

DOMESTIC RELATIONS AND PERSONS

CHAPTER 145

HOUSE BILL NO. 1193
(Hilleboe)

DEFINING "MINOR" AND "ADULT"

AN ACT to amend and reenact sections 14-10-01 and 14-10-02 of the North Dakota Century Code, relating to the definition of a minor and an adult.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-10-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-01. "MINORS" DEFINED.) Minors are persons under eighteen years of age. Age shall be calculated from the first minute of the day on which persons are born to the same minute of the corresponding day completing the period of minority.

SECTION 2. AMENDMENT.) Section 14-10-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-10-02. "ADULTS" DEFINED.) All persons eighteen years of age and over are adults.

Approved February 26, 1971

CHAPTER 146

SENATE BILL NO. 2287
(Litten)

SEROLOGICAL TEST
FOR SYPHILIS

AN ACT to amend and reenact section 14-03-13 of the North Dakota Century Code, to provide that the standard serological test for syphilis required for filing of application for marriage license may be performed by any laboratory approved by the state health officer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-03-13 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-03-13. "STANDARD SEROLOGICAL TEST" DEFINED.) A standard serological test shall be a laboratory test for syphilis approved by the state health officer and shall be performed by the state department of health, or by any other laboratory approved by the state health officer. The county judge shall collect a fee of not to exceed fifty cents for each serological test performed in this state, which shall be paid by him into the state treasury on the first day of July. The fee shall be collected from each applicant for a marriage license upon whom the test has been performed. State public health laboratories outside of the state of North Dakota which have been approved by the state health officer shall make their own arrangements as to the amount and manner of collecting their fees for the service.

Approved March 19, 1971

CHAPTER 147

HOUSE BILL NO. 1108
(Wagner)

PHYSICIAN'S CERTIFICATE
FOR MARRIAGE LICENSE

AN ACT to amend and reenact subsection 3 of section 14-03-17 of the North Dakota Century Code, relating to physician's certificate for marriage license application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 3 of section 14-03-17 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. A certificate of a duly licensed physician other than the person seeking the license, showing that neither of the contracting parties is a person afflicted with syphilis, and reporting any other contagious venereal disease if the physician detects the same; and

Approved March 24, 1971

CHAPTER 148

HOUSE BILL NO. 1319
(Mushik, Laughlin, Rocheleau)

MARRIAGE RECORDS -
TRANSMISSION TO BUREAU
OF VITAL STATISTICS

AN ACT to amend and reenact section 14-03-22 of the North Dakota Century Code, and to repeal section 14-03-23 of the North Dakota Century Code, relating to keeping marriage records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-03-22 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-03-22. RECORDS OF MARRIAGE AND LICENSE FEE.) When a license is returned to the county judge with the certificate of the person performing the marriage ceremony properly filled out and signed, the judge shall file the license in his office and retain it as part of his records. For the issuance and filing of a marriage license the county judge shall collect the sum of six dollars from the party applying for the license and shall deposit the same monthly with the county treasurer. The judge shall prepare a copy of the license and certificate and transmit them to the registrar of vital statistics who shall record them in a book of records kept in his office for that purpose. The registrar shall index his records and upon request shall issue certified copies of the recorded license and certificate for a one-dollar fee. He shall keep an accurate account of these fees and shall turn them over to the state treasurer by the fifteenth of each month for crediting to the general fund.

SECTION 2. REPEAL.) Section 14-03-23 of the North Dakota Century Code is hereby repealed.

Approved March 27, 1971

CHAPTER 149

HOUSE BILL NO. 1097
(Hilleboe)

DIVORCE DUE TO
IRRECONCILABLE DIFFERENCES

AN ACT to create and enact section 14-05-09.1 of the North Dakota Century Code and to amend and reenact section 14-05-03 of the North Dakota Century Code, relating to allowing irreconcilable differences as grounds for divorce.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-05-03 of the 1969 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-05-03. CAUSES FOR DIVORCE.) Divorces may be granted for any of the following causes:

1. Adultery.
2. Extreme cruelty.
3. Willful desertion.
4. Willful neglect.
5. Habitual intemperance.
6. Conviction of felony.
7. Insanity for a period of five years, the insane person having been an inmate of an institution for such period, and affected with any psychosis. No divorce shall be granted because of insanity until after a thorough examination of such insane person by three physicians who are recognized authorities on mental diseases, one of which physicians shall be the superintendent of the state hospital for the insane, or the chief medical officer of a veterans administration hospital or government institution within or without the state of North Dakota, the other two physicians to be appointed by the court before whom the action is pending, all of whom shall agree that such insane person is incurable. No divorce shall be granted to any person whose husband or wife is an inmate

of an institution, except a United States Government hospital or institution, in any other than the state of North Dakota, unless the person applying for such divorce shall have been a resident of the state of North Dakota for at least five years.

8. Irreconcilable differences.

SECTION 2.) Section 14-05-09.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

14-05-09.1. IRRECONCILABLE DIFFERENCES DEFINED.) Irreconcilable differences are those grounds which are determined by the court to be substantial reasons for not continuing the marriage and which make it appear that the marriage should be dissolved.

Approved March 18, 1971

CHAPTER 150

HOUSE BILL NO. 1463
(Atkinson)

PROOF IN DEFAULT
DIVORCES

AN ACT to repeal section 14-05-19 of the North Dakota Century Code, relating to affirmative proof required.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. REPEAL.) Section 14-05-19 of the North Dakota Century Code is hereby repealed.

Approved March 16, 1971

CHAPTER 151

HOUSE BILL NO. 1465
(Atkinson)FAMILY COURT ORDER
FOR SUPPORT

AN ACT to amend and reenact section 14-05-23 of the North Dakota Century Code, relating to temporary alimony and suit money.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-05-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-05-23. TEMPORARY SUPPORT, RESTRAINING ORDERS, ATTORNEY FEES, AND CUSTODY.) During any time in which an action for divorce is pending or a family court has jurisdiction, the court, upon application of a party, may issue, ex parte, an order requiring a party to pay such support as may be necessary for the support of a party and any minor children of the parties and attorney fees and awarding custody of any minor children to any party. Such orders may be issued and served in accordance with such rules as are promulgated and filed with the clerks of the district courts within the judicial district from time to time by the district judges of the judicial district. The party to whom the order is directed shall have the right, upon motion, to have a hearing upon the necessity for the issuance of such an order or the amounts to be paid, and unless such a motion is served and filed in the office of the clerk of the district court within five days after service of an order issued under the provisions of this section, the order shall be final and nonappealable pending a final determination of the issues raised by the pleadings or until further order of the court.

Approved March 15, 1971

CHAPTER 152

HOUSE BILL NO. 1461
(Atkinson)

TEMPORARY SUPPORT IN
SEPARATION ACTION

AN ACT to amend and reenact section 14-06-02 of the North Dakota Century Code, relating to temporary maintenance and counsel fees in action for separation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-06-02. TEMPORARY SUPPORT, RESTRAINING ORDERS, ATTORNEY FEES, AND CUSTODY.) During any time in which an action for separation is pending or a family court has jurisdiction, the court, upon application of a party, may issue, ex parte, an order requiring a party to pay such support as may be necessary for the support of a party and any minor children of the parties and attorney fees and awarding custody of any minor children to any party. Such orders may be issued and served in accordance with such rules as are promulgated and filed with the clerks of the district courts within the judicial district from time to time by the district judges of the judicial district. The party to whom the order is directed shall have the right, upon motion, to have a hearing upon the necessity for the issuance of such an order or the amounts to be paid, and unless such a motion is served and filed in the office of the clerk of the district court within five days after service of an order issued under the provisions of this section, the order shall be final and non-appealable pending a final determination of the issues raised by the pleadings or until further order of the court.

Approved March 15, 1971

CHAPTER 153

HOUSE BILL NO. 1455
(R. Peterson, Bunker, Henning)

STEPFATHER'S LIABILITY
FOR STEPCHILDREN

AN ACT to amend and reenact section 14-09-09 of the North Dakota Century Code, relating to the liability of a stepfather for support of stepchildren, and to repeal section 50-09-08.1 of the North Dakota Century Code, relating to stepfather's liability for dependent children.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 14-09-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-09-09. LIABILITY OF STEPFATHER FOR SUPPORT.) A stepfather is not bound to maintain his wife's dependent children, as defined in section 50-09-01, unless he receives them into his family. If he receives them into his family, he is liable, to the extent of his ability, to support them during the marriage and so long thereafter as they remain in his family. Such liability may be enforced against him by any person furnishing necessaries to such children. If he receives them into his family and supports them, it is presumed that he does so as a parent, in which case they are not liable to him for their support, nor he to them for their services. The legal obligation of a natural or adoptive father to support his children is not affected by the liability imposed upon their stepfather by this section.

SECTION 2. REPEAL.) Section 50-09-08.1 of the 1969 Supplement to the North Dakota Century Code is hereby repealed.

Approved March 29, 1971

CHAPTER 154

HOUSE BILL NO. 1111
(Wagner)

TREATING MINORS FOR
VENEREAL DISEASE

AN ACT to permit a physician to examine and treat a minor for venereal disease without parental consent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. MINORS - TREATMENT FOR VENEREAL DISEASE.) Any person of the age of fourteen years or older may contract for and receive examination, care, or treatment for venereal disease without permission, authority, or consent of a parent or guardian.

Approved March 27, 1971

CHAPTER 155

HOUSE BILL NO. 1107
(Wagner)

BLOOD DONATIONS BY MINORS

AN ACT to permit any person over eighteen years of age to be a blood donor without parental authority.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. BLOOD DONATIONS BY MINORS.) Any person of the age of eighteen years or over shall be eligible to donate blood without the necessity of permission or authorization of parent or guardian.

Approved March 3, 1971

CHAPTER 156

HOUSE BILL NO. 1204
(R. Peterson, Atkinson)

MINOR STUDENT'S
CAPACITY TO BORROW

AN ACT relating to the removal of disability of certain minors in making an educational loan, and constituting the Uniform Minor Student Capacity to Borrow Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. DEFINITIONS.) As used in this Act:

1. "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity;
2. "Educational institution" means a university, college, community college, junior college, high school, technical, vocational or professional school, or similar institution, wherever located, approved or accredited by the appropriate official, department or agency of this state for the purposes of this Act, or by the appropriate official, department or agency of the state in which the institution is located; and
3. "Educational loan" means a loan or other aid or assistance for the purpose of furthering the obligor's education at an educational institution.

SECTION 2. LIMITED REMOVAL OF DISABILITY OF MINORS.) Any written obligation signed by a minor sixteen or more years of age in consideration of an educational loan received by him from any person is enforceable as if he were an adult at the time of execution, but only if prior to the making of the educational loan an educational institution has certified in writing to the person making the educational loan that the minor is enrolled, or has been accepted for enrollment, in the educational institution.

SECTION 3. APPLICATION AND CONSTRUCTION.) This Act shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this Act among those states which enact it.

SECTION 4. SHORT TITLE.) This Act may be cited as the Uniform Minor Student Capacity to Borrow Act.

Approved March 3, 1971

CHAPTER 157

HOUSE BILL NO. 1161
(Eagles, Hentges)

ADOPTION

AN ACT to create chapter 14-15 of the North Dakota Century Code, relating to adoptions and constituting the Revised Uniform Adoption Act, and to repeal chapter 14-11 of the North Dakota Century Code.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1.) Chapter 14-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

14-15-01. DEFINITIONS.) As used in this chapter, unless the context otherwise requires,

1. "Child" means a son or daughter, whether by birth or adoption;
2. "Court" means the district court of this state, and when the context requires means the court of any other state empowered to grant petitions for adoption;
3. "Minor" means an individual under the age of eighteen years;
4. "Adult" means an individual who is not a minor;
5. "Agency" means any person certified, licensed, or otherwise specially empowered by law or rule to place minors for adoption;
6. "Person" means an individual, corporation, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

14-15-02. WHO MAY BE ADOPTED.) Any individual may be adopted.

14-15-03. WHO MAY ADOPT.) The following individuals may adopt:

1. A husband and wife together although one or both

- are minors;
2. An unmarried adult;
 3. The unmarried father or mother of the individual to be adopted;
 4. A married individual without the other spouse joining as a petitioner, if the individual to be adopted is not his spouse, and if
 - a. The other spouse is a parent of the individual to be adopted and consents to the adoption;
 - b. The petitioner and the other spouse are legally separated; or
 - c. The failure of the other spouse to join in the petition or to consent to the adoption is excused by the court by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances constituting an unreasonable withholding of consent.

14-15-04. VENUE - INCONVENIENT FORUM - CAPTION.)

1. Proceedings for adoption must be brought in the court for the place in which, at the time of filing or granting the petition, the petitioner or the individual to be adopted resides or is in military service or in which the agency having the care, custody, or control of the minor is located.
2. If the court finds in the interest of substantial justice that the matter should be heard in another forum, the court may transfer stay or dismiss the proceeding in whole or in part on any conditions that are just.
3. The caption of a petition for adoption shall be styled substantially "In the Matter of the Adoption of _____." The person to be adopted shall be designated in the caption under the name by which he is to be known if the petition is granted. If the child is placed for adoption by an agency, any name by which the child was previously known shall not be disclosed in the petition, the notice of hearing, or in the decree of adoption.

14-15-05. PERSONS REQUIRED TO CONSENT TO ADOPTION.)

1. Unless consent is not required under section 14-15-06, a petition to adopt a minor may be granted only if written consent to a particular adoption has been

executed by:

- a. The mother of the minor;
 - b. The father of the minor, if the father was married to the mother at the time the minor was conceived or at any time thereafter, the minor is his child by adoption, or he has otherwise legitimated the minor according to the laws of the place in which the adoption proceeding is brought;
 - c. Any person lawfully entitled to custody of the minor or empowered to consent;
 - d. The court having jurisdiction to determine custody of the minor, if the legal guardian or custodian of the person of the minor is not empowered to consent to the adoption;
 - e. The minor, if more than ten years of age, unless the court in the best interest of the minor dispenses with the minor's consent; and
 - f. The spouse of the minor to be adopted.
2. A petition to adopt an adult may be granted only if written consent to adoption has been executed by the adult and the adult's spouse.

14-15-06. PERSONS AS TO WHOM CONSENT AND NOTICE NOT REQUIRED.)

1. Consent to adoption is not required of:
 - a. A parent who has deserted a child without affording means of identification, or who has abandoned a child;
 - b. A parent of a child in the custody of another, if the parent for a period of at least one year has failed significantly without justifiable cause (i) to communicate with the child or (ii) to provide for the care and support of the child as required by law or judicial decree;
 - c. The father of a minor if the father's consent is not required by section 14-15-05 (1) (b);
 - d. A parent who has relinquished his right to consent under section 14-15-19;
 - e. A parent whose parental rights have been terminated by order of court under section

14-15-19;

- f. A parent judicially declared incompetent or mentally defective if the court dispenses with the parent's consent;
 - g. Any parent of the individual to be adopted, if the individual is an adult;
 - h. Any legal guardian or lawful custodian of the individual to be adopted, other than a parent, who has failed to respond in writing to a request for consent for a period of sixty days or who, after examination of his written reasons for withholding consent, is found by the court to be withholding his consent unreasonably; or
 - i. The spouse of the individual to be adopted, if the failure of the spouse to consent to the adoption is excused by the court by reason of prolonged unexplained absence, unavailability, incapacity, or circumstances constituting an unreasonable withholding of consent.
2. Except as provided in section 14-15-11, notice of a hearing on a petition for adoption need not be given to a person whose consent is not required or to a person whose consent or relinquishment has been filed with the petition.

14-15-07. HOW CONSENT IS EXECUTED.)

1. The required consent to adoption shall be executed at any time after the birth of the child and in the manner following:
 - a. If by the individual to be adopted, in the presence of the court;
 - b. If by an agency, by the executive head or other authorized representative, in the presence of a person authorized to take acknowledgments;
 - c. If by any other person, in the presence of the court or in the presence of a person authorized to take acknowledgments;
 - d. If by a court, by appropriate order or certificate.
2. A consent which does not name or otherwise identify the adopting parent is valid if the consent contains a statement by the person whose consent it is that the person consenting voluntarily executed the consent irrespective of disclosure of the name or

other identification of the adopting parent.

14-15-08. WITHDRAWAL OF CONSENT.)

1. A consent to adoption cannot be withdrawn after the entry of a decree of adoption.
2. A consent to adoption may be withdrawn prior to the entry of a decree of adoption if the court finds, after notice and opportunity to be heard is afforded to petitioner, the person seeking the withdrawal, and the agency placing a child for adoption, that the withdrawal is in the best interest of the individual to be adopted and the court orders the withdrawal.

14-15-09. PETITION FOR ADOPTION.)

1. A petition for adoption shall be signed and verified by the petitioner, filed with the clerk of the court, and state:
 - a. The date and place of birth of the individual to be adopted, if known;
 - b. The name to be used for the individual to be adopted;
 - c. The date petitioner acquired custody or date of placement of the minor and the name of the person placing the minor;
 - d. The full name, age, place and duration of residence of the petitioner;
 - e. The marital status of the petitioner, including the date and place of marriage, if married;
 - f. That the petitioner has facilities and resources, including those available under a subsidy agreement, suitable to provide for the nurture and care of the minor to be adopted, and that it is the desire of the petitioner to establish the relationship of parent and child with the individual to be adopted;
 - g. A description and estimate of value of any property of the individual to be adopted; and
 - h. The name of any person whose consent to the adoption is required, but who has not consented, and facts or circumstances which excuse the lack of his consent normally required to the adoption.

2. A certified copy of the birth certificate or verification of birth record of the individual to be adopted, if available, and the required consents and relinquishments shall be filed with the clerk.

14-15-10. REPORT OF PETITIONER'S EXPENDITURES.)

1. Except as specified in subsection 2, the petitioner in any proceeding for the adoption of a minor shall file, before the petition is heard, a full accounting report in a manner acceptable to the court of all disbursements of anything of value made or agreed to be made by or on behalf of the petitioner in connection with the adoption. The report shall show any expenses incurred in connection with:
 - a. The birth of the minor;
 - b. Placement of the minor with petitioner;
 - c. Medical or hospital care received by the mother or by the minor during the mother's prenatal care and confinement; and
 - d. Services relating to the adoption or to the placement of the minor for adoption which were received by or on behalf of the petitioner, either natural parent of the minor, or any other person.
2. This section does not apply to an adoption by a stepparent whose spouse is a natural or adoptive parent of the child.
3. Any report made under this section must be signed and verified by the petitioner.

14-15-11. NOTICE OF PETITION - INVESTIGATION AND HEARING.)

1. After the filing of a petition to adopt a minor, the court shall fix a time and place for hearing the petition. At least twenty days before the date of hearing, notice of the filing of the petition and of the time and place of hearing shall be given by the petitioner to (a) the public welfare board; (b) any agency or person whose consent to the adoption is required by this act but who has not consented; and (c) a person whose consent is dispensed with upon any ground mentioned in paragraphs (a), (b), (g), (h), and (i) of subsection 1 of section 14-15-06 but who has not consented. The notice to the public welfare board shall be

accompanied by a copy of the petition.

2. An investigation shall be made by the public welfare board, a county welfare board, a licensed child-placing agency, or any other qualified agency or person designated by the court, to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor.
3. A written report of the investigation shall be filed with the court by the investigator before the petition is heard.
4. The report of the investigation shall contain an evaluation of the placement with a recommendation as to the granting of the petition for adoption and any other information the court requires regarding the petitioner or the minor.
5. Unless directed by the court, an investigation and report is not required in cases in which an agency is a party or joins in the petition for adoption, a stepparent is the petitioner, or the person to be adopted is an adult. In other cases, the court may waive the investigation only if it appears that waiver is in the best interest of the minor and that the adoptive home and the minor are suited to each other. The public welfare board which is required to consent to the adoption may give consent without making the investigation.
6. The public welfare board or the agency or persons designated by the court to make the required investigation may request other departments or agencies within or without this state to make investigations of designated portions of the inquiry as may be appropriate and to make a written report thereof as a supplemental report to the court and shall make similar investigations and reports on behalf of other agencies or persons designated by the courts of this state or another place.
7. After the filing of a petition to adopt an adult the court by order shall direct that a copy of the petition and a notice of the time and place of the hearing be given to any person whose consent to the adoption is required but who has not consented. The court may order an appropriate investigation to assist it in determining whether the adoption is in the best interest of the persons involved.

8. Notice shall be given in the manner appropriate under rules of civil procedure for the service of process in a civil action in this state or in any manner the court by order directs. Proof of the giving of the notice shall be filed with the court before the petition is heard.

14-15-12. REQUIRED RESIDENCE OF MINOR.) A final decree of adoption shall not be issued and an interlocutory decree of adoption does not become final, until the minor to be adopted, other than a stepchild of the petitioner, has lived in the adoptive home for at least six months after placement by an agency, or for at least six months after the public welfare board or the court has been informed of the custody of the minor by the petitioner, and the public welfare board or court has had an opportunity to observe or investigate the adoptive home.

14-15-13. APPEARANCE - CONTINUANCE - DISPOSITION OF PETITION.)

1. The petitioner and the individual to be adopted shall appear at the hearing on the petition, unless the presence of either is excused by the court for good cause shown.
2. The court may continue the hearing from time to time to permit further observation, investigation, or consideration of any facts or circumstances affecting the granting of the petition.
3. If at the conclusion of the hearing the court determines that the required consents have been obtained or excused and that the adoption is in the best interest of the individual to be adopted, it may (a) issue a final decree of adoption; or (b) issue an interlocutory decree of adoption which by its own terms automatically becomes a final decree of adoption on a day therein specified, which day shall not be less than six months nor more than one year after the date of issuance of the decree, unless sooner vacated by the court for good cause shown.
4. If the requirements for a decree under subsection 3 have not been met, the court shall dismiss the petition and determine the person to have custody of the minor, including the petitioners if in the best interest of the minor. In an interlocutory decree of adoption the court may provide for observation, investigation, and further report on the adoptive home during the interlocutory period.

14-15-14. EFFECT OF PETITION AND DECREE OF ADOPTION.)

1. A final decree of adoption and an interlocutory

decree of adoption which has become final, whether issued by a court of this state or of any other place, have the following effect as to matters within the jurisdiction or before a court of this state:

- (a) Except with respect to a spouse of the petitioner and relatives of the spouse, to relieve the natural parents of the adopted individual of all parental rights and responsibilities, and to terminate all legal relationships between the adopted individual and his relatives, including his natural parents, so that the adopted individual thereafter is a stranger to his former relatives for all purposes including inheritance and the interpretation or construction of documents, statutes, and instruments, whether executed before or after the adoption is decreed, which do not expressly include the individual by name or by some designation not based on a parent and child or blood relationship; and
 - (b) To create the relationship of parent and child between petitioner and the adopted individual, as if the adopted individual were a legitimate blood descendant of the petitioner, for all purposes including inheritance and applicability of statutes, documents, and instruments, whether executed before or after the adoption is decreed, which do not expressly exclude an adopted individual from their operation or effect.
2. Notwithstanding the provisions of subsection 1, if a parent of a child dies without the relationship of parent and child having been previously terminated and a spouse of the living parent thereafter adopts the child, the child's right of inheritance from or through the deceased parent is unaffected by the adoption.
 3. An interlocutory decree of adoption, while it is in force, has the same legal effect as a final decree of adoption. If an interlocutory decree of adoption is vacated, it shall be as though void from its issuance, and the rights, liabilities, and status of all affected persons which have not become vested shall be governed accordingly.

14-15-15. APPEAL AND VALIDATION OF ADOPTION DECREE.)

1. An appeal from any final order or decree rendered under this act may be taken in the manner and time provided for appeal from a judgment in a civil action.

2. Subject to the disposition of an appeal, upon the expiration of one year after an adoption decree is issued the decree cannot be questioned by any person including the petitioner, in any manner upon any ground, including fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction of the parties or of the subject matter, unless, in the case of the adoption of a minor the petitioner has not taken custody of the minor, or, in the case of the adoption of an adult, the adult had no knowledge of the decree within the one year period.

14-15-16. HEARINGS AND RECORDS IN ADOPTION PROCEEDINGS - CONFIDENTIAL NATURE.) Notwithstanding any other law concerning public hearings and records,

1. All hearings held in proceedings under this act shall be held in closed court without admittance of any person other than essential officers of the court, the parties, their witnesses, counsel, persons who have not previously consented to the adoption but are required to consent, and representatives of the agencies present to perform their official duties;
2. All papers and records pertaining to the adoption whether part of the permanent record of the court or of a file in the public welfare board or in an agency are subject to inspection only upon consent of the court and all interested persons; or in exceptional cases, only upon an order of the court for good cause shown; and
3. Except as authorized in writing by the adoptive parent or the adopted child or upon order of the court for good cause shown in exceptional cases, no person shall be required to disclose the name or identity of either an adoptive parent or an adopted child.

14-15-17. RECOGNITION OF FOREIGN DECREE AFFECTING ADOPTION.) A decree of court terminating the relationship of parent and child or establishing the relationship by adoption issued pursuant to due process of law by a court of any other jurisdiction within or without the United States shall be recognized in this state and the rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined as though the decree were issued by a court of this state.

14-15-18. APPLICATION FOR NEW BIRTH RECORD.) Within thirty days after an adoption decree becomes final, the clerk of the court shall prepare an application for a birth record in the new name of the adopted individual and forward the application to the appropriate vital statistics office of the

place, if known, where the adopted individual was born and forward a copy of the decree to the public welfare board of this state for statistical purposes.

14-15-19. RELINQUISHMENT AND TERMINATION OF PARENT AND CHILD RELATIONSHIP.)

1. The rights of a parent with reference to a child, including parental right to control the child or to withhold consent to an adoption, may be relinquished and the relationship of parent and child terminated in or prior to an adoption proceeding as provided in this section.
2. All rights of a parent with reference to a child, including the right to receive notice of a hearing on a petition for adoption, may be relinquished and the relationship of parent and child terminated by a writing, signed by the parent, regardless of the age of the parent,
 - a. In the presence of a representative of an agency taking custody of the child, whether the agency is within or without the state or in the presence and with the approval of a judge of a court of record within or without this state in which the minor was present or in which the parent resided at the time it was signed, which relinquishment may be withdrawn within ten days after it is signed or the child is born, whichever is later; and the relinquishment is invalid unless it states that the parent has this right of withdrawal; or
 - b. In any other situation if the petitioner has had custody of the minor for two years, but only if notice of the adoption proceeding has been given to the parent and the court finds, after considering the circumstances of the relinquishment and the long continued custody by the petitioner, that the best interest of the child requires the granting of the adoption.
3. In addition to any other proceeding provided by law, the relationship of parent and child may be terminated by a court order issued in connection with an adoption proceeding under this act on any ground provided by other law for termination of the relationship, and in any event on the ground (a) that the minor has been abandoned by the parent, (b) that by reason of the misconduct, faults, or habits of the parent or the repeated and continuous neglect or refusal of the parent, the minor is without proper parental care and control, or subsistence, education, or other

care or control necessary for his physical, mental, or emotional health or morals, or, by reason of physical or mental incapacity the parent is unable to provide necessary parental care for the minor, and the court finds that the conditions and causes of the behavior, neglect, or incapacity are irremediable or will not be remedied by the parent, and that by reason thereof the minor is suffering or probably will suffer serious physical, mental, moral, or emotional harm, or (c) that in the case of a parent not having custody of a minor, his consent is being unreasonably withheld contrary to the best interest of the minor.

4. For the purpose of proceeding under this act, a decree terminating all rights of a parent with reference to a child or the relationship of parent and child issued by a court of competent jurisdiction in this or any other state dispenses with the consent to adoption proceedings of a parent whose rights or parent and child relationship are terminated by the decree and with any required notice of an adoption proceeding other than as provided in this section.
5. A petition for termination of the relationship of parent and child made in connection with an adoption proceeding may be made by:
 - a. Either parent if termination of the relationship is sought with respect to the other parent;
 - b. The petitioner for adoption, the guardian of the person, the legal custodian of the child, or the individual standing in parental relationship to the child;
 - c. An agency; or
 - d. Any other person having a legitimate interest in the matter.
6. Before the petition is heard, notice of the hearing thereon and opportunity to be heard shall be given the parents of the child, the guardian of the person of the child, the person having legal custody of the child, and, in the discretion of the court, a person appointed to represent any party.
7. Notwithstanding the provisions of subsection 2, a relinquishment of parental rights with respect to a child, executed under this section, may be withdrawn by the parent, and a decree of a court terminating the parent and child relationship

under this section may be vacated by the court upon motion of the parent, if the child is not on placement for adoption and the person having custody of the child consents in writing to the withdrawal or vacation of the decree.

14-15-20. ADOPTION AND LEGITIMATION BY CONDUCT.) Notwithstanding the other provisions of this chapter, the father of an illegitimate minor adopts and legitimates a minor by publicly acknowledging the minor as his child, receiving the minor into his home, with the consent of his wife, if he is married, and otherwise treating the minor as if the minor were legitimate. Thereafter, the minor is deemed the legitimate child of the father for all purposes from the time of birth of the minor, the same as if the adoption had been finally decreed pursuant to this chapter.

14-15-21. APPLICATION AND CONSTRUCTION.) This chapter shall be so applied and construed as to effectuate its general purpose to make uniform the law with respect to the subject of this chapter among those states which enact it.

14-15-22. SHORT TITLE.) This chapter may be cited as the Revised Uniform Adoption Act.

14-15-23. EFFECT ON PENDING PROCEEDINGS.) Any adoption or termination proceedings pending on the effective date of this chapter is not affected thereby.

SECTION 2. REPEAL.) Chapter 14-11 of the North Dakota Century Code is hereby repealed.

Approved March 27, 1971