

act as a whole or of any section, subsection, sentence or clause hereof not adjudged unconstitutional.

Passed the Senate March 4, 1955.

Passed the House March 8, 1955.

Approved by the Governor March 18, 1955.

CHAPTER 291.

[S. B. 340.]

ADOPTIONS.

AN ACT relating to adoption; and repealing sections 1a, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, chapter 268, Laws of 1943, and sections 1, 2, 3, 4 and 5, chapter 251, Laws of 1947, and RCW 26.32.010 through 26.32.160.

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

SECTION 1. As used in this chapter, an "approved agency" means any public or private association, corporation or individual who has custody of a minor child with lawful authority to place such child for adoption.

"Approved agency" defined.

SEC. 2. Any person not married, or any husband and wife jointly, or either spouse, when the object of adoption is the child of the other spouse, may petition the superior court of the county in which the petitioner is a resident, or of the county in which the person to be adopted is domiciled, for leave to adopt, and to change the name, if desired, of any person.

Petition for adoption; who may file.

SEC. 3. Written consent to such adoption must be filed prior to a hearing on the petition, as follows:

Written consent to adoption; filing of.

(1) By the person to be adopted, if such person is fourteen years of age or older, but the filing of such consent shall not obviate the necessity of securing any other consent herein required;

(2) If the person to be adopted is of legitimate birth or legitimized thereafter, and a minor, then

by each of his living parents, except as hereinafter provided;

(3) If the person to be adopted is illegitimate and a minor, then by his mother, if living, except as hereinafter provided;

(4) If a legal guardian has been appointed for the person of the child, then by such guardian;

(5) If the person to be adopted is a minor and has been permanently committed upon due notice to his parents by any court of general jurisdiction to an approved agency, then by such approved agency, in which event neither notice to nor consent by its parents in the adoption proceeding shall be necessary: *Provided*, That if the approved agency refuses to consent to the adoption, the court, in its discretion, may order that such consent be dispensed with.

Court may order consent dispensed with.

No consent for adoption of minor required from following.

SEC. 4. No consent for the adoption of a minor shall be required as follows:

(1) From a parent deprived of civil rights when in a hearing for that purpose, as provided in section 5 of this act, the court finds that the circumstances surrounding the loss of said parent's civil rights were of such a nature that the welfare of the child would be best served by a permanent deprivation of parental rights;

(2) From a parent who has been deprived of the custody of the child by a court of competent jurisdiction, after notice: *Provided*, That a decree in an action for divorce, separate maintenance, or annulment, which grants to a parent any right of custody, control, or visitation of a minor child, or requires of such parent the payment of support money for such child, shall not constitute such deprivation of custody;

(3) From a parent who, more than one year prior to filing of a petition hereunder, has been adjudged to be mentally ill or otherwise mentally incompetent, and who has not thereafter been restored

to competency by the court making such adjudication, and the court at a hearing called for such purpose, as provided in section 5 of this act, finds that the best interests of the child will be served by a permanent deprivation of custody;

(4) From a parent who has been found by a court of competent jurisdiction, upon notice as herein provided to such parent, to have deserted or abandoned such child under circumstances showing a wilful substantial lack of regard for parental obligations;

(5) From a father of an illegitimate child.

SEC. 5. If the court in an adoption proceeding, after a hearing for that purpose upon notice thereof as hereinafter provided having been given to a parent, finds any of the conditions set forth in section 4 of this act to be a fact as to the parent, the court may decree that consent of such parent shall not be required prior to adoption: *Provided*, That the father of an illegitimate child shall not be entitled to notice of such hearing.

No consent necessary; finding during proceedings.

SEC. 6. An adoption proceeding shall be instituted by filing a petition in the superior court of the proper county. The petition shall contain allegations as to all requisite facts, including the new name, if any, to be given the child, the qualifications, religion and race of the adopter, and the race of the child, the religion of the child, if any, and if the child's religion is unknown, then the petition shall state unknown, and shall be signed and verified under oath by the proposed adopter. If the petition is by one spouse to adopt a child of the other spouse, it shall be approved under oath by such other spouse.

Petition for adoption.

Petition of one spouse to adopt child of other.

SEC. 7. (1) The written consent shall be acknowledged before a notary public and filed with the petition or at all events before any action is taken by the court in such proceeding. Such consent shall recite that it is given subject to the approval of the court to be requested in an adoption

Written consent; acknowledged and filed.

Order of re-
linquishment.

Consent
irrevocable.

proceeding and to have no force or effect until such court has approved the same. Such consent shall also provide therein that, after it is approved by the court and the order of relinquishment issued and filed, as required by RCW 26.36.010, and the child relinquished to the petitioners, it is not revocable except for fraud practiced by the petitioners or mental incompetency of the person signing the consent at the time of signing the same;

Consent of
a minor.

(2) If the parent signing the consent is a minor, the court shall appoint a guardian ad litem, who shall make an investigation and report prior to the order of relinquishment, covering the competency of the person signing the consent and certifying that the consent was voluntarily made and for the best interests of the child;

Appointment
of next friend.

(3) The court, prior to signing an order of relinquishment, may appoint a next friend, as hereinafter provided in section 9 of this act, who shall report to the court either orally or in writing as to the competency of the parent signing the consent, whether or not such consent is voluntary, and whether or not at that time anything affirmatively appears that the best interests of the child would not be served by the adoption. The order of relinquishment shall not be signed without the written approval of the next friend and without the court calling a hearing as to the advisability of the relinquishment, whenever the court appoints a next friend.

Notice of hear-
ing to noncon-
senting parent
or guardian,
person or
organization.

SEC. 8. (1) The court shall direct notice of any hearing under section 5 of this act to be given to any nonconsenting parent or guardian, if any, and to any person or association having the actual care, custody, or control of the child: *Provided*, That where a parent has been deprived of the custody of such child and such child has been set over for adoption by an order of a court of competent jurisdiction,

after due notice in a proceeding regularly had for such purpose, no notice need be given to the parent so deprived, and the record of such deprivation proceedings shall be deemed prima facie proof of such deprivation;

No notice necessary.

(2) Such notice shall be given in the following manner: The court shall direct the clerk to issue a notice of such hearing directed to the persons entitled to notice, notifying such persons of the filing of the petition, stating briefly the object of the petition and the purpose of the hearing, and notifying such persons of the date, time and place of the hearing. A copy of the notice shall be served in the manner provided by law for the service of the summons upon the persons entitled thereto at least ten days prior to the hearing;

Manner in which notice given.

(3) In the event it shall appear by the affidavit of the petitioners that the persons entitled to notice, or either of them, are nonresidents of the state or that they cannot, after diligent search, be found within the state, and that a copy of said notice has been deposited in the post office, postage prepaid, directed to such person or persons at their last known place of residence, unless it is stated in the affidavit that such residence is unknown to petitioners, then the court may order said notice published in a legal newspaper printed in the county, qualified to publish summons, once a week for three consecutive weeks, the first publication of said notice to be at least twenty-five days prior to the date fixed for the hearing. Proof of service of notice shall be filed in the cause as required by law for making proof of the service of summons or summons by publication;

Notice by publication.

Proof of service of notice filed.

(4) Personal service of the notice out of the state, made twenty-five days or more prior to the date fixed for the hearing, shall be deemed equivalent to service by publication;

Personal service of notice outside state.

(5) If the court is satisfied of the illegitimacy

The investigation shall be made without expense to the petitioners. The investigator appointed by the court shall make a report in writing to the court within sixty days from the time of the appointment unless further time be granted by the court. Such report shall be in writing and contain all reasonably available information concerning the physical and mental condition of the child, the religion of the child, if any, and if unknown, then the report shall designate unknown, the parents of the child, and the physical, mental, moral, and financial condition of the petitioners, and any other facts and circumstances relating to the propriety and advisability of the adoption.

Investigation expense.

Report; time limitation on.

Written report; contents of.

When the object of the adoption proceeding is the petition of a parent to adopt the child of the other spouse, the report of the next friend shall be made within ten days of the date of appointment, unless such time is extended by the court, and in such cases the court may dispense with formal written report and require such information as the court deems necessary in the particular case as to the propriety of the adoption.

SEC. 10. No decree of adoption shall be granted without a hearing thereon, whether the report of next friend is favorable or adverse. All such hearings, as well as any hearing incidental to an adoption, shall not be public unless specially ordered by the court.

Hearing before decree.

SEC. 11. If the petition is for the adoption of a person over the age of twenty-one years and of legal competency, and is accompanied by the written consent of such person, neither notice to any person nor investigation shall be required.

No notice or investigation required.

SEC. 12. Upon the conclusion of such hearing, if had, or upon filing the report of investigation, if any, or as soon as the procedure hereunder may permit,

Decree provisions.

the court shall enter its decree either granting or denying the petition for adoption and change of name, if any, all as in its discretion it shall deem proper. If the decree is for adoption, it shall provide:

(1) For the issuance of a certificate of birth of any child born in the state of Washington, by the state registrar of vital statistics, in such form and containing such information as the court may deem proper and by such decree shall direct;

(2) That the records of the registrar shall be secret unless otherwise provided by the court, and the same shall be disclosed only upon order of court for good cause shown;

(3) That such adoption shall remain interlocutory for six months from date of entry of such decree, and shall become absolute at the expiration of said six months.

Decree final as to parties.

Such decree shall be final as to the parties thereto and those notified as herein provided unless appealed from within thirty days after entry thereof.

Verified petition for modification or vacation of decree of adoption; time limitation.

SEC. 13. At any time prior to the expiration of six months from entry of such decree, any interested person may file in the adoption proceedings his verified petition for the vacation or modification of such decree.

Procedure.

Notice of hearing.

Such decree may be vacated only where the court finds from the facts alleged and proven that no other solution is possible, consistent with the welfare of the minor child. Upon the filing of such petition, the court shall, upon application, fix a time for hearing thereon. At least ten days' notice of such hearing shall be served upon all of the parties to the adoption proceeding and to the persons served as provided in section 8 and also upon the person making the report of investigation pursuant to section 9 of this act. Upon such hearing, if the petition is granted, the court shall enter an order vacating

the decree of adoption, and may also make such further order for the welfare of the child as in its discretion seems proper. An appeal from any order vacating or refusing to vacate such decree may be taken, as in civil cases.

Appeal.

If no appeal be taken from the decree of adoption and if no petition to vacate or modify the same is filed within such six months period then the decree shall be deemed a final judgment as of the date of its entry.

When decree deemed final judgment.

SEC. 14. By a decree of adoption the natural parents shall be divested of all legal rights and obligations in respect to the child, and the child shall be free from all legal obligations of obedience and maintenance in respect to them, and shall be, to all intents and purposes, and for all legal incidents, the child, legal heir, and lawful issue of his or her adopter or adopters, entitled to all rights and privileges, including the right of inheritance and the right to take under testamentary disposition, and subject to all the obligations of a child of the adopter or adopters begotten in lawful wedlock. An adopter or adopters and the spouse of an adopted child, and their respective kin, shall have the rights of inheritance from such child prescribed by the statutes of descent and distribution for natural parents, spouse, and their respective kin to the exclusion of the adopted child's natural parents and kin and any prior adopted or adopters and their kin: *Provided*, That where an adopter is the spouse of a natural parent of an adopted child, such natural and adopted parent and kin shall inherit the same as natural parents and their kin.

Rights and duties of parties by decree of adoption.

SEC. 15. Unless otherwise requested by the adopted, all records of any proceeding hereunder shall be sealed and shall not be thereafter open to inspection by any person except upon order of the

Records of adoption proceeding sealed.

court for good cause shown, and thereafter shall be again sealed as before.

Clerk of court to transmit to state registrar of vital statistics certified copy of decree.

SEC. 16. If a decree of adoption is entered, as soon as the time for appeal therefrom has expired, or if an appeal is taken, then upon final determination thereof, if the adoption is affirmed, the clerk of the court shall transmit to the state registrar of vital statistics a certified copy of such decree.

Repeal.

SEC. 17. Sections 1a, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15, chapter 268, Laws of 1943, and sections 1, 2, 3, 4 and 5, chapter 251, Laws of 1947, and RCW 26.32.010 through 26.32.160 are each repealed.

Passed the Senate March 9, 1955.

Passed the House March 7, 1955.

Approved by the Governor March 18, 1955.



CHAPTER 292.

[S. B. 348.]

VETERANS' BONUS.

AN ACT providing for the payment of a bonus to veterans of the armed forces from the state of Washington serving between June 27, 1950, and July 26, 1953, from the proceeds of a bond issue; providing terminal dates for filing and processing application; making an appropriation and providing penalties.

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

Recognition of service.

SECTION 1. Since the people of the state of Washington have recognized the sacrifices of its sons in the service of their country during World War II, and having desired to aid them in their return to civil life, did authorize the payment of certain compensation in recognition of such services, and since problems arising out of said conflict threatened to defeat the ideals for which said war was waged and made it necessary for many of our sons to again bear arms