

STATE OF NEW HAMPSHIRE

PROBATE COURT

PROCEDURE BULLETIN 19

Requests for Information Concerning Adoption Files

This procedure bulletin is prepared for informational purposes in processing case files. It is not intended to provide parties with legal advice.

RSA 170-B:23, II states that all papers and records in the court's permanent file related to an adoption are confidential unless, for good cause shown, the court grants written consent for their inspection. An individual requesting information about an adoption other than a request for a certificate of adoption should be told that all adoption files are sealed, and the release of information from an adoption file may be made only upon written request, granted by the court. Thus, **no verbal inquiry concerning information from an adoption file may be answered by the court.** Moreover, RSA 170-B:23 and RSA 170-B:24 define who is entitled to information from an adoption file.

Requests for Certificates of Adoption

1. Telephone Requests or Requests Mailed to the Court – Staff will inform the person requesting a certificate of adoption by telephone or via a letter to the court, that they should complete a request for certificate or copy form (NHJB-2420-DFP) and mail it to the court. This requirement is to help assure that the individual's identity has been verified.
2. Requests Made at the Counter – Staff will provide the person with the form: Request for Certificate or Copy (NHJB-2420-DFP). Thereafter, staff will verify the person's identity (e.g. that they are either a minor adoptee's adoptive parents or an adoptee who has reached the age of majority). Upon such verification, the completed request for certificate copy will be placed in the file along with a copy of the identification provided and the certificate of adoption will be provided to the person. NOTE: If the person does not have valid identification and is not otherwise known to the staff person, staff will inform the person that their request will not be processed without a hearing before a judge. In this case, the party will have to also complete a motion form (NHJB-2201-DFP).
3. Payment for Requests for Certificates of Adoption – The standard fee for a certificate should be assessed. See Probate Division Rule 169.

All Other Requests for Information From an Adoption File

1. How Request Should Be Made - For all other requests for information from an adoption file, regardless of how the request comes into the court a motion form (NHJB-2201-DFP) is required. NOTE: A letter requesting such information is no longer sufficient. In addition, staff will provide the person with a copy of the WORD template form letter "Request for Adoption File Information" (NHJB-2234-P).
2. Checking With Other Probate Courts - Before a pleading received by the court for which no adoption file is found is returned to the party, the register will inquire of the other Probate Courts within this state whether a file for that person is located in another county.
3. If Adoption File Found in Another Probate Court - If a file is found in another county, the register will transfer the request to that Probate Court for processing. In addition, the register will inform the person requesting the information of the pertinent details of the transfer using the WORD template form letter "Adoption File Located in Another Probate Court" (NHJB-2215-P).
4. If No Adoption File Found in Another Probate Court - Where no adoption file is found in any Probate Court in this state, the pleading will be returned to the party, along with the WORD template form letter "No Adoption File Located in Another Probate Court" template (NHJB-2214-P). This letter explains that a search of the court files revealed no case on file. No court will retain copies of a pleading when no file is found.
5. No court will charge any fees in connection with motions requesting information from adoption files.

David D. King
Administrative Judge of Probate Court

History:

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