

No. 97, S.]

[Published May 9, 1949.

### CHAPTER 78.

AN ACT to repeal 322.03 (3); to amend 322.05, 322.02 (2), 322.03 (1), 322.04 (1), (4), (8) and (9) and 322.06; and to create 322.04 (10) of the statutes, relating to adoption.

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

SECTION 1. 322.05 of the statutes is amended to read:

322.05 If, after the hearing and filing of the necessary consent to adoption, the court is satisfied that the petition is true, that the petitioners are of good moral character and of reputable standing in the community and able to properly maintain and educate the person proposed for adoption, that his best interests will be promoted by adoption, that he is suitable for adoption, and that all legal requirements have been complied with, the court shall make an order that from the date thereof such person shall be to all legal intents and purposes the child of the petitioners. The order may change his name to that of the adoptive parents. The order shall set forth all jurisdictional facts. After entry of the order the clerk of the court shall promptly mail a copy thereof to the state bureau of vital statistics and furnish any additional data needed for the corrected birth certificate. *Whenever the parents by adoption request, or the adopting parent and his or her spouse who is the natural parent of the person adopted request, that the birth certificate for the person adopted be not changed or corrected, then the court shall so order, and in such event no new or corrected birth certificate shall be filled out, filed, signed or entered by the state registrar of vital statistics or by any other person, notwithstanding the provisions of section 69.33 or any other statute or law of this state.*

SECTION 2. 322.02 (2) of the statutes is amended to read:

322.02 (2) The results of such investigation shall be fully reported to the court prior to hearing the petition. The report shall be filed \* \* \* *within 90 days after entry of order for hearing on adoption unless extended by further order of the court, and shall be part of the records of the proceedings.* The report shall state the facts found and show that the proposed home was inspected and that a careful inquiry was made as to the suitability of the home. The report shall also include additional facts necessary to enable the state bureau of vital statistics to fill out a new birth certificate as authorized by section 69.33. Inquiry shall be made of at least 2 responsible citizens residing in the same community as the petitioner, and of his pastor. If the parental rights of the natural parents of a minor have been judicially terminated, the report shall contain a summary of the proceedings.

SECTION 3. 322.03 (1) of the statutes is amended to read:

322.03 (1) The court shall appoint a time and place for hearing the petition, and shall allow a reasonable time, \* \* \* for the investigation required by section 322.02. Notice of the hearing shall be mailed to the person or agency making such investigation and proof thereof shall be filed. If the hearing is not had at the time appointed, it shall stand adjourned. The court may, upon its own motion or upon the motion of an interested person, fix another time for the hearing and upon such hearing may grant or deny the petition or grant a further adjournment.

SECTION 4. 322.03 (3) of the statutes is repealed.

SECTION 5. 322.04 (1) and (4) of the statutes are amended to read:

322.04 (1) Except as otherwise specified in this section, no adoption of a minor shall be granted without the written consent of his parents or his guardian if he has one. In the case of a minor 14 years of age *or older*, the consent of the minor is necessary and must be given in writing before the county judge. The court may for cause waive the requirement that consent be given in the presence of the county judge. The *board of county judges of Wisconsin* \* \* \* shall prescribe forms for use in giving consent \* \* \*. The consent of the father of an illegitimate child is not required in any case. As used in this section, the word "guardian" does not mean or include guardian ad litem nor one who has temporary custody or control of the minor.

(4) The consent by a parent must be signed before \* \* \* *a judge of any court of record, unless the court otherwise orders*, and after the judge has explained to the parent the effect of the consent and has examined the parent and is satisfied that consent is voluntary and is freely given. The minority of a parent is not ground for revoking consent.

SECTION 6. 322.04 (8) and (9) of the statutes are amended to read:

322.04 (8) If the parents of a minor who is 18 years of age *or older* have abandoned him the court may terminate the rights of the parents in the adoption proceeding after notice and a hearing as provided in section 48.07 (7).

(9) In the case of a minor or incompetent parent or a parent who is on release under section 51.13, a guardian ad litem shall be appointed for the parent and the consent of such parent shall be effective only when concurred in by *the written consent of the guardian ad litem*.

SECTION 7. 322.04 (10) of the statutes is created to read:

322.04 (10) Notwithstanding any requirement herein to the contrary, reports and recommendations required by this section shall be filed within 6 months after entry of the order for the hearing on petition for adoption, unless extended by further order of the court. The court may proceed with the hearing on adoption and grant or deny the same upon failure to file such report or recommendation within the time fixed by the court.

SECTION 8. 322.06 of the statutes is amended to read:

322.06 All records of proceedings in adoption cases and all papers and books relating to such proceedings shall be kept in a separate locked file and shall not be open to inspection or copy except upon order of the court for good cause shown. No person in charge of adoption records shall disclose the names of the natural or adoptive parents of a child unless ordered to do so by the court. All \* \* \* *correspondence and papers, relating to the investigation, which are not a part of the court record, made or received by the persons or agencies directed by the court in section 322.02 (1), except those of the private licensed child welfare agencies, Milwaukee county children's home or the Wisconsin child center, shall be transferred to the state department of public welfare and placed in its closed files.*

Approved May 5, 1949.