



2023 South Dakota Legislature  
**House Bill 1231**  
**ENROLLED**

AN ACT

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

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

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

**25-6-15.** The files and records of the court in an adoption proceeding are not open to inspection or copy except:

- (1) By the parents by adoption and their attorneys, representatives of the Department of Social Services, and the child upon reaching age eighteen, upon written request and proper proof of identification; or
- (2) Upon order of the court expressly permitting inspection or copy.

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

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

**34-25-16.4.** When a new certificate of birth is established pursuant to §§ 34-25-15 to 34-25-16.2, inclusive, the original certificate of birth together with the adoption information or other evidence upon which a new certificate is made must be sealed, filed, and may not be opened except by the secretary of health for purposes of properly administering the vital registration system, by the child or adoptee upon reaching age eighteen, or upon order of a court of competent jurisdiction.

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

\_\_\_\_\_  
I certify that the attached Act originated in  
the:  
House as Bill No. 1231

\_\_\_\_\_  
Received at this Executive Office  
this \_\_\_\_ day of \_\_\_\_\_,  
2023 at \_\_\_\_\_ M.

\_\_\_\_\_  
Chief Clerk

By \_\_\_\_\_  
for the Governor

\_\_\_\_\_  
Speaker of the House

The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 2023

Attest:

\_\_\_\_\_  
Chief Clerk

\_\_\_\_\_  
Governor

**STATE OF SOUTH DAKOTA,**

ss.

Office of the Secretary of State

\_\_\_\_\_  
President of the Senate

Attest:

Filed \_\_\_\_\_, 2023  
at \_\_\_\_\_ o'clock \_\_\_ M.

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Secretary of State

House Bill No. 1231  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

By \_\_\_\_\_  
Asst. Secretary of State