

## CHAPTER 259

## ADOPTION; CHANGE OF NAME

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**259.01 ADOPTION; PETITION AND CONSENT.** Any resident of the state may petition the district court of the county in which he resides for leave to adopt any child not his own. If the petitioner be married the spouse shall join in the petition. All petitions for the adoption of a child who is a ward or pupil of the state public school shall be made jointly by the person desiring to adopt such child and the superintendent of the state public school. The director of social welfare may determine that the joinder of the superintendent in the petition shall be his consent to the adoption of the ward or pupil, as prayed for in the petition. A person of full age may be adopted.

[*R. L. s. 3612; 1909 c. 81 s. 1; 1917 c. 222 s. 1*] (8624)

**259.02 INVESTIGATION; PROBATIONARY RESIDENCE.** Upon the filing of a petition for the adoption of a minor child the court shall notify the director of social welfare. It shall then be the duty of the director to verify the allegations of the petition; to investigate the condition and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption, and to make appropriate inquiry to determine whether the proposed foster home is a suitable home for the child. The director shall in not more than 90 days submit to the court a full report in writing with a recommendation as to the granting of the petition and any other information regarding the child or the proposed home which the court shall require. No decree of adoption shall be granted until such report be returned, but if such report is not returned within the time limited by law without the fault of the petitioner, the court may proceed with the hearing of the petition upon giving five days' written notice by mail of the time and the place of the hearing to the director of social welfare. If the report of the director of social welfare disapproves of the adoption of the child, the director of social welfare may move the court to dismiss the petition. No petition shall be granted until the child shall have lived six months in the proposed home. Such investigation and period of residence may be waived at the discretion of the court when the petition for adoption is submitted by a stepfather or stepmother, or upon good cause being shown the court is satisfied that the proposed home and the child are suited to each other, and at least ten days' notice of the hearing on the adoption be given to the director of social welfare by registered mail.

[*1917 c 222 s 1; 1927 c 170 s 1; 1947 c 399 s 1*] (8625)

**259.03 CONSENT, WHEN NECESSARY.** (1) No adoption of a minor shall be permitted without the consent of his parents, or in the case of illegitimacy, of his mother and if she be under the age of 18 years, of her parents or guardian, but the consent of a parent who has abandoned the child, or who cannot be found, or who is insane or otherwise incapacitated from giving such consent, or who has lost custody of the child through divorce proceedings or the order of a juvenile court, may be dispensed with, and consent may be given by the guardian, if there be one or if there be no guardian, by the director of social welfare except as hereinafter provided.

(2) The parents or guardian of a minor child, or the mother, 18 years of age or over, of a child born out of wedlock may enter into written agreement with the director of social welfare or any other child placing agency duly licensed by the director of social welfare, surrendering such minor child into the custody of said

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child placing agency for placement for adoption. Such child placing agency, after receiving custody of a minor child for adoption through written consent of the persons designated in this paragraph, shall have the right to consent to the adoption of such child in the manner hereinbefore provided.

(3) In all cases where the child is over 14 years old his own consent must be had also.

[*R. L. s. 3613; 1917 c. 222 s. 1; 1947 c. 400 s. 1; 1949 c. 400 s. 1*] (8626)

**259.04 HOSPITAL MAY CONSENT TO ADOPTION.** Any hospital incorporated under the laws of this state for the purpose of caring for unmarried women who are about to become mothers, and for illegitimate children born in such hospital or left in its care by the mothers for the purpose of being placed in suitable homes, may be the custodian of the persons of such children.

[*R. L. s. 3619; 1917 c. 222 s. 1*] (8627)

**259.05 NOTICE OF HEARING.** When the parents of any minor child are dead or have abandoned him and he has no guardian in the state the court shall order three weeks' published notice of the hearing on such petition to be given, the last publication to be at least ten days before the time set therefor. In every such case the court shall cause such further notice to be given to the known kindred of the child as shall appear to be just and practicable. If there be no duly appointed guardian, a parent who has lost custody of a child through divorce proceedings, and the father of an illegitimate child who has acknowledged his paternity in writing or against whom paternity has been duly adjudged shall be served with notice in such manner as the court shall direct in all cases where the residence is known or can be ascertained.

[*R. L. s. 3614; 1917 c. 222 s. 1; 1927 c. 170 s. 2; 1941 c. 151*] (8628)

**259.06 DECREE; CHANGE OF NAME.** If upon the hearing the court is satisfied as to the identity and relationship of the persons concerned and that the petitioners are able to properly rear and educate the child and that the petition should be granted, a decree shall be made and recorded in the office of the clerk setting forth the facts and ordering that from the date thereof the child shall be the child of the petitioners. If desired, the court in and by the decree may change the name of the child, provided that for the purpose of information the clerk of the district court shall within 20 days after the decree is granted by the court mail a copy of the recorded decree to the director of social welfare.

[*R. L. s. 3615; 1917 c. 222 s. 1; 1927 c. 170 s. 3*] (8629)

**259.07 STATUS OF ADOPTED CHILD.** Upon adoption such child shall become the legal child of the persons adopting him and they shall become his legal parents with all the rights and duties between them of natural parents and legitimate child. By virtue of such adoption, he shall inherit from his adopting parents or their relatives the same as though he were the legitimate child of such parents and shall not owe his natural parents or their relatives any legal duty; and, in case of his death intestate, the adopting parents and their relatives shall inherit his estate as if they had been his parents and relatives in fact.

[*R. L. s. 3616; 1917 c. 222 s. 1*] (8630)

**259.08 GROUNDS FOR ANNULMENT.** If within five years after his adoption a child develops feeble-mindedness, epilepsy, insanity, or venereal infection as a result of conditions existing prior to the adoption and of which the adopting parents had no knowledge or notice, a petition setting forth such facts may be filed with the court which entered the decree of adoption and, if such facts are proved, the court may annul the adoption and commit the child to the guardianship of the director of social welfare. In every such proceeding it shall be the duty of the county attorney to represent the interests of the child.

[*1917 c. 222 s. 1*] (8631)

**259.09 RECORDS OF ADOPTION; LIMITATION OF RIGHT TO INSPECT.** The files and records of the court in adoption proceedings after the final determination thereof shall not be open to inspection or copy by any person except upon an order of the court expressly permitting the same.

[*1917 c. 222 s. 1; 1945 c. 358 s. 1*] (8632)

**259.10 CHANGE OF NAME; PROCEDURE; PENALTY.** A person who shall have resided in any county for one year may apply to the district court thereof to have his name changed in the manner herein specified. He shall state in his appli-

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cation the name and age of his wife and each of his children, if any, and shall describe all lands in the state in or upon which he claims any interest or lien, and shall appear personally before the court and prove his identity by at least two witnesses. If he be a minor, his guardian or next of kin shall also appear. If he be under the age of 14 years, the application may be made by his guardian or next of kin. Every person who, with intent to defraud, shall make a false statement in any such application shall be guilty of a misdemeanor.

[R. L. s. 3620; 1917 c. 222 s. 1; 1943 c. 28 s. 1; 1943 c. 292 s. 1] (8633)

**259.11 ORDER; FILING COPIES.** If it shall appear to the court to be proper, it shall grant the application and set forth in the order the name and age of his wife and each child of the applicant, if any, and shall state a description of the lands, if any, in which the applicant and said wife and children, if any, claim to have an interest. The clerk shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the clerk, with the register of deeds of each county wherein any of the same are situated. Before doing so he shall present the same to the county auditor who shall enter the change of name in his official records and note upon the instrument, over his official signature, the words "change of name recorded." Any such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the clerk the cost of such record. The fee of the clerk shall be \$2.00, and for each certified copy of the order 50 cents.

[R. L. s. 3621; 1917 c. 222 s. 1; 1941 c. 178; 1943 c. 28 s. 2] (8634)