



## LIBRARY CARD POLICY

**STATEMENT OF PURPOSE:** North Lake County Public Library District (NLCPLD) issues free library cards to facilitate the lending of materials and to enable the library to keep a record of which materials are on loan to patrons. NLCPLD extends borrowing privileges to all Montana residents as well as those persons who are temporarily (30 days or longer) residing within the boundaries of the NLCPL district.

Montana Code 22-1-311 “Use of Library – Privileges” states:

*Every library established under the provisions of this part shall be free to the use of the inhabitants of the city or the county supporting such library. The board may exclude from the use of the library any and all persons who shall willfully violate the rules of the library. The board may extend the privileges and use of the library to persons residing outside of the city or county upon such terms and conditions as it may prescribe by its regulations.*

**LIBRARY RECORDS CONFIDENTIALITY POLICY:** The law states that records of all library users, children and adult, are confidential. It is the policy of NLCPLD to protect our users’ privacy. We believe every citizen should have the freedom to use library materials without scrutiny by others. Montana law supports this policy in the “Montana Library Records Confidentiality Act,” Montana Code Annotated (MCA) 22-1-1101 through 22-1-1111.

NLCPLD is prohibited from disclosing library records under MCA 22-1-1103, except by written request from the person identified in those records, by a court order, or to the extent necessary to return overdue or stolen materials or collect fines. Staff follow written procedures in the event of a request; all requests are facilitated through the library director.

See Free Access to Libraries for Minors (Appendix I), and Minors and the Public Library (Appendix II).

**OBTAINING A LIBRARY CARD:** The NLCPLD is a member of the Partners Resource Sharing Group of the Montana Shared Catalog. If a user already holds a library card at a Partner library, the user will be asked to either keep and use that card or have that card removed from the system and obtain a NLCPLD card. It is recommended that a patron hold a library card at the library that they visit most so that library can modify and have full access to their account in order to best serve them.

Users 15 or older must present valid government or school issued photo identification and proof of a valid Montana address. A valid Montana Driver’s License or a Montana State ID card with a Montana address will satisfy this requirement. An application must be filled out and

include full legal name (including middle name, if any), date of birth, local mailing address, local physical address, home or cell phone number, email address, and PIN.

Users under the age of 15 must be accompanied by a parent or legal guardian in order to receive a library card. A valid government or school issued photo identification and proof of a valid Montana address must be presented by the parent or legal guardian. A valid Montana Driver's License or a Montana State ID card with a Montana address will satisfy this requirement. Juvenile registration includes full legal name, date of birth, local mailing address, local physical address, home or cell phone number, email address and PIN. A parent or legal guardian's signature is required on the registration form certifying that the child resides at that residence. By signing, the parent or legal guardian agrees to be responsible for all materials, including fines and fees, borrowed by their dependents.

To safeguard patron identity, the Library will not accept electronic copies or screen shots of a photo ID as proof of identity. All documents used for photographic identification must be original. The Library does allow electronic documents displayed on a device to be used for proof of address. The electronic version must be original and sent from the organization that issued it. Examples of proof of address include:

- Vehicle insurance or registration card
- Voter registration card
- Current utility bill
- Checking or Savings account statement
- Current tax statement
- Rental receipt, lease or deed
- Valid fishing or hunting license with current address

By signing the back of his/her library card, a patron of NLCPLD agrees to accept responsibility for all use of the card, including all fines incurred and the cost of lost or damaged materials.

**SEASONAL USERS:** Polson has many summer-only residents to whom library cards are issued. Three addresses are required for these seasonal patrons: his/her local summer mailing address, local summer physical address and permanent mailing address. This is only required for those users who live in Montana fewer than 6 months out of the year. "Snow birds" are considered to be Montana residents and are subject to the requirements listed above.

**GROUP CARDS:** Application for a group card must be written on business letterhead, stating that the organization is willing to assume responsibility for fines and damaged or lost items. The letter must also include a list of persons who are allowed to borrow on the card and be signed by the individual who will assume financial responsibility. Group cards are typically used for organizations like day cares, group homes, and assisted living facilities where multiple materials are checked out to one organization to be used by many people.

## **LIBRARY CARD AGREEMENT:**

- Library cards are the responsibility of the patron and should be brought to the library each time the patron wishes to check out materials, place holds, etc. If a patron forgets to bring his/her card, materials can be checked out without a card after verifying the patron's identity. If the computer system is down, however, this will not be possible.
- It is the cardholder's responsibility to notify Library staff of any address or contact information changes or if the library card is lost or stolen. Cardholders will be charged a \$1.00 fee for replacement of a lost library card.
- A cardholder agrees to return borrowed materials on time and accepts responsibility for lost or damaged materials. In the event an item is lost or damaged, the cardholder is responsible for the original price of the item plus a \$3 processing fee. The Library may accept a replacement of the item, if the replacement is identical to or better than the lost or damaged item. Only the \$3 processing fee will be charged when a replacement of the item is presented. Lost and damaged materials fees are payable at any Partner library and are non-refundable.
- NLCPLD charges an overdue fee of 10 cents (\$0.10) per day for items that come from the Library or through the Partners system. The maximum overdue fine is \$10.00 and borrowing and public computer privileges are suspended when the total amount owed on a card is \$10.00 or more.
- Held items may only be picked up with either the library card under which the item is held or by presenting the hold pickup notice. If neither are available, only the patron who has placed the hold may pick up the item after showing proper identification. Patrons have 7 days to checkout held items once they become available.
- A library card remains valid if the card is used at least once in a three year period. If a card has not been used in three years and has no charges, it will be purged from the system. A patron would need to reapply for a new library card after this time.

This policy was approved by the North Lake County Public Library District Board of Trustees on **June 28, 2018**.

Signed by:

Allen Bone, Board Chair  
Abbi Dooley, Library Director

## Free Access to Libraries for Minors

### An Interpretation of the Library Bill of Rights

Library policies and procedures that effectively deny minors equal and equitable access to all library resources available to other users violate the [Library Bill of Rights](#). The American Library Association opposes all attempts to restrict access to library services, materials, and facilities based on the age of library users.

Article V of the *Library Bill of Rights* states, "A person's right to use a library should not be denied or abridged because of origin, age, background, or views." The "right to use a library" includes free access to, and unrestricted use of, all the services, materials, and facilities the library has to offer. Every restriction on access to, and use of, library resources, based solely on the chronological age, educational level, literacy skills, or legal emancipation of users violates Article V.

Libraries are charged with the mission of developing resources to meet the diverse information needs and interests of the communities they serve. Services, materials, and facilities that fulfill the needs and interests of library users at different stages in their personal development are a necessary part of library resources. The needs and interests of each library user, and resources appropriate to meet those needs and interests, must be determined on an individual basis. Librarians cannot predict what resources will best fulfill the needs and interests of any individual user based on a single criterion such as chronological age, educational level, literacy skills, or legal emancipation.

Libraries should not limit the selection and development of library resources simply because minors will have access to them. Institutional self-censorship diminishes the credibility of the library in the community, and restricts access for all library users.

Children and young adults unquestionably possess [First Amendment](#) rights, including the right to receive information in the library. Constitutionally protected speech cannot be suppressed solely to protect children or young adults from ideas or images a legislative body believes to be unsuitable for them.<sup>1</sup> Librarians and library governing bodies should not resort to age restrictions in an effort to avoid actual or anticipated objections, because only a court of law can determine whether material is not constitutionally protected.

The mission, goals, and objectives of libraries cannot authorize librarians or library governing bodies to assume, abrogate, or overrule the rights and responsibilities of parents. As "[Libraries: An American Value](#)" states, "We affirm the responsibility and the right of all parents and guardians to guide their own children's use of the library and its resources and services." Librarians and governing bodies should maintain that parents—and only parents—have the right and the responsibility to restrict the access of their children—and only their children—to library resources. Parents who do not want their children to have access to certain library services, materials, or facilities should so advise their children. Librarians and library governing bodies cannot assume the role of parents or the functions of parental authority in the private relationship between parent and child.

Lack of access to information can be harmful to minors. Librarians and library governing bodies have a public and professional obligation to ensure that all members of the community they serve have free, equal, and equitable access to the entire range of library resources regardless of content, approach, format, or amount of detail. This principle of library service applies equally to all users, minors as well as adults. Librarians and library governing bodies must uphold this principle in order to provide adequate and effective service to minors.

<sup>1</sup> See [Erznoznik v. City of Jacksonville](#), 422 U.S. 205 (1975)-"Speech that is neither obscene as to youths nor subject to some other legitimate proscription cannot be suppressed solely to protect the young from ideas or images that a legislative body thinks unsuitable [422 U.S. 205, 214] for them. In most circumstances, the values protected by the First Amendment are no less applicable when government seeks to control the flow of information to minors. See [Tinker v. Des Moines School Dist.](#), *supra*. Cf. [West Virginia Bd. of Ed. v. Barnette](#), 319 U.S. 624 (1943)."

---

Adopted June 30, 1972, by the ALA Council; amended July 1, 1981; July 3, 1991, June 30, 2004.

[ISBN 8389-7549-6]

#### Related Files

[Free Access to Libraries for Minors](#) (PDF File)

#### Related Links

[Adobe Reader](#)

## **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 of the Montana State Library examined some of these issues within the context of Montana's laws and constitution. Based on their research, the Montana State Library offers you the following information for your consideration. (Note: references to parents include legal guardians.) Please call Karen Strege at 406-444-3115 if you have questions about this information.

### **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.

Refusing a parental request may place library staff in an uncomfortable situation. Nevertheless, the law states that records of library users, regardless of age, are private.

#### **Can the library give parents access to their child's library records when their 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?**

No, Montana's constitution, Article II, Section 15, provides that minors have the same fundamental rights as adults unless specifically prohibited by laws that enhance the protection of minors. Such rights include the freedom of speech and the right to know. Because Montana law does not restrict a minor's use of the library, minors have the right to use the library without the permission of a parent.

#### **Can libraries require that a parent be financially responsible for their child's use of the library?**

Yes, according to state law, a minor may enter into a contract, such as agreeing to return library materials. However, the law also states that a minor can renounce a contract. Therefore, a minor may legally withdraw from a contract with the library. To mitigate this problem, libraries may require that a parent assume the financial liability for their child's use of library materials by requiring that a parent sign a statement of liability before their child receives a library card..

#### **When registering a child to use the library, what can the library ask of parents?**

The library may require that a parent verify their child's name, address, telephone number, and sign a statement that holds a parent responsible for the child's overdue or lost materials. The library should not require that the parent give permission for their child to use the library.