

CHILDREN: Court is authorized under Section 9611B, Laws
ADOPTION: of 1941, page 319, to issue order allowing in-
spec-tion of records and files in adoption cases.

March 7, 1944

3/14



Honorable L. M. Bywaters
Assistant Prosecuting Attorney
Clay County
Liberty, Missouri

Dear Sir:

We are in receipt of your letter of February 21, 1944, in which you request an opinion from this department, as follows:

"Enclosed herewith you will please find a copy of a letter received by Judge James S. Rooney from the County Social Security Commission of Carroll County, Missouri, which I believe is self explanatory. Judge Rooney has requested that I ask your department for an opinion as to the legality and propriety of an order made by him allowing the County Social Security Boards to inspect and copy the records in adoption cases as filed in the Circuit Clerk's office of the respective county."

Section 9611B, Laws of Missouri, 1941, page 319, reads as follows:

"The files and records of the court in adoption proceedings shall not be open to inspection, or copy, by any person or persons, except upon an order of the court expressly permitting the same."

March 7, 1944

Your request is for an opinion as to the legality and propriety of an order of the court in adoption cases allowing certain inspection of records. Under the express provisions of the above statute, an order by the court allowing such inspection of the records and files in adoption cases would be legal. Any inspection by agents of the Social Security Board of such files and records without such an order would be unauthorized and illegal. If you mean to inquire as to the constitutionality of this section, that, of course, is a matter for the courts to determine.

We believe we would encroach upon the prerogative of the court in passing upon the propriety of such an order. We believe that is a matter entirely within the court's discretion. However, the type of information requested and the safeguards thrown around it by the Social Security Board indicate that the confidential character of these records is well preserved.

The above and foregoing constitutes the opinion of this department.

Respectfully submitted

RALPH C. LASHLY
Assistant Attorney General

APPROVED:

ROY MCKITTRICK
Attorney General

RCL:HR