

CHAPTER 218

ADOPTION OF CHILDREN

S. F. 116

AN ACT to repeal sections ten thousand four hundred ninety-six (10496) to ten thousand five hundred and one (10501) both inclusive, code of 1924, relating to adoption and to enact a substitute therefor.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Adoption—petition and consent.** Any person of lawful
2 age may petition any court of record of the county in which he or
3 the child resides for permission to adopt any child not his own, but
4 no person other than the parent of a child may assume the permanent
5 care and custody of a child under fourteen years of age except in
6 accordance with the provisions of this act or the provisions of chap-
7 ter eighty (80), acts of the forty-first (41st) general assembly. If
8 the petitioner be married, the spouse shall join in the petition. A
9 person of full age may be adopted.

1 **SEC. 2. Investigation.** Upon the filing of a petition for the
2 adoption of a minor child, the court shall proceed to verify the
3 allegations of the petition; to investigate the conditions and ante-
4 cedents of the child for the purpose of ascertaining whether he is
5 a proper subject for adoption; and to make appropriate inquiry to
6 determine whether the proposed foster home is a suitable one for
7 the child. No petition shall be granted until the child shall have
8 lived for six months in the proposed home, provided, however, that
9 such investigation and period of residence may be waived by the
10 court upon good cause shown when satisfied that the proposed home
11 and the child are suited to each other.

1 **SEC. 3. Consent, when necessary.** No person may assign, re-
2 linquish or otherwise transfer to another his rights or duties with
3 respect to the permanent care or custody of a child under fourteen
4 years of age except in accordance with this act. The consent of
5 both parents shall be given to such adoption unless one is dead, or
6 is considered hopelessly insane, or is imprisoned for a felony, or is
7 an inmate or keeper of a house of ill-fame, or unless the parents are
8 not married to each other, or unless the parent or parents have
9 signed a release of the child in accordance with the statute on child
10 placing, or unless one or both of the parents have been deprived of
11 the custody of the child by judicial procedure because of unfitness to
12 be its guardian. If not married to each other, the parent having the
13 care and providing for the wants of the child may give consent. If
14 the child is not in the custody of either parent, but is in the care of
15 a duly appointed guardian, then the consent of such guardian shall
16 be necessary. Where the child is a ward of the state in a state
17 institution the consent of the board of control of state institutions
18 shall be first obtained before said adoption shall be effective. If the
19 child has been given by written lease to a licensed child welfare

20 agency in accordance with the statute on child placing, the consent
21 of the agency to whom the release was made shall be necessary.
22 When the child adopted is fourteen years of age or over, his consent
23 shall also be necessary.

1 SEC. 4. **Notice of hearing.** When the parents of any minor child
2 are dead or have abandoned him, and he has no guardian in the state,
3 the court may order such notice of a hearing on such petition as
4 he may determine or such notice may be waived.

1 SEC. 5. **Decree—change of name.** If upon the hearing the court
2 shall be satisfied as to the identity and relationship of the persons
3 concerned, and that the petitioners are able to properly rear and
4 educate the child, and that the petition should be granted, a decree
5 shall be entered in the office of the clerk, setting forth the facts in-
6 cluding as far as known the name of the child, of its parents and
7 of the persons adopting it, and the name under which the child is
8 thereafter to be known, and ordering that from the date thereof,
9 the child shall be the child of the petitioners. The clerk shall deliver
10 to the foster parents a certified copy of the decree. If desired, the
11 court, in and by said decree, may change the name of the child.

1 SEC. 6. **Status of the adopted child.** Upon the entering of such
2 decree, the rights, duties and relationships between the child and
3 parent by adoption shall be the same that exists between parents
4 and child by lawful birth and the right of inheritance from each
5 other shall be the same as between parent and children born in law-
6 ful wedlock.

1 SEC. 7. **Annulment.** If within five years after the adoption, a
2 child develops feeble-mindedness, epilepsy, insanity or venereal in-
3 fection as a result of conditions existing prior to the adoption, and
4 of which the adopting parent had no knowledge or notice, a petition
5 setting forth such facts may be filed with the district court of the
6 county where the adoptive parents are residing. If upon hearing the
7 facts alleged are proved, the court may annul the adoption and com-
8 mit the child to the guardianship of the state board of control. In
9 every such proceeding it shall be the duty of the county attorney to
10 represent the interests of the child.

1 SEC. 8. **Records of adoption.** The findings of the court in any
2 petition for adoption shall be made a complete record and same shall
3 be filed as are other records of the court, but in addition thereto, the
4 clerk of court shall cause a duplicate copy thereof to be sent to the
5 board of control of state institutions for their files.

1 SEC. 9. That sections ten thousand four hundred ninety-six
2 (10496) to ten thousand five hundred and one (10501), both in-
3 clusive, code of 1924, be and the same are hereby repealed.

Approved April 7, A. D. 1927.