

sons as president, vice president and secretary shall constitute them members of said board of directors, and the remaining members of said board shall be elected as above provided.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved April 19, 1905.

H. F. No. 763.

CHAPTER 285.

Dependent,
neglected
and delin-
quent chil-
dren.

An act to regulate the treatment and control of dependent, neglected and delinquent children.

Be it enacted by the Legislature of the State of Minnesota:

Age.

"Dependent
child."
"Neglected
child."

SECTION 1. This act shall apply only to children under the age of seventeen (17) years. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable persons, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of ten (10) years who is found begging, peddling or selling any articles or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of seventeen (17) years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who without just cause and without the consent of its parents or custodian absents itself from its home or place of abode; or who is growing up in idleness or crime; or who knowingly frequents a house of ill fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated; or who frequents any saloon or dram shop where intoxicating liquors are sold, or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the

"Delinquent
child."

night time without being in any lawful business' or occupation; or who habitually wanders about any railroad yards or tracks or jumps or hooks on to any moving train or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a delinquent child, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act or any evidence given in such cause shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever excepting subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or disposition of children coming within the meaning of this act.

SEC. 2. The district court in counties having over 50,000 population shall have original and exclusive jurisdiction in all cases coming within the terms of this act. In all trials under this act except as hereinafter provided, any person interested therein may demand a jury; or a judge of his own motion may order a jury to try the case.

District court to have jurisdiction in certain cases

SEC. 3. In counties having over 50,000 population the judges of the district court shall, at such times as they shall determine, designate one or more of their number, whose duty it shall be to hear all cases arising under this act, and such designation shall be for a period of one year, or until otherwise ordered. A special court room, to be designated as the juvenile court room, shall be provided for the hearing of such cases, and the finding of the court shall be entered in a book or books to be kept for that purpose, and known as the "Juvenile Record," and the court may for convenience be called the "Juvenile Court."

"Juvenile court."

SEC. 4. Any reputable person resident in the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction in the mat-

Petition to
commit.

ter a petition in writing, setting forth the facts verified by affidavit. The petition shall set forth the name and residence of each parent, if known, and if both are dead or the residence unknown, then the name and residence of the legal guardian, if known, or if not known, then the name and residence of some near relative, if there be one, and his residence is known. It shall be sufficient that the affidavit is upon information and belief.

Summons,
on whom
served.

SEC. 5. Upon the filing of the petition a summons shall be issued by the clerk of the court requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four (24) hours after service. Such summons shall be served as provided by law for the service of summons in civil actions. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. Where the person to be notified resides within the county, service of notice shall be the same as service of the summons, but in any other case service of notice shall be made in such manner as the court may direct. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or bring the child, he may be proceeded against as in case of contempt of court. In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child or with whom the child may be or against the child itself. On the return of the summons or other process, or on the appearance of the child with or without summons or other process in person before the court, and on the return of the service of notice, if there be any person to be notified or a personal appearance or written consent to the proceedings of the person or persons, if any to be notified, or as soon thereafter as may be the court shall proceed to hear and dispose of the case in a summary manner. Pending the final dis-

Notice of
proceedings,
to whom.

Failure to
appear.

Warrant
may be
issued.

Summary
disposition.

position of any case, the child may be retained in the possession of the person having the charge of the same, or may be kept in some suitable place provided by the city or county authorities.

SEC. 6. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; such probation officers shall act under the orders of the court in reference to any child or children, committed to his care, and it shall be the duty of said probation officers to make such investigations with regard to any child or children as may be required by the court before or after trial and to furnish to the court such information and assistance as the judge may require, and to take charge of any child or children before or after trial, whenever he may be so directed by the court, and to keep such records and to make such reports to the court as the court may order or direct. Probation officers heretofore or hereafter appointed under the provisions of chapter one hundred fifty-four (154) of the General Laws of Minnesota for 1899, and all laws amendatory thereof shall be subject to the orders of the court in reference to all matters covered by the provisions of this act. Probation officers appointed under authority of this act shall serve without compensation from the county, save only that the majority of the judges of the court may direct the payment of such salary to such probation officers as may be approved by the board of county commissioners of the county where such officers are appointed.

SEC. 7. When any child under the age of seventeen (17) years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution or to the care of some reputable citizen of good moral character, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it for like purpose without charge.

SEC. 8. In any case where the court shall award a

Probation
officer.

Duties.

Compensation.

Where to
be cared for.

child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceeding for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. *Provided, however,* that when adoption proceedings for any such child or children are commenced in any other court than the court which originally committed such child, then a copy of the petition in such adoption proceedings shall be filed in the office of the clerk of the court which originally committed such child, at least thirty (30) days before any final decree of adoption shall be entered. Such guardianship shall not include the guardianship of any estate of the child.

May be adopted.

Record of adoption.

Continuance, other disposition.

SEC. 9. In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provisions may be made for the child in a home without such payment; or the court may commit such child to the state training school, or the court may commit the child to any institution incorporated under the laws in this state, that may care for delinquent children, or be provided by city or county suitable to the care of such children, or to any state institution which may be established for the care of delinquent children. In no case shall a child be committed beyond his or her minority.

No commitment beyond minority.

A child committed to such an institution shall be subject to the control of the board of managers thereof, and the said board shall have power to parole such child on such conditions as it may prescribe, and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited as hereinafter provided. The district court may, in its discretion, cause any delinquent child to be proceeded against in accordance with the laws that may be in force governing the commission of crimes and misdemeanors, or the violation of municipal ordinance.

Parole, discharge, etc.

SEC. 10. In any case in which the court shall find a child neglected, dependent or delinquent, it may, in the same or subsequent proceeding, upon the parents of said child, or either of them being duly summoned, or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be, according to equity in the premises, and may enforce the same execution, or in any way in which a court of equity may enforce its orders or decrees.

Parents when able to support may contribute.

SEC. 11. All associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the state board of control as are the public charitable institutions of this state, and it shall be the duty of the said board to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the provisions of this act, and every such association shall annually, at such time as said board shall direct, make report thereto, showing its condition, management and competency to adequately care for such children as are, or may be committed to it, and such other facts as said board may require, and upon said board being satisfied that such association is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one (1) year, unless sooner revoked by said board, and no child shall be committed

Associations to report to board of control.

Board of control to issue certificate.

to any such association, which shall not have received a certificate within fifteen (15) months next preceding the commitment. The court may, at any time, require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any association whose standing, conduct or care of children or ability to care for the same, is not satisfactory to the court.

Association
satisfactory
to court.

SEC. 12. It shall be lawful for the parents, parent, guardian or other person having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any public or private law of this state for the purpose of aiding caring for or placing in home such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceeding for the legal adoption of such child, and consent to its adoption and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other person the same as if such person were personally in court and consented thereto whether made party to the proceeding or not.

Child may be
surrendered
by agree-
ment.

Party to
whom child
committed
to have
religious
belief of
parents.

SEC. 13. The court in committing children shall place them, as far as it deems practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child.

To be liber-
ally con-
strued.

SEC. 14. This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the child to be placed in an approved family home and become a member of the family by legal adoption or otherwise.

SEC. 15. This act shall take effect and be in force from and after the 1st day of June, 1905.

Approved April 19, 1905.