

the written waiver of the parent or parents of the person to be adopted.

Effective immediately.

SEC. 4. This act is necessary for the immediate preservation of the public health, safety, and morals, and shall take effect immediately.

Passed the Senate March 9, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 163.

[S. B. 242.]

ADOPTION OF CHILDREN.

AN ACT relating to adoption; providing for investigation; and amending section 1 of chapter 158 of the Laws of 1927 and section 1669 of the Code of 1881; repealing section 1668 of the Code of 1881; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Amends
§ 1696 Rem.
Rev. Stat.;
§ 9813 P. C.

SECTION 1. That section 1 of chapter 158 of the Laws of 1927 (section 1696 of Remington's Revised Statutes; section 9813 of Pierce's Code) be amended to read as follows:

Petition for
leave to
adopt.

Section 1. Any inhabitant of this state, not married, or any husband or wife jointly, may petition the superior court of the county of their residence, or the county of the residence of the person to be adopted, for leave to adopt, and change the name if desired, of any person, but a written consent must be given to such adoption by the person, if of the age of fourteen years, and if under the age of twenty-one years by each of his or her living parents, or in case the child be illegitimate, by his or her living mother: *Provided*, That the consent of the parent shall not be required in the following cases, to-wit:

1. From a father, or mother, deprived of civil rights.

2. From a father, or mother, where the child shall have been awarded to the custody and control of the other parent by the judgment or decree of a court of competent jurisdiction, in an action, suit, or proceeding, in which the parent thus deprived of custody has been given notice and an opportunity to be heard: *Provided, however,* That where the custody and control of such child shall have been by judgment or decree in an action for separate maintenance, annulment, or divorce, divided between such parents, or where visitation privileges, specific or unlimited as to time, shall have been awarded to the parent deprived of custody and control in such action, the consent of both parents shall be required.

3. From a father, or mother, who has been adjudged and decreed to be feeble minded, or at least one year prior thereto was adjudged insane and has not since been found sane by any competent authority authorized by law.

4. From a father, or mother, who has been found by a court of competent jurisdiction to have deserted or abandoned such child without provision for his or her identification or support.

If in either of the cases above mentioned the child has a legal guardian, the consent of such guardian shall be required and if the child has no legal guardian, then the court shall appoint a discreet and suitable person to act in the proceedings for adoption as the next friend of such child.

Either spouse may adopt the child of the other.

SEC. 2. That section 1669 of the Code of 1881 (section 1698 of Remington's Revised Statutes; section 9815 of Pierce's Code) be amended to read as follows:

Amends
§ 1698, Rem.
Rev. Stat.;
§ 9815 P. C.

Section 1669. Whenever a petition for adoption is filed, the court having jurisdiction of the pro-

Appointment
of adviser.

ceeding may in its discretion appoint some suitable and disinterested person to act as advisor to the court as to the fitness and propriety of the relinquishment, transfer, or adoption of such child; and the person appointed shall make such investigation of the petitioner or petitioners, of the child concerned in said petition and its parentage, as shall suffice to acquaint the court with the information reasonably necessary to its decision on the relinquishment, transfer, or adoption, the duration of such investigation to be as provided by the law governing the finality of orders of relinquishment and transfer: *Provided, however,* That no petition for adoption shall be denied either on recommendation of the person so appointed by the court to act as advisor, or for any other reason or reasons whatsoever without reasonable notice to the person or persons affected thereby and on opportunity to be heard (such hearing, however, to be held in private, admitting thereto only such persons as may have a direct interest in the case), and without there having first been entered by the court its findings setting forth its reasons for such denial.

Order.

At the conclusion of such investigation when conducted and upon compliance with the foregoing provisions, if the court shall be satisfied of the ability of the petitioner, or petitioners, to bring up and educate the child properly, having reference to the degree and condition of the child's parents, and shall be satisfied of the fitness and propriety of such adoption, the court shall make an order setting forth the facts, and declaring that, from that date, such child, to all legal intents and purposes, is the child of the petitioner or petitioners, and that the name of the child is hereby changed.

Repeals
§ 1697 Rem.
Rev. Stat.;
§ 9814 P. C.

Sec. 3. That section 1668 of the Code of 1881 (section 1697 of Remington's Revised Statutes; sec-

tion 9814 of Pierce's Code) be and the same is hereby repealed.

SEC. 4. This act is necessary for the immediate preservation of the public health, safety, and morals, and shall take effect immediately. Effective immediately.

Passed the Senate March 3, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 164.

[S. B. 319.]

RIVER IMPROVEMENT DISTRICTS.

AN ACT relating to river improvement districts and repealing section 9629 to section 9650, inclusive, of Remington's Revised Statutes.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 9629 to section 9650, inclusive, of Remington's Revised Statutes (chapter 143, Session Laws of 1903 and chapter 104, Session Laws of 1905) be and the same are hereby repealed. Repeals §§ 9629 to 9650 Rem. Rev. Stat.

Passed the Senate February 27, 1939.

Passed the House March 9, 1939.

Approved by the Governor March 16, 1939.