

Sec. 8. **Disclosure of contents.**—No officer or authorized agent of the state board of control, state board of health or the local boards of health of the city, village or town where such licensed hospital is located, or the licensee of such a hospital, or any of its agents, or any other person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such hospital, or the inmates thereof, except upon inquiry before a court of law, at a coroner's inquest or before some other tribunal, or for the information of the state board of control, state board of health or the local board of health of the village, city or town in which said hospital is located. Provided, however, that nothing herein shall prohibit the board of control, with the consent of any patient in such hospital, disclosing such facts to such proper persons as may be in the interest of such patient or the infant born to her.

Sec. 9. **Burden of proof.**—In a prosecution under the provisions of this act or any penal law relating thereto, a defendant who relies for defense upon the relationship of any woman or infant to himself, shall have the burden of proof.

Sec. 10. **Violation a gross misdemeanor.**—Every person who violates any of the provisions of this act shall upon conviction of the first offense be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

Sec. 11. This act shall take effect and be in force from and after its passage.

Sec. 12. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved September 22, 1919.

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#### CHAPTER 51—H. F. No. 111.

*An act relating to the custody of children by persons other than the parents or relatives of such children; regulating and prescribing certain conditions to be observed by persons authorized by law to secure homes for or care for children; the adoption of such children; the bringing into or taking out of the state of children for the purpose of placing out or procuring the adoption of any such child, and imposing on and granting to the board of control certain duties and powers with reference thereto.*

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

Section 1. **Placing out—Records.**—Every person permitted by law to receive, secure homes for or otherwise care for children, shall keep a record containing the names, ages and former residences of all children received; the names, former residences, occupations and character so far as known of the parents; the

dates of reception, placing out and adoption, together with the name, occupations and residences of the person with whom the child is placed; the date and cause of the cancellation of any contract of indenture; the date and cause of any removal to another home; the date and cause of termination of guardianship, and a brief history of each child until he shall have reached the age of eighteen years, or shall have been legally adopted or discharged according to law.

**Sec. 2. Same—Surrender of parental rights.**—No person other than the parents or relatives may assume the permanent care and custody of a child under fourteen years of age unless authorized so to do by an order or decree of court. Except in proceedings for adoption, no parent may assign or otherwise transfer to another his rights or duties with respect to the permanent care and custody of his child under fourteen years of age, and any such transfer hereafter made shall be void.

**Sec. 3. Same—Notification of state board of control.**—Whenever any person shall place a child in a private home for the purpose of providing the child with a permanent home; and whenever a child shall have been in such a home for a longer period than six months, the person responsible for the placing of the child shall immediately notify the state board of control, giving the name and address of the child, the name of the person with whom the child has been placed, with such other information regarding the child and his foster home as may be required by the board.

**Sec. 4. Same—Visitation of children.**—Within ninety days after the receipt of the notice provided for in section 3, the state board of control shall cause the child and the home in which he has been placed to be visited by its agents for the purpose of ascertaining whether the home is a suitable one for the child; and shall continue to visit and supervise the case of such child the same as though the child were placed out by the state public school. Whenever satisfied that a child has been placed in an unsuitable home, the board may order its transfer, and if said order is not obeyed within thirty days or such shorter time as may be named in the order, the board itself shall take charge of and provide for such child.

**Sec. 5. Same—Importation of children.**—No person shall bring or send into the state any child for the purpose of placing him out or procuring his adoption, without first obtaining the consent of the state board of control, and such person shall conform to the rules of the board. He shall file with the board a bond to the state, approved by the board, in the penal sum of one thousand dollars, conditioned that he will not send or bring into the state any child, who is incorrigible or unsound of mind or body; that he will remove any such child who becomes a public

charge or who, in the opinion of the board of control, becomes a menace to the community prior to his adoption or becoming of legal age; that he will place the child under a written contract approved by the board that the person with whom the child is placed shall be responsible for his proper care and training. Before any child shall be brought or sent into the state for the purpose of placing him in a foster home, the person so bringing or sending such child shall first notify the state board of control of his intention, and shall obtain from the board a certificate stating that such home is, in the opinion of the board, a suitable home for the child. Such notification shall state the name, age and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information as may be required by the board. The person bringing or sending the child into the state shall report at least once each year, and at such other times as the board of control shall direct, as to the location and well-being of the child so long as he shall remain within the state and until he shall have reached the age of eighteen or shall have been legally adopted. Provided, however, that nothing herein shall be deemed to prohibit a resident of this state from bringing into the state a child for adoption into his own family.

Sec. 6. *Same*—*Exportation of children*.—Before any child is taken or sent out of the state for the purpose of placing him in a foster home, otherwise than by a parent or guardian, the person so taking or sending him shall give the state board of control such notice and information as is specified in section 5, and thereafter shall report to the board at least once each year and at such other times as the board may direct, as to the location and well-being of such child until he shall have reached the age of eighteen years or shall have been legally adopted. It shall be the duty of the state board of control to carry out the provisions of this section.

Sec. 7. *Same*—*Written agreement*.—Every person placing a child in a foster home shall enter into a written agreement with the person taking the child, which agreement shall provide that the person placing the child shall have access at all reasonable times, to such child and to the home in which he is living, and for the return of the child by the person taking him whenever in the opinion of the person placing such child, or in the opinion of the board of control, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted.

Sec. 8. *Supervision by board of control*.—It shall be the duty of the state board of control to pass annually on the fitness of every agency, public, semi-public or private, which engages in the business, for gain or otherwise, of receiving and caring for

children or placing them in private homes. Annually at such time as the board shall direct every such agency shall make a report showing its condition, management and competency to care adequately for such children as are or may be committed thereto or received thereby, the system of visitation employed for children placed in private homes, and such other facts as the board may require. When the board is satisfied that such agency is competent and has adequate facilities to care for such children, and that the requirements of the statutes covering the management of such agencies are being complied with, it shall issue to the same a certificate to that effect which shall continue in force for one year unless sooner revoked by the board. A list of such certified agencies shall be sent by the board at least annually to all juvenile courts and to all the agencies so approved. No agency which has not received such a certificate within the fifteen months next preceding, and which certificate remains unrevoked, shall receive a child for care or placing out, or place a child in another home, or solicit money in behalf of such agency. All such agencies 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. For the purpose of this section the term agency means any individual, association or corporation.

Sec. 9. Every person who violates any of the provisions of this act, or who shall intentionally make any false statements or reports to the board of control with reference to the matters contained herein, shall, upon conviction of the first offense, be guilty of a misdemeanor. A second or subsequent offense shall be a gross misdemeanor.

Sec. 10. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved September 22, 1919.

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#### CHAPTER 52—H. F. No. 115.

##### *An act defining and regulating infant homes.*

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

Section 1. **Infants' home defined.**—Any person who receives for care or treatment or has in his custody at any one time three or more infants under the age of three years, unattended by a parent or guardian, for the purpose of providing them with food, care and lodging, except infants related to him by blood or marriage, shall be deemed to maintain an infants' home. The word "person" where used in this act shall include individuals, partnerships, voluntary associations and corporations; provided, however, that this act shall not be construed to relate to any institution under