

DOMESTIC RELATIONS AND PERSONS

CHAPTER 121

S. B. No. 138
(Judiciary Committee)

CONSENT FOR ADOPTION; HOW GIVEN

AN ACT

To amend and reenact section 14-1104 of the 1949 Supplement to the North Dakota Revised Code of 1943 relating to the taking of consent for adoption.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.) Section 14-1104 of the 1949 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1104. CONSENT OF PARENT OR GUARDIAN OF MINOR, OR OF THE DIRECTOR OF THE DIVISION OF CHILD WELFARE, REQUIRED, AND HOW GIVEN; EXCEPTIONS.) A legitimate child cannot be adopted without the consent of its parent or parents, nor an illegitimate child without the consent of its mother, but the consent of a parent who has abandoned the child, or who cannot be found, or whose parental rights have been terminated as provided by law shall be dispensed with and consent may be given by the director of the division of child welfare of the public welfare board, or waived by order of the court. If the parental rights of one parent have been judicially terminated the consent of the other parent is sufficient. The consent of a parent who is insane or otherwise incapable of giving consent, may be dispensed with, and consent may be given by the guardian, if the child has a guardian, or if there is no guardian, by the director of the division of child welfare of the public welfare board. The consent of a parent who has lost custody of the child through divorce proceedings, or of the father of an illegitimate child shall not be required. Where any parent has for a period of five years or more failed to provide for the care of such child in any manner and has not attempted or offered to provide for such care, such failure on the part of the parent shall be considered as an abandonment. The consent by a parent must

be signed in the county where the parent is living or where the child was born before:

- a. A judge of a court having original jurisdiction in guardianship proceedings;
- b. A judge of the juvenile court;
- c. A juvenile commissioner;
- d. An American consul; or
- e. A commissioned officer of the legal department of the armed forces of the United States if the person giving consent is a member of the armed forces.

and after the acknowledging officer has explained to the parent the effect of the consent and has examined the parent and is satisfied that the consent is voluntary and is freely given. The minority of a parent is not ground for revoking consent. In all cases the reason for giving the consent must be stated in the consent. When the consent given by the director of the division of child welfare is based on an order terminating parental rights, a certified copy of the order must accompany the consent.

Approved March 12, 1953.

CHAPTER 122

S. B. No. 170
(Committee on Judiciary)

DEFAMATORY STATEMENTS BY RADIO BROADCASTS

AN ACT

Relating to defamation by radio.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. The owner, licensee or operator of a visual or sound radio broadcasting station or network of stations, and the agents or employees of any such owner, licensee or operator, shall not be liable for any damages for any defamatory statement published or uttered in or as a part of a visual or sound radio broadcast, by one other than such owner, licensee or operator, or agent or employee thereof.

Approved March 13, 1953.

CHAPTER 123

S. B. No. 86
(Judiciary Committee)

TORT ACTIONS; UNIFORM SINGLE PUBLICATION ACT

AN ACT

Relating to tort actions founded upon a single publication, exhibition, or utterance.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1.) No person shall have more than one cause of action for damages for libel or slander or invasion of privacy or any other tort founded upon any single publication or exhibition or utterance, such as any one edition of a newspaper or book or magazine or any one presentation to an audience or any one broadcast over radio or television or any one exhibition of a motion picture. Recovery in any action shall include all damages for any such tort suffered by the plaintiff in all jurisdictions.

§ 2.) A judgment in any jurisdiction for or against the plaintiff upon the substantive merits of any action for damages founded upon a single publication or exhibition or utterance as described in section 1 shall bar any other action for damages by the same plaintiff against the same defendant founded upon the same publication or exhibition or utterance.

§ 3.) This Act shall be so interpreted as to effectuate its purpose to make uniform the law of those states or jurisdictions which enact it.

§ 4.) This Act may be cited as the uniform single publication act.

§ 5.) This Act shall not be retroactive as to causes of action existing on its effective date.

Approved March 13, 1953.