

DEPARTMENT OF CORRECTIONS MONTANA STATE PRISON OPERATIONAL PROCEDURE

Procedure:	MSP 3.1.101 INMATE DRIVING PER STATE I.D.	MITS, DRIVER'S LICENSES &
Effective Date:	October 5, 1998	Page 1 of 7 and 3 Attachments
Revision Date(s):	November 18, 2008, June 15, 2021	
Reference(s):	DOC Policy 5.2.1	
Signature:	/s/ Jim Salmonsen/ Warden	
Signature:	/s/ Gayle Butler/ MCE Administrator	

I. PURPOSE

To allow inmates with authorized facility driving permits to operate state vehicles and/or equipment and provide a mechanism for inmates to receive their State of Montana driver's license or a State of Montana identification card prior to their parole or discharge date.

II. DEFINITIONS

Department of Corrections identification card - a picture identification card, given to inmates upon their release or discharge from MSP that they can utilize to obtain a Montana State Identification Card and birth certificate.

State of Montana identification card - a picture identification card, issued to inmates in conjunction with the Motor Vehicle Division.

Unrestricted driving permit - a green colored driving permit issued to an inmate who has a valid Montana driver's license that authorizes him to drive motorized vehicles and self-propelled equipment.

Restricted driving permit – motorized vehicles and self-propelled equipment is a pink colored driving permit issued to an inmate that does not have a valid Montana driver's license, which authorizes him/her to drive motorized vehicles and self-propelled equipment for a designated period of time.

Restricted driving permit - self-propelled equipment only - a orange colored driving permit issued to an inmate who does not have valid Montana driver's license, authorizing him to operate only self-propelled equipment for a designated period of time.

Motorized vehicle - a passenger vehicle, medium or large truck.

Driver's License Coordinator (DLC) - the MCE staff member who oversees the MCE Driver Licensing and Permit Program and meets the DMV requirements to administer the Class D license written and drive skills tests.

Class D driver's license - a Montana or out-of-state driver's license that permits the license holder to legally drive any noncommercial vehicle under 26,000 pounds gross vehicle weight.

Commercial Driver's License (CDL) - an intrastate or interstate commercial driver's license that permits the license holder to legally operate a commercial vehicle in excess of 26,000 pounds gross vehicle weight. Specific CDL endorsements are required for certain types of commercial vehicles.

Subject: Inmate Driving Permits, Driver's Licenses & State I.D.

IV. PROCEDURES:

A. General Requirements:

- 1. Inmates are required to have a driving permit to operate motorized vehicles and selfpropelled equipment, prior to operation.
- 2. Driving permits will only be issued to inmates who need driving privileges to perform their work assignment duties, as determined by their supervisor.
- 3. Inmates will drive defensively, be courteous, and obey all traffic laws and regulations.
- 4. Driving permits must be carried by the inmate at all times while operating motorized vehicles and self-propelled equipment.
- 5. Inmates who are approved for a restricted driving permit must agree, in writing, to begin the Montana Class D driver's license process.
- 6. Inmates who are obtaining a Montana driver's license, and are under the direct supervision of the DLC, are not required to have an Inmate Driving Permit.

B. MSP/MCE Inmate Driver Permit Information and Authorization Process:

- 1. When a work crew supervisor wants an inmate on their work crew to be issued an Inmate Driving Permit, they must complete *Section A* of an *MSP/MCE Inmate Driving Permit / License Request* form (*Attachment A*). The supervisor must document the justification for the permit request and both the inmate and supervisor must sign the form. The supervisor will then forward the form to the DLC.
- 2. The DLC will perform a National Driver Register (NDR) check and complete Section B of the MSP/MCE Inmate Driving Permit / License Request form (Attachment A) and will then forward the form to the Unit Management Team (UMT). The information entered in Section B will be used to determine the type of driving permit that may be issued, and any driving restrictions the inmate has. In addition, the DLC will provide:
 - a. results from the NDR check.
 - b. status of Montana driver's license, if applicable.
 - c. driver's license information, such as number, type of license, endorsements, and expiration date.
 - d. court order from sentencing judge, if applicable, restricting possession of a driver's license.
 - e. the DLC will assist inmates in developing an action plan to schedule payment of fines and fees and work on removing revocations so they can eventually obtain a valid Montana driver's license.
- 3. The Unit Management Team (UMT) will complete Section C of the MSP/MCE Inmate Driving Permit / License Request form (Attachment A) and forward it to the DLC within five working days of receipt. The UMT must document the following:
 - a. the inmate's custody level and all fence restrictions.
 - b. the inmate's escape history.
 - c. special circumstances or other applicable concerns.

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- 4. The DLC will review the information provided by the UMT. If the permit is approved, the DLC will complete *Section E* of the *MSP/MCE Inmate Driving Permit / License Request form (Attachment A)* and finalize the process by entering the permit information into a database and making the appropriate permit.
- 5. The following lists examples of when driving permits may be issued:
 - a. if it is determined that an inmate has never driven or has not driven a vehicle for an excessive amount of years, the DLC will require an evaluation of the inmate's driving ability be conducted before a permit will be issued. The DLC will document the driving evaluation, and recommendations will be based on the evaluation.
 - b. an inmate with a valid Montana driver's license may be issued an *unrestricted driving permit*.
 - c. *restricted driving permits* may be issued when an inmate has:
 - a valid out-of-state driver's license.
 - an expired driver's license from any state.
 - a suspended or revoked driver's license with fines or fees due.
 - other driver record problems.
 - d. these out-of-state license(s) must be on file in the inmate's main records file and the inmate must inform the DLC of the particular circumstance.
- 6. Driving permits will not be issued to inmates who have a court order to not operate a motor vehicle while incarcerated.'
- 7. Inmates must have the forklift safety training endorsement box checked on their driving permit prior to being authorized to operate a forklift, regardless of the permit's color.
- 8. An inmate approved for a restricted permit, by signing the permit/license form, is agreeing to begin working on his driver record problems and work toward obtaining a Montana state driver's license as soon as possible. All inmates must meet this requirement to be issued a restricted permit.
- 9. The MCE Administrator or MSP Warden have the final approval/disapproval for an inmate driving permit request.

C. Inmate Driving Permit Maintenance and Renewals:

- 1. Maintenance
 - a. the DLC will maintain a database listing all inmate driving permits.
 - b. the DLC will send updated versions of the master listing to each living unit and work supervisor at the end of each month.
 - c. the DLC will maintain a record of each inmate driver request form and related information regarding payment of fees and fines, action taken on resolving driving issues, and any other applicable information.
 - d. the DLC will deduct fees and fines from inmate wages, when approved.

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- 2. Driving Permit Renewals
 - a. renewals of inmate driving permits are not automatic. It is the responsibility of the work crew supervisor to submit a request for renewal to the DLC at least two weeks prior of the expiration date.
 - b. the DLC will use *Section E* of the *MSP/MCE Inmate Driving Permit / License Request form (Attachment A)* to document renewal information and then update the database.
 - c. the review of inmate driving permits must include checking the inmate's progress on their action plan which includes:
 - 1. paying his fines.
 - 2. clearing his driver record problems.
 - d. when an inmate is removed from his job assignment or is leaving the facility he must surrender his driving permit to work supervisor or housing unit staff. Work supervisor or housing unit staff will return the permit to the DLC who will update the records and destroy the permit.
 - e. inmates who have had their job assignments changed, and stay within the same fence restriction r, will not be required to forfeit their permit, but the new supervisor will contact the DLC who will update the database.

D. Inmate Driving Permit Seizure and Revocation:

- 1. If an inmate is involved in an accident, commits an unsafe/careless driving act, or is involved in an unauthorized driving activity, staff will seize his driving permit pending the outcome of an investigation and/or a disciplinary hearing.
- 2. If the seized permit is revoked unit staff will forward it to the DLC who will update the database.

E. Montana Driver's License Process (Class D license):

- 1. Before an inmate is assigned to a job that requires him to drive on public roads, UMT staff must contact the DLC who will perform a current NDR check and ensure a valid Montana driver's license is in the inmate's main Records file.
- 2. Inmates are encouraged to obtain a Montana Class D driver's license prior to parole or discharge. The inmate can initiate this process by following these procedures:
 - a. the requesting inmate must send an OSR to the DLC.)
 - b. the DLC will send the inmate the appropriate application;
 - c. the inmate will fill out the form and forward it to the DLC.
- 3. If a current NDR check is not on file the DLC will perform an NDR check.
- 4. The DLC will review and transfer the information from the application to an *MCE Inmate Driving Permit / License Request form (Attachment A)* and send the form to the UMT.
- 5. UMT staff will review the inmate's files and complete *Section C* of the *MSP/MCE Inmate Driving Permit / License Request form (Attachment A)*. In reviewing the inmate's file UMT staff will look for the following:
 - a. a double-fence restriction that restricts the inmate from going outside the double fence (the written and drive test are conducted outside the double fence).

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- b. Other information they believe is pertinent to denying the request for the inmate to obtain his driver's license.
- 6. The DLC will check on the inmate's eligibility and costs involved in getting his license. If the inmate meets the eligibility requirements the DLC will provide the inmate with information on what he needs to do to obtain or reinstate their license and how much it will cost. All costs of license, renewals, fines, restitutions, judgments, etc., are the responsibility of the inmate.
- 7. MDIU and high-security inmates are excluded from obtaining a class D original license. Inmates at these locations can get a valid Montana state driver license renewed or replaced, or get a valid out-of-state license transferred, by sending an *OSR to the DLC*.
- 8. The DLC will assist approved inmates with information as needed.
 - a. the inmate will work with the DLC to obtain the necessary self-study materials and practice tests for the Class D license written and drive skills test.
 - b. the inmate must notify the DLC when he is ready to take the driver's examination and send an inmate money transfer made out to Montana Driver Services to pay the fees.
 - c. the DLC will administer the Montana driver's license exam and drive test on site for regular Class D Montana driver's license requests. The DLC will make arrangements for the Department of Justice Motor Vehicle Division (MVD) Driver's Examiner to come to the facility and take the necessary photographs and finish the paperwork to complete the process.
 - d. the DLC will process all driver's license requests in coordination with the MVD.
 - e. if the DLC receives the inmate's Montana driver's license from the MVD he/she must deliver it to the Records Department where it will be placed and kept in the Records file on the inmate. Inmates are not allowed to have a driver's license in their possession. The DLC will notify the inmate that their driver's license is in their Records file.
 - f. the DLC will deliver all driver's license documentation he/she receives (including proof of identity, Social Security card, and original receipts) to the Records Department where it will be placed and kept in the Records file on the inmate. No original documentation will be given to the inmate.
 - g. generally, the cost of the licensing process, including the lifting of a suspension, revocation fees, and any costs associated with the type of license being obtained are the responsibility of the inmate.

F. Commercial Truck Driver Training to obtain Commercial Driver's License (CDL) program requirements:

- 1. A minimum custody inmate residing at the WRC, and who also has a valid Montana state class D driver's license on file in the Records Department may be allowed to get it upgraded to a CDL.
- 2. Training, practice and testing must be directly supervised by an MCE staff instructor with a valid CDL.

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3. Training, practice and testing for a CDL is done off site; therefore prior to escorting any inmate off prison property, the supervising MCE staff instructor must complete a *Temporary Leave Request for an Inmate to Train and Test for a CDL form (see Attachment B)*, containing the details on the upcoming training, practice and testing.

G. MSP/MCE Supervisor Responsibilities:

- 1. It is the responsibility of work crew supervisors to ensure that all inmates on their work crew who are allowed to operate motorized vehicles and self-propelled equipment have the proper driving permit.
- 2. Supervisors must continually monitor the operating condition and use of vehicles and/or equipment they assign to an inmate to complete his/her duties.
- 3. Supervisors must ensure that each inmate on their work crew who is allowed to operate equipment is properly trained on the use of the equipment before he/she is allowed to operate it. Supervisors must also have each inmate sign a copy of the MSP/MCE safety rules. A copy of the signed driving permit rules will be given to the inmate and another copy must be retained in the MCE inmate's master file.

H. Inmate Responsibilities:

- 1. Inmates assigned to operate a motorized vehicle or self-propelled equipment will ensure they are familiar with the proper operation of the vehicle and/or equipment.
- 2. If an inmate loses or misplaces his driving permit he must immediately report the loss to his supervisor. The fee for replacement of a lost driving permit is \$2.00.
- 3. Inmates must ensure they have a current issued driving permit in their possession at all times while operating a motorized vehicle or self-propelled equipment.

I. Identification Card Procedures:

- 1. Admissions staff make a facility inmate ID card for each inmate with the word **INMATE** printed on its face that facility staff utilize for inmate counts, movement procedures, and identifying the inmate throughout their stay at the facility *(see MSP 3.1.107, Inmate ID Cards)*.
- 2. Admissions staff will also make a photo identification card for each inmate that does not have the word **INMATE** printed on it. This ID card will be kept in the Records file on the inmate and will be used as a primary document to obtain a Montana State ID card when the inmate is getting close to release, or if an inmate has to obtain a State ID on his own after he is released.
 - a. inmates will fill out an OSR and send it to the requesting a Montana state identification card.
 - b. the Department of Justice (DOJ) requires one primary form of identification and one secondary form of identification, or two primary forms of identification documents, in order to obtain a Montana state ID card. See *Attachment C* for primary and secondary forms of identification.

Primary forms of identification include:

1) the inmate's Department of Corrections (DOC) identification card.

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- 2) the inmate's Social Security card located in the Records file on the inmate. If the Records file doesn't contain the inmate's Social Security card, the DLC or designee will work with the Social Security Administration to apply for a replacement card.
- 3) a certified copy of the inmate's birth certificate.
- c. the DLC will work with inmates who are requesting identification cards to obtain all pertinent documentation.
 - 1) the DLC will review the inmate's Records file for the needed documentation.
 - 2) depending on the documentation found in the Records file, the DLC will assist the inmate in obtaining the needed documentation (Social Security cards and/or birth certificate).
 - 3) the DLC will make the proper arrangements for a Motor Vehicle Division (MVD) Driver Examiner to visit MSP once a month to take necessary photographs and complete the process for Montana state ID cards.
 - 4) every three months DOC Information Technology staff will generate a quarterly list of all inmates who will be parole eligible or have a discharge date within two years. The process will begin on these inmates by reviewing their main file in the Records Department for needed documentation. The process for a valid Montana driver's license or identification card will start with this list.
 - 5) if an inmate is scheduled to leave the facility within six months, the facility Institutional Probation and Parole Officer will determine that an inmate requires immediate attention. The process will begin immediately for these inmates. If an inmate does not obtain all needed documentation prior to release from the facility, a process is set up through the MVD so they can obtain an identification card directly after their release.
 - 6) the Montana state identification card is valid for a period of eight years.
 - 7) the Montana identification card will be placed in the inmate's Records file until release.

IV. CLOSING

Questions concerning this operational procedure will be directed to the Warden or MCE Administrator.

V. ATTACHMENTS

MSP/MCE Driving Permit / License Request formAttachment ATemporary Leave Request for an Inmate to Train and Test for a CDL formAttachment BPrimary and secondary forms of identification listAttachment C

MSP/MCE Driving Permit / License Request

Section A – To B	e Completed by MS	SP/MCE Supervis	or and Inmat	е				PLEASE PRINT
DOC ID	Inmate's N	lame (Last, First, Middl	e)		Inmate's MSP Assignme	ent	Unit	Request Date
Request Justification								
NOTE: Any inmat	te issued an MSP/MC	E Inmate Driving P	ermit must hav	e — or h	e working toward of	otaining —	a valid state	driver's license
MSP/MCE Supervisor'		D ONLY FOR INMATE DRIVI		1	Signature	-		INMATE DRIVING PERMITS
Section B – ACIS	and NDR Check -	- To Be Complete Place of Birth	Race	ver's L	Cense Coordinato	r Hair Color	١	PLEASE PRINT
INMATE'S			nuou					
STATUS AND DESCRIPTION	Height	Build	Parole Eligibili	ty Date	Discharge Date	Unit		Custody
No record found	MT	license number:	<u>.I</u>		MT license Su	enended	Lifte	
	rd only or MT ID card o				MT license Su	-		<u>, </u>
MT license Curr		lass (and Type):			Reinstatement	fee		
MT license Expi		Expiration Date:			ACT and treat		Lifte	<u>ı </u>
Motorcycle endo		endorsements:			PDPS matches			·/
						-		
							tata data da P	
	estricted Driving Perm							
	tricted Driving Permi							
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MICE Driver License C	Coordinator's Signature	Date		Other	ompleted MCE Forkli	ft Safety T	raining	
Section C – To B	e Completed by In	mate's Unit Mana	agement Tean					PLEASE PRINT
Single-Fence A	Approval (Industries C	compound)	Special Consid	erations	or Justifications			
UMT Authorizatio	n Unit Manageme	nt Team Recommenda	ation:		PLEASE F	ORWARD TO N	ICE Driver's L	ICENSE COORDINATOR
□ Approved	ł							
Disappro	ve							
Unit Management Tea	m Signature	Unit	Management Tea	m Signatı	ire	1	Date	
c: Inmate's I	MCE driver's license	file Other:						

Section D – Request Resolution – If	Necessa	ary – To Be Co	mpleted by TCS Bureau Cl	hief
TCS Bureau Chief Review and Signature		Date	Comments	
Section E – MSP/MCE Inmate Driving	g Permit	Information –	To Be Completed by MCE	Driver's License Coordinator
MSP	/MCE	Inmate D	Driving Permit Info	ormation
Inmate's Name:			DOC ID:	Unit:
Job				
Assignment:		Reque	sted By:	Date:
Unrestricted Permit (Vehicles and Equip				Permit Number: #
Restricted Permit (Vehicles and Equip	-		e Single-Fence Perimeter	Permit Issue Date: /_/_/ Permit Expiration Date: _/_/_/
Restricted Permit (ONLY Self-Propelle MCE Authorized Signature	ed Equip.)		Commenter	
MCE Authorized Signature		Date	Comments:	
Type of Permit Renewed:				RESTRICTED (Equipment ONLY)
Type of Fernit Kenewed.		INESTRICTED		
Permit Number:	Permit Ex	xpiration Date:	Restr	rictions:
Permit Issue Date:	MCE Aut	horized Signature	e:	Date:
Comments:				
Type of Permit Renewed:		NRESTRICTED		RESTRICTED (Equipment ONLY)
Permit Number	Permit E	xpiration Date:	Restr	rictions:
Permit Issue Date:				
		Inonzeu Signature		
Comments:				
	II			
Type of Permit Renewed:		NRESTRICTED		RESTRICTED (Equipment ONLY)
Permit Number:	Permit E	xpiration Date:	Restr	rictions:
Permit Issue Date:	MCE Aut	horized Signature	e:	Date:
0		-		

: 04/07/2020	TEMPORARY LEAVE REQUEST					
	Montana Commercial Driver License (CDL)					
	Training a	and Tes	sting			
	Inmate Name			DOC ID	Unit	
	am requestin	a to occo	rt and cunor	vice the abov	a named inmates	
during temporary leave	, am requestin e(s) off MSP/MCE property to	complete	Montana co	mmercial driv	er license training	
and testing. No more t	han two inmates will test or prac	tice at one	time Practic	e and testing a	reas will include the	
	roads in town, and the Interstat cation will be sent to the Powell					
apply for practice driving	and testing:					
Between 0800 & 170	00 hrs	_, 20	_, to		, 20	
Vehicles Used:						
	MCE Staff			Dat	e	
UMT Authorization	Unit Management Comments or Recon	mendation:		Dui	0	
Approved						
Disapproved		-				
Unit Manager or designee		Date				
Associate Warden or designe	e	Date				
Comments:						

PRIMARY AND SECONDARY FORMS OF IDENTIFICATION

PROOF OF IDENTITY (LEGAL NAME and AGE) includes AUTHORIZED PRESENCE

		A color photo driver license or ID card with color photo, not expired for more than four years, issued by: a state, territory or possession of the U.S.; the District of Columbia; the Commonwealth of Puerto Rico; a province or territory of Canada; or the Federal District of Mexico
ľ		A current U.S or Canadian-issued instruction or learner's driving permit, or receipt of driver license that contains a photo of the applicant and a DOB
	Α	A certified copy of a birth certificate issued by a government bureau of vital statistics or board of health of a state, territory or possession of the U.S., the District of Columbia, or the commonwealth of Puerto Ricc or a province or territory of Canada, or a report of a birth abroad of a U.S. (titzen issued by the US department of state or a US Embassy
	Α	An original or certified copy of a birth certificate issued by a U.S. or Canadian jurisdiction
S	Α	A valid un-expired passport issued by the U.S. State Department or Canadian jurisdiction
F		A valid, un-expired passport issued by a jurisdiction other than the U.S. or Canadian Government
PRIMARY DOCUMENTS	Α	WITH an attached U.S. Immigration and Naturalization Service (INS) record of arrival and departure (form 1-94) (same name with an un-expired endorsement of the alien's nonimmigrant status) OR an unexpired resident alien I-551 stamp
Õ		An emergency identification photo issued & certified by the driver licensing authority of a U.S. or Canadian jurisdiction that includes the applicant's name & DOB.
Ϋ́	Α	A valid, unexpired certificate of naturalization (form N-550, N-570, N-578)
AR	Α	A valid, unexpired certificate of citizenship (form N-560, N-561 N-645)
Ň	Α	A valid, unexpired Northern Mariana card (form-1-551) with "Northern Mariana" imprinted instead of "resident alien"
PR	Α	A valid, unexpired American Indian card (form I-551) with "American Indian" imprinted instead of "resident alien"
_	Α	A valid, unexpired U.S. Citizen identification card (form 1-179 or 1-197)
İ	Α	A valid, unexpired Resident alien card (form 1-551)
l	Α	A valid, unexpired temporary resident identification card (form 1-688)
l	Α	A valid, unexpired U.S. re-entry permit (form 1-327)
ľ	Α	A valid, unexpired refugee travel document (form 1-571)
ł	A	
		A valid, unexpired employment authorization card (form-1-688A, 1-688B or 1-766)
	A A	A valid, unexpired record of arrival and departure, stamped "refugee" (form1-94) without a valid passport but stamped "refugee" with a photo affixed. A digital id card issued to the applicant by a Federally recognized Native American Tribe whose reservation is located in MT, that contains a digitized image of the applicant, the applicant's DOB & tribal enrollment number.
		Applicant's DOB & inder enforment number. An un-expired U.S. Military identification card (form DD-2) (active duty, reserve or retired personnel or dependent of active duty personnel) that contains a color photo or digitized image of the applicant and the applicant's date of birth.
		A prison inmate identification card issued to the applicant by the Montana Dept of Corrections that contains a photo or digitized image of the applicant & the applicant's DOB & adult offender number.
		A second primary document.
		An original US social security card or a Canadian social insurance card
		A certified copy of a marriage certificate or license issued by a government jurisdiction
μ		A driver license or ID card (U.S. or Canadian) that has expired for more than one year, but not more than five years.
Z		A current U.S. or Canadian government jurisdiction employee photo identification card
ž		A U.S. or Canadian driver license of ID card that is current but does not have a color photograph
D.		A certified copy of a court order of judgment from a U.S or Canadian court of competent jurisdiction containing the applicant's full legal name and date of birth
8		Any INS document approved as a primary document but that is not expired for more than one year.
SECONDARY DOCUMENTS		A certified copy of a birth certificate issued by a jurisdiction other than by a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico or a province or territory of Canada.
Ŕ		Certification of release of discharge issued by the U.S. Department of Defense (DD-214)
A		A Medicare, Medicaid, or health insurance card with the applicant's name & individual Medicaid, Medicare or health insurance ID number.
INC		An un-expired, color photo firearm or concealed weapon permit issued by a chief of police in an organized, full-time police department of the county sheriff in a local jurisdiction within the U.S.
či l		A current pilot's license issued by the U.S. Department of Transportation, Federal Aviation Administration
SE		A certified copy of school records or a transcript containing the applicant's full name and date of birth and issued by an elementary, secondary of post-secondary school
		A certificate of completion of a Montana department-approved traffic or driver education course containing the applicant's name and date of birth.
		A current school photo identification card with the student's name and student ID number
		A certified copy, fax or photocopy of a certified copy of the birth certificate of the applicant's child, if the certificate lists the applicant's name and date of birth as parent
	Δ	

A = Accepted as proof of Authorized Presence