

CHAPTER 67.

THE ADOPTION OF CHILDREN.

AN ACT to authorize and regulate the adoption of children.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* Any person competent to make a will is authorized in manner hereinafter set forth, to adopt as his own, the minor child of another, conferring thereby upon such child all the rights, privileges and responsibilities which would pertain to the child, if born to the person adopting in lawful wedlock.

Any person may adopt child.

The consent of the parent, or the Mayor, or the Co. Judge, must be obtained in writing.

SEC. 2. In order thereto, the consent of both parents, if living and not divorced or separated, and if divorced or separated, or if unmarried, then the consent of the parent lawfully having the care, and providing for the wants of the child, or if either parent is dead, then the consent of the survivor; or if both parents be dead, or the child shall have been and remains abandoned by them, then the consent of the mayor of the city where the child is living, or if not in a city, then of the county judge of the county where the child is living, shall be given to such adoption, by an instrument in writing, signed by the parties or party consenting, and stating the names of the parents, if known, the name of the child if known, the name of the person adopting such child, and the residence of all if known, and declaring the name by which such child is hereafter to be called and known, and stating also that such child is given to the person adopting for the purpose of adoption as his own child.

Instrument of adoption acknowledged and recorded in the same manner as deeds.

SEC. 3. Such instrument in writing shall be also signed by the person adopting, and shall be acknowledged by all the parties thereto in the same manner as deeds affecting real estate are required to be acknowledged, provided that when both parents of the child execute the same, the mother shall be examined apart from her husband, by the officer taking the same, and he shall certify whether or not she executed the same freely and without compulsion or undue influence of her husband, and if not the instrument shall not be valid;

and when duly acknowledged, the same shall be recorded in the county where the person adopting resides, in the office and with the record of deeds of real estate, and shall be indexed with the name of the parent by adoption as grantor, and the child as grantee in its original name, if stated in the instrument.

SEC. 4. Upon the execution, acknowledgment and record of such instrument, the rights, duties and relations between the parent and child by adoption, shall thereafter in all respects, including the right of inheritance, be the same that exist by law between parent and child by lawful birth. The relations of child changed.

SEC. 5. In case of mal-treatment committed or allowed by the adopted parent, or palpable neglect of duty on his part, toward such child, the custody thereof may be taken from him and entrusted to another at his expense if so ordered by the court, and the same proceedings may be had therefor, so far as applicable, as are authorized by law in such a case in the relation of master and apprentice, or the court may, on showing of the facts, require from the adopted parent bond with security, in a sum to be fixed by him, the county being the obligee, and for the benefit of the child, conditioned for the proper treatment and performance of duty toward the child, on the part of the parent; provided, that no action of the Court or Judge in the premises shall affect or diminish the acquired right of inheritance on the part of the child, to the extent of such right in a natural child of lawful birth. Mal-treatment subjects adopt'd parent to be deprived of child.

SEC. 6. This act shall be in force from and after the date of its publication in the Iowa Citizen and Iowa State Journal. Take effect.

Approved March 16th, 1858.

I hereby certify that the foregoing Act was published in the Iowa State Journal on the 20th day of March, 1858, and in the Iowa Weekly Citizen on the 24th day of March, 1858.

ELIJAH SELLS,
Secretary of State.