

## Chapter 109

### 1957 REPLACEMENT PART

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**PARENT AND CHILD RELATIONSHIP**

**109.010 Duty of support.** Parents are bound to maintain their children who are poor and unable to work to maintain themselves; and children are bound to maintain their parents in like circumstances.

**109.020 When child's maintenance and education may be defrayed out of income of own property.** If any minor, whose father is living, has property the income of which is sufficient for his maintenance and education in a manner more expensive than the father can reasonably afford, regard being had to the situation of the father's family and to all the circumstances of the case, the expenses of the maintenance and education of such minor may be wholly or partially defrayed out of the income of his own property, as is judged reasonable by the county court. The charges therefor may be allowed accordingly in the settlement of the accounts of his guardian.

**109.030 Equality in rights and responsibilities of parents.** The rights and responsibilities of the parents, in the absence of misconduct, are equal, and the mother is as fully entitled to the custody and control of the children and their earnings as the father. In case of the father's death, the mother shall come into as full and complete control of the children and their estate as the father does in case of the mother's death.

**109.040** [Repealed by 1953 c.650 §4]

**109.041 Relationship between adopted child and his natural and adoptive parents.**

(1) The effect of a decree of adoption heretofore or hereafter granted by a court of this state shall be that the relationship, rights and obligations between an adopted person and his descendants and

(a) His adoptive parents, their descendants and kindred, and

(b) His natural parents, their descendants and kindred

shall be the same to all legal intents and purposes after the entry of such decree as if the adopted person had been born in lawful wedlock to his adoptive parents and had not been born to his natural parents.

(2) Where a person has been or shall be adopted in this state by his stepparent, this section shall leave unchanged the relationship, rights and obligations between such adopted person and his descendants and his

natural parent, who is the spouse of the person who adopted him, and the descendants and kindred of such natural parent. [1953 c.650 §1]

**109.050 Relation of adopted child to adopting parents.** An adopted child bears the same relation to his adoptive parents and their kindred in every respect pertaining to the relation of parent and child as he would if he were the natural child of such parents.

**109.060 Legal status and legal relationships where parents not married.** The legal status and legal relationships and the rights and obligations between a person and his descendants, and between a person and his parents, their descendants and kindred, are the same for all persons, whether or not the parents have been married. [1957 c.411 §1]

**109.070 Establishing paternity.** The paternity of a person may be established as follows:

(1) The child of a wife cohabiting with her husband who is not impotent, shall be conclusively presumed to be the child of her husband, whether or not the marriage of the husband and wife may be void.

(2) A child born in wedlock, there being no decree of separation from bed or board, shall be presumed to be the child of the mother's husband, whether or not the marriage of the husband and wife may be void. This shall be a disputable presumption.

(3) By the marriage of the parents of a child after his birth.

(4) By filiation proceedings as provided in ORS 109.110 to 109.230.

(5) By paternity being established or declared by other provision of law. [1957 c.411 §2]

**109.080 Rights of mother if not married to father of child or where paternity of child not established.** If a mother has not married the father of her child or the paternity of the child has not been established under ORS 109.070, the mother may give all authorizations for the care, custody, control and welfare of her child and for the adoption of her child; and she may be given notice of citation in dependency or delinquency proceedings relative to the commitment of her child. The foregoing may be done without any act of the father of the child and without any notice or citation to the father, the same as if the father were dead, all irrespective of the age of the mother, who, if she

is a minor, shall nonetheless be deemed to have attained her majority for the purposes of this section. [1957 c.411 §4]

**109.090 Interpretation of ORS 109.060 to 109.090 and 111.231.** (1) The provisions of ORS 109.060 to 109.090 and 111.231 shall apply to all persons, irrespective of whether they are born before or after August 20, 1957. ORS 109.060 to 109.090 and 111.231 shall not be construed to affect a decree of distribution entered, or any probate proceeding closed, prior to August 20, 1957.

(2) ORS 109.060 to 109.090 and 111.231 shall be liberally construed, with the view of effectuating their objects, notwithstanding the rule of common law that statutes in derogation thereof are to be strictly construed. [1957 c.411 §§5, 6]

**109.100** [Reserved for expansion]

#### FILIALION (BASTARDY) PROCEEDINGS

**109.110 Initiation of proceedings.** On complaint being made to any justice of the peace by any unmarried female who is delivered of an illegitimate child or who is pregnant with a child which, if born alive, may be illegitimate, accusing any person of being the father of the child, the justice shall take the complaint in writing under the oath of the female, and shall thereupon issue his warrant against the person accused, directed to the sheriff or any constable in his county, commanding him forthwith to bring the accused before the justice to answer to the complaint.

**109.120 Proceedings on return of warrant; removal of action.** (1) On the return of the warrant mentioned in ORS 109.110, if the accused is in custody or appears, the justice shall examine the complainant under oath respecting the cause of complaint, and the accused may cross-examine her and put any question necessary for his defense, subject to the rules of evidence provided by the procedural statutes. Witnesses may be examined on behalf of either party. All testimony and proceedings shall be reduced to writing.

(2) The proceedings for cause shown may be adjourned from time to time, not exceeding five days at any one time. On such adjournment the accused may be recognized for his appearance for such examination in a sum not less than \$100 nor more than \$1,000, with sureties to the satisfaction of

the justice. In default thereof he shall be committed, pending such examination, to the county jail.

(3) The accused is entitled to a removal of such action as in criminal examination before justices of the peace.

**109.130 Payment or security in satisfaction of the wrong; bond to secure county's costs and expenses; discharge of accused.** If the accused pays or secures to be paid to the female complaining, such sum of money or other property as she agrees to receive in full satisfaction and as is approved by the judge of the juvenile court of the county wherein such action is pending, of which agreement and approval the justice shall make a memorandum on his docket; gives bond with sufficient sureties to be approved by the justice to the county to secure and indemnify the county from all charges for the maintenance of the child; and pays all expenses incurred by the county for the lying-in and support of the mother, attendance upon her during her confinement and the costs of prosecution, the justice shall discharge the accused.

**109.140 Failure to comply with settlement provisions; new complaint after discharge for want of evidence.** In case the accused does not comply with the provisions of ORS 109.130 and there is probable cause to believe the accused guilty, the justice shall bind such person in a recognizance, with one or more sureties, to be approved by the justice, in a sum of not less than \$200 nor more than \$2,000, to appear at the next term of the circuit court for the proper county and from time to time thereafter until final judgment, to answer to the complaint and to abide by the order of said court thereon. On the accused's neglect or refusal to find such security, the justice shall cause him to be committed to the county jail, there to be held to answer to the complaint. The justice shall thereupon certify and return the examination and all testimony taken before him, with all process and papers in the case, to the clerk of the circuit court. In case any examination has been had, as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his guilt, and the district attorney afterwards finds admissible evidence sufficient, in his judgment, to convict the person discharged, he may, notwithstanding the

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discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon another arrest and examination shall be had.

**109.150 Conduct of trial; judgment; appeal; corroborative evidence.** (1) The judge may exclude the general public from the trial in bastardy proceedings, and shall do so at the request of either party. The issue at such a trial is whether the accused is guilty or not. If the mother of the child is dead, her examination taken before the justice may be read in evidence, and in all cases it shall be read when demanded by the accused.

(2) If the accused is found guilty or admits the truth of the accusation, he shall be adjudged to be the father of the child and shall be chargeable with its future maintenance in such sum and in such manner as the court directs, with all expenses incurred by the county or by the mother of the child for the lying-in and attendance of the mother during her confinement, with the care and support of the child since its birth and with the costs of the prosecution. All such matters shall be ascertained and fixed by the court, and shall be inserted in the judgment; provided, however, that the judgment of the court providing for the maintenance of the child by the father shall be in a yearly sum of not less than \$100 nor more than \$350 for the first two years, and not less than \$150 nor more than \$500 for each year succeeding until the child reaches the age of 14 years.

(3) The defendant has the right of trial by jury and of appeal, as provided in civil actions.

(4) No conviction shall be had upon the uncorroborated testimony of the complaining female.

**109.160 Bond for performance of judgment; discharge thereon; commitment on failure to give bond.** If the person adjudged under ORS 109.150 to be the father of the child gives a bond to the proper person in such sum and with such sureties as the court approves, conditioned upon the performance of the judgment and the payment of all sums ordered paid as therein directed, and pays the costs of prosecution and any sums adjudged then to be paid, he shall be discharged; otherwise he shall be committed to the county jail until he complies with and performs the judgment or is otherwise discharged according to law. In counties maintaining a house of correction or workhouse,

the commitment may be to either of these rather than to the county jail.

**109.170 Discharge from imprisonment; recommitment.** Any person imprisoned for 90 days pursuant to ORS 109.160 may apply for his discharge from imprisonment to the court having jurisdiction of the action. Notice of the application for discharge shall be given to the complainant, if living, within the state and to the district attorney for the county at least 15 days before such application is made. Any such person may be re-committed as provided in ORS 109.160 within 30 days after such discharge.

**109.180 Execution.** The court, upon motion by the mother of the child or by any person interested, may, from time to time, order execution to issue against the defendant and his sureties in any bond given as provided in ORS 109.160 to secure the performance of any such judgment, or against a defendant who has been discharged under ORS 109.170 for such sum as at any time becomes due on the judgment and remains unpaid.

**109.190 Failure of the mother to prosecute.** When the mother of an illegitimate child commences any proceedings authorized by ORS 109.110 and fails to prosecute the same, the proper officers of the county or any person interested in the support of the child may prosecute the proceedings commenced by the mother to final judgment.

**109.200 Proceedings at instance of public officer.** If any unmarried female is delivered of an illegitimate child which is, or is likely to become a public charge, or if the female is pregnant with a child likely to be born illegitimate and become a public charge, any public officer duly authorized to make or cause arrests may, if he deems it proper, apply to some justice of the peace of the county in which the female resides who shall thereupon examine her in respect of the identity of the father of the child, when and where it was begotten, and as to such other circumstances as he may deem necessary. The justice shall reduce the examination to writing and shall thereupon issue his warrant, without further or formal complaint, to apprehend the putative father, and the same proceeding shall be had thereon and with like effect as is in ORS 109.120 to 109.180 provided in cases of complaint made by the female.

**109.210 Execution of warrant in any part of state; attendance and testimony of the female.** Any warrant issued under ORS 109.110, 109.140 or 109.200 may be executed in any part of this state; and in all cases the county officers and the accused may compel the female to attend and testify the same as witnesses in other cases.

**109.220 Power of judge to compromise with the father and discharge him.** The judge of the juvenile court of the county in which the female referred to in ORS 109.110 resides may make such compromise or arrangement with the putative father of any illegitimate child relative to the support of the child as the judge deems equitable and just, and thereupon may discharge the putative father from all liability for the support of the child.

**109.230 Legality of contract between mother and father of illegitimate child.** Any contract between the mother and father of an illegitimate child is a legal contract, and the admission by the father of his fatherhood of the child is sufficient consideration to support the contract.

**109.240** [Reserved for expansion]

#### UNIFORM ACT ON BLOOD TESTS TO DETERMINE PATERNITY

**109.250 Short title.** ORS 109.250 to 109.262 may be cited as the Uniform Act on Blood Tests to Determine Paternity. [1953 c.628 §7]

**109.252 Authority for blood test; effect of refusal to submit to test.** In a civil action under ORS 109.110 to 109.230, in which paternity is a relevant fact, the court, upon its own initiative or upon suggestion made by or on behalf of any person whose blood is involved may, or upon motion of any party to the action made at a time so as not to delay the proceedings unduly, shall order the mother, child and alleged father to submit to blood tests. If any party refuses to submit to such tests, the court may resolve the question of paternity against such party or enforce its order if the rights of others and the interests of justice so require. [1953 c.628 §1]

**109.254 Selection of experts to make tests; examination of experts.** The tests shall be made by experts qualified as examiners of blood types who shall be appointed by the

court. The experts shall be called by the court as witnesses to testify to their findings and shall be subject to cross-examination by the parties. Any party or person at whose suggestion the tests have been ordered may demand that other experts, qualified as examiners of blood types, perform independent tests under order of court, the results of which may be offered in evidence. The number and qualifications of such experts shall be determined by the court. [1953 c.628 §2]

**109.256 Compensation of experts.** (1) The compensation of each expert witness appointed by the court shall be fixed at a reasonable amount. It shall be paid as the court shall order. The court may order that it be paid by the parties in such proportions and at such times as it shall prescribe, or that the proportion of any party be paid by the county in which the proceedings are had, and that, after payment by the parties or such county or both, all or part or none of it be taxed as costs in the action.

(2) The fee of an expert witness called by a party but not appointed by the court shall be paid by the party calling him but shall not be taxed as costs in the action. [1953 c.628 §3]

**109.258 Effect of test results.** If the court finds that the conclusions of all the experts, as disclosed by the evidence based upon the tests, are that the alleged father is not the father of the child, the question of paternity shall be resolved accordingly. If the experts disagree in their findings or conclusions, the question shall be submitted upon all the evidence. If the experts conclude that the blood tests show the possibility of the alleged father's paternity, admission of this evidence is within the discretion of the court, depending upon the infrequency of the blood type. [1953 c.628 §4]

**109.260 Applicability to criminal actions.** ORS 109.250 to 109.262 shall apply to criminal cases subject to the following limitations and provisions:

(1) An order for the tests shall be made only upon application of a party or on the court's initiative.

(2) The compensation of the experts shall be paid by the county in which the proceedings are had under order of court.

(3) The court may direct a verdict of acquittal upon the conclusions of all the experts under the provisions of ORS 109.258,

otherwise the case shall be submitted for determination upon all evidence. [1953 c.628 §5]

**109.262 Uniformity of interpretation.** The Uniform Act on Blood Tests to Determine Paternity shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it. [1953 c.628 §6]

**109.264 to 109.300** [Reserved for expansion]

**ADOPTION**

**109.305 Interpretation of adoption laws.** The rule that statutes in derogation of common law are to be strictly construed does not apply to the adoption laws of this state. [1957 c.710 §15]

**109.310 Petition for leave to adopt and for change of name.** (1) Any person may petition any court having probate jurisdiction for leave to adopt another and, if desired, for a change of the other's name; but the prayer of the petition by a married person shall not be granted unless the petitioner's spouse joins therein.

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(2) The petition may be filed in the county where the petitioner resides, if he is a resident of this state; in the county where the parent or guardian of the other resides, if the other is a child; or, if the petition is for the adoption of a child committed to any institution incorporated under the laws of this state to care for dependent or delinquent children, in the county where the institution is situated.

(3) Such petition shall include the full names and permanent address of the petitioners, the age, color or race, birthplace and occupation of the adoptive father and the maiden name, age, color or race, birthplace and residence of the adoptive mother, all as of the date of the adopted child's birth. If such petition is for the adoption of a minor child, a copy thereof shall be served on the administrator of the State Public Welfare Commission by registered mail or personally; and no petition for adoption of such child shall be granted by any court until the expiration of 30 days from the filing of the petition, unless the running of such time is waived by the commission.

(4) Within the time and in the manner provided in this section, the commission may file for the consideration of the judge before whom the petition for adoption is pending such information regarding the status of the

child and evidence as to the suitability of the proposed foster home as the commission desires to submit. Upon written request of the attorney for the petitioner, the State Public Welfare Commission shall furnish to him a copy of such information as is filed with the court. [Amended by 1953 c.368 §2; 1957 c.403 §5]

**109.312 Consent to adoption.** Except as provided in ORS 109.314 to 109.329, consent in writing to the adoption under ORS 109.310 of a child shall be given by:

(1) The parents of the child, or the survivor of them.

(2) The guardian of the person of the child, if the child has no living parent.

(3) The next of kin in this state, if the child has no living parent and no guardian of the person.

(4) Some suitable person appointed by the court to act in the proceeding as next friend of the child to give or withhold consent, if the child has no living parent and no guardian or next of kin qualified to consent. [1957 c.710 §2 (ORS 109.312 to 109.329 enacted in lieu of ORS 109.320)]

**109.314 Consent where custody of child has been awarded in divorce proceedings.** If the legal custody of the child has been awarded in divorce proceedings, the written consent of the person to whom custody of the child has been awarded may be held sufficient by the court; but, unless the parent not having custody consents to the adoption, a citation to show cause why the proposed adoption shall not be made shall be served in accordance with ORS 109.330 upon the parent not having the custody, and the objections of such parent shall be heard if appearance is made. This section does not apply where consent is given in loco parentis under ORS 109.316 or 109.318. [1957 c.710 §3 (ORS 109.312 to 109.329 enacted in lieu of ORS 109.320)]

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**109.316 Consent by State Public Welfare Commission or an approved child-caring agency of this state.** (1) The State Public Welfare Commission or an approved child-caring agency of this state, acting in loco parentis, may consent to the adoption of a child who has been:

(a) Surrendered to it for the purpose of adoption under ORS 419.128 if compliance is had with the provisions of that section; or

(b) Permanently committed to it by

order of a court of competent jurisdiction; or

(c) Surrendered to it for the purpose of adoption under ORS 419.128 by one parent if compliance is had with the provisions of that section and permanently committed to it by a court of competent jurisdiction having jurisdiction of the other parent.

(2) Where consent is given under this section, no other consent is required.

(3) Where consent is given under this section, there shall be filed in the adoption proceeding:

(a) A certified copy of an order of a court of competent jurisdiction formally and permanently assigning the guardianship of the child to the commission or the child-caring agency, or a copy of the surrender of the child from its parent or parents or guardian, or both, as the case may be; and

(b) Written formal consent by the commission or the child-caring agency, as the case may be, to the proposed adoption, showing that sufficient and satisfactory investigation of the adopting parties has been made and recommending that the adoption be granted. The consent of the commission or the child-caring agency to the proposed adoption may be given by one of its officers, executives or employes who has been authorized or designated by it for that purpose. [1957 c.710 §4 (ORS 109.312 to 109.329 enacted in lieu of ORS 109.320)]

**Note:** House Bill No. 378, 1957 Regular Session, a companion bill to chapter 710, Oregon Laws 1957, provided that the State Public Welfare Commission was authorized to accept children surrendered to it for the purpose of adoption or committed to it by court order. House Bill No. 378 failed to pass.

**109.318 Consent by organization located outside Oregon.** (1) An agency or other organization, public or private, located entirely outside of this state, or an authorized officer or executive thereof, acting in loco parentis, may consent to the adoption of a child under its or his custody, control or guardianship of the person, if such agency or organization or officer or executive thereof is licensed or otherwise has authority in the jurisdiction in which such agency or other organization is located to consent to adoptions in loco parentis. When consent is given under this section, no other consent is required. The license or other authority to consent to adoption in loco parentis shall be conclusively presumed upon the filing with the court of a duly certified statement from an appropriate governmental agency of such

other state that such agency or organization or officer or executive is licensed or otherwise has authority in such state to consent to adoptions in loco parentis.

(2) Where consent is given under this section, there shall be filed in the adoption proceeding:

(a) A certified copy of the court order, or the written authorization from the parent, parents or other person, or both a court order and such written authorization, as the case may be, that enables consent to be given in loco parentis under the law of such other jurisdiction; and

(b) Written formal consent by the agency or other organization, or the officer or executive thereof, to the proposed adoption, showing that sufficient and satisfactory investigation of the adopting parties has been made and recommending that the adoption be granted. [1957 c.710 §5 (ORS 109.312 to 109.329 enacted in lieu of ORS 109.320)]

**109.320** [Repealed by 1957 c.710 §1 (ORS 109.312 to 109.329 enacted in lieu of ORS 109.320)]

**109.322 Consent where parent mentally ill, mentally deficient or imprisoned.** If either parent has been adjudged mentally ill or mentally deficient and remains so at the time of the adoption proceedings, or is imprisoned in a state or federal prison under a sentence for a term of not less than three years, there shall be served upon such parent, if he has not consented in writing to the adoption, a citation in accordance with ORS 109.330 to show cause why the adoption of the child should not be decreed. In the case of a person adjudged mentally ill or mentally deficient, the citation shall also be served upon the guardian of his person or, if he has no guardian of the person, the court shall appoint a guardian ad litem to appear for the person in the adoption proceedings. Upon hearing being had, if the court finds that the welfare of the child will be best promoted through the adoption of the child, the consent of the mentally ill, mentally deficient or imprisoned parent is not required, and the court shall have authority to proceed regardless of the objection of such parent. This section does not apply where consent is given in loco parentis under ORS 109.316 or 109.318. [1957 c.710 §6 (ORS 109.312 to 109.329 enacted in lieu of ORS 109.320)]

**109.324 Consent where parent has deserted or neglected child.** If either parent

is believed to have wilfully deserted or neglected without just and sufficient cause to provide proper care and maintenance for the child for one year next preceding the filing of the petition for adoption and such parent does not consent in writing to the adoption, there shall be served upon such parent a citation in accordance with ORS 109.330 to show cause why the adoption of the child should not be decreed. Upon hearing being had, if the court finds that such parent has wilfully deserted or neglected without just and sufficient cause to provide proper care and maintenance for the child for one year next preceding the filing of the petition for adoption, the consent of such parent at the discretion of the court is not required and, if the court determines that such consent is not required, the court shall have authority to proceed regardless of the objection of such parent. In determining whether the parent has wilfully deserted or neglected without just and sufficient cause to provide proper care and maintenance for the child, the court may disregard incidental visitations, communications and contributions. This section does not apply where consent is given in loco parentis under ORS 109.316 or 109.318. [1957 c.710 §7 (ORS 109.312 to 109.329 enacted in lieu of ORS 109.320)]

**109.326 Consent where parents not married to each other.** (1) The consent of the mother of the child is sufficient, and for the purpose of giving such consent the mother of the child shall be deemed to have arrived at the age of majority and for all purposes relating to the adoption of the child the father of the child shall be disregarded just as if he were dead, when it is shown in the court in which the adoption proceedings are pending that:

(a) The mother of the child was unmarried at the time of the conception of the child to be adopted and remained unmarried at the time of the birth of the child and is not married to the father of the child; or

(b) It has been judicially determined that the natural parents of the child to be adopted were not married to each other at the time of or after the conception of the child.

(2) If the mother described in subsection (1) of this section is dead or unknown, consent shall be obtained in the same manner as if such child had no living parent. [1957

c.710 §8 (ORS 109.312 to 109.329 enacted in lieu of ORS 109.320)]

**109.328 Child 14 years of age or older must also consent.** If the child is 14 years of age or older; the adoption shall not be made without his consent. The consent required by this section is in addition to, and not in lieu of, the consent otherwise required by law. [1957 c.710 §9 (ORS 109.312 to 109.329 enacted in lieu of ORS 109.320)]

**109.329 Consent where person to be adopted has reached age of majority.** If the person to be adopted is legally married or is 21 years of age or older, his written consent may be held by the court to be sufficient without the necessity for the consent of any other person to the adoption. [1957 c.710 §10 (ORS 109.312 to 109.329 enacted in lieu of ORS 109.320)]

**109.330 Notice to nonconsenting parent; notice where child has no parent, guardian or next of kin.** (1) In the cases provided for in ORS 109.314, 109.322 and 109.324, where a parent does not consent to the adoption of his child, the court shall order a copy of the petition therefor and citation thereon to be served on him personally, if found in the state, and if not found in the state, then a copy of the citation to be published or served in the manner provided by ORS 116.750 for the service of citation by publication or for personal service outside the state, and a copy of the citation to be deposited forthwith in the postoffice, directed to such parent at his place of residence, unless it appears that such residence is neither known to the petitioner nor can with reasonable diligence be ascertained by him.

(2) If the child has no living parent and no guardian or next of kin in this state qualified to appear in its behalf, the court may order such notice, if any, to be given as it deems necessary or proper. [Amended by 1957 c.710 §11]

**109.340** [Repealed by 1957 c.412 §2 (ORS 7.211 enacted in lieu of ORS 109.340)]

**109.350 Decree of adoption.** If, upon a petition for adoption duly presented and consented to, the court is satisfied as to the identity and relations of the persons, that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is

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fit and proper that such adoption be effected, a decree shall be made setting forth the facts, together with the name, age, color or race, birthplace and occupation of the adoptive father and the maiden name, age, color or race and residence of the adoptive mother, all as of the date of the adopted child's birth, and ordering that from the date of the decree the child, to all legal intents and purposes, is the child of the petitioner.

**109.360 Change of adopted child's name.** If in a petition for the adoption of a child a change of the child's name is requested, the court, upon decreeing the adoption, may also decree the change of name and grant a certificate thereof without the notices required by ORS 33.420.

**109.370 Appeal from decree on a petition for adoption.** Where a court other than the circuit court has probate jurisdiction, any petitioner may appeal to the circuit court from the decree of the probate court on a petition for the adoption of another in like manner as appeals may be taken from the other decrees of that court. Any child made the subject of such petition may, by a next friend, appeal in like manner; but no bond shall be required, or costs awarded against such child or next friend. [Amended by 1957 c.403 §7]

**109.380 Application of parent for reversal of decree.** A parent who before the hearing upon a petition for the adoption of his child, has not had personal notice thereof, may, at any time within one year after actual notice, apply to the circuit court to reverse the decree; which court, after due notice, may in its discretion reverse the de-

creed if it appears that any of the material allegations in the petition were not true.

**109.390 Authority of State Public Welfare Commission or child-caring agency in adoption proceedings.** Where the State Public Welfare Commission or an approved child-caring agency has the right to consent to the adoption of a child, the commission or agency may:

(1) Where it deems the action necessary or proper, become a party to any proceeding for the adoption of the child.

(2) Appear in court where a proceeding for the adoption of the child is pending.

(3) Give or withhold consent in loco parentis to the adoption of the child only in accordance with ORS 109.316. [1957 c.710 §14]

Note: See note for ORS 109.316.

**109.400 to 109.500** [Reserved for expansion]

**AGE OF MAJORITY**

**109.510 Age of majority.** Except as provided in ORS 109.520, in this state any person shall be deemed to have arrived at majority at the age of 21 years, and thereafter shall have control of his own actions and business, have all the rights and be subject to all the liabilities of a citizen of full age.

**109.520 Majority of married persons.** Except as provided in ORS 653.105, all persons shall be deemed to have arrived at the age of majority upon their being married according to law. [Amended by 1953 c.343 §2; 1957 c.710 §12]

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,  
on December 2, 1957.

Sam R. Haley  
Legislative Counsel