

No. 131, S.]

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## CHAPTER 18.

AN ACT relating to the adoption of children and amendatory of section 4022 of chapter 173, of the revised statutes, as amended by section 2, of chapter 45, of the laws of 1887.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

Regarding the adoption of minor children, procedure.

SECTION 1. Section 4022, of the revised statutes, as amended by section 2, of chapter 45, of the laws of 1887, is hereby amended by inserting after the word "child" in the eleventh line of said section the following: Provided, that unless the living parent or parents of a minor consent to such adoption, it shall be the duty of the court having jurisdiction of the proceedings, upon the filing of any petition for adoption, by order to appoint a time and place for hearing such petition, and cause notice of such time and place to be given to such parent or parents, by personal service of said notice on such parent or parents at least ten days before the hearing, or by publication thereof in a newspaper, as provided by law, at least three weeks successively prior to said hearing, and when notice is duly given as herein provided, the parent of any minor shall be bound by the order of adoption as fully as though he had consented thereto. So that said section as amended shall read as follows: Section 4022. No such adoption shall be made without the written consent of the living parents of such child, unless the court shall find that one of the parents has abandoned the child, or gone to parts unknown, when such consent may be given by the parents, if any, having the care of the child. In case where neither of the parents is living, or if living, have abandoned the child, such consent may be given by the guardian of such child,

if any. If such child has no guardian, such consent may be given by any of the next of kin of such child residing in this state, or, in the discretion of the court, by some suitable person to be appointed by the court. In case of a child not born in lawful wedlock, such consent may be given by the mother, if she is living and has not abandoned such child. Provided, that unless the living parent or parents of a minor consent to such adoption, it shall be the duty of the court having jurisdiction of the proceedings, upon the filing of any petition for adoption, by order to appoint a time and place for hearing such petition, and cause notice of such time and place to be given to such parent or parents, by personal service of said notice on such parent or parents, at least ten days before the hearing, or by publication thereof in a newspaper, as provided by law, at least three weeks successively prior to said hearing, and when notice is duly given as herein provided, the parent of any minor shall be bound by the order of adoption as fully as though he had consented thereto. And in case such child has arrived at the age of twenty-one years, such consent may be given by such child alone, and the consent of no other person in behalf of such child shall be required.

**SECTION 2.** This act shall take effect and be in force from and after its passage and publication.

Approved March 7, 1895.