

Office of the Attorney General  
State of North Dakota

Opinion No. 81-112

Date Issued: October 16, 1981

Requested by: John P. Van Grinsven III  
Assistant State's Attorney  
Ward County, North Dakota

--QUESTION PRESENTED--

Whether an adoptive parent may obtain a certified copy of an adoption decree from the District Court following the adoption, the records of which are confidential in accordance with Section 14-15-16 of the North Dakota Century Code.

--ATTORNEY GENERAL'S OPINION--

It is the Attorney General's opinion that an adoptive parent may obtain a certified copy of an adoption decree from the District Court at any time subsequent to the adoption upon complying with the provisions of Section 14-15-16, N.D.C.C., and any rules of the Social Service Board pertaining to this section.

--ANALYSIS--

Section 14-15-16(2) of the North Dakota Century Code states:

All papers, records, and information pertaining to the adoption whether a part of the permanent record of the Court or of a file in the Social Service Board or in an agency are confidential and may be disclosed only in accordance with this section.

Section 14-15-16(11), N.D.C.C., states:

The provisions of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after July 1, 1979. (Emphasis supplied)

Since the adoption decree on record in the Clerk of District Court's Office would be part of the record pertaining to the adoption, and since Section 14-15-16, N.D.C.C., applies to adoptions both before and after July 1, 1979, the certified copy of the adoption decree could only be obtained from the district court in accordance with Section 14-15-16, N.D.C.C., and any rules that the Social Service Board may have promulgated concerning that section.

--EFFECT--

This opinion is issued pursuant to Section 54-12-01, N.D.C.C. It governs the actions of public officials until such time as the question presented is decided by the Courts.

Calvin N. Rolfson  
Deputy Attorney General

Prepared by: John E. Jacobson  
Assistant Attorney General