

Dept. of Interior
employee in Alas-
ka.

“SEC. 4. Any employee of the Department of the Interior, stationed in Alaska, notwithstanding such employment, may, in the discretion of the Secretary, purchase or lease under this Act one tract for residence or recreation purposes in the Territory of Alaska: *Provided, however,* That any conveyance by the Secretary to such employee shall contain a provision under which said tract shall revert to the United States if used, within twenty-five years after issuance of patent for such tract, for other than residential or recreation purposes.

Oreg. and Calif.
R. R. and Coos
Bay Wagon Road
grant lands.

“SEC. 5. The authority to lease lands under this Act shall extend to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon and under the jurisdiction of the Department of the Interior, except that—

“(a) such lands shall be leased only for residential, recreational, or community site purposes and not for business purposes; and

“(b) no lease of such lands shall be made if such lease would interfere with the application of the sustained yield timber management requirement established with respect to such lands by the Act entitled ‘An Act relating to the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands situated in the State of Oregon’, approved August 28, 1937 (50 Stat. 874).”

43 USC 1181a-
1181f.

Approved June 8, 1954.

Public Law 391

CHAPTER 271

AN ACT

June 8, 1954
[H. R. 2974]

To extend the time for enrollment of the Indians of California, and for other purposes.

California In-
dians.

25 USC 657.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7 of the Act of May 18, 1928 (45 Stat. 602), as amended by the Act of April 29, 1930 (46 Stat. 259), the Act of June 30, 1948 (62 Stat. 1166), and the Act of May 24, 1950 (64 Stat. 189), is hereby further amended by deleting the words “six months” in the penultimate sentence and by inserting in lieu thereof the words “until June 30, 1955,” and by inserting after the third sentence “For the purposes of clause (d) of this section, when the Secretary of the Interior is satisfied that reasonable and diligent efforts have been made to locate a person whose name is on said roll and that such person cannot be located, he may presume that such person died prior to the date of approval of this Act, and his presumption shall be conclusive”.

25 USC 651-658.

SEC. 2. That the Secretary of the Interior shall transmit to Congress on or before August 31, 1955, a full and complete report of funds used and the purposes accomplished to carry out the provisions of this Act and the Act approved May 18, 1928 (45 Stat. 602), as amended by the Act of April 29, 1930 (46 Stat. 259), the Act of June 30, 1948 (62 Stat. 1166), and the Act of May 24, 1950 (64 Stat. 189).

Approved June 8, 1954.

Public Law 392

CHAPTER 272

AN ACT

June 8, 1954
[H. R. 7061]

To prescribe and regulate the procedure for adoption in the District of Columbia.

D. C. adoption
procedure.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

STATEMENT OF POLICY

SECTION 1. The Congress of the United States hereby declares its conviction that the policies and procedures for adoption contained in this Act are socially necessary and desirable in the District of Columbia, having as their purpose the threefold protection of (1) the adoptive child, from unnecessary separation from his natural parents and from adoption by persons unfit to have such responsibility; (2) the natural parents, from hurried and abrupt decisions to give up the child; and (3) the adopting parents, by providing them information about the child and his background, and protecting them from subsequent disturbance of their relationships with the child by natural parents.

DEFINITIONS

SEC. 2. When used in this Act, the term—

- (1) "Commissioners" means the Board of Commissioners of the District of Columbia, or their designated agents;
- (2) "District" means the District of Columbia;
- (3) "licensed child-placing agency" means a child-placing agency licensed under the laws of the District of Columbia; and
- (4) "adoptee" means a person with respect to whose adoption a petition has been filed under this Act or with respect to whom an interlocutory or final decree of adoption is in effect.

JURISDICTION

SEC. 3. (a) Subject to the provisions of subsection (b), jurisdiction is hereby conferred upon the United States District Court for the District of Columbia to hear and determine petitions and decrees of adoption of any adult or child with authority to make such rules, not inconsistent with this Act, as shall bring fully before the court for consideration the interests of the adoptee, the natural parents, the petitioner, and any other properly interested party.

(b) Jurisdiction is conferred if any of the following circumstances exist:

- (1) If petitioner is a legal resident of the District.
- (2) If petitioner has actually resided in the District for at least one year next preceding the filing of the petition.
- (3) If the child to be adopted is in the legal care, custody, or control of the Commissioners or a licensed child-placing agency.

WHO MAY ADOPT

SEC. 4. Any person may petition the court for a decree of adoption. No petition shall be considered by the court unless petitioner's spouse, if he has one, joins in the petition, except that if either the husband or wife is a natural parent of the adoptee, such natural parent need not join in the petition with the adopting parent, but need only give his or her consent to the adoption. If the marital status of the petitioner changes after the time of filing the petition and before the time the decree of adoption is final, the petition shall be amended accordingly.

WHO MAY BE ADOPTED

SEC. 5. Any person, whether a minor or an adult, may be adopted.

CONSENT

SEC. 6. (a) No petition for adoption shall be granted by the court unless there is filed with the petition a written statement of consent,

as specified in this section, which is signed and acknowledged by an officer authorized before law to take acknowledgments, before a representative of a licensed child-placing agency, or before the Commissioners, or unless a relinquishment of parental rights with respect to the adoptee has been recorded and filed as provided in section 6 of the Act of April 22, 1944.

58 Stat. 194.
D. C. Code 32-
786.

(b) Consent to any proposed adoption of an adoptee under twenty-one years of age shall be obtained

(1) from the adoptee, if he is fourteen years of age or over; and also,

(2) in accordance with the provisions of any one of the subparagraphs a through g below, as follows:

a. both parents, if they are or were married and are both alive; or

b. the living parent of the adoptee, if one of the parents is dead; or

c. the mother in the case of an adoptee born out of wedlock, unless the adoptee has been legitimated according to the laws of any jurisdiction, in which case the consent of the father shall also be required if he is alive; or

d. the mother of an adoptee born in wedlock, if the illegitimacy of the adoptee has been established to the satisfaction of the court; or

e. the court appointed guardian of the adoptee; or

f. a licensed child-placing agency or the Commissioners in case the parental rights of the parent or parents have been terminated by any court of competent jurisdiction or by a release of parental rights to the Commissioners or licensed child-placing agency, based upon consents obtained in accordance with (2) a through e above and the adoptee has been lawfully placed under the care and custody of such agency or the Commissioners; or

g. the Commissioners in any situation not herein above provided for.

(c) Minority of a natural parent shall not be a bar to such parent's consent to adoption.

(d) In the event a parent whose consent is hereinbefore required, after such notice as the court shall direct, cannot be located, or has abandoned the adoptee and voluntarily failed to contribute to the adoptee's support for a period of at least six months next preceding the date of the filing of the petition, the consent of such parent shall not be required.

(e) The court may grant a petition for adoption without any of the consents hereinabove specified, if, after a hearing, the court finds that such consent or consents are withheld contrary to the best interests of the child.

(f) Persons over twenty-one years of age may be adopted, on the petition of the adopting parent or parents, with the consent of adoptee, provided the court is satisfied that the adoption should be granted.

THE PETITION

SEC. 7. Every petition filed for the adoption of a person shall be under oath or affirmation of the petitioner and the titling thereof shall be substantially as follows: "Ex parte in the matter of the petition of _____ for adoption." The petition or the exhibits annexed thereto shall contain the following information:

(1) The name, sex, date, and place of birth of the adoptee, and the names and addresses and residences of the natural parents, if known to the petitioner, except that in any adoption proceeding which is consented to by the Commissioners or a licensed child-placing agency, the names, addresses and residence of the natural parents shall not be set forth.

(2) The name, address, age, business or employment of the petitioner, and the name of the employer, if any, of the petitioner.

(3) The relationship, if any, of the adoptee to the petitioner.

(4) The race and religion of the adoptee, or his natural parent or parents.

(5) The race and religion of the petitioner.

(6) The date that the adoptee commenced residing with petitioner.

(7) Any change of name which may be desired.

If any of the above facts are unknown to the petitioner, the petitioner shall state this fact. If any of the above facts are known to the Commissioners or a licensed child-placing agency, which as a matter of social policy declines to disclose them to the petitioner, the facts may be disclosed to the court in an exhibit filed by the Commissioners or such licensed agency with the court. If more than one petitioner joins in a petition, the requirements of this section shall be applicable to each petitioner.

NOTICE

SEC. 8. Due notice of pending adoption proceedings shall be given immediately upon the filing of a petition by summons, by registered letter sent to the addressee only, or otherwise, as the court may order to be given, to any person or persons whose consent is necessary thereto, except that any party or parties who have formally given their consent to the proposed adoption, as provided elsewhere in this Act, shall be held thereby to have waived the requirement of notice to them under the provisions of this section.

INVESTIGATION

SEC. 9. Upon the filing of a petition the court shall, except in a case that is supervised by a licensed child-placing agency and except as provided in section 10, refer the petition to the Commissioners for investigation, report, and recommendation. Where the case is supervised by such a licensed child-placing agency the court shall refer the petition to such agency for investigation, report, and recommendation. The investigation, report, and recommendation shall include—

(1) an investigation—

(A) of the truth of the allegations of the petition;

(B) of the environment, antecedents, and assets, if any, of the adoptee, for the purpose of ascertaining whether he is a proper subject for adoption;

(C) of the home of the petitioner, to determine whether the home is a suitable one for the adoptee;

(D) of any other circumstances and conditions which may have a bearing on the adoption and of which the court should have knowledge;

(2) a written report to the court of the findings of such investigation; and

(3) a recommendation to the court whether a final decree declaring the adoption prayed for in the petition should be immediately granted, or whether the court should grant an interlocutory decree granting temporary custody of the adoptee to the petitioner, as hereinafter set forth.

Any written report submitted to the court shall be filed with, and become part of, the records in the case.

INVESTIGATION IN CERTAIN CASES

SEC. 10. Whenever the adoptee is an adult or whenever the petitioner is a spouse of the natural parent of the adoptee, and the natural parent consents to the adoption or joins in the petition for adoption, the court may in its discretion dispense with the investigation, report, and interlocutory decree provided for in this Act.

PROCEEDINGS

SEC. 11. (a) Within a period of ninety days, or such time as extended by the court, after a copy of the petition and the order providing for the report is served upon the agency directed to make the investigation, the agency shall make the report and recommendation required by section 8 to the court and thereupon the court shall proceed to act upon the petition.

(b) No final decree of adoption shall be entered unless the adoptee shall have been living with the petitioner at least six months. After considering the petition, the consents, and such evidence as the parties and any other properly interested person may wish to present, the court may enter a final or interlocutory decree of adoption if it is satisfied—

(1) that adoptee is physically, mentally, and otherwise suitable for adoption by the petitioner;

(2) that the petitioner is fit and able to give the adoptee a proper home and education; and

(3) that the adoption will be for the best interests of adoptee. If it shall appear in the interest of the adoptee, the court may enter an interlocutory decree of adoption, which decree shall by its terms automatically become a final decree of adoption on a day therein named, which day shall not be less than six months, nor more than one year, from the date of entry of such interlocutory decree unless in the interim such decree shall have been set aside for cause shown. The supervising agency shall be permitted to visit the adoptee during the period of the interlocutory decree.

(c) The court may revoke its interlocutory decree for good cause shown at any time before it becomes a final decree, either on its own motion or on the motion of one of the parties to the adoption. Before such revocation, notice shall be given thereof to all those persons or parties who were given notice of the original petition for adoption, and an opportunity for all such interested persons or parties to be heard.

(d) All proceedings with reference to adoption shall be of a confidential nature and shall be held in chambers in a sealed courtroom with as little publicity as the court deems appropriate.

FINALITY OF DECREES OF ADOPTION

SEC. 12. No attempt to invalidate a final decree of adoption by reason of any jurisdictional or procedural defect shall be received by any court of the District, unless regularly filed with such court within one year following the time the final decree became effective.

APPEAL

SEC. 13. Any party to an adoption proceeding may appeal to the Court of Appeals for the District of Columbia from any interlocutory or final order or decree of adoption of the United States District Court for the District of Columbia.

RECORDS

SEC. 14. Records and papers in adoption proceedings shall, from and after the filing of the petition, be sealed and shall not be inspected by any person, including the parties to the proceeding, except upon order of the court, and only then when the court is satisfied that the welfare of the child will thereby be promoted or protected. The clerk of the court shall keep separate dockets for adoption proceedings.

LEGAL EFFECTS OF DECREE OF ADOPTION

SEC. 15. (a) A final decree of adoption shall establish the relationship of natural parent and natural child between adoptor and adoptee for all purposes, including mutual rights of inheritance and succession the same as if adoptee was born to adoptor. Such adoptee shall take from, through, and as a representative of his adoptive parent or parents in the same manner as a child by birth, and upon the death of an adoptee intestate, his property shall pass and be distributed in the same manner as if such adoptee had been born to such adopting parent or parents in lawful wedlock. All rights and duties including those of inheritance and succession between the adoptee, his natural parents, their issue, collateral relatives, and so forth, shall be cut off, except that in the event one of the natural parents is the spouse of the adoptor, then the rights and relations as between adoptee, such natural parent, and his parents and collateral relatives, including mutual rights of inheritance and succession, shall in nowise be altered.

(b) An interlocutory decree of adoption shall, while it is in force, have the same legal effects as a final decree of adoption. Upon the revocation of an interlocutory decree of adoption, the status of the adoptee, the natural parents of the adoptee, and the petitioners shall be as though the interlocutory decree were null and void ab initio.

(c) The family name of the adoptee shall be changed to that of adoptor unless the decree shall otherwise provide, and the given name of the adoptee may be fixed or changed at the same time.

BIRTH CERTIFICATES

SEC. 16. (a) Notice of a final decree of adoption shall be sent to the Commissioners. The Commissioners, unless otherwise requested in the petition by the adoptors, shall cause to be made a new record of the birth in the new name and with the names of the adoptors and shall then cause to be sealed and filed the original birth certificate with the order of the court and such sealed package shall be opened only by order of the court.

(b) If the adoption occurred outside of the District either before or after August 25, 1937, upon filing with the Commissioners a certified copy of the final decree of adoption, the Commissioners shall cause to be made a new record of the birth in the new name and with

the names of the adoptors and shall then cause to be sealed and filed the original birth certificate with the certified copy of the final decree of adoption, and such sealed package shall be opened only by order of a court of competent jurisdiction.

(c) If the birth of the adoptee occurred outside the District the clerk of the court shall, upon petition by the adoptor, furnish him with a certified copy of the final decree of adoption.

(d) When an adoption in the District occurred prior to August 25, 1937, the court shall, upon presentation of a motion by a party to the proceedings, order the clerk of the court to seal the records in such proceeding and upon presentation of a certified copy of said order the Commissioners shall cause to be made a new record of the birth in the new name and with the names of the adoptors and shall then cause to be sealed and filed the original birth certificate with the order of the court, and such sealed package shall be opened only by order of the court.

MEANING OF THE TERM "CHILD"

SEC. 17. The term "child" or its equivalent in a deed, grant, will, or other written instrument shall, in the District, be held to include any adopted person, unless the contrary plainly appears by the terms thereof, whether or not such instrument was executed before or after the entry of the interlocutory decree of adoption, if any, or before or after the final decree of adoption became effective.

REPEAL AND SAVINGS PROVISIONS

SEC. 18. (a) Subject to the provisions of subsection (b) of this section, the Act entitled "An Act to regulate proceedings in adoption in the District of Columbia", approved August 25, 1937, as amended (16 D. C. Code, ch. 2), is repealed.

(b) The provisions of this Act shall have no retroactive effect except to the extent that they specifically so provide and shall not be construed as affecting in any way the rights and relations obtained by any decree of adoption entered prior to the date of the enactment of this Act, and all proceedings instituted and pending on the date of the enactment of this Act shall be carried to their final determination in accordance with the Act repealed by the preceding subsection, and all orders and decrees entered therein shall remain valid and binding on all parties thereby affected.

(c) If any provisions of this Act, or the applicability thereof to any person or set of circumstances, is held invalid, the remainder of this Act and the applicability thereof to other persons and sets of circumstances shall not thereby be affected.

Approved June 8, 1954.

Public Law 393

CHAPTER 273

AN ACT

To amend the Act of April 22, 1944, which regulates the placement of children in family homes in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act entitled "An Act to regulate the placing of children in family homes, and for other purposes", approved April 22, 1944 (32 D. C. Code, sec. 783), is amended to read as follows:

D. C. child
placement in fam-
ily homes.

58 Stat. 193.

50 Stat. 806.