have more information than what is included in the Court record. If you want access to all information regarding the adoption, you need to check the "All Records" box under what confidential information you are requesting.
- \_\_\_\_\_ 3. When you have completed SECTION 1 you must mail the form to the DSS, or the other adoption agency involved, so they can sign off in SECTION 2. Signatures must be original. FAX/electronic signatures are not acceptable. Make sure that you have included your full and correct address so they can return the form to you. You cannot file the PETITION with the Court until the appropriate agency involved has signed off.
- \_\_\_\_\_ 4. On the ORDER FOR RELEASE OF CONFIDENTIAL ADOPTION RECORDS only fill in the Heading – County name, Circuit number, and your name – on the top of the form. The Judge will complete the rest if they approve your request.
- \_\_\_\_\_ 5. When you have received the signed PETITION back from DSS or other adoption agency, you must take the form to a Notary or SD Clerk of Court to complete SECTION 3. DO NOT complete any part of that section. YOU MUST ONLY SIGN IN FRONT OF THE NOTARY OR COURT CLERK!
- \_\_\_\_\_ 6. When the PETITION is complete, file it and the ORDER with the Clerk of Court in the county where the adoption record is filed. The Clerk will present it to the Judge for review. Some Judges require a hearing to talk with you personally about your request before deciding. If a hearing is required, the Clerk of Court will let you know when and where to appear. The adoption agencies cannot support or contest these requests, so they would not appear at any hearings.
- \_\_\_\_\_ 7. If the Judge approves your request and signs the ORDER FOR RELEASE OF CONFIDENTIAL ADOPTION RECORDS, you will be able to access and copy the Court's adoption file. You must get certified copies of the ORDER from the Clerk of Court to present to Vital Records and DSS or the adoption agency to get access to their records.