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U. S. DEPARTMENT OF LABOR  
CHILDREN'S BUREAU

JULIA C. LATHROP, Chief

NORWEGIAN LAWS CONCERNING  
ILLEGITIMATE CHILDREN

INTRODUCTION AND TRANSLATION

By

LEIFUR MAGNUSSON

LEGAL SERIES No. 1

Bureau Publication No. 31



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WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1918



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- No. 3. Child Care, by Mrs. Max West. 1918. Bureau publication No. 30. (In press.)
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- No. 5. A Tabular Statement of Infant-Welfare Work by Public and Private Agencies in the United States, by Etta R. Goodwin. 114 pp. 1916. Bureau publication No. 16.
- No. 6. Infant Mortality: Results of a field study in Manchester, N. H., based on births in one year, by Beatrice Sheets Duncan and Emma Duke. 135 pp., 4 pp. illus., and map of Manchester. 1917. Bureau publication No. 20.
- No. 7. Infant Mortality: Results of a field study in Waterbury, Conn., based on births in one year, by Estelle B. Hunter. 1918. Bureau publication No. 29. (In press.)

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- No. 1. Child-Labor Legislation in the United States, by Helen L. Sumner and Ella A. Merritt. 1131 pp. 2 charts. 1915. Bureau publication No. 10. Bureau supply of complete volume exhausted, but reprints can be obtained as follows:
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  - Child-Labor Legislation in the United States: Separates Nos. 2 to 54. Text of laws for each State separately.
  - Child-Labor Legislation in the United States: Separate No. 55. Text of Federal Child-Labor Law. 1916.
- No. 2. Administration of Child-Labor Laws:
  - Part 1. Employment-Certificate System, Connecticut, by Helen L. Sumner and Ethel E. Hanks. 69 pp. 2 charts. 1915. Bureau publication No. 12.
  - Part 2. Employment-Certificate System, New York, by Helen L. Sumner and Ethel E. Hanks. 164 pp. 3 charts. 1917. Bureau publication No. 17.
- No. 3. List of References on Child Labor. 161 pp. 1916. Bureau publication No. 18.
- No. 4. Child Labor in Warring Countries: A brief review of foreign reports, by Anna Rochester. 75 pp. 1917. Bureau publication No. 27.

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## LETTER OF TRANSMITTAL.

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U. S. DEPARTMENT OF LABOR,  
CHILDREN'S BUREAU,  
*Washington, January 9, 1918.*

SIR: Herewith I transmit a report entitled "Norwegian Laws Concerning Illegitimate Children," being a translation of certain Norwegian statutes passed in 1915, bearing upon the rights of children born out of wedlock, together with an historical introduction. The introduction and translation are the work of Mr. Leifur Magnusson.

These laws are notable as the first complete national recognition of the inherent right of the child to nurture, protection, and education, irrespective of his parentage, and of the State's responsibility for ascertaining parentage and for holding both parents equally and continuously responsible for the illegitimate child.

Respectfully submitted.

JULIA C. LATHROP, *Chief.*

HON. WILLIAM B. WILSON,  
*Secretary of Labor.*



# NORWEGIAN LAWS CONCERNING ILLEGITIMATE CHILDREN.<sup>1</sup>

## INTRODUCTION.

A translation of the Norwegian illegitimacy law of April 10, 1915, is presented here, together with other child-welfare laws which were amended or enacted at the same time to meet the radical changes made in the basic principles of the then existing legislation. These laws affect the corresponding rights and welfare of illegitimate and legitimate children in that country. The laws and amendments are as follows:

1. Law on illegitimate children.
2. Amendment to the inheritance law (July 31, 1854; June 27, 1892).
3. Amendment to the laws on property relations of husband and wife (June 29, 1888; June 29, 1894; May 6, 1899).
4. Amendment to the law on the dissolution of marriage (Aug. 20, 1909).
5. Law on parents and legitimate children.
6. Law on the care of children.

Besides these six laws of 1915, an earlier act of April 29, 1905 (No. 2), has also been translated inasmuch as it relates to the supervision of both legitimate and illegitimate children placed out either in private homes or in institutions. The purpose of this law is to secure proper and responsible care for foster children.

The present illegitimacy law of Norway is generally recognized as a radical measure;<sup>2</sup> nevertheless, the principles laid down in it are in the nature of a return to some of those recognized in the early folk law of Norway, under which the illegitimate child had a qualified right of inheritance from the father and enjoyed substantially all the legal family rights of the legitimate child.<sup>3</sup> These rights of the illegitimate child were, however, wiped out about the middle of the seventeenth century and were not fully restored and enlarged until the passage of the law of 1915.

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<sup>1</sup> In the preparation of this translation access was had to two existing translations, one in published form by Mr. Sundby-Hansen, of the Norwegian consulate at Chicago, the other in MS. by Mr. Axel Teisen, made for the Philadelphia Municipal Court Committee on Illegitimacy.

<sup>2</sup> "The Children's rights laws and maternity insurance in Norway" (contributed by J. Castberg, esq., President of the Odelsting), in *Journal of the Society of Comparative Legislation*, vol. 16, pp. 283-289. Murray, London, 1916.

<sup>3</sup> Odelstings propositionen, nr. 5, 1914, p. 3. (Stortings forhandlinger, 1914, Part III. Christiania, 1914.)



## EARLY LEGISLATION ON ILLEGITIMACY.

The natural effect of placing the entire burden of care of the illegitimate child upon the mother was to throw most illegitimate children upon the poor-relief system, so that the first efforts of legislation, about the middle of the eighteenth century, aimed to shift the economic burden partially upon the father. This was done at first by a few local authorities, and later by the General Government in 1763, when a royal decree was promulgated compelling contribution from the father to the extent of one-half of the amount fixed by the poor commission as necessary for the child's support up to its tenth year. Support was extended to the fifteenth year in 1821; and forced collection of contributions, garnishment of wages, and the penalty of hard labor became recognized as instruments in the enforcement of the law. A special process for the adjudication of paternity was established at the same time, but any action taken for an adjudication was on the initiative of the mother and not of the State.

No rights of succession in relation to the father were given to illegitimate children until 1915 except in so far as the father might legitimate the child.

In 1884 two members of the Storting introduced personal bills, as distinguished from Government bills, to equalize the inheritance rights of legitimate and illegitimate children by giving the latter the right of succession in the father's line, but no action was taken. On the two bills on the same subject introduced in 1887 action was taken to the extent of referring them to the Government. The Government, however, thought the occasion inopportune—this was in 1892—on the ground that society was not prepared to accept such reforms; but at the same time admitted that conditions in respect to illegitimate children were unsatisfactory and had been so for years.<sup>1</sup>

## ACTS OF JULY 6, 1892.

The bill introduced in 1887 formed the basis of the acts of 1892 (Nos. 4 and 5). By these acts two reforms were secured: (1) Fixing the obligation on the part of the parents of an illegitimate child to contribute in proportion to their means—the parent having the larger means to contribute relatively more—and not in proportion to the minimum requirements of bare economic support for the child; and (2) giving the right of inheritance and transmission through the mother's line to a child born of adultery or incest.

A bill introduced about the same time to extend the rights of inheritance and transmission to an illegitimate child through the line

<sup>1</sup> Dokument nr. 20, pp. 1, 2. (Stortings forhandlinger, 1904-5, Part V. Christiania, 1905.)

of the father was voted down in the lower house (Odelsting), 43 to 32; it was even refused reference to the Government for report and action by a vote of 45 to 31.<sup>1</sup>

#### LEGISLATIVE PROPOSALS AND REFORMS, 1892 TO 1915.

The outstanding events in this period are the part taken by organized labor in furthering the movement for the enlarged rights of illegitimate children and the persistent advocacy and sponsoring of the reform by Councillor of State Johan Castberg, whose name has become identified with the law. No proposals to extend the obligation of maintenance were made in the Storting until 1901; and no changes in the inheritance law were suggested until 1909.<sup>2</sup>

#### THE LABOR CONVENTION OF 1901.

The renewed attention in the Storting given the subject of illegitimacy was the direct result of a resolution, accompanied by the draft of a bill, passed in February, 1901, by the annual convention of the Norwegian labor federation.<sup>3</sup> The executive council of the federation presented the bill through the Government ministry and it was reported by the committee on labor of the lower house. The resolution, introduced in the convention by Representative Castberg, declared among other things, "that the woman in the relations which are the basis for this law is more disadvantageously situated than the man, and that she and the child need greater protection and a more liberal and secure economic support \* \* \*. The sorrow and misfortune which result from the relations dealt with in this legislation most frequently strike women and children of the poorer classes. For these reasons as well as for the sake of common justice and humanity, organized labor demands the reform of this legislation."

The principles of reform insisted upon in the resolution were as follows:

1. It is the duty of the father to give equal support to both his legitimate and illegitimate children.
2. As regards succession, the illegitimate child should inherit in the father's line equally with a legitimate child and should have an equal right to the father's name.
3. All expenses for the support and education of the illegitimate child should be upon the father.

<sup>1</sup> Dokument nr. 20, pp. 1, 2. (Stortings forhandlinger, 1904-5, Part V. Christiania, 1905.)

<sup>2</sup> Odelstings propositionen, nr. 5, 1914, p. 6. (Stortings forhandlinger, 1914, Part III. Christiania, 1914.)

<sup>3</sup> Dokument nr. 5, 1901-2. (Stortings forhandlinger, 1901-2, Part V. Christiania, 1902.)

4. The mother should be entitled to a contribution "as compensation for her loss of earning capacity resulting from the pregnancy and the child's care."

5. Contribution to the mother during pregnancy and at time of confinement should be assessed upon the father before the birth takes place.

6. Contribution should be levied and collected without claim or demand from the mother and by the proper public authorities who should employ process to enforce their collection.

7. More stringent penalties should be invoked for failure on the father's part to meet his obligations to the mother and the child.

8. Society should improve and make more stringent the supervision exercised over neglected children.

The resolution and the draft of the law were referred to the Government, and the only action taken was to send out a questionnaire to the local authorities, county councils, courts, police judges, and others to ascertain their views on the matter.<sup>1</sup> A bill to equalize inheritance rights was subsequently introduced in the 1904-5 session by Representative Castberg, but no action was taken on it,<sup>2</sup> although the replies to the questionnaire showed a preponderance of opinion in favor of equality of inheritance rights.

While the department of justice had under consideration in 1906 the above proposals of Castberg it secured an investigation by the statistical office of the living conditions of illegitimate children. With the findings of that inquiry Castberg, who became head of the department of justice in 1908, presented a group of drafts of laws to the Storting in 1909.<sup>3</sup> These bills accepted the principles laid down in the resolutions of the labor federation in 1901. Discussion of these bills was, however, delayed until the advanced session of the Storting finally prevented consideration of them: they were again privately introduced in 1910, but were rejected by the conservatives, then in control. They were reintroduced by the department of justice, now under a new head, in 1912 and 1913, though in modified form.<sup>4</sup>

#### LEGISLATIVE HISTORY OF THE ACTS OF 1915.

In the meantime, in 1913, the department of commerce, industries, and fisheries had been reorganized and enlarged into the department of social affairs, commerce, industries, and fisheries,

<sup>1</sup> Odelstings propositionen, nr. 5, 1914, pp. 8, 9. (Stortings forhandlinger, 1914, Part III. Christiania, 1914); G. Wiesener, *Barnelovene* av. 10, april 1915, p. 12. Christiania. [1916.]

<sup>2</sup> G. Wiesener, *op. cit.*, p. 12.

<sup>3</sup> Odelstings propositionen, nr. 13, 1909, pp. 10, 110-155. (Stortings forhandlinger, 1909, Part III. Christiania, 1909.)

<sup>4</sup> Odelstings propositionen, nr. 5, 1914, pp. 13, 14; G. Wiesener, *op. cit.*, p. 13.



embracing largely the functions of the labor departments and industrial commissions of our States and Federal Government, together with such powers as are exercised by charitable departments and social-insurance commissions, in addition to its other functions relating to commerce and industries. At the head of this department was the former minister of justice, Johan Castberg. Through that department the Government introduced in 1914 almost the identical bills of 1909.<sup>1</sup>

In presenting the proposed reforms to the Storting<sup>2</sup> differences of opinion cropped out. The Government accepted the proposal to give equal standing before the law to legitimate and illegitimate children but was divided on giving them equality of succession or inheritance. Five members of the cabinet insisted only on a qualified right of inheritance from the father, and three (including Castberg) stood out for full inheritance rights as proposed in the draft bill of the department. In the committee on the judiciary in the Storting five members favored the department bill and two were against it.

In the proceedings in the Odelsting<sup>3</sup> that feature of the majority report which granted equal rights at law to illegitimate and legitimate children was adopted by 68 to 20 and equal right to the father's name by 47 to 41: but the right to an equal inheritance from the father was denied by a vote of 49 to 37. On the other hand the Lagting<sup>4</sup> accepted the proposition of equal inheritance by 20 to 11. The Odelsting, on second consideration of the bill, finally accepted<sup>5</sup> this principle, and the law was approved by the Crown on April 10, 1915.

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<sup>1</sup> Odelstings propositionen nr. 5, 1914. (Stortings forhandlinger, 1914, Part III. Christiania, 1914.) Most of the introductory statement which accompanied the Government proposals, together with the basic illegitimacy act, has been translated into English under the following title page: "Abstract of report to the Storting, by Councillor of State Castberg, Jan. 16, 1914, and Law concerning children born out of wedlock (the so-called Castberg Law): adopted by the Norwegian Storting Apr. 10, 1915; effective Jan. 1, 1916. This translation was made through the Norwegian consulate at Chicago by H. Sundby-Hansen from the Official Law Bulletin published at Christiania under Government authorization, for the legislative committee of Chicago Woman's Club, Woman's City Club, Chicago Woman's Aid, Eugenics Education Society." 37 pp. [1917.]

<sup>2</sup> The Storting is elected as a unicameral legislature representing the people in different constituencies. When it convenes it divides itself into two bodies, an Odelsting of three-fourths of the members chosen, and a Lagting of one-fourth of the total members. The Lagting is mainly a revisional body or committee.

<sup>3</sup> Odelstings forhandlinger, 1915, pp. 3-258. (Stortings forhandlinger. Christiania, 1915.)

<sup>4</sup> Lagtings forhandlinger, 1915, pp. 3-121. (Stortings forhandlinger. Christiania, 1915.)

<sup>5</sup> Odelstings forhandlinger, 1915, pp. 245-358. (Stortings forhandlinger. Christiania, 1915.)

PRINCIPAL PROVISIONS OF THE ACTS AND AMENDMENTS OF 1915.<sup>1</sup>

The most radical change made by this new legislation consists in putting the burden of establishing paternity and fixing the obligation of maintenance upon the State instead of upon the mother as under the act of 1892. The mother of an illegitimate child is required by law to report the facts to the local authorities, and the court will then summon the alleged father to answer the charges.

For the first time an attempt is made to establish paternity as a biological fact, which when established carries with it all the obligations of legal paternity; failing in this, and merely establishing the fair presumption of paternity, the law puts upon the alleged father the obligation of maintenance or economic support of the mother and the child.

Further changes consist in (1) requiring the economic support to accord with the means of the better situated of the parents and not with their average means; (2) extending maintenance until the child has completed sixteen years of age instead of fifteen, and in some cases even beyond that period; (3) equalizing the burden of contribution by requiring contributions from the mother if circumstances of wealth justify that; (4) requiring the contribution of benefits to the mother for three months before confinement and also during confinement; (5) payment of special nursing expenses for nine months after birth if the child is with the mother. The law fixes certain minimum and maximum amounts for these contributions to prevent abuses in local administration; and (6) forced collection of contributions on the initiative of the State and not that of the mother as formerly.

Changes in the laws of succession give full rights of inheritance and transmission to an illegitimate child in the line of the father and the father's heirs next of kin, and a child of an illegal or void marriage is granted legitimacy.

The property relations of husband and wife are changed to prevent any child which may be born out of wedlock from inheriting the property of either spouse which has been brought into the marriage by the other. A change similar in intent is made in the divorce law by which the innocent party may demand the division of the community property in such a manner that the illegitimate child of the other shall not inherit the property. The grounds for divorce

<sup>1</sup> Summary abstracted from that prepared by a secretary of the department of social affairs who drafted the bill for the lower house of the Storting and extensively assisted the committee on the judiciary of the Storting in the preparation of this reform legislation. cf. *Barnelovene* av 10. april 1915 og *Pleiebarnloven* av 29. april 1905; utgit med *Anmerkninger og Illevisninger* av G. Wiesener, chef for Bergens kommunale folkeregister og statistiske Kontor. (The children's laws of Apr. 10, 1915, and the law concerning foster children of Apr. 29, 1905, by G. Wiesener, chief of the municipal census and statistical office of Bergen). Christiania. [1916.] 151 pp.

are also enlarged to include the birth out of wedlock of a child whose paternity can be definitely established by law, but not if merely the presumption of paternity can be established, which latter carries with it the obligation of maintenance only.

The law on the rights of parents and children, July 6, 1892, is merely changed to conform to the changes made by the illegitimacy law in the corresponding rights of legitimate children. The amendment makes no change in the legal status of legitimate children.

The act on the care and maintenance of children, which applies both to legitimate and illegitimate children, provides for State care and supervision for destitute mothers and children whose fathers neglect to make the contributions for their maintenance. It is based on the assumption that there will be mothers who will get no contributions because the father has absconded or because he has no property. Such State contributions do not carry with them the stigma and loss of certain rights of citizenship attaching to poor relief as there is no fault on the part of the mother or the child. These contributions, commonly termed maternity benefits, are payable by the local authorities from local taxation.

The act of April 29, 1905, closely connected with the law on the care of children, makes provision for public supervision of foster children placed out in private homes or institutions.

#### ADMINISTRATION OF THE LAWS.

The general administration of this series of laws is by the department of social affairs, commerce, industries, and fisheries (Departementet for sociale saker, handel, industri og fiskeri), which issues orders to supplement the law and acts as a central clearing house for the information of local police courts and other authorities which are directly concerned in enforcing the law. The immediate administration of the law is through the police authorities in the counties and in the lesser rural subdivisions whose activities are in turn supervised by the amtmand<sup>1</sup> of the larger political divisions. The amtmand appoints the police authorities referred to.

Besides the department of social affairs, the department of justice is concerned in the administration of the act to the extent of court processes involved, the issue of citations or summonses, and punishing violations against certain provisions of the law, such as taking the child out of the country without leave, absconding, or failing to contribute.

The ecclesiastical department is concerned with the registration of births. The medical department provides the State physicians,

<sup>1</sup> The amtmand is the chief political authority in the largest administrative division (amt) into which the Kingdom is divided. He is appointed by the Crown.



who act as chairmen of the local boards of health, whose duty it is to supervise all foster children and to oversee the activities of midwives and physicians and secure reports from them when attending births of illegitimates. Special advice on the medical and medicolegal aspects of problems connected with the adjudication of paternity may be sought from the State medicolegal commission.<sup>1</sup>

## TEXT OF THE LAW.<sup>2</sup>

### LAW ON ILLEGITIMATE<sup>3</sup> CHILDREN.<sup>4</sup>

#### CHAPTER I.—*Legal status of the child.*

##### SECTION 1.

PARAGRAPH 1. A child whose parents have not married each other shall have the same legal status, except as elsewhere provided in the law, in relation to the father as to the mother.

PAR. 2. It shall be entitled to the father's as well as to the mother's family name. If the father's family name is not assumed at the time of birth, a later assumption of the father's family name shall be permissible only under the rules of law governing change of name.

##### SECTION 2.

PARAGRAPH 1. The child shall be entitled to bringing up—maintenance, training, and education—from both its father and its mother.

PAR. 2. It shall be trained and educated in a manner befitting the economic station of the father; but if the mother is the better situated economically, then in her station. In general, in the training of the child the economic station of the most favorably situated of the parents shall be taken into account.

##### SECTION 3.

PARAGRAPH 1. The child shall remain with the mother.

PAR. 2. If the mother is dead or unable to care for the child personally, or fails properly to care for it, the *amtmand* shall place the child in the care of the father provided the latter is able and willing to care for it and such dis-

<sup>1</sup> Cf. Betenkning fra Den retsmediciniske kommission til Justisdepartementet av 7. febr. 1914 (Opinion of the medicolegal commission given at the request of the department of justice, Feb. 7, 1914). Text from G. Wiesener, *Barnelovene* av 10. april 1915 og *pleiebarnloven* av 29. april 1905. Christiania, [1916.] pp. 119-126.

<sup>2</sup> Norsk Lovtidende, 2den avdeling: Samling av love, resolutioner m.m. Utgit efter offentlig foranstaltning. Christiania, 1905, 1915.

<sup>3</sup> No attempt has been made to avoid the use of the term "illegitimate" wherever it was an accurate equivalent for the longer Norwegian phrase "*utenfor egteskap*" (out of wedlock). The longer term appears to be the one in good usage and to be the legal form of expression corresponding to the word "illegitimate." The phrase is regularly used in the legislation of the country. The law of 1892 contained it, so that its use in the law of 1915 can hardly be said to have been a conscious avoidance of the term "*negte*," which literally means "not genuine." Furthermore Mr. Wiesener, who has been closely associated in an expert capacity with the drafting of the law, in his volume on the "Children's Laws of Norway," cited elsewhere, does not mention any attempt to substitute the euphemistic term for the less accurate term "*negte*." Councillor of State Castberg, in writing of the subject in an English periodical (*Journal of the Society of Comparative Legislation*, vol. 16, 1916), uses the English word "illegitimate" as a proper rendering of the Norwegian "*utenfor egteskap*," and makes no mention of any attempt in Norway to adopt a euphemistic form of expression in dealing with any phase of the subject of illegitimacy.

<sup>4</sup> Lov om barn hvis foreldre ikke har indgaaet egteskap med hverandre (Law on children whose parents have not married each other). Apr. 10, 1915, No. 3.



position is found to be for the best interests of the child. The same shall apply if the mother consents to the placing of the child with the father.

PAR. 3. The amtmand may rescind his order and restore the child to the care of the mother if he find special reasons for so doing and if such action is found to be for the child's welfare.

#### SECTION 4.

PARAGRAPH 1. Whichever parent, under the rules of section 3, has the care of the child shall be under the same duty to care for it as if it were legitimate. The other parent fulfills his or her duty by payment of money contributions toward its support in accordance with the rules of sections 19 and 20.

PAR. 2. If the parent having the care of the child receives poor relief by reason of the failure of the other to pay the contributions, only that parent which has failed to pay shall be held to have received poor relief to the amount of the unpaid contributions.

PAR. 3. If neither parent has the care of the child, both shall pay contributions toward its support. The same rule shall apply if the parent charged with the care of the child has placed it in the care of strangers and has neglected his or her obligation of maintenance; such fact shall be determined by the amtmand.

#### SECTION 5.

PARAGRAPH 1. The parent in whose care the child is placed shall be its guardian. If neither parent has the care of the child, a guardian shall be appointed. The same shall apply if the parent who has the care of the child has placed it in the care of strangers and has neglected his or her obligation of maintenance; it shall also apply in the instance named in section 9. In all other instances, moreover, if the interests of the child so require, or if the child's mother so requests, a guardian shall be appointed. The guardian shall be appointed by the officer authorized to serve writs of attachment—in rural districts, the lensmand.<sup>1</sup> For the purposes of the law this officer shall hereafter be designated as authorized collector (*bidragsfoged*).<sup>2</sup>

PAR. 2. If after the appointment of a guardian the child moves to another commune, the guardian shall immediately notify the collector in the new jurisdiction whose duty it shall be to appoint a new guardian in all cases where the original guardian is unable or unwilling to continue in that capacity.

PAR. 3. The guardian appointed shall especially see to it that the child enjoys all its rights under this law; and to this end he may make application to have the contributions increased or to have them paid to himself. If the mother or the father has placed the child in the care of strangers and the guardian finds that the child is not receiving the bringing up to which it is entitled under section 2, he shall cause the child to be placed in the care of other persons.

### CHAPTER II.—*Establishment of paternity or of the obligation of maintenance.*

#### SECTION 6.

PARAGRAPH 1. When an unmarried woman finds herself pregnant she shall, at least three months before she expects delivery, consult a physician or midwife and state when to the best of her knowledge and belief she became pregnant and who is the father. Her statement shall be recorded, and if possible it should be subscribed by her.

PAR. 2. The making of a false declaration concerning the identity of the father and the aiding and abetting therein shall be punishable by a fine or an imprisonment not to exceed two years.

PAR. 3. If the physician or midwife finds that the woman is with child, he or she shall immediately notify the collector of the domicile of the woman. Such notification shall state when delivery may be expected and shall be accompanied by the woman's statement.

PAR. 4. Any physician or midwife in the service of either the State, the commune, or a local sick benefit fund must observe the provisions of this section and upon failure to do so shall be subject to a fine.

<sup>1</sup> The lensmand is the chief administrative or police authority in the subordinate rural divisions of the provinces *amter*. He is appointed by the amtmand.

<sup>2</sup> In this translation the designation of this official has been shortened to "collector."

PAR. 5. For each such examination and report to the authorities a physician or midwife shall be entitled to a fee of 3 crowns [80.4 cents], payable by the commune in which the woman has bodily residence (opholdskommune). The commune may reimburse itself for such payments from the father or from any other person under obligation of maintenance.

PAR. 6. Parents, employers, or others in similar positions who may know or who have good reason to suspect that an unmarried woman in their household is pregnant shall be in duty bound to urge her to proceed in due season in accordance with the above rules. Failure to do so shall be punishable by fine in case the authorities are not notified.

#### SECTION 7.

PARAGRAPH 1. If the mother, prior to confinement, has failed to consult a physician or a midwife in accordance with the rules of section 6, the physician or midwife attending the delivery shall request her to state the identity of the father. Her statement shall be recorded, and if possible it shall be subscribed by her.

PAR. 2. The physician or midwife shall as soon as possible report the birth to the collector. The report shall state whether the child is full term or not, and if not full term, what indications there are leading to such conclusion. It shall also state whom the mother has alleged to be the father.

PAR. 3. If no physician or midwife attended the birth, the mother herself shall within four weeks report the birth to the collector. Within the same period she shall inform the collector of the identity of the father, provided she has not already reported in accordance with the rules of section 6, or provided she has not at the time of the birth disclosed the father's identity. If her statements are given verbally, they shall be recorded and shall in such case, if possible, be subscribed by her.

PAR. 4. Failure to notify the collector in accordance with this section shall be punishable by a fine. False declaration concerning the identity of the father and the aiding and abetting therein shall be punishable by a fine or imprisonment not to exceed two years.

PAR. 5. The person in whose house the delivery takes place as well as any adult person assisting at the delivery shall urge the mother to make the afore-said reports within the prescribed time limit. Failure to do so shall be punishable by a fine in case the authorities are not notified.

PAR. 6. Stillbirths shall be reported.

PAR. 7. The Crown shall formulate detailed regulations for the making of these reports and may order reports to be made to the registrar of births.

#### SECTION 8.

PARAGRAPH 1. The collector shall immediately forward all reports to the amtmand in accordance with the provisions of sections 6 or 7, accompanied by all information in his possession concerning the economic position of the mother and of the putative father. If the mother is a minor, he shall immediately cause the appointment of a guardian if he considers it necessary.

PAR. 2. The amtmand shall thereafter immediately issue a citation upon the putative father, in accordance with the rules of section 24.

PAR. 3. Such citation shall show that if the putative father admits paternity (par. 1, sec. 13) he shall be deemed legally liable as the father.

PAR. 4. The citation shall state that if he does not make such admission he must—in order to avoid being deemed liable as the father—make application within four weeks after service of the citation, either personally or by written request (registered letter) directed to the court of first instance in the jurisdiction where the mother is domiciled, to institute an action of paternity. The domicile of the mother shall be stated in the citation.

#### SECTION 9.

PARAGRAPH 1. The guardian may demand that citation issue if the mother has failed (sec. 7) to identify the father or the person or persons liable for maintenance, or if information is received tending to show that another than the one named by the mother is the father, or that another or others are liable for maintenance.

PAR. 2. Such request for a citation shall be granted only in case the amtmand finds grounds therefor after considering all the circumstances.

## SECTION 10.

PARAGRAPH 1. Issue of citation in accordance with section 8 may be waived at the request of the child's mother if the putative father in the presence of the collector in writing admits paternity (par. 1, sec. 13) and agrees to pay to the mother and child such contributions toward their support as shall be approved by the amtmand. The contributions must at least correspond to the amounts prescribed in sections 20 and 21 and may subsequently be changed in accordance with the rules contained in the last sentence of section 24.

PAR. 2. Contributions fixed by agreement shall be collected in accordance with the rules of Chapter IV if requested by the mother or by the guardian of the child in case one is appointed.

## SECTION 11.

PARAGRAPH 1. The citation shall be served upon the putative father as soon as possible provided he has a known place of bodily residence in the country. Personal service shall be made if possible.

PAR. 2. At the time of service his attention shall be called to the fact that if he admits paternity he will be held legally liable as the father. If he does not make such admission, the return shall contain a record of this fact as well as of his having been informed of the consequences of such admission. He shall if possible subscribe this statement.

PAR. 3. If he does not admit paternity, he shall at the time of service be informed that, in order to avoid liability as such, he must institute an action in accordance with the rules of section 8. In such case the return shall show that he has expressly been put on his notice. If possible, he shall subscribe this statement.

PAR. 4. If on account of the death of the putative father or because he has no known place of bodily residence in this country the citation is returned without service, the collector shall so inform the judge of the court of the mother's legal jurisdiction. In such case the judge shall proceed as if a request for the institution of an action had been made within the prescribed time limit.

## SECTION 12.

PARAGRAPH 1. The suit shall be tried in the jurisdiction in which the mother lives and shall be considered a private police case. If the mother is dead, the suit shall be tried in the jurisdiction in which the child lives. If both mother and child are dead the case shall go to the court in the jurisdiction in which the father lives.

PAR. 2. If a guardian has been appointed, he shall appear as a party in the case.

PAR. 3. The court shall inform the collector of the time of the hearing and of its final decision. The collector has the right to appear in the case for the purpose of protecting public interest. The parties shall appear when the case is first brought before the court and later whenever ordered by the court, provided they live within the jurisdiction of the court or within such distance from the court as shall not require them to travel more than 200 kilometers [124.3 miles] by railroad, 100 kilometers [62.1 miles] by steamship, 30 kilometers [18.6 miles] by other means of transportation, or a corresponding distance partly by one means and partly by another. In case they live at a greater distance they may be summoned to appear in the court of the jurisdiction of their legal residence or where they may be temporarily staying. Any person who without legal excuse fails to appear may be arrested and brought before the immediate or subsequent session of court.

PAR. 4. Settlement of the case out of court by conciliation is prohibited.<sup>1</sup>

PAR. 5. At the time the case is filed or, at the latest, when the trial begins the judge shall question the putative father as to whether he admits having had intercourse with the mother within such a time that in the ordinary course of nature he might be the father of the child. His admission, which subjects him to liability for maintenance, shall immediately be reported to the collector (par. 1, sec. 25).

<sup>1</sup> Under general rules of law in Norway no case can be brought before a court until after consideration before a special conciliation commission established for that purpose.



PAR. 6. Before the formal hearing the judge shall exhort the parties to declare the truth and shall warn them of the consequences of perjury. Both the mother and the putative father shall be required to testify under the same rules and under the same responsibilities as attach to witnesses in a case.

PAR. 7. If at the conclusion of the examinations the judge finds it advisable to put the parties on oath, he shall so order, assigning reasons therefor.

PAR. 8. The court shall guard the interests of the State by securing a full statement of the case and may continue the case and demand new testimony.

PAR. 9. Costs connected with the summoning of witnesses and with the obtaining of such other evidence as the court requires shall be paid from the State treasury.

PAR. 10. The court may assess the costs to the State treasury upon the losing party either in whole or in part, having regard to the circumstances in the case.

#### SECTION 13.

PARAGRAPH 1. The court shall enter a decree declaring the putative father to be the natural father of the child if it finds evidence of intercourse between the putative father and the mother within such a time that in the ordinary course of nature the former might be the father of the child and if it finds no ground upon which to base a belief that the mother has had intercourse with another, or if there appear no circumstances which make doubtful the putative father's paternity.

PAR. 2. If the court is unable to decide the question of paternity, the putative father shall nevertheless be held liable for the child's maintenance provided the court regards it as proved that he has had intercourse with the mother within such a time that in the ordinary course of nature he might be the father of the child.

#### SECTION 14.

PARAGRAPH 1. Both the collector and the parties to the case may appeal to a higher court.

PAR. 2. Section 12, paragraphs 4, 5, and 6 are correspondingly applicable.

PAR. 3. The higher courts on their own motion may call for such further information as they may deem necessary for the proper statement of the case and may direct the lower court to open the case for a rehearing and the examination of witnesses.

PAR. 4. The decree of the court as to the identity of the father, whether fixing paternity or liability for maintenance, shall be notified to the parties as well as to the *amtmand* who issued the citation.

#### SECTION 15.

PARAGRAPH 1. The party who has admitted paternity may subsequently demand a judicial determination, provided he establishes the fact that his admission lacks the necessary qualities of a binding voluntary declaration or that the evidence upon which he relies to repudiate paternity first came to his knowledge after his admission and that there is good reason to believe that such newly discovered evidence is of importance.

PAR. 2. Likewise the person who has let the limitation of section 8 pass may subsequently request a judicial determination, provided he shows the existence of newly discovered evidence or that his failure to file notice was due to circumstances beyond his control or the result of a mistake.

PAR. 3. The request for an adjudication must be made within 14 days after the discovery of the new evidence or of the defective admission, or after the circumstances which caused him to pass the limitation have ceased to exist.

PAR. 4. The request shall be presented to the judge of the lower court having jurisdiction (sec. 8) and shall be regularly heard. The court shall, in dealing with the question as to whether the request for an adjudication is made within the prescribed time limit, take into consideration the time necessarily required by the parties to make the needed investigation. If the request be approved, the suit shall proceed in accordance with the rules of sections 12 and 14.

#### SECTION 16.

PARAGRAPH 1. The party who has been adjudged by a final decree to be either the natural father of the child or liable for its maintenance may demand a rehearing, provided he brings proof of the subsequent discovery of additional

facts or new evidence which, either alone or in connection with previous testimony, might reasonably have resulted in a different decree.

PAR. 2. In the event the putative father has been acquitted by a final decree or has been adjudged merely liable for the child's maintenance, either the mother or the child may demand a rehearing, provided the subsequent discovery of additional facts or new evidence is shown which, either alone or in connection with previous evidence, might reasonably have resulted in a decree of liability for maintenance or of paternity.

PAR. 3. A request for a rehearing in accordance with the provisions of the last two preceding paragraphs shall be presented within four weeks after the discovery by the parties of the circumstances upon which the request is based.

PAR. 4. It shall be presented to and passed upon by the court which tried the case and entered the decree in the first instance. The court, in dealing with the question as to whether the request for an adjudication has been made within the prescribed time limit, shall take into consideration the time necessarily required by the parties to make the needed investigation.

PAR. 5. The court may require the production of such further information as it may deem necessary in order properly to pass upon the request.

PAR. 6. If the request be granted, the rehearing shall be by the court which entered the decree in the first instance; provided, however, that if such court be a court of appeal it may remand the case to a lower court for hearing, in which case sections 12 to 14 are correspondingly applicable.

PAR. 7. No request for the reopening of a case shall be considered after the lapse of five years from the date of entering final decree; but no statute of limitations shall run in any case if the decision of the court was procured as the result of a criminal act on the part of the putative father or of the mother or of any witness in the case.

#### SECTION 17.

PARAGRAPH 1. If the mother has admitted that she has had intercourse with several parties at or about the time when conception probably took place, citation shall issue against all those so named as being liable for maintenance. In such event the citation shall state the time limit in accordance with the provisions of section 8 within which limit action denying liability for maintenance may be instituted. In actions of this character the provisions of the chapter governing actions denying paternity shall be correspondingly applicable.

PAR. 2. In all cases in which the mother has named several parties a guardian shall be appointed for the child. If the guardian finds reason to believe that some one party can be proved to be the father, the guardian may request that citation issue against such person, the citation to issue in accordance with the provisions of section 8 instead of according to the rules of the preceding paragraph. The request for the issuance of a citation in such cases shall be granted only if in the judgment of the *amtmand* there appears to be sufficient grounds therefor.

#### SECTION 18.

If the putative father dies before the question of paternity or of liability for maintenance has been determined, his estate, his heirs, or his widow, if she retains undivided the community estate, shall be a party to the action; provided, however, that they have a known place of bodily residence within the country. They may appear in the case with the rights of parties; may institute proceedings in accordance with the provisions of section 15; and may employ such legal means as are prescribed in sections 14 and 15.

### CHAPTER III.—*Maintenance.*

#### SECTION 19.

Contributions for the child's maintenance shall be paid until the child has completed sixteen years. If the father or the mother is so situated that he or she may reasonably be ordered to make contributions to continue the education of the child beyond its sixteenth year, such order shall be entered. If the child is physically or mentally defective and by reason thereof is unable to provide for its own support, contributions shall likewise continue beyond the sixteenth year. If the circumstances render it reasonable to terminate the parental liability for maintenance when the child has completed fifteen years, the *amtmand* may so order.

## SECTION 20.

PARAGRAPH 1. Contributions for maintenance shall be apportioned in such manner as to place the burden upon each of the parents proportionately to his or her means. If one of the parents is unable to bear any part of the expense, the whole thereof may be assessed upon the other parent.

PAR. 2. When the child is brought up in a city or town the rule shall be that the father shall contribute at least 15 crowns [\$4.02] a month until the child is 14 years old and thereafter at least 12 crowns [\$3.22] a month until it is 16 years old. If it is brought up in the country, he shall pay at least 12 crowns [\$3.22] and 10 crowns [\$2.68], respectively. The executive committee of the provincial legislature (amtsutvalget), upon proposal of the county council (herredstyre), may reduce or increase these minimum rates by not to exceed 4 crowns [\$1.07] per month in the individual county concerned. In cities and in towns having a communal form of government (kommunestyre) the amtmand upon proposal of the communal council may make similar reductions or increases. The decision of the amtmand and of the executive committee of the provincial legislature may be appealed to the Government department having jurisdiction over the question at issue, but such appeal shall not operate as a supersedeas.

PAR. 3. If the child remains with the mother, the father shall pay a special nursing contribution (opanningsbidrag) during the first nine months after birth. This contribution shall be fixed in cities and towns as a rule at an amount not less than 20 crowns [\$5.36] for the first month, and not less than 15 crowns [\$4.02] for each of the succeeding eight months; and in the country at not less than 15 crowns [\$4.02] and 10 crowns [\$2.68], respectively.

PAR. 4. These contributions may be increased beyond the above-prescribed limits to the extent of the means of the father.

PAR. 5. Contributions for maintenance and nursing expenses shall be paid monthly in advance, and payments for a full month shall be made even if the child dies or is placed in the care of others before the expiration of the month for which payments are due. The collector may direct that nursing contributions be paid to the attending midwife or other reliable person who is willing to receive such payments and apply them for the benefit of the mother and the child.

PAR. 6. If at any time before completing sixteen years the child is taken ill and as a consequence thereof incurs expenses for medical care, there shall be levied a special contribution to meet such expenses if requested by the person in whose care the child is placed or by the child's guardian or by the poor commission which may have advanced such expenses.

PAR. 7. If the child dies before completing sixteen years, there shall be levied a special contribution for funeral expenses provided the person who has paid for the funeral makes claim therefor.

PAR. 8. When the child is in the care of another than its father, if requested by the mother or guardian, there shall be levied upon the father a special contribution for the child's baptismal and confirmation expenses. Contributions for confirmation expenses may also be levied upon the father after the child has attained the age when contributions for its maintenance have been terminated as hereinbefore provided.

PAR. 9. Claims for additional contributions for baptismal, confirmation, sick, or funeral expenses must be presented within one year after the contingency for which such expenses were incurred.

## SECTION 21.

PARAGRAPH 1. The father shall pay to the mother her confinement expenses and the expense for her proper care and nursing during the confinement period; included therein shall be the prescribed fee of the physician or midwife as provided in section 6. These expenses shall be paid even if the child is stillborn, provided the demand for payment is presented to the authorities concerned within one year after confinement; otherwise the claim shall be outlawed. These expenses shall be fixed at not less than 30 crowns [\$8.04] in addition to the prescribed fee of the physician or midwife payable as provided in section 6.

PAR. 2. The father shall make contributions to the mother during a period of three months prior to confinement. Said amounts shall be fixed at not less than 20 crowns [\$5.36] per month in cities and towns and not less than 15



crowns [\$4.02] in the country. If the father be a man of means the amounts shall be increased in proportion to his ability to pay.

PAR. 3. If the child is stillborn, the contribution prescribed in paragraph 3 of section 20 as payable for the first month after birth shall go to the mother.

PAR. 4. The contribution prescribed in paragraph 1 of this section shall be paid at the time of confinement; the contributions prescribed in paragraphs 2 and 3 shall be paid monthly in advance.

#### SECTION 22.

PARAGRAPH 1. The maintenance and assistance for which the father is liable to the child and its mother shall, if the question of paternity remains undetermined, be equally binding upon the person or persons adjudged liable for contribution (par. 2, sec. 13).

PAR. 2. If several persons are held liable for contributions for maintenance, the amtmand shall determine the amount each shall pay: but each shall be severally responsible for the entire amount of the prescribed contribution.

#### SECTION 23.

PARAGRAPH 1. The guardian may not waive the child's right to maintenance.

PAR. 2. If the mother desires to waive her claims under section 21, she must first obtain the consent of the amtmand.

PAR. 3. The waiver of such rights shall not be binding upon a commune which in accordance with law has paid benefits and subsequently seeks reimbursement from the father or person or persons liable for maintenance.

#### SECTION 24.

PARAGRAPH 1. Rulings regarding the payment of contributions as provided in the last preceding paragraphs shall be made by the amtmand of the domicile of the mother or, if she is dead, of that of the child.

PAR. 2. A citation ordering the payment of contributions to the child, as provided in the first five paragraphs of section 20, and to the mother, as provided in section 21, shall be issued by him immediately upon receipt of a report in accordance with the provisions of section 8 or as soon as the mother has filed a claim in accordance with the provisions of the second sentence of section 21. If the collector's information concerning the economic position of the parents is insufficient (sec. 8), he shall, pending an investigation of this question, fix as the amounts to be contributed the minimum rates prescribed in sections 20 and 21. After the investigation is completed he shall revise the rates provided the facts disclosed give ground for such action.

PAR. 3. Moreover, the amtmand before reaching a decision shall, whenever he deems it necessary, make an investigation as to the economic position of the parents. He shall readjust the rates if additional information is brought to light or conditions become altered; e. g., if the child inherits money, or if there occurs a change in the economic position of the parents.

### CHAPTER IV.—*Collection of contributions.*

#### SECTION 25.

PARAGRAPH 1. The contributions assessed upon the father or person or persons liable for maintenance shall not become due until paternity or liability for maintenance has been established by admission or by the passing of the time limit for commencing action according to section 8 or by final decree of a court.

PAR. 2. If a request is made for an action according to section 15, or for a rehearing according to section 16, denying paternity and liability for maintenance, such request shall not operate as a supersedeas until the right of action or new trial has been granted by formal decision to that effect. If the duty to render further maintenance is denied by such suit or rehearing, the amount already paid out under court orders may be demanded reimbursed.

#### SECTION 26.

PARAGRAPH 1. It shall be the duty of the collector of the domicile of the claimant to see to it that collection is made, and if necessary he shall make collection through the collector of the debtor's domicile, to which latter authority payment shall be made without demand first made.



PAR. 2. In default of payment when due the debtor shall pay an additional collection fee of 4 per cent, but not less than 50 ore [13.4 cents], which fee accrues to the collector to whom the money should have been paid.

PAR. 3. The amtmand may require the collector to furnish bond.

#### SECTION 27.

PARAGRAPH 1. If the debtor after demand fails to pay, levy of distress or garnishment of the debtor's wages shall issue. A formal distraining order shall not be necessary.

PAR. 2. When the collector finds it necessary to commence garnishment proceedings he shall notify the employer and direct him to retain from the debtor's wages a stipulated amount on each pay roll. The collector shall fix the amount after conference with the employer and after the debtor has been given the opportunity of a hearing. An amount necessary for the support of the debtor and his family shall be exempt. Similar distraining orders may also issue for claims not yet due if the debtor has failed to make payment and has not furnished bond.

PAR. 3. If it becomes necessary to retain contributions for several claimants, and if the amount so retained is not sufficient to meet the claims of all, the amount shall be divided pro rata to the claims of each, provided special circumstances do not make another method of distribution equitable. Contributions for the maintenance of children under 15 years shall as a rule take precedence over those for children above that age.

PAR. 4. The collector, under such rules as may be fixed by the proper Government department, may require the employer to make payment of the amounts retained from wages direct to him.

PAR. 5. No part of the wages to be retained as above shall be subject to attachment or execution on behalf of other creditors. If the employer pays the amount ordered retained to another than the collector, he himself shall become legally liable for the amount.

#### SECTION 28.

PARAGRAPH 1. The provisions of section 27 concerning wages shall apply also to the wages or salaries of State, provincial, or communal employees as well as to pensions, allowances, annuities, or other sources of income accruing to the debtor from the State treasury or from other public, communal, or private fund or insurance association.

PAR. 2. The treasurer concerned shall be regarded as the debtor's employer.

#### SECTION 29.

The collector may require banks and others holding funds on deposit or for administration to inform him of the moneys in their control belonging to persons liable for maintenance who make default in their payments. The collector may likewise require an employer or other person who pays the wages or other benefits enumerated in section 28 to inform him of the amount of such wages or other benefits paid to the person liable for maintenance. He may also require the tax assessors to inform him of the value of the taxable property and income of such persons and the basis upon which assessments have been levied. Refusal to give such information shall be punishable by a fine.

#### SECTION 30.

PARAGRAPH 1. Whoever having the means or the credit fails to pay the contributions prescribed in sections 19, 20, or 21 shall be punishable by a fine or imprisonment not to exceed three months, provided such person is not convicted under more severe provisions of law.

PAR. 2. If the defendant is sentenced to labor in accordance with the provisions of section 31, the sentence may be suspended either in whole or in part.

PAR. 3. The same applies if the sentence covers an additional punishable act, provided the sentence does not exceed three months' imprisonment.

#### SECTION 31.

PARAGRAPH 1. If the contributions can not be collected in the manner set forth in sections 26 to 28, the court in imposing sentence according to the preceding section may authorize the public prosecutors to put the defendant at

work for the public or with private parties, provided it is found possible so to place him as to realize a sufficient amount to cover his liability.

PAR. 2. Likewise the court may in its sentence authorize the public prosecutors to confine the defendant in a workhouse or other institution approved by the Crown until such time as he shall have paid or given bond for his debt or as great a part thereof as the collector shall determine, provided no work, as mentioned in the last preceding paragraph, can be found for him. Such confinement in a workhouse or other institution shall not take place when the defendant is under 21 years of age or unable to perform manual labor or when the public prosecutors find that such confinement would deprive him of power to fulfill his obligations of maintenance owing to others, or when it would substantially reduce the prospect of future collection of the amount due.

PAR. 3. The defendant shall not be put to work for a period exceeding six months.

PAR. 4. When special reasons appear to favor placing the defendant on probation, the public prosecutors may postpone action with reference to placing him out at work or confining him in a workhouse or other institution for one year after final judgment or after the defendant has served another sentence.

#### SECTION 32.

PARAGRAPH 1. A new trial of offenses against section 30, before a jury (lagmandsret) upon the request of defendant, shall require the approval of the committee on complaints of the Supreme Court (Høiesterets kjæremaalsutvalg).

PAR. 2. If the public prosecutors decide to proceed in accordance with the provisions of section 31, a public defender shall be appointed in the same manner as in ordinary criminal cases.

#### SECTION 33.

PARAGRAPH 1. Travel expense to the place of employment, public workhouse, or other institution named in section 31 shall be paid from the Government treasury under such rules as the department concerned may establish. Expenses for maintenance in the institution shall likewise be paid from the Government treasury in accordance with rules approved by the Crown.

PAR. 2. Wages or proceeds from the labor of the defendant shall be paid to the claimants in accordance with the rules prescribed in section 27.

#### SECTION 34.

PARAGRAPH 1. Whoever, having duties to discharge under this law, is about to leave the country under such circumstances as make it appear uncertain whether he intends to return to the Kingdom, shall not only pay or give bond for claims then due but shall also give bond for future claims unless released by the amtmand.

PAR. 2. Before the amtmand grants a release both the claimant and the collector of the domicile of the debtor shall be heard.

PAR. 3. If the child is over 16 years of age, bond for the fulfillment of the obligation set forth in the second sentence of section 19 can not be required for a longer period than until the child has completed twenty-one years.

#### SECTION 35.

PARAGRAPH 1. If there is reason to believe that the debtor contemplates leaving the country under the circumstances set forth in section 34 without discharging his obligations, upon the request of the claimant, of the collector, or of the poor commission the police may refuse him passport and attach his goods. The police shall immediately notify the amtmand of the refusal of passport and the attachment of the goods; the amtmand shall determine whether the orders shall be sustained.

PAR. 2. If the refusal of passport and attachment are sustained, the amtmand may direct that future claims be immediately collected by levy of distress and the proceeds deposited in a designated bank.

PAR. 3. If the child dies before the entire claim is due and payable, the balance shall be returned to the debtor, provided it is not required to pay for the child's last sickness and burial.

PAR. 4. If there is reason to believe that the parent who has the care of the child contemplates leaving the country and abandoning it without means of support, the provisions of this section shall become applicable and contribution may be levied.

## SECTION 36.

The provisions of sections 34 and 35 may also be made applicable against the putative father pending the determination of paternity or of the obligation of maintenance. If he is acquitted, he may claim damages from the mother in accordance with the rules for civil attachment.

## SECTION 37.

PARAGRAPH 1. The Crown may prescribe what course one who contemplates emigrating shall pursue in order to show that no obligations rest upon him under this law.

PAR. 2. Emigration agents or others who aid and abet any person who, under the foregoing provisions of law, is enjoined from emigrating shall become liable for the claim against such emigrant, provided they had knowledge of the circumstances or acted with gross negligence. In such cases the Government may reimburse itself from the bond of its agents, as provided by sections 7 and 8 of the act of May 22, 1869.

## SECTION 38.

PARAGRAPH 1. If anyone in violation of sections 34 to 36 has unlawfully emigrated, the amtmand in whose jurisdiction such emigrant was last domiciled, upon request of the claimant to contributions, of the collector, or of the poor commission, may direct that attachment shall be made of the property of said emigrant in this country; the amtmand may also direct that distress be made for future claims. In that event the provisions of paragraphs 2 and 3 of section 35 shall be applicable.

PAR. 2. Payments from the proceeds of property attached shall not be made until the question of liability has been finally determined.

## SECTION 39.

PARAGRAPH 1. If one of the parents (mother or father or person liable for maintenance) requests that contribution from the other party be not collected and at the same time shows that the child's support is provided for according to section 2, the collector may grant such request to such extent and for such period as he may deem advisable. In that event the guardian of the child shall be heard.

PAR. 2. Upon application of the person liable for maintenance the collector may permit the contributions to be paid direct to the claimant and not to himself, provided he is satisfied that the contributions are being paid when due.

PAR. 3. The collector shall notify the debtor of such ruling. If subsequently request is made of the collector, it may be granted only for such claims as thereafter become due.

PAR. 4. Such decision shall not operate to deprive either the commune or the poor commission of the rights which they may have in the premises.

## SECTION 40.

PARAGRAPH 1. If the person liable for maintenance dies before the term of his liability expires, the amount necessary to cover the balance of contributions shall be paid out of the estate after other creditors have been satisfied.

PAR. 2. The claim must have been filed with the estate before the expiration of the time fixed in the notice to creditors issued by the court, or in the absence of notice within six months after death, provided death occurred within the Kingdom, otherwise within three years.

PAR. 3. If the deceased also leaves a widow or a legitimate child, there shall be retained from the estate no more than the child would have been entitled to if it had possessed an equal right of inheritance with a legitimate child.

PAR. 4. Deductions from the estate for unpaid contributions shall be made from the distributive share of the child in the estate of the deceased. If the child dies before the amount deductible has been expended, the balance shall fall to the residue of the estate.

PAR. 5. If the widow remains in possession of the undivided estate, the amtmand shall determine under section 24, last paragraph, whether she shall pay the balance of contributions and the amount thereof.

PAR. 6. If the probate court or the administrator of the estate has knowledge of the liability of the deceased to pay contributions, either one shall report the death to the collector.

#### SECTION 41.

If one or the other of the parents from whom a child inherits coequally with a legitimate child shall die and leave a surviving spouse, the illegitimate child shall be regarded as a child of the half blood (*særkuld barn*) of the deceased when determining the right of the surviving spouse to an undivided estate.

### CHAPTER V.—*Concluding provisions.*

#### SECTION 42.

The decisions of the collector under this law may be appealed to the amtmand, but such appeal shall not operate as supersedeas.

#### SECTION 43.

PARAGRAPH 1. For the service of the citation to pay contributions or of the notice prescribed in section 27 the debtor shall pay the same fees as are required for service in civil cases.

PAR. 2. If the fees are not paid, they may be collected in the same manner as the contributions; but if not collectable in this manner the fees shall be paid from the Government treasury. The same is applicable to the collection of fees as provided in section 26 and of judgment fees as provided in section 27.

PAR. 3. For making his investigation and report regarding the economic position of the mother or the putative father as provided in section 8 or section 24, the collector shall receive a single fee of 3 crowns [80.4 cents], which shall be paid from the communal treasury where the mother is domiciled. The commune may demand reimbursement from the person liable for maintenance. Upon failure to pay the claim shall be collected in accordance with the provisions of section 27.

#### SECTION 44.

The Crown or its duly authorized representative shall determine the form of the citations and shall prescribe the details required to put the law into effect.

#### SECTION 45.

The decisions of the amtmand under this law may be appealed to the Government department concerned, but such appeal shall not operate as supersedeas. When an appeal is taken to the department or to the Crown from a decision of the amtmand made according to section 34, the effect of the decision is stayed pending the outcome of the appeal.

#### SECTION 46.

With such exceptions as follow from section 47 this law shall also be applicable to children born prior to the time this law takes effect.

#### SECTION 47.

If the child was born before this law takes effect, the following rules shall apply:

1. Whoever under previously existing legislation has been or is regarded as the father of the child shall be held liable under this law only for maintenance; he may, however, be entrusted with the care of the child in accordance with the rules of section 3 of this law.
2. Previously existing legislation shall be followed in deciding the question of paternity.



3. Citations demanding contributions for maintenance shall not be issued in accordance with the provisions of this law unless requested by either one or both of the parents, by the guardian, the board of health, or the poor commission. Contributions shall not be levied to cover a period in excess of one year prior to the time of filing the claim.
4. Citations demanding contributions for nursing expenses (par. 3, sec. 20) shall be issued only at the request of the mother or of the child's guardian; citations demanding contributions to the mother, as provided in section 21, shall be issued only at the request of the mother. The demand must be presented within one year after confinement.
5. Contributions shall not be levied under this law for a period prior to the time the law takes effect; they may be levied only under previously existing legislation.
6. Contributions levied by judicial decree or by voluntary agreement prior to the time this law becomes effective shall not be collected in accordance with the rules prescribed in Chapter IV unless requested by those entitled thereto.
7. If a child has not attained fifteen years when this act takes effect, and if its birth has not been reported in accordance with the rules laid down in previously existing legislation, the parent who has the care of the child shall make report of its age to the collector within one year after this law takes effect.

## SECTION 48.

This law shall take effect January 1, 1916. The law of July 6, 1892, amended March 29, 1902, concerning the maintenance of children whose parents have not married each other, is on and after the said date repealed.

AMENDMENT TO THE INHERITANCE LAW.<sup>1</sup>

## ARTICLE I.

The provisions of the inheritance law of July 31, 1854, as supplemented by the law of June 27, 1892, shall be amended as follows:

## SECTION 3.

PARAGRAPH 1. With the exception of such cases as are described in section 5, a child whose parents have not married each other shall have the same right of inheritance as a legitimate child.

PAR. 2. This shall not operate to change existing rules of law affecting the right of residence and preferential purchase on division of the estate (aasætesret paa skifte) of illegitimate children in the line of the father and the father's heirs next of kin unless the father by written statement has declared that the illegitimate child shall be so entitled: in such case it shall have the same right of residence and preferential purchase as if it were of legitimate birth.

## SECTION 4.

PARAGRAPH 1. Every child is of legitimate birth whose parents, prior to its birth, have been joined in marriage even though the marriage is annulled or is void by reason of consanguinity, or affinity, or prior marriage.

PAR. 2. A child whose parents have been joined in marriage subsequent to the birth of the offspring shall be deemed legitimate.

## SECTION 5.

PARAGRAPH 1. A child whose parents have not married each other and who was born prior to January 1, 1917, shall not inherit from the father and the father's heirs next of kin. If the father has acknowledged such a child, either orally or by written declaration, it shall inherit one-half the share which falls to a legitimate child if there is one and a full share if there is no legitimate child.

<sup>1</sup> Lov om forandringer i lov om arv av 31 juli 1854 med tillægslov av 27 juni 1892 (Law amending the inheritance law of July 31, 1854, and the supplementary law of June 27, 1892). Apr. 10, 1915, No. 4.

PAR. 2. A child whose parents have not married each other and who was born subsequent to the date hereinbefore named shall not inherit from the father or the father's heirs next of kin unless paternity has been established in conformity with the law on children whose parents have not married each other.

## SECTION 6.

A child whose parents have not married each other shall transmit to the mother and the mother's heirs next of kin and the father and the father's heirs next of kin in the same manner as a legitimate child; provided said child is not itself excluded by the provisions of section 5 from the right of inheriting from them and is not born as a result of the violation by the father of any of sections 191 to 199 of the criminal law.

## ARTICLE II.

This act shall take effect January 1, 1916.

# AMENDMENT TO THE LAWS ON THE PROPERTY RELATIONS OF HUSBAND AND WIFE.<sup>1</sup>

## ARTICLE I.

Article II of the law on the property relations of husband and wife, June 29, 1888 (No. 2), supplemented by the laws of June 29, 1894 (No. 2), and May 6, 1899 (No. 2), is amended as follows:

The title of Chapter VI shall read: Right of wife to demand the termination of the community property.

Section 34 shall read as follows:

PARAGRAPH 1. In the same manner the wife may demand the division of the common estate if she is deserted by her husband; but section 3 of the desertion act of October 12, 1857, shall not thereby become applicable. Her demand may not be dismissed. A wife whose husband without her consent has engaged in a business to which her consent is by law necessary (sec. 14) has the same right.

PAR. 2. Likewise either spouse may demand division of the common estate if one spouse at the time of marriage without the knowledge of the other had a child born out of wedlock, which child under existing law is entitled to inherit from the other spouse, or if the said spouse subsequently has such illegitimate child. The demand for a division of the common estate may be made within six months after the said spouse has knowledge of the birth of the child or of the fact that the other spouse is the parent of the child. If said illegitimate child has died leaving no heirs, the right to a division of the estate can no longer be invoked.

PAR. 3. In the case mentioned in paragraph 2 the spouse who has demanded the division of the estate may also demand that the division of the community property shall be in such manner that each spouse shall receive in priority of all other claims that which he or she brought to the common estate at the time of marriage or inherited during wedlock. If the estate is not sufficient therefore, there shall be a proportionate reduction of the several estates of each. The right herein described belongs also to a surviving spouse upon a division of the estate of the deceased spouse; provided the conditions giving a right to demand the division of the common estate according to paragraph 2 have arisen.

Section 37 shall read as follows: Whosoever has claims upon an estate, pending the time that any magistrate or justice of the peace after consultation with the higher authorities shall grant compliance with a demand for the division of the common estate, after failure to obtain security from one who has received a money settlement, shall look to payment from what at the time of division was paid to the other unless there is evidence that one who received settlement in money has withheld enough property to cover all money payments.

<sup>1</sup> Lov om forandringer i lov om formuesforholdet mellem egtefaeller av 29 juni 1888, nr. 2, jfr. tilfølgelov av 29 juni 1894, nr. 2, samt lov av 6 mai 1899, nr. 2, avsnit II. (Law amending Part II of the laws on the property relations of husband and wife, June 29, 1888, No. 2; June 29, 1894, No. 2; May 6, 1899, No. 2; Apr. 10, 1915, No. 5.)

Section 39 shall read as follows: If the community property relations of husband and wife are terminated by reason of any of the provisions of sections 33, 34, and 38, whatever falls to either spouse by inheritance, gift, or purchase after the granting of the petition becomes his or her several property.

## ARTICLE II.

This law shall take effect January 1, 1917, and shall become applicable to a child born out of wedlock after said date.

## AMENDMENT TO THE LAW ON THE DISSOLUTION OF MARRIAGE.<sup>1</sup>

### ARTICLE I.

The following sections of the law of August 20, 1909, on the dissolution of marriage shall read as follows:

#### SECTION 3.

PARAGRAPH 1. A marriage shall be annulled at the petition of either of the parties thereto whenever one party without the knowledge of the other (*a*) suffered from physical defects which rendered him or her unfitted for the marriage relation; or (*b*) suffered from epilepsy or leprosy or contagious venereal disease; or (*c*) suffered from or had insanity; or (*d*) had a child out of wedlock; or (*e*) was made pregnant by another than the lawful spouse; or (*f*) had made pregnant another than the lawful spouse so that a child was subsequently born.

PAR. 2. As respects (*a*), (*b*), and (*c*), the petition may be filed within five years after marriage; as respects (*d*) and (*f*) it may be filed before the death of the child resulting from the pregnancy. In all the above-named instances the petition may be made within six months after the spouse has knowledge of the facts. Annulment by reason of (*a*) and (*b*) may not be postponed after the defect ceases to exist or after the disease is considered cured.

#### SECTION 13.

PARAGRAPH 1. Upon the annulment of the marriage or upon the termination of cohabitation by legal decree, the existing property relations of the spouses cease and determine.

PAR. 2. The community property shall be divided as a rule equally between the spouses; however, in the instance mentioned in section 3, the spouse at whose petition the dissolution is granted may demand that the community property shall be divided in such manner that each spouse shall receive the share which he or she contributed to the family estate upon marriage or which he or she received by inheritance during wedlock; if the property is not sufficient for that purpose, a proportionate share shall go to each spouse. The same rules shall apply if the marriage is dissolved by reason of adultery, according to section 4 (*a*), provided a child is born of the unlawful intercourse, which child under existing provisions of law has inheritance rights in relation to the guilty spouse, and provided said child is living at the time when the suit for dissolution is filed or the grounds therefor have arisen. The provisions of sections 16, 17, and 18 of the law of June 29, 1888, on the property relation of husband and wife shall be applicable in each instance.

PAR. 3. An agreement for a different division of the property entered into before the termination of cohabitation by legal decree must be sanctioned by the proper authorities in order to be binding.

## ARTICLE II.

Section 15 of the law of August 20, 1909, on the dissolution of marriage is repealed.

## ARTICLE III.

Article I of this act shall take effect January 1, 1917, in such way that the new regulations become applicable if the child is born after that time.

Article II shall take effect January 1, 1916.

<sup>1</sup> Lov om forandringer i lov om adgang til opløsning av egteskap (Law amending the law on the dissolution of marriage). Apr. 10, 1915, No. 1.



LAW ON PARENTS AND LEGITIMATE CHILDREN.<sup>1</sup>

## SECTION 1.

PARAGRAPH 1. One who has deserted his spouse and legitimate child and has failed to provide for them according to his means may be compelled to make contribution for their maintenance. The same applies to either of the spouses who by reason of improper conduct on his or her part do not cohabit.

PAR. 2. Likewise one who does not provide for his spouse or legitimate child may be compelled to pay contribution for their support, provided they are destitute or have become a burden upon the poor relief authorities.

## SECTION 2.

Parents who do not cohabit are severally obligated to contribute to the maintenance of their children, each according to his or her means; the one who does not actually have the child with him or her fulfills his or her obligation by the payment of a money contribution toward its support. Whenever the parent who has the custody of the child receives poor relief by reason of the failure of the other to make contribution, only that one who has failed to make contribution shall be considered as having received poor relief to the extent of the unpaid amounts.

## SECTION 3.

PARAGRAPH 1. If the parents are unable to agree as to who shall have the child, the amtmand shall decide.

PAR. 2. In making the decision regard shall be had primarily to the welfare of the child; the child therefore should go to the mother as a rule, particularly if of tender years, provided she is qualified to bring it up. Consideration shall also be given to the desire of the parents.

PAR. 3. Before making his decision the amtmand, if he deems it necessary, may ask the advice of the board of guardians<sup>2</sup> and of the board of health.

PAR. 4. The decision may be reversed whenever special grounds arise for such action and if such action is for the child's welfare.

PAR. 5. Although an agreement is made between the parents as to who shall have the child the amtmand may, notwithstanding, give his decision whenever either parent requests it.

## SECTION 4.

PARAGRAPH 1. Before the amtmand decides who shall have possession of the child, neither of the parents shall remove the child from the country without the consent of the other. If it is likely that either of the parents will violate this rule, the other may request the police to enjoin him or her from removing the child. If the police suspect that the order may be violated, they shall take precautions to place the child with another until the amtmand shall have decided in whose possession the child shall be placed. The police may seek the aid of the chairman of the board of guardians. The parent who has been the cause of suing out the order shall pay the costs. The costs shall be collectible in the same manner as contributions for maintenance.

PAR. 2. The Crown may formulate such detailed regulations as may be necessary for the enforcement of the provisions of the above paragraph.

## SECTION 5.

PARAGRAPH 1. The amtmand shall decide whether a money contribution shall be assessed under this law and how large the same shall be. Section 24, paragraph 1 of the "Law on illegitimate children" is correspondingly applicable.

PAR. 2. The decision may be reversed if new facts are discovered or if conditions become altered.

PAR. 3. Any agreement made by the parents concerning the payment of contributions for maintenance of the child shall not be binding if demand is subsequently made to fix the contribution under the law mentioned.

<sup>1</sup> Lov om foreldre og egtebarn (Law on parents and legitimate children). Apr. 10, 1915, No. 6.

<sup>2</sup> See footnote, p. 36.

## SECTION 6.

The collector of the domicile of the claimant shall, upon demand, see that the contributions for maintenance and other cash benefits under this law are paid. The same shall apply in regard to cash benefits which one spouse by agreement shall pay to the other, if cohabitation shall have ceased or if the marriage has been dissolved, or in regard to benefits to a child which is in the possession of the other spouse.

Sections 30, 31, 32, and 33 of the "Law on illegitimate children" shall be correspondingly applicable to conditions in the present law; likewise the regulations in Chapter IV of said law shall be applicable in the matter of payment by forced collection.

## SECTION 7.

PARAGRAPH 1. Whenever there is reason to believe that one party or the other is about to leave the Kingdom and therefore desert the spouse or child without providing for them to the extent of his or her means, the provisions of section 35, last paragraph, of the "Law on illegitimate children" shall become correspondingly applicable.

PAR. 2. The Crown may prescribe what bond shall be required for enforcement of the foregoing provisions.

## SECTION 8.

PARAGRAPH 1. If the parents are communicants of the State church, they shall report the birth of the child within a month after its birth to the ecclesiastical authority having charge of the church register for the parish. If the parents are not communicants of the State church, the rules governing the duty to report births shall be applicable. The party in whose home the birth takes place shall see that the birth is reported.

PAR. 2. The birth of a stillborn child shall also be reported.

PAR. 3. The birth of every child not having completed fifteen years when this law takes effect and not having been previously reported shall be reported within a year after this law takes effect.

PAR. 4. The Crown shall formulate more detailed regulations concerning registration reports and their contents.

## SECTION 9.

The regulations contained in sections 42 to 45 of the "Law on illegitimate children" shall be correspondingly applicable to matters dealt with in this law.

## SECTION 10.

This law makes no changes in the regulations under the poor law in regard to the duty of parents to care for their destitute children.

## SECTION 11.

This law shall take effect January 1, 1916. The law of July 6, 1892, on contributions for maintenance of a wife and legitimate children, etc., together with section 27 of the law of May 31, 1900, on vagrancy, mendicancy, and drunkenness are from the said date repealed.

LAW ON THE CARE OF CHILDREN.<sup>1</sup>CHAPTER I.—*Public relief for mother and infant.*

## SECTION 1.

PARAGRAPH 1. Any unmarried woman with child who is a Norwegian citizen and who is unable to care for her offspring may apply for benefits from the communal treasury of her place of bodily residence (*opholdssted*) to continue for a period of six weeks preceding confinement.<sup>2</sup>

<sup>1</sup> Lov om forsørg for barn (Law on the care of children). Apr. 10, 1915, No. 2.

<sup>2</sup> Provisions for maternity benefits (*barselpenger*) are also contained in the sickness insurance law of Aug. 6, 1915.

PAR. 2. A married woman may apply for benefits provided her husband is dead or has deserted her or by reason of his improper conduct is the cause of their not cohabiting.

## SECTION 2.

PARAGRAPH 1. Any mother in such destitute circumstances as to be compelled to place her child with another, unless she shall receive benefits, may apply for benefits from the communal treasury of her bodily residence.

PAR. 2. The amount of the benefits shall be such that she can keep the child with her for the first three months of its life so that she may nurse it at the breast if she is able to do so.

## SECTION 3.

The contributions provided by sections 1 and 2 shall be fixed by the amtmand each month in advance to a determined amount to be made by each commune; they shall lie within the following limits: (1) For the six weeks preceding confinement, 25 to 45 crowns [\$6.70 to \$12.06]; (2) for the first month of infancy, 20 to 45 crowns [\$5.36 to \$12.06]; and (3) for each of the following months, 17 to 35 crowns [\$4.56 to \$9.38]. Before the amtmand fixes the amounts of the contributions he shall have heard the poor commission and the board of health concerned. The rates fixed shall be applicable for five years.

## SECTION 4.

PARAGRAPH 1. Applications for benefits under sections 1 and 2 shall be made to the lensmand in the rural districts, and in the cities to the authority having power to levy for distress, termed "authorized collector" (hidragsfoged).

PAR. 2. The collector shall transmit the applications immediately to a committee of the board of health consisting of three members, among whom shall be the chairman, provided he has residence in the commune, and he shall accompany the application with his opinion as to whether the woman comes within the conditions named in sections 1 and 2 and whether the application should be allowed. This committee shall be named by the board for a term of three years.

PAR. 3. If the application is allowed, the amount of the benefits shall be paid through the collector in the sum fixed by the amtmand under section 3.

PAR. 4. The amount of the benefits may be increased or decreased by not exceeding one-third if the committee finds special grounds therefor.

PAR. 5. Benefits under section 1 shall be payable only upon the certificate of a physician or midwife to the effect that the birth will probably occur in the course of the next six weeks; benefits under section 2 shall be payable monthly in advance.

## SECTION 5.

PARAGRAPH 1. Benefits under section 1 shall be granted to a married woman in other than the cases mentioned; provided the committee created by section 4 aforesaid finds it advisable so to do, and provided application is made.

PAR. 2. If the committee finds that the health of the child requires that the mother nurse it at the breast for a period longer than the first three months of life, the benefits prescribed by section 2 shall be extended for a longer period, but not exceeding three additional months. Before decision is made a certificate of approval must be secured from the physician or midwife of the mother's place of bodily residence.

PAR. 3. In fixing the amount of the contribution and its manner of payment under this section the provisions of section 3 and the last three paragraphs of section 4 shall be applicable.

## SECTION 6.

PARAGRAPH 1. The board of health shall make all necessary inspection and see that the communes apply the contributions as directed. The committee created by section 4 aforesaid may decide that the contributions should be paid through the midwife attending a case or through some other trustworthy person who may be willing to receive them and apply them for the benefit of the mother and child.



PAR. 2. The committee may require a woman while in receipt of benefits under sections 1, 2, or 5 to remain in a lying-in home (private family or public or private institution for mothers); but this may not be required if as a consequence the mother is separated from other children living with her and in need of her care or if all her ties of motherhood are sundered thereby.

PAR. 3. She may be required to perform work suited to her capacity while in the lying-in home; she shall observe the regulations of the home.

#### SECTION 7.

Maternity benefits received by a woman from any public or recognized sick fund shall be deducted from the contributions of the commune for the corresponding period; if the maternity benefits are fixed as a lump sum, one-fourth thereof shall be applied for the last 14 days before confinement and three-fourths for the first month and a half immediately following.

#### SECTION 8.

PARAGRAPH 1. The commune of the mother's place of bodily residence (opholdssted) shall have a claim for the amount of its outlay under this law upon the commune of the legal residence (hjemstavnskommune)<sup>1</sup> of the mother. The latter commune, to reimburse its outlay, shall have a claim upon the contributions which the father or the one under obligation of maintenance shall pay to the mother or child under the "Law on illegitimate children" and the "Law on parents and legitimate children." Reimbursement, however, may not be claimed in the case of maternity benefits (cf. sec. 21, par. 1, of first law aforesaid) or contributions which do not apply to the period for which the commune paid benefits. Whatever sums the father or the one under obligation of maintenance has paid out before the commune paid benefits may be deducted for a corresponding period.

PAR. 2. If the commune has paid more than is required from the father (or the one under obligation of maintenance) under the foregoing laws, the amtmand upon request of the guardian may direct him to make up the full amount, and such compensation may be collected by levy of distress in the same manner as the regular contributions.

PAR. 3. If the commune is not compensated to the full amount, the deficit shall be equally assessed upon the communes of the legal residence of the father (or the one under obligation of maintenance) and of the mother; but the duty of the father (or the one under obligation of maintenance) to make compensation does not thereby cease and determine. Communes with limited resources may be compensated from the State treasury to the extent of one-third—in special cases one-half—of their outlay provided the Storting appropriates the necessary funds.

PAR. 4. If the mother has no legal residence within the country, or if her legal residence has been lost or can not be ascertained, it shall be incumbent upon the communal treasury of the mother's place of bodily residence to seek reimbursement for its outlay from the father (or the one under obligation of maintenance) and from the commune of the legal residence of the latter in accordance with the rules prescribed in the first and third paragraphs of this section. In such case if the father does not have legal residence in the country, or if his legal residence has been lost or can not be ascertained, the State treasury shall pay the share which would have fallen upon the commune of his legal residence.

#### SECTION 9.

PARAGRAPH 1. Benefits provided according to this chapter shall not be considered as poor relief.

PAR. 2. What the commune pays over and above what is required from the father (or the one under obligation of maintenance) under the "Law on children born out of wedlock" [Law on illegitimate children] and the "Law on parents and legitimate children" shall likewise not be considered poor relief.

<sup>1</sup> Legal residence is acquired by any person over 15 years of age after two years' continuous actual bona fide residence in a locality.

CHAPTER II.—*Supervision of children.*

## SECTION 10.

Whenever a child under 14 years of age is placed out in the care of others for a fee (cf. Law of Apr. 29, 1905, sec. 1), whoever places it out or sees that it is placed out shall report the fact within three days to the board of health of its place of bodily residence. If the child has domicile in another commune, the board of health shall immediately report to the board of health of the commune concerned. The person receiving the child shall also report the fact within three days to the board of health of its place of residence. If the person receiving the child changes his residence, that fact shall be reported to the board of health within eight days.

## SECTION 11.

PARAGRAPH 1. The board of health shall exercise supervision over any child under 14 years of age who is placed out for care with others for a fee.

PAR. 2. The board of health may take under its supervision any child although not placed out for a fee, if it is neglected in its physical or moral well-being or if there is reason to fear that it will be neglected because its foster parent is depraved or negligent.

PAR. 3. If the board of health determines to take such child under its own supervision, it shall notify the person who has the child in his custody; but the order shall be rescinded as soon as supervision ceases to be necessary.

## SECTION 12.

PARAGRAPH 1. If the board of health shall find that a child under its supervision according to the foregoing paragraph is not being properly cared for, or if the child is being cared for in a children's home that conditions therein or the terms of payment do not assure proper care, the board shall see that the child is properly cared for or that it shall be placed elsewhere.

PAR. 2. If the orders of the board are not followed, the board may remove the child from the foster parents and place it elsewhere; but the board may not remove a child from either of its own parents.

PAR. 3. As soon as the board has taken a child under its supervision it shall, if necessary, make provision for levying a contribution upon the father or the person under obligation of maintenance under the "Law on illegitimate children" or the "Law on parents and legitimate children."

PAR. 4. The board may also claim benefits from the poor commission whenever the child is committed to a hospital or given medical treatment; or if the board temporarily moves it to another home, the poor commission shall reimburse the costs thereof. The board shall immediately report the facts to the poor commission.

PAR. 5. For its expenses under this section the poor commission under the regulations for poor relief may reimburse itself from the parent who has possession of the child, or if the child is being brought up by another than its father or its mother then from both parents in proportion to the amount of the contributions which by law might be assessed upon them.

## SECTION 13.

Sections 10 to 12, inclusive, shall not be applicable to a child placed out by the board of guardians;<sup>1</sup> but the board of guardians may request the board of health to take under its supervision a child which has been placed out in another jurisdiction.

## SECTION 14.

The rules contained in this chapter concerning the supervision of a child placed in the care of others for a fee shall not be applicable to communes to which sections 1 to 9 of the law of April 29, 1905, on State supervision of foster children are applicable.

<sup>1</sup> See footnote, p. 36.

CHAPTER III.—*Concluding provisions.*

## SECTION 15.

PARAGRAPH 1. The board of health shall exercise its supervision under this law in its own person or through a paid staff; the board may also appoint separate supervisors for individual children. For a child placed out with strangers for a fee there shall always be appointed a special supervisor unless general supervision is exercised through a paid staff.

PAR. 2. If a guardian has been appointed for a child, he shall be named as supervisor if he resides near the child's place of residence and is qualified for the trust.

PAR. 3. Any resident of a commune who is not over 50 years of age and who has not been a supervisor for at least seven years shall be obligated to accept the trust of supervisor. Within his jurisdiction a supervisor shall be a public official.

PAR. 4. The board of health may formulate more detailed regulations for the guidance of its supervisors.

PAR. 5. If the chairman of the board of health is required to perform special travel in the exercise of his duties of inspection, the State shall pay his travel and expenses.

## SECTION 16.

Orders of the amtmand or the board of health under this law may be appealed to the Government department concerned, but such appeals shall not operate as supersedeas.

## SECTION 17.

This law shall take effect from a time fixed by the Crown.<sup>1</sup>

**LAW ON THE SUPERVISION OF FOSTER CHILDREN.<sup>2</sup>**

## SECTION 1.

PARAGRAPH 1. A foster child (pleiebarn) in the meaning of this law is one under 14 years of age placed out for a fee (for betaling udsat).

PAR. 2. Every foster child, with the exceptions provided in section 9, shall be subject to the supervision of the board of health (helseraadet), i. e., sanitary commission (sundhetskommisjonen) of the locality where it is brought up.

PAR. 3. The board of health shall also decide in special cases, if the conditions require it, that the following provisions on child supervision shall also apply to a child placed out without payment of a fee.

## SECTION 2.

PARAGRAPH 1. It may be provided by public proclamation issued in the manner directed by the "Law on public health commissions" of May 16, 1860 (secs. 4 and 11), that within certain towns and rural districts no one shall be permitted to take a foster child without first having obtained a license.

PAR. 2. Lacking such provision a license shall be obtained from the board of health. A license shall be granted only to persons of known integrity and trustworthiness who, after inquiry made, may be expected to render proper and responsible care. The license shall be in writing and shall be revoked when found necessary. The board of health shall have power to formulate more detailed regulations for the use of the license.

PAR. 3. A children's home (barnehem) which is intended to receive more than two children for care at the same time may not be opened or put into use before it has been registered and sanctioned by the board of health. Such a home shall be subject to the supervision of the board of health which may at any time withdraw its sanction.

## SECTION 3.

PARAGRAPH 1. Whoever places out or sees to the placing out of a foster child shall report the fact to the board of health of his or her place of residence within 24 hours thereafter. The chairman of the board of health, provided

<sup>1</sup> Decree of Sept. 18, 1915, fixed Jan. 1, 1916.

<sup>2</sup> Lov om tilsyn med pleiebørn m. v. (Law on the supervision of foster children, etc.). Apr. 29, 1905, No. 2.



the child is placed out in another commune, shall immediately notify the board concerned of the placing out.

PAR. 2. Whosoever receives a foster child for care shall report that fact to the board of health of his or her place of residence within 24 hours after the child has been placed in the foster home.

PAR. 3. The form of report prescribed in the above paragraph shall contain full information as to the name of the child, his age, civil condition (stilliug), his residence, and the terms under which he has been placed out. A suitable register, according to a form prescribed by the medical board (medicinalstyrelsen) shall be kept by the board of health of all reported admissions.

#### SECTION 4.

Within 2 days in cities and towns and 10 days in rural districts following the report or notice filed under the foregoing section, the board of health shall ascertain in how far conditions in the foster home are such that it may be expected that the child will be cared for properly and in a responsible manner. Upon the advice of the board of health and the communal magistrates (kommunestyret) the Crown may direct that county communes (herredskommuner) or parts thereof may be placed in that respect in the same class as cities and towns.

#### SECTION 5.

PARAGRAPH 1. If conditions in the foster home are found to be satisfactory, the board of health shall immediately designate some man or woman who resides in the neighborhood where the child is placed out and who appears qualified for the trust to have supervision over the care of the child.

PAR. 2. Any resident of the commune who is not over 50 years of age shall be obligated to accept the trust of supervisor for one or more foster children unless he or she has already acted as supervisor in the same commune at least seven years. A new supervisor shall be qualified immediately if the supervisor dies or leaves the district, or if after having acted continuously in the capacity for seven years he desires to retire, or whenever the board of health deems the appointment should be terminated. Every appointment shall be promptly communicated to the one who has the care of the child.

PAR. 3. The supervisor appointed shall have the status of a public official while in the performance of his duties.

PAR. 4. The appointment of a supervisor may be dispensed with if there is within the commune a regular paid inspection service and the board of health finds that with the assistance of this service it can enforce satisfactorily the provisions of section 6.

#### SECTION 6.

PARAGRAPH 1. The supervisor shall visit the foster home at least once a month but without notice in advance. A record shall be made of every visit in a register, maintained in the home for that purpose, according to a form prescribed by the medical board. If conditions in the foster home are unsatisfactory, or if the child dies, or if the care or the foster relationship is terminated for any other reason, even if such termination requires no action on the part of the board of health, the supervisor shall immediately report such facts.

PAR. 2. The board of health shall formulate more detailed regulations for carrying out this supervision and under this authority may make more stringent as well as relax the supervisor's duty to visit the foster home; or even may revoke this duty in those special cases where it appears advisable to do so. Lacking such an order the exemption may be revoked at any time. The supervisor may not be exempted from reporting the death of the child or its removal from the home, in accordance with the rules in section 7.

#### SECTION 7.

PARAGRAPH 1. Whoever having the care of a child in his home moves to another domicile shall report the fact within 24 hours to the supervisor, who shall immediately notify the board of health. The board shall then institute an inquiry, as directed in section 4, and when deemed advisable shall appoint a new supervisor if the new residence is within its jurisdiction. If outside its jurisdiction it shall immediately notify the board of health concerned, upon whom it shall then be incumbent to carry out the provisions of sections 4 and 5.

PAR. 2. If the foster child dies or if the foster relationship terminates for any other reason, even if requiring no action on the part of the board of health, the foster parent, within 24 hours after the death or the termination of the foster relationship, shall report the fact to the supervisor, who shall immediately notify the board of health.

## SECTION 8.

PARAGRAPH 1. If the board of health finds that the foster child is not being cared for properly or in a responsible manner or that the conditions in the foster home or the terms of payment do not assure proper care, the board of health shall see that the child is cared for or brought up in a satisfactory manner, if necessary by levying upon the parents to the extent that such a duty rests upon them, or by application to the local poor commission.

PAR. 2. If the board of health desires that a child shall have medical treatment or be placed in a hospital or be temporarily placed in another home, it shall immediately give notice of the action taken to the poor commission, which latter shall pay the board the necessary outlay in the case.

PAR. 3. The poor commission may claim reimbursement for its expenses under this section in accordance with general rules governing poor relief.

PAR. 4. No child shall be received by any foster home from which a child has been removed by order of the board of health unless the board shall give in advance its written permission to do so.

## SECTION 9.

PARAGRAPH 1. The provisions of this law shall not be applicable to a child placed out by the board of guardians (vergeraadet).<sup>1</sup>

PAR. 2. Any board of health, however, shall be obligated to assume supervision of such children if they are placed out in its jurisdiction by the board of guardians in another jurisdiction, and if application is made.

## SECTION 10.

PARAGRAPH 1. Whosoever shall hold himself out to receive for confinement unmarried women with child shall first obtain a license therefor from the board of health and shall be subject in that respect to the supervision of the board of health.

PAR. 2. More detailed regulations for the issuance of licenses shall be formulated by the Crown, which shall likewise formulate more detailed regulations for the supervision of maternity hospitals (fødselshjem).

PAR. 3. The foregoing provisions shall not be applicable to institutions established by the State or communes or to those which may be exempted therefrom by regulations of the Crown.

## SECTION 11.

PARAGRAPH 1. Whoever for a fee shall hold himself out as an agent (mellemand) in the placing out of a child must secure a license therefor from the police and shall in that business be subject to their supervision. The license may be issued only to a citizen of Norway, whether man or woman, resident in the Kingdom and whose integrity and trustworthiness is vouched for. The license may be revoked at any time.

PAR. 2. The Crown or its authorized representative may formulate more detailed regulations for the supervision of said agent.

## SECTION 12.

It shall be incumbent upon officials, deputies, and employees of the Government (embeds- og bestillingsmænd) to extend assistance to the board of health in its duties under this law. For information or certifications, etc., transmitted to the board of health in pursuance thereof no fee shall be charged.

<sup>1</sup>A special law (June 6, 1896) gives the care and supervision of neglected children to the local boards of guardians established in each commune and subject to the direction of the department of justice and police. These local boards are composed of the judge of the local court, a minister of the State church, and five other members chosen by the board of councilmen (kommunestyret) upon nomination of the board of aldermen (formandskapet), which latter is a standing committee of the board of councilmen. One of the five members chosen shall be a physician and one or two shall be women.



## SECTION 13.

PARAGRAPH 1. Notifications and reports to the board of health under this law shall be made to its chairman.

PAR. 2. If action by the board of health under this law can not be delayed without causing injury, such action shall be taken by its chairman acting for it. The action taken by the chairman hereunder may be required by the party affected to be ratified by the board. Such a demand shall not operate as a supersedeas.

PAR. 3. The chairman of the board of health may, if circumstances make it advisable, authorize one of the members of the board living in the vicinity of the foster home concerned to undertake the investigation prescribed in section 4.

## SECTION 14.

PARAGRAPH 1. If it is necessary for the chairman of the board of health to undertake special travel in the enforcement of this law, his travel and expenses shall be paid by the State.

PAR. 2. The record books prescribed in sections 3 and 6 shall be paid for by the provincial or communal governments (amts- og bykommuner) concerned.

## SECTION 15.

PARAGRAPH 1. This law shall take effect from a time fixed by the Crown;<sup>1</sup> but it shall become applicable as far as sections 1 and 9 are concerned only to such communes as may be specified by the Crown at the request of the communal magistrates concerned.<sup>2</sup> Before the communal magistrates shall pass a resolution to that effect the opinion of the board of health shall be consulted. The law, however, in its entirety shall be applicable to any foster home which receives a child from another commune as well as to the foster homes referred to in the last paragraph of section 2.

PAR. 2. Where sections 1 to 9 are made applicable, they shall take the place of sections 19 and 20 of the law of July 6, 1892, on contributions for maintenance to children whose parents have not married each other,<sup>3</sup> and section 2 of the law of the same date on contributions for maintenance to a wife and her legitimate children.<sup>4</sup>

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<sup>1</sup> Decree of Dec. 6, 1905, fixed Jan. 1, 1906.

<sup>2</sup> Applies now in 16 of the principal cities and 51 towns and villages.

<sup>3</sup> Now sec. 14 of the act of Apr. 10, 1915, of the same tenor. (See p. 18.)

<sup>4</sup> Now the law on the care of children, pp. 30 to 34.





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