

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ADOPTION LAWS TO ALLOW THE BIRTH PARENT
5 OR EXTENDED FAMILY MEMBER OF AN INDIAN PERSON TO OBTAIN THE PERSON'S ORIGINAL BIRTH
6 CERTIFICATE; AND AMENDING SECTION 42-6-109, MCA."

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

9
10 **Section 1.** Section 42-6-109, MCA, is amended to read:

11 **"42-6-109. Release of original birth certificate -- certificate of adoption.** (1) In addition to any copy
12 of an adoptee's original birth certificate authorized for release by a court order issued pursuant to 50-15-121 or
13 50-15-122, the department shall furnish a copy of the original birth certificate of an adoptee:

14 (a) upon the written request of a person who was adopted before October 1, 1985, or 30 years or
15 more ago, whichever date is later;

16 (b) upon the written request of a person who is a birth parent or an extended family member of an
17 Indian person who was adopted before November 8, 1978;

18 ~~(b)(c)~~ upon a court order for a person adopted on or after October 1, 1985, and before October 1,
19 1997; and

20 ~~(c)(d)~~ for a person adopted on or after October 1, 1997, upon:

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

23 (ii) a court order.

24 (2) Upon the request of an adoptive parent or an adoptee who has attained 18 years of age, the
25 department shall issue a certificate of adoption that states the date and place of adoption, the date of birth of
26 the adoptee, the name of each adoptive parent, and the name of the adoptee as provided in the decree.

27 (3) A birth parent may request in writing to the vital statistics bureau that the birth certificate for an
28 adoptee not be released without a court order. The birth parent may change the request at any time by notifying

1 the vital statistics bureau in writing of the change.

2 (4) The department may release a copy of the adoptee's original birth certificate if release of this
3 document is required to assist an adoptee to become enrolled in or a member of an Indian tribe."

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5 NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a
6 copy of [this act] to each federally recognized tribal government in Montana.

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