

Montana Birth Certificate Laws

As of December 17, 2017, Montana will issue a new birth certificate with an updated name and gender upon receipt of an affidavit from the individual, a government-issued ID showing the correct gender, or a court order. No court order or proof of surgery is required.

To apply for an updated birth certificate, an applicant must submit:

1. [Correction Affidavit](#) signed by the applicant. (See below)
2. Copy of your photo ID.
3. Check or money order for the applicable fees (\$27 for one amended certificate, additional copies are \$5 each)
4. One of the following items as documentation of gender:
 1. A completed gender designation form (not yet available from the Department) certifying under penalty of law that that the individual has undergone gender transition or has an intersex condition and that the gender designation on their birth certificate should be changed accordingly, and the request for gender designation is for the purpose of ensuring the birth certificate accurately reflects their gender and is not for any fraudulent or other unlawful purpose; or
 2. A government-issued identification displaying the correct gender designation; or
 3. A certified copy of an order from a court with appropriate jurisdiction indicating that the gender has been changed.

Submit the application to:

Montana Vital Records

PO Box 4210

Helena, Montana 59604

You can call Vital Records at 406-444-9039 or 406-444-4226 for additional assistance.

**Montana Department of Public Health & Human Services
Office of Vital Records (PO Box 4210, Helena, MT 59604)**

**AFFIDAVIT
For Correction of a Vital Record**

I hereby swear that the record of BIRTH/DEATH for _____
(Current Name on Record)
who was born\died in the city of _____ County of _____ on
_____ is incorrect or incomplete as follows:
(Current date on record)

The record now shows:

The true facts are:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I have the consent of all parties concerned in stating these true facts. I further declare that if the corrected certificate is questioned, I will assume the responsibility of furnishing proof of the corrected item to the questioning agency. It is recommended to retain copies of all supporting documents.

The probative value of an Altered certificate of birth is determined by the judicial or administrative body before whom the certificate is offered as evidence. 50-15-204(5) M.C.A.

I further swear that I represent the individual as: Self Parent Attorney Other _____
(Check one) (Specify)

Signed _____

Address _____

Phone number _____

Verification of Signer's ID Is Mandatory

State of _____

County of _____

This record was signed and sworn to (or affirmed) before me on _____ by
(Date)

(Name of Signer)

(Notary's Signature)

[Official Stamp]

Changing Your Name on Your Driver License or ID Card

A name change must be completed at a **driver license exam** station.

An applicant's **full legal name** is required on a driver license or identification card application, including a renewal application, and on the license itself. See the Identity Confirmation section above for Social Security Administration requirements.

The name on your application must be the same as the name shown on a **primary document** unless:

- you submit the required name change documentation
- your last name replaced your middle name prior to marriage. U.S. or Canadian birth certificates are acceptable proof of prior last name.
- your name has been truncated in accordance with policy (Administrative Rules of Montana **23.3.127(3)**)

The space provided for recording a full legal name on a driver record or driver license may not exceed 31 characters, including up to three commas. Titles such as Dr., Rev., Mrs. and Mr. are not allowed. You may include hyphens only if they are used in your name as it appears in the primary document you use as proof of your identity.

Required Documents for name change

Applications for name change must be supported by a **certified copy** of one of the following documents:

- a marriage certificate from the issuing government jurisdiction
- a decree or judgment granting a name change from a court of competent jurisdiction
- a divorce decree or dissolution of marriage specifying change of name
- a U.S. Department of Homeland Security, Citizenship and Immigration Services (USCIS), certificate of naturalization (form N-550, N-570) issued to the applicant
- a declaration of marriage filed with the district court clerk where the declaration was made

Upon payment of the required fees and providing proof of name change documentation, an applicant may also apply for a replacement driver license in the legally changed name.

Rule: 37.8.311

Rule Title:

37.8.311 ADOPTIONS, NAME CHANGES, AND GENDER CHANGES

(1) The department will replace the original birth certificate with a new one without indicating that the information was amended in cases of adoption, a determination of paternity, an acknowledgment of paternity, or legitimation.

(2) In order to establish the replacement certificate, the department must be provided with the following:

(a) For an adoption:

- (i) a certified copy of the certificate of adoption; and
- (ii) a certified copy of the final order of adoption.

(b) For a legitimation:

- (i) a notarized Acknowledgement of Paternity for Legitimation; and
- (ii) a certified copy of the marriage certificate.

(c) For a court order establishing paternity:

(i) a certified copy of the court order establishing paternity under [40-6-123](#), MCA, which must contain:

- (A) the child's name as it appears on the original certificate;
- (B) the child's date and county of birth; and
- (C) the full name, date of birth, and place of birth of the father being placed on the certificate.

(d) For an acknowledgement of paternity when the last name of the child is being changed:

- (i) a notarized Acknowledgement of Paternity signed by both parents; and
- (ii) a notarized request for a new certificate signed by both parents.

(3) Once paternity has been established, the registrant's last name may only be changed through an adoption, legitimation, or court order.

(4) Except in the cases specified in ARM [37.8.108](#), the amendment of a registrant's given name or surname on a birth certificate may be made only if the department receives a certified copy of an order from a court with appropriate jurisdiction. The court order that directs the name change must include the registrant's name as it appears on the certificate, the registrant's date of birth, the county of birth, if available, and information sufficient to locate and identify the record to be amended. If the court order directs the issuance of a new certificate, the record will not show amendments, and the new certificate will not indicate on its face that it was amended. The procedure to add a first name, middle name, or both, to a birth record that is more than one year old, as in the case when a child is not named at birth, is regulated under ARM [37.8.108](#).

(5) The gender of a registrant as cited on a certificate may be corrected if the department receives:

(a) a correction affidavit accompanied by a completed gender designation form issued by the department certifying under penalty of law that that the individual has undergone gender transition or has an intersex condition and that the gender designation on their birth certificate should be changed accordingly, and the request for gender designation is for the purpose of ensuring the birth certificate accurately reflects their gender and is not for any fraudulent or other unlawful purpose; or

(b) a correction affidavit accompanied by presentation of a government-issued identification displaying the correct gender designation; or

(c) a correction affidavit accompanied by a certified copy of an order from a court with appropriate jurisdiction indicating that the gender of an individual born in Montana has been changed. The order must contain sufficient information for the department to locate the original record. If the registrant's name is also to be changed, the order must indicate the full name of the registrant as it appears on the original birth certificate and the full name to which it is to be amended.

(6) A new certificate issued pursuant to (5) will not show amendments, will not indicate on its face that it was amended, and the old certificate will be placed in a sealed file. If the gender of an individual was listed incorrectly on the original certificate due to a data entry error, refer to ARM [37.8.108](#).