



## 2023 South Dakota Legislature

# House Bill 1231

Introduced by: **Representative Heermann**

1 **An Act to revise certain provisions related to the sealing of adoption records.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That § 25-6-15 be AMENDED:**

4 **25-6-15.** The files and records of the court in an adoption proceedings proceeding  
 5 are not open to inspection or copy ~~by persons other than~~ except:

6 (1) By the parents by adoption and their attorneys, representatives of the Department  
 7 of Social Services, and the child when he reaches maturity, except upon reaching  
 8 age eighteen, upon written request and proper proof of identification; or

9 (2) Upon order of the court expressly permitting inspection or copy. No person having  
 10 charge of any adoption records may disclose the names of any parents, or parents  
 11 by adoption, or any other matter, appearing in such records, or furnish certified  
 12 copies of any such records, except upon order of the court for the county in which  
 13 the adoption took place or other court of competent jurisdiction except as otherwise  
 14 provided by this section and §§ 25-6-15.1 to 25-6-15.3, inclusive.

15 The court may not order disclosure of any matter appearing in adoption records  
 16 unless the Department of Social Services or the licensed adoption agency has received  
 17 notice of the petition for disclosure of such information and of the date fixed for hearing  
 18 the petition. The Department of Social Services or the licensed adoption agency shall  
 19 neither contest nor support the petition for disclosure during its hearing.

20 **Section 2. That § 34-25-16.4 be AMENDED:**

21 **34-25-16.4.** When a new certificate of birth is established pursuant to §§ 34-25-  
 22 15 to 34-25-16.2, inclusive, the original certificate of birth together with the adoption  
 23 information or other evidence upon which a new certificate is made ~~shall~~ must be sealed,  
 24 filed, and may not be opened ~~only upon order of a court of competent jurisdiction, or~~  
 25 except by the secretary of health for purposes of properly administering the vital

- 1 registration system, by the child or adoptee upon reaching age eighteen, or upon order of
- 2 a court of competent jurisdiction.