

# INSTRUCTIONS

## **Petition to Access Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information**

### **Overview of Steps**

1. Complete the *Petition to Access Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information* (ADO601) and *Order Regarding Petition to Access Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information* (ADO602) forms following the instructions below.
2. Make copies for your records.
3. File the original forms with the court.
4. View or request copies of the records, if your request is granted by the judge.

### **Important Notices and Resources**

The Court has forms and instructions, for some types of cases, as a general guide to the court process. These instructions explain the steps in more detail and answer common questions, but are not a full guide to the law. Court employees may be able to give general information on court rules and procedures, but they cannot give legal advice.

Have a question about court forms or instructions?

- Visit [www.MNCourts.gov/SelfHelp](http://www.MNCourts.gov/SelfHelp)
- Call the MN Courts Self-Help Center at (651) 435-6535

Not sure what to do about a legal issue or need advice?

- Talk with a lawyer
- Visit [www.MNCourts.gov/Find-a-Lawyer.aspx](http://www.MNCourts.gov/Find-a-Lawyer.aspx)

Helpful materials may be found at your public county law library. For a directory, see <http://mn.gov/law-library/research-links/county-law-libraries.jsp> . For more information, contact your court administrator or call the Minnesota State Law Library at 651-296-2775.

**General Information About Petitioning to Access Adoption Case Records,  
Birth Parent Identifying Information, and/or Birth Record Information**

The information contained in this document is not intended as legal advice but as a general guide to you to explain the legal process. **If you do not understand** any of these procedures, talk to an attorney. **Court staff cannot give legal advice.**

Depending on the situation, sometimes a court order is needed to access adoption case records, birth parent information, and birth record information.

If you asked for a copy of a document or for information about an adoption and you weren't able to get it, you can use these forms to ask a judge for permission to get that information.

**NOTE:** If you want **original birth record information**, you must first ask the Minnesota Department of Health for it, and then **wait 6 months** to see if you can get that information, before filing a Petition to Access with the court

**Step 1**

**Fill out the *Petition to Access Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information* (ADO601)**

Match the number in the boxes below with the numbered instructions below.

<p><b>State of Minnesota</b></p> <p>County <span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;"><b>1</b></span></p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; border-bottom: 1px solid black;">Judicial District:</td> <td style="width: 5%; text-align: center;"><span style="border: 1px solid black; padding: 2px 5px;"><b>2</b></span></td> <td style="width: 35%; border-bottom: 1px solid black;">District Court</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Court File Number:</td> <td></td> <td style="border-bottom: 1px solid black;"><span style="border: 1px solid black; padding: 2px 5px;"><b>3</b></span></td> </tr> <tr> <td style="border-bottom: 1px solid black;">Case Type:</td> <td></td> <td style="border-bottom: 1px solid black;">Adoption</td> </tr> </table>	Judicial District:	<span style="border: 1px solid black; padding: 2px 5px;"><b>2</b></span>	District Court	Court File Number:		<span style="border: 1px solid black; padding: 2px 5px;"><b>3</b></span>	Case Type:		Adoption
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Court File Number:		<span style="border: 1px solid black; padding: 2px 5px;"><b>3</b></span>								
Case Type:		Adoption								
<p>In the Matter of the Petition of:</p> <p><span style="border: 1px solid black; padding: 2px 10px; display: inline-block; text-align: center;"><b>4</b></span></p>	<p><b>Petition to Access Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information</b></p> <p>(Minn. Stat. § 259.61, §259.83, and § 259.89, and Rules 7.02 and 7.07 of the Rules of Adoption Procedure</p>									

- 1** Write the name of the county where you are filing the petition. Generally, you will file your petition in the county where the adoption was done.
- If you don't know what county the adoption was done in, you may need to make your best guess based on the information you have or get legal advice from a lawyer. Court staff will not be able to help you decide what county you should file your petition in.

**2** Write the Judicial District the case is in.  
There are 10 Judicial Districts in Minnesota. Most Judicial Districts have more than one county in them. To see a map of Judicial Districts visit the court's website at <http://mncourts.gov/Find-Courts.aspx>.

**3** Write the court file number for the adoption case. If you do not know the court file number, leave this blank.

**4** Write your full name (first, middle, and last).

<b>Petitioner's Information</b>	<b>5</b>
1. My name is _____ and I am related to the adopted person as follows:	
<b>6</b>	<input type="checkbox"/> I am the adopted person
	<input type="checkbox"/> I am a sibling of the adopted person
	<input type="checkbox"/> I am a biological parent of the adopted person
	<input type="checkbox"/> I am an adoptive parent of the adopted person
	<input type="checkbox"/> Other: _____

**5** Again, write your full name (first, middle, and last).

**6** Check the box to show how you are related to the adopted person.

<b>Procedural History</b>	<b>7</b>
2. a. The name and date of birth of the adopted person whose adoption records are being requested: Name: _____ DOB: _____ <input type="checkbox"/> I am unsure of the name and/or date of birth of the adopted person	
b. The name(s) of the adoptive parent(s): _____ <input type="checkbox"/> I am unsure of the name(s) of the adoptive parent(s).	
c. The name(s) of the biological parent(s): _____ <input type="checkbox"/> I am unsure of the name(s) of the biological parent(s)	
3. The adoption took place in _____ County, Minnesota <input type="checkbox"/> I am unsure of the county in which the adoption took place	
4. The adoption occurred on the following date: _____ <input type="checkbox"/> I am unsure of the date of the adoption	

**7** Do your best to fill in the blanks in this section. If you have tried to get the information, but were unable to get it, you can check the box telling the court you are unsure about that piece of information.

5. I am requesting access to the following information (check all that apply):

8

- Adoption petition
- Adoption order
- Birth Parent(s) Identifying Information (Minn. Stat. § 259.83)
- Original Birth Record Information (Minn. Stat. § 259.89)
  - I specifically want to know the name of one or more of my biological parents.
- Identity of adopted person's tribal affiliation (adopted person is at least 18 years of age)
- Other: \_\_\_\_\_

8

Check the boxes next to the type of information you are requesting access to.

- Adoption petition: This is the document that started the adoption court case.
- Adoption order: This is the court order that finalized the adoption.
- Birth Parent Identifying Information: This information is generally kept at the adoption agency and may include the names, last known addresses, birthdates, and birth places of any birth parents.
- Original Birth Record Information: This is generally the original birth certificate that is kept by the Minnesota Department of Health.
- Identity of adopted person's tribal affiliation: This is information about any tribal connection either birth parent may have had.
- Other: If you want some other kind of information, check the "other" box, and describe the information you are trying to get.

6. If requesting Original Birth Record Information (Minn. Stat. § 259.89):

- a. I am an adopted person who is at least 19 years of age, and my date of birth is \_\_\_\_\_
- b. On \_\_\_\_\_ **9** \_\_\_\_\_ **10** \_\_\_\_\_ (date) I contacted the Minnesota Department of Health requesting information from my original birth record.
- c. It has been at least six months since the request was made and I have not been notified whether a parent has filed an unrevoked affidavit of nondisclosure of identifying information.

**REMINDER:** If you want **original birth record information** you must first ask the Minnesota Department of Health for it and then **wait 6 months** to see if you can get it before filing a Petition to Access with the court.

If you are NOT trying to access original birth record information, you can leave this section blank.

9

Write your birth date (month, day, year).

- 10** Write the date (month, day, year) that you contacted the Minnesota Department of Health to request your original birth record information.

**Impact of Request for Access**

1. The names and addresses of all persons who may be affected by this request:

**11**

2. The benefit of allowing me the information that I am asking for outweighs the importance of keeping the information confidential because:

**12**

3. The reason, if any, that the Minnesota Department of Health, the Minnesota Department of Human Services, or other agency refused to give me access to the information I want is:

**13**

- 11** Write the name and addresses, if known, of any people who may be affected by your request to access the information. (This could possibly include birth parents, birth siblings, adoptive parents, and/or someone else.) Court staff cannot tell you who to list.

- 12** Explain how having the information will benefit you and why that benefit is more important than keeping the information confidential.

- 13** Explain why you were denied access to the information (if applicable).

**Step 2**

**Fill out part of the Order Regarding Petition to Access Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information (ADO602)**

Complete the top section of the *Order Regarding Petition to Access Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information (ADO602)* **following instructions 1-4 above** so it matches the top section of the *Petition to Access Adoption Case*

*Records, Birth Parent Identifying Information, and/or Birth Record Information (ADO601).* Do NOT write anything more on the Order form. The judge will complete the rest of the Order.

<b>State of Minnesota</b> County <input type="text"/> <b>1</b>	<b>2</b> <b>District Court</b> Judicial District: <input type="text"/> Court File Number: <input type="text"/> <b>3</b> Case Type: <b>Adoption</b>
In the Matter of the Petition of:  <input type="text"/> <b>4</b>	<b>Order Regarding Petition to Access Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information</b>

**Step 3**  
**Make copies for your records**

You will file the original forms with the court, so we encourage you to make copies of the forms for your own records.

**Step 4**  
**File the original forms with the court**

File the original *Petition to Access Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information (ADO601)* and *Order Regarding Petition to Access Adoption Case Records, Birth Parent Identifying Information, and/or Birth Record Information (ADO602)* with the court in the county where you believe the adoption case is located.

To find address and contact information for each county courthouse, visit the court's website at <http://mncourts.gov/Find-Courts.aspx> .

**Step 5**  
**Wait to see if the judge grants your request**

After you file your forms with the court, your request will be sent to a judge to decide whether to grant your request.

The amount of time it takes for a judge to make a decision can depend on many factors.

If the judge grants your request and signs an order, court administration will send you a copy of the order.

## Step 6

### Access the records

If the judge grants your request you can show your order to the place you are trying to get records from so that they can see what the judge is allowing you to get.

#### **Getting information from an agency**

You may need to show the agency a **certified copy** of the court order that allows you access to the information. Certified copies of court records have a seal on them to show the copy is of a real court record.

The information below explains how you can get either a plain or a certified copy of a court record.

#### **Getting information from the court**

You can ask court administration for copies (either plain or certified) of court records by:

- Going to the courthouse and talking to court administration in person; or
- Mailing a letter to court administration explaining your request in writing.

When asking for a copy, you should give court administration as much detail as possible about the record you want, and provide a copy of the order granting you access. It would be helpful to include the following information, if known:

- Court file number;
- Your name;
- The adopted person's name;
- Name of the record or description of the information you are asking for;
- Date the record was filed; and
- Whether you want a plain copy or a certified copy

**There will be a fee for each copy you get.** You will need to pay this fee before the court will send you any copies. To see a list of court fees, including fees for copies of documents from a court file, you can visit the court's website at <http://www.mncourts.gov/Help-Topics/Court-Fees/District-Court-Fees.aspx>

If you are not sure what the total fee amount will be, you should contact court administration in the county where the adoption file is located. Contact information for court administration in each MN county can be found on the court's website at <http://mncourts.gov/Find-Courts.aspx> .

