

CHAPTER NO. 178

SENATE BILL NO. 137

INTRODUCED BY S. BROWN

BY REQUEST OF THE DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

IN THE SENATE

January 16, 1979	Introduced and referred to Committee on Judiciary.
January 20, 1979	Committee recommend bill do pass as amended. Report adopted.
January 22, 1979	Printed and placed on members' desks.
January 23, 1979	Second reading, do pass.
January 24, 1979	Considered correctly engrossed.
January 25, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

January 26, 1979	Introduced and referred to Committee on Judiciary.
March 5, 1979	Committee recommend bill be concurred in. Report adopted.
March 6, 1979	Second reading, concurred in.
March 8, 1979	Third reading, concurred in.

IN THE SENATE

March 9, 1979	Returned from second house. Concurred in. Sent to enrolling. Reported correctly enrolled.
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1 Sen. S. Brown BILL NO. 137
 2 INTRODUCED BY S. BROWN
 3 BY REQUEST OF THE DEPARTMENT OF
 4 SOCIAL AND REHABILITATION SERVICES

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE
 7 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES AND
 8 LICENSED ADOPTION AGENCIES TO HAVE ACCESS TO NECESSARY BIRTH
 9 RECORDS; AMENDING SECTIONS 50-15-112 AND 50-15-206, MCA."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 Section 1. Section 50-15-112, MCA, is amended to read:

13 "50-15-112. Inspection of records and issuance of
 14 copies limited. (1) The department may not permit inspection
 15 of the records or issue copies of a certificate unless it is
 16 satisfied that the applicant has a direct and tangible
 17 interest in the data recorded and that the information is
 18 necessary for the determination of personal or property
 19 rights.

20 (2) "Tangible interest" includes but is not limited to
 21 the need of the department of social and rehabilitation
 22 services to have the information for the purposes of custody
 23 actions, social security eligibility determinations, or
 24 Indian tribal enrollment determinations."

25 Section 2. Section 50-15-206, MCA, is amended to read:

1 "50-15-206. Permissible disclosure of illegitimate
 2 birth. (1) Disclosure of illegitimacy of birth or
 3 information from which illegitimacy can be ascertained may
 4 be made only: ~~upon order of a court to determine personal or~~
 5 ~~property rights. The information can be used only for that~~
 6 ~~purpose.~~

7 (a) ~~upon an order of a court to determine personal or~~
 8 ~~property rights;~~

9 (b) ~~upon request of the department of social and~~
 10 ~~rehabilitation services or a licensed adoption agency for~~
 11 ~~purposes of custody action, social security eligibility~~
 12 ~~determinations, and Indian tribal enrollment determinations;~~

13 (c) ~~upon request of the natural parent during the~~
 14 ~~child's minority;~~

15 (d) ~~upon request of an adopted person if of legal age.~~

16 (2) ~~Prior to disclosure, the requesting party must~~
 17 ~~submit in writing to the department the purpose for which~~
 18 ~~the information is to be used. The information may be used~~
 19 ~~only for that purpose."~~

-End-

Approved by Committee
on Judiciary

SENATE BILL NO. 137

INTRODUCED BY S. BROWN

BY REQUEST OF THE DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, AND
LICENSED ADOPTION AGENCIES, A NATURAL PARENT, OR AN ADOPTED
PERSON TO HAVE ACCESS TO NECESSARY BIRTH RECORDS IN CERTAIN
SITUATIONS; AMENDING SECTIONS 50-15-112 AND 50-15-206, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 50-15-112, MCA, is amended to read:

"50-15-112. Inspection of records and issuance of
copies limited. (1) The department may not permit inspection
of the records or issue copies of a certificate unless it is
satisfied that the applicant has a direct and tangible
interest in the data recorded and that the information is
necessary for the determination of personal or property
rights.

(2) "Tangible interest" includes but is not limited to
~~the need of the department of social and rehabilitation
services to have the information~~ INTERESTS OF THE PERSONS
DESCRIBED IN 50-15-206 for the purposes of custody actions,
social security eligibility determinations, or Indian tribal

~~enrollment determinations."~~

Section 2. Section 50-15-206, MCA, is amended to read:

"50-15-206. Permissible disclosure of illegitimate
birth. (1) Disclosure of illegitimacy of birth or
information from which illegitimacy can be ascertained may
be made only upon order of a court to determine personal or
property rights. ~~The information can be used only for that~~
purpose.

(a) ~~upon an order of a court to determine personal or
property rights,~~ AN ADOPTED PERSON OF LEGAL AGE MAY APPLY
TO THE COURT FOR SUCH AN ORDER.

(b) ~~upon request of the department of social and
rehabilitation services or a licensed adoption agency for
purposes of custody actions, social security eligibility
determinations, and OR Indian tribal enrollment
determinations;~~

(c) ~~upon request of the natural parent during the
child's minority;~~ UNLESS THE CHILD HAS BEEN PLACED FOR
ACQUISITION.

~~(d) upon request of an adopted person if of legal age;~~

(2) Prior EXCEPT WHEN AN ORDER OF THE COURT IS SOUGHT,
PRIOR to disclosure, the requesting party must submit in
writing to the department:

(A) PROOF OF IDENTITY WHEN APPROPRIATE;

(B) THE NEED FOR THE INFORMATION; AND

1 (C) the SPECIFIC purpose for which the information is
2 to be used. The information may be used only for that
3 purpose."

-End-

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3 BY REQUEST OF THE DEPARTMENT OF
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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE
7 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES, AND
8 LICENSED ADOPTION AGENCIES, A NATURAL PARENT, OR AN ADOPTED
9 PERSON TO HAVE ACCESS TO NECESSARY BIRTH RECORDS IN CERTAIN
10 SITUATIONS; AMENDING SECTIONS 50-15-112 AND 50-15-206, MCA."

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12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 50-15-112, MCA, is amended to read:

14 "50-15-112. Inspection of records and issuance of
15 copies limited. (1) The department may not permit inspection
16 of the records or issue copies of a certificate unless it is
17 satisfied that the applicant has a direct and tangible
18 interest in the data recorded and that the information is
19 necessary for the determination of personal or property
20 rights.

21 (2) ~~"Tangible interest" includes but is not limited to~~
22 ~~the need of the department of social and rehabilitation~~
23 ~~services to have the information~~ INTERESTS OF THE PERSONS
24 DESCRIBED IN 50-15-206 for the purposes of custody actions,
25 social security eligibility determinations, or Indian tribal

1 ~~enrollment determinations."~~

2 Section 2. Section 50-15-206, MCA, is amended to read:

3 "50-15-206. Permissible disclosure of illegitimate
4 birth. (1) Disclosure of illegitimacy of birth or
5 information from which illegitimacy can be ascertained may
6 be made only: ~~upon order of a court to determine personal or~~
7 ~~property rights. The information can be used only for that~~
8 ~~purpose.~~

9 (a) ~~upon an order of a court to determine personal or~~
10 ~~property rights, AN ADOPTED PERSON OF LEGAL AGE MAY APPLY~~
11 ~~TO THE COURT FOR SUCH AN ORDER.~~

12 (b) ~~upon request of the department of social and~~
13 ~~rehabilitation services or a licensed adoption agency for~~
14 ~~purposes of custody action, social security eligibility~~
15 ~~determinations, and OR Indian tribal enrollment~~
16 ~~determinations;~~

17 (c) ~~upon request of the natural parent during the~~
18 ~~child's minority, UNLESS THE CHILD HAS BEEN PLACED FOR~~
19 ~~ADoption.~~

20 (d) ~~upon request of an adopted person if of legal age.~~

21 (2) ~~Prior EXCEPT WHEN AN ORDER OF THE COURT IS SOUGHT,~~
22 ~~PRIOR to disclosure, the requesting party must submit in~~
23 ~~writing to the department:~~

24 (A) PROOF OF IDENTITY WHEN APPROPRIATE;

25 (B) THE NEED FOR THE INFORMATION; AND

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1 (C) the SPECIFIC purpose for which the information is
2 to be used. The information may be used only for that
3 purpose."

-End-

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 2 INTRODUCED BY S. BROWN
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 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE
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 8 LICENSED ADOPTION AGENCIES, A NATURAL PARENT, OR AN ADOPTED
 9 PERSON TO HAVE ACCESS TO NECESSARY BIRTH RECORDS IN CERTAIN
 10 SITUATIONS; AMENDING SECTIONS 50-15-112 AND 50-15-206, MCA."
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 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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 15 copies limited. (1) The department may not permit inspection
 16 of the records or issue copies of a certificate unless it is
 17 satisfied that the applicant has a direct and tangible
 18 interest in the data recorded and that the information is
 19 necessary for the determination of personal or property
 20 rights.
 21 (2) "Tangible interest" includes but is not limited to
 22 the need of the department of social and rehabilitation
 23 services to have the information INTERESTS OF THE PERSONS
 24 DESCRIBED IN 50-15-206 for the purposes of custody actions,
 25 social security eligibility determinations, or Indian tribal

1 enrollment determinations."
 2 Section 2. Section 50-15-206, MCA, is amended to read:
 3 "50-15-206. Permissible disclosure of illegitimate
 4 birth. (1) Disclosure of illegitimacy of birth or
 5 information from which illegitimacy can be ascertained may
 6 be made only upon order of a court to determine personal or
 7 property rights. ~~The information can be used only for that~~
 8 ~~purpose.~~
 9 (a) upon an order of a court to determine personal or
 10 property rights, AN ADOPTED PERSON OF LEGAL AGE MAY APPLY
 11 TO THE COURT FOR SUCH AN ORDER.
 12 (b) upon request of the department of social and
 13 rehabilitation services or a licensed adoption agency for
 14 purposes of custody actions, social security eligibility
 15 determinations, and OR Indian tribal enrollment
 16 determinations;
 17 (c) upon request of the natural parent during the
 18 child's minority; UNLESS THE CHILD HAS BEEN PLACED FOR
 19 ADoption.
 20 (d) ~~upon request of an adopted person if of legal age;~~
 21 (2) Prior EXCEPT WHEN AN ORDER OF THE COURT IS SOUGHT,
 22 PRIOR to disclosure, the requesting party must submit in
 23 writing to the department:
 24 (A) PROOF OF IDENTITY WHEN APPROPRIATE;
 25 (B) THE NEED FOR THE INFORMATION; AND

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1 (C) the SPECIFIC purpose for which the information is
2 to be used. The information may be used only for that
3 purpose"

-End-