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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

November 19, 1998

Ms. Josephine Flemings
Office of the Clerk of Court, Greenville County
305 E. North St.
Greenville, SC 29601

Dear Ms. Flemings:

You have asked whether adoption records may be made available to the public. S.C. Code Ann. §20-7-1780(B) (Supp. 1997), which you cite, states that "[a]ll papers and records pertaining to the adoption and filed with the clerk of court are confidential from the time of filing and upon entry of the final adoption decree must be sealed and ... withheld from public inspection....[absent court order upon a showing of good cause]" See also § 30-4-10 (c) (adoption records not made public by Freedom of Information Act). Nothing in §20-7-1780 indicates a legislative intent to depart from the literal meaning of the words of this statute.¹ Accordingly, any such information in your custody must be confidential including indexes.

This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

¹The "...primary function in interpreting a statute is to ascertain the intention of the legislature." South Carolina Department of Highways and Public Transportation v. Dickinson, 288 S.C. 134, 341 S.E. 2d 134 (1986). "Where the terms of a statute are clear and unambiguous, there is no room for interpretation and we must apply them according to their literal meaning." Id.

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Ms. Josephine Flemings
November 19, 1998
Page 2

If you have further questions, please let me know.

Yours very truly,


J. Emory Smith, Jr.

Assistant Deputy Attorney General

JESJr.