

Minors and the Public Library

We have all read and heard much about the issues facing public libraries concerning minors' access to library materials and services. The Law Revision Task Force examined some of these issues under the context of Montana's laws. Based on their research, the Montana State Library offers you the following information for your consideration. (Note: references to parents include legal guardians).

The Confidentiality of Library Records Act and Minors

Can the library give parents access to their children's library records?

No, according to state law, the records of all library users, children and adult, are confidential. Many times parents want to know what their children have checked out to avoid late fees. However, until the materials are overdue, the library cannot release the library records of a minor to the parent.

The law puts the library in an awkward situation by refusing a parental request. However, the law recognizes that all library users deserve privacy when using the library.

Can the library give parents access to their children's library records when a child has overdue or lost material?

Yes, according to state law, the confidentiality protection for library records is lifted when materials are overdue or lost.

Minors and Library Cards

Can the library require a parental signature before the library loans materials to their child?

Montana's constitution, Article II, Section 15, provides that minors have the same fundamental rights as adults unless specifically precluded by laws that enhance the protection of such persons. Such rights include the freedom of speech and the right to know. Because Montana does not have laws that restrict minors use of the library, minors have the right to use the library without the permission of their parents.

Libraries may ask, but not require, parents to verify the address of their children on a registration card.

Can libraries require that parents be financially responsible for their child's use of the library?

According to Montana law, a minor cannot enter a contract; therefore, the library can not require that a minor assume responsibility for lost or overdue materials. However, libraries may require that parents assume the financial liability of their child's use of library materials and require that parents sign such a statement before the library issues a card to the minor.

Therefore, when registering a child, what can the library ask of parents?

The library may require that a parent verifies the child's address and phone number and signs a statement that states that the parent is responsible for the child's overdue or lost materials. The library can not require the parent's permission for their child to use the library.