

1976 S.C. Op. Atty. Gen. 301 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4442, 1976 WL 23059

Office of the Attorney General

State of South Carolina

Opinion No. 4442

September 7, 1976

*1 By law, adopted persons must obtain a court order to have access to information in their files at the Children's Bureau.

TO: Mrs. Josephine A. Cannon
Director
Children's Bureau

QUESTION:

What information can the Children's Bureau release to persons placed for adoption by the agency?

AUTHORITIES:

Section 10–2587.14, Code of Laws of South Carolina (Supplement). [Truesdale v. South Carolina Highway Department](#), 213 S.E.2d 740 (S.C. 1975).

DISCUSSION:

Section 10–2587.14, *supra*, in part provides: ‘All files and records pertaining to the adoption proceedings in the Children's Bureau in the State of South Carolina . . . shall be confidential and withheld from inspection except upon order of court for good cause shown.’ Access to information contained in the adoption files and records of the Children's Bureau turns on the meaning of the term ‘confidential’ as used in this statute. Obviously the Children's Bureau establishes many confidential relationships in carrying out its legal responsibilities—natural parents, prospective parents, references, other agencies, the courts, etc.

‘The act, as a whole, must receive a practical, reasonable and fair interpretation consonant with the purpose, design and policies of the law makers and must be construed in the light of the evil which it seeks to remedy and in the light of conditions pertaining at the time of its enactment.’ *Truesdale v. South Carolina Highway Department*, *supra*, at 743. The preceding subsection of this section pertaining to the court records states: ‘No person shall have access to such records except on order of the judge of the court in which the decree of adoption was entered for good cause shown.’ (Emphasis my own.) The term ‘confidential’ pertaining to Children's Bureau records should be interpreted consistent with the provisions relating to the court records. As for the court records, no person shall have access to such records except by order of the court. Any person (other than the court or Children's Bureau and their authorized representatives) must get a court order showing good cause to get access to information in the Children Bureau's files. The court, therefore, becomes the entity responsible for determining what information should in the best interest of the adopted child be given out to interested persons and under what conditions.

CONCLUSION:

The Children's Bureau should not release any information on adopted children except under order of court.

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