

## SENATE BILL NO. 384

INTRODUCED BY T. FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE RELEASE OF AN ORIGINAL BIRTH CERTIFICATE UPON THE WRITTEN REQUEST OF CERTAIN ADULT ADOPTEEES; PROVIDING FOR A FEE; AND AMENDING SECTION 42-6-109, MCA."

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

**Section 1.** Section 42-6-109, MCA, is amended to read:

**"42-6-109. Release of original birth certificate -- certificate of adoption.** (1) For a person adopted on or before ~~July 1, 1967~~ September 30, 1997, in addition to any copy of an adoptee's original birth certificate authorized for release by a court order issued pursuant to 50-15-121 or 50-15-122, the department shall furnish a copy of the original birth certificate upon the written request of an adoptee.

~~——— (2) For a person adopted between July 1, 1967, and September 30, 1997, in addition to any copy of an adoptee's original birth certificate authorized for release by a court order issued pursuant to 50-15-121 or 50-15-122, the department shall furnish a copy of the original birth certificate upon a court order.~~

~~(3)~~(2) For a person adopted on or after October 1, 1997, in addition to any copy of an adoptee's original birth certificate authorized for release by a court order issued pursuant to 50-15-121 or 50-15-122, the department shall furnish a copy of the original birth certificate upon:

(a) the written request of an adoptee who has attained 18 years of age unless the birth parent has requested in writing that the original birth certificate not be automatically released; or

(b) a court order.

~~(4)~~(3) For a person adopted on or after October 1, 1997, and subject to subsection ~~(5)~~ (4), upon the request of an adoptive parent or an adoptee who has attained 18 years of age, the department shall issue a certificate of adoption that states the date and place of adoption, the date of birth of the adoptee, the name of each adoptive parent, and the name of the adoptee as provided in the decree.

~~(5)~~(4) A birth parent may request in writing to the vital statistics bureau that the birth certificate for an adoptee not be released without a court order.

~~(6)~~(5) The department may release a copy of the adoptee's original birth certificate if release of this

1 document is required to assist an adoptee to become enrolled in or a member of an Indian tribe.

2 (6) The department shall charge an adoptee a fee of \$100 for a copy of an original birth certificate that  
3 is furnished pursuant to subsection (1) or (2)(a)."

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