

§ 48-9-102. Records confidential and sealed.

(a) All records created or filed in connection with an adoption, except the decree of adoption and the entry in the special proceedings index in the office of the clerk of court, and on file with or in the possession of the court, an agency, the State, a county, an attorney, or other provider of professional services, are confidential and may not be disclosed or used except as provided in this Chapter.

(b) During a proceeding for adoption, records shall not be open to inspection by any person except upon an order of the court finding that disclosure is necessary to protect the interest of the adoptee.

(c) When a decree of adoption becomes final, all records and all indices of records, except for the Special Proceedings Index, on file with the court, an agency, or this State shall be retained permanently and sealed. Sealed records shall not be open to inspection by any person except as otherwise provided in this Article.

(d) All records filed in connection with an adoption, including a copy of the petition giving the date of the filing of the original petition, the original of each consent and relinquishment, additional documents filed pursuant to G.S. 48-2-305, any report to the court, any additional documents submitted and orders entered, any orders of dismissal, and a copy of the final decree, shall be sent by the clerk of superior court to the Division within 10 days after the appeal period for a decree of adoption has expired or 10 days following the final disposition of an appeal pursuant to G.S. 48-2-607(b). The original petition and final decree or order of dismissal shall be retained by the clerk.

(d1) The Division, within 40 days after receipt of the record in subsection (d), shall conduct a limited review for the sole purpose of identifying any obvious error on the report to vital records that is prepared by the superior court clerk and to notify the clerk of the error. If the Division notifies the superior court clerk of an error in the report to vital records, then the clerk shall correct the report and return it to the Division within 10 days after receipt of the notice.

(e) The Division shall, subject to the review in (d1), cause the papers and reports related to the proceeding to be permanently indexed and filed.

(f) The Division shall, within 40 days after receiving it from the court, transmit a report of each adoption and any name change to the State Registrar if the adoptee was born in this State. In the case of an adoptee who was not born in this State, the Division shall, within 40 days after receiving it from the court, transmit the report and any name change to the appropriate official responsible for issuing birth certificates or their equivalent.

(g) In any adoption, the State Registrar may, in addition to receiving the report from the Division, request a copy of the final order and any separate order of name change directly from the clerk of court. (1949, c. 300; 1957, c. 778, s. 7; 1961, c. 186; 1967, c. 619, ss. 6, 7; c. 880, s. 3; 1969, c. 21, ss. 3-6; c. 982; 1971, c. 1231, s. 1; 1973, c. 476, s. 138; c. 849, s. 3; 1975, c. 91; 1979, c. 739, ss. 1, 2; 1981, c. 657; c. 924, ss. 2, 3; 1983, c. 454, s. 6; 1989, c. 208; c. 727, s. 219(4); 1993, c. 539, s. 411; c. 553, s. 14; 1994, Ex. Sess., c. 24, s. 14(c); 1995, c. 457, s. 2; 1997-215, s. 9(a)-(c); 2001-208, s. 11; 2001-487, s. 101; 2018-40, s. 12; 2019-172, s. 8.)