

Original

Part. 700

IN THE HOUSE

BY MRS. DIMOCK

HOUSE BILL NO. 125

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An act relating to adoptions of children; defining offenses and prescribing penalties; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. After a parent has consented in writing to the adoption of his or her minor child, such consent may be withdrawn only upon approval of the commissioner's court before which the petition for the adoption of such child is pending, and at a time prior to entry by such court of its decree of adoption of such child. Request for such approval shall be by petition filed with the court, which petition shall be in writing and shall fully set forth the reasons why withdrawal of the consent should be approved. The court by order shall fix the time and place of hearing; and notice thereof, together with a copy of the petition to withdraw consent, shall be served upon the person or persons who have petitioned for adoption of the child, and upon the Department of Public Welfare. That Department, prior to such hearing, shall file a full report with the court, and shall appear at the hearing to represent the interests of the child.

At the hearing the parties may appear in person or by counsel. If the court finds that withdrawal of consent to adoption is reasonable and would be for the best interests of the child, then it shall approve the withdrawal of such consent

1 and enter an order to that effect; otherwise, it shall with-
2 hold its approval and enter an order denying the relief sought
3 in the petition for withdrawal of consent. Within thirty days
4 from the entry of the court's order, either party may appeal
5 therefrom to the district court. The procedure on appeal shall
6 be the same as that provided by law for appeal from a
7 judgment of a justice's court to the district court in civil
8 cases.

9 Section 2. A person who is a minor shall have the right
10 to sign a consent for the adoption of his or her minor child,
11 and such consent shall not be subject to revocation upon such
12 parent reaching his or her majority.

13 Section 3. It shall be unlawful for any person, partner-
14 ship, society, association or corporation, except the parents,
15 to assume the permanent care, custody or control of any minor
16 child unless authorized to do so by a written order of a com-
17 missioner's court having probate jurisdiction. Without a
18 written order of such court having been obtained, it shall
19 be unlawful for any parent or parents to relinquish or transfer
20 to another person, partnership, society, association or
21 corporation, the permanent care, custody or control of any
22 minor child for adoption or for any other purpose; provided,
23 that consents, waivers and relinquishments heretofore signed
24 by any parent of such child shall be given the same force and
25 effect as would be given prior to the enactment of this act.

26 Section 4. No person, partnership, society, association
27 or corporation shall directly or indirectly dispose of a minor
28 child by placing it in a family home for permanent care or
29 adoption until after the order provided for in Section 3 of

1 this act has been entered; provided, that this shall not apply
2 to spouses, either of whom is the parent of such child, where
3 the family home where the child is placed is the home of the
4 spouses.

5 Section 5. No person, partnership, society, association
6 or corporation, as an inducement to a woman to go to any
7 maternity hospital, maternity home or place of refuge for
8 confinement care, shall in any way offer to dispose of any
9 minor child or advertise that he or it will give minor
10 children for adoption, or hold himself or itself out directly
11 or indirectly as being able to dispose of children.

12 Section 6. It shall be unlawful for any person to show
13 or to divulge the contents of any of the court records existing
14 by reason of the provisions of this act, or of the provisions
15 of other Territorial laws relating to the adoption of children,
16 except on written order of the court made upon a petition
17 showing to the satisfaction of the court that the divulging
18 of such information would inure to the best interests of the
19 child.

20 Section 7. A violation of any of the provisions of
21 Sections 3, 4, 5 and 6 of this act shall constitute a mis-
22 demeanor, punishable by a fine of not more than five hundred
23 dollars, by imprisonment in jail for not more than six months,
24 or by both such fine and imprisonment.

25 Section 8. None of the court proceedings in conformity
26 with this act, or with other Territorial laws relating to the
27 adoption of children, shall be open to the public unless
28 otherwise directed by the presiding judge.

29 Section 9. An emergency is declared to exist and this act

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shall take effect immediately upon its passage and approval.