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 HOUS	E
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	Seate BILL NO. 137
2	INTRODUCED BY S. BROWN
3	BY REQUEST OF THE DEPARTMENT OF
4	SOCIAL AND REMABILATATION 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 MONTAMA:
12	Section 1. Section 50-15-112, NCA, is agended 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	12) "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.**

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

1	#50-15-206. Permissible disclosure of illegitimate
2	birthe (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-rightou-The-information-com-be-used-enlyforthat
6	purposes
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 aligibility
12	determinations, and Indian tribal encollment determinations:
13	(c) upon request of the natural parent during the
14	child's minerity;
15	id) upon request of an adopted person if of legal age.
16	121 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-

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Approved by Committee on Judiciary

2	INTRODUCED BY S. BROWN
3	BY REQUEST OF THE DEPARTMENT OF
4	SOCIAL AND REHABILATATION SERVICES
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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 BIATH RECORDS IN CERTAIN
0	SITUATIONS; AMENDING SECTIONS 50-15-112 AND 50-15-206. MCA.
1	
2	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.3	Section 1. Section 50-15-112, MCA, is amended to read:
.4	*50-15-112. Inspection of records and issuance of
.5	copies limited. (1) The department may not permit inspection
6	of the records or issue copies of a certificate unless it is
.7	satisfied that the applicant has a direct and tangible
. 8	interest in the data recorded and that the information is
9	necessary for the determination of personal or property
20	rights.
1	(2) "Tangible interest" includes but is not limited to
22	the need-of-thedepartmentofaggiglandrehabilitation
3	services-to-boye-the-information INTERESTS OF THE PERSONS
4	DESCRIBED IN 50-15-206 for the purposes of custody actions.
:5	social security eligibility determinations, or Indian tribal

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1

2	Section 2. Section 50-15-206, MCA, is amended to read:
3	₹50-15-206. Permissible disclosure of illegitimate
4	birth. [11] 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-con-be-used-onlyforthat
8	balboses
9	(a) upon an order of a court to determine personal or
10	property_rightsta_AN_ADDPIED_PERSON_GE_LEGAL_AGEMAYAPPLY
11	IO_IHE_COURT_EOR_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)_wpon_request_of_the_natural_parent_during_the
18	child's minority: UNLESS_IHE_CHILD_HAS _BEEN_PLACED_EOR
17	AQQEIIQN.
20	idizzuponzzaguestzafzanzadoptedzpersonzifzofzłegałzages
<i>2</i> 1	121 Prior EXCEPT WHEN AN ORDER DE THE COURT IS SOUGHT:
22	PRIOR to_disclosure: the requesting party must submit in
23	writing_to_the_department:
24	(A1PROQE_UE_IDENTITY_WHEN_APPROPRIATE;
25	181 THE NEED FOR THE INFORMATION: AND

enrollment_determinations.*

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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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46th Legislature SB 0137/02

1	SENATE BILL NO. 137
2	INTRODUCED BY S. BROWN
3	BY REQUEST OF THE DEPARTMENT OF
4	SOCIAL AND REHABILATATION 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. A NATURAL PARENT. OR AN ADOPTED
9	PERSON TO HAVE ACCESS TO NECESSARY BIRTH RECORDS IN CERTAIN
0	SITUATIONS; AMENDING SECTIONS 50-15-112 AND 50-15-206+ MCA+#
1	
2	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
3	Section 1. Section 50-15-112, MCA, is amended to read:
4	"50-15-112. Inspection of records and issuance of
5	copies limited. (1) The department may not permit inspection
6	of the records or issue copies of a certificate unless it is
7	satisfied that the applicant has a direct and tangible
8	interest in the data recorded and that the information is
9	necessary for the determination of personal or property
0	rights.
1	(2) "Tangible interest" includes but is not limited to
2	the need-of-thedepartment-oftociolandrebabilitation
3	acryices-to-have-the-information INTERESTS OF THE PERSONS
4	DESCRIBED IN 50-15-206 for the purposes of custody actions:
5	social security eligibility determinations, or Indian tribal

l	enrollment_determinations."
2	Section 2. Section 50-15-206, MCA, is amended to read
3	#50-15-206. Permissible disclosure of illegitimat
4	birth. (1) Disclosure of illegitimacy of birth o
5	information from which illegitimacy can be ascertained ma
6	be made only: upon-order-of-a-court-to-determine-personal-o
7	property-rightsu-The-information-can-be-used-onlyfortha
8	purposes
9	(a) upon an order of a court to determine personal o
0	property rightsta AN ADDPIED PERSON DE LEGAL AGE HAY APPL
.1	IO_THE_COURT_EDR_SUCH_AN_ORDER.
2	(b) upon request of the department of social an
.3	rehabilitation services or a licensed adoption agency fo
4	purposes of custody actions social security eligibilit
5	determinations, and OR Indian tribal enrollmen
6	determinations:
.7	(c) upon request of the natural parent during the
8	child's minority: UNLESS THE CHILD HAS BEEN PLACED FO
9	ADOPIIONa
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2	PRIOR to disclosure: the requesting party must submit i
3	writing to the department:
4	1A1 PROOF OF IDENTITY WHEN APPROPRIATE:
5	18) THE NEED FOR THE INFORMATION: AND

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SB 0137/02

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2 to be used. The information may be used only for that

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-3-

46th Legislature SB 0137/03

1	SENATE BILL NO. 131
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 SUCIAL AND REHABILITATION SERVICES. AND
9	LICENSED ADOPTION AGENCIES . A NATURAL PARENT . DR. 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.#
1	
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. (11) 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==rebobilitation
23	services:=to:=bove:=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-s-court-to-determins-personal-or
7	property-rights=-The-information-can-be-used-onlyforthat
8	batboses
9	fal upon an order of a court to determine personal or
10	property_rightsta_AN_ADDPIED_PERSON_DE_LEGAL_AGEMAY_APPLY
11	IO_IHE_COURT_EOR_SUCH_AM_ORDER.
12	(b) upon request of the department of social and
13	rebabilitation_services_or_a_licensed_adoption_agency_for
14	purposes_of_custody_actionsocial_security_eligibility
15	determinations: and OR Indiantribalencollment
16	determinationsi
17	1cl_upon_request_of_tbs_natural_parent_during_tbe
18	child's minorityt UNLESS_THE_CHILD_HAS_BEEN_PLACED_EOR
19	ADQPI1QN.
20	idl::upon:request:of:an:adopted:person:if:of:legsl:agex
21	121 Prior EXCEPT_WHEN_AN_ORDER_DE_THE_COURT_IS_SOUGHT:
22	PRIOR to_disclosures_the_requesting_party_must_submit_in
23	writing_to_the_department:
24	tal_PROOF_OF_IDENIITY_WHEN_APPROPRIATE:
25	181 THE NEED FOR THE INFORMATION: AND

REFERENCE BILL

SB 0137/03

SB 0137/03

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-

SB 137

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