

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 All acts and parts of acts inconsistent herewith are hereby repealed.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

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

the management of the state board of control or to its officers or agents, nor to any person who has received for care alone, children from not more than one family during any period of three months.

Sec. 2. Licensed by board of control.—The state board of control is hereby empowered to grant a license for one year for the conduct of any infants' home that is for the public good, and is conducted by a reputable and responsible person; and it shall be the duty of the board to provide such general regulations and rules for the conduct of all such homes as shall be necessary to effect the purposes of this act and all other laws of the state relating to children so far as the same are applicable, and to safeguard the well-being of all infants born therein and the health, morality and best interests of the patients who are inmates thereof. No person shall receive an infant for care in any such infants' home without first obtaining from said board a license to conduct such infants' home. No such license shall be issued unless the premises are in a fit sanitary condition. The license shall state the name of the licensee, the particular premises in which the business may be carried on, and the number of infants that may be properly boarded or cared for therein at any one time; and such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of infants shall be kept at any one time on the premises than is authorized by the license and no infant shall be kept in a building or place not designated in the license. A record of the licenses so issued shall be kept by the board of control, which shall forthwith give notice to the state board of health and to the local board of health of the city, village or town in which the licensee resides of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of issue. The state board of control may, after due notice and hearing, revoke the license if any provision of this chapter is violated, or when, in the opinion of said board such infants' home is maintained without due regard to sanitation and hygiene or to the health, comfort, morality or well-being of the inmates thereof, or in case of the violation of any law of the state, in a manner disclosing moral turpitude or unfitness to maintain such hospital, or upon evidence that any such hospital is conducted by a person of ill repute or bad moral character. Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the board upon hearing shall be served upon the licensee in the manner prescribed for the service of a summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the board may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within ten days after written notice of such decision, a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the board should not be confirmed, amended or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issues shall be tried anew by the court and findings shall be made upon the issues tried.

Either party may appeal to the supreme court from the determination of the district court within five days after notice of filing the decision, in the manner provided for appeals in civil action.

No revocation of license shall become effective until any appeal made shall have been determined.

In case of revocation the board shall make an appropriate notation upon the records of the granting of such license and give written notice of the revocation of the license to the licensee by serving a copy of the order of revocation upon the licensee in the manner provided by law for the service of a summons in a civil action. Upon such revocation the board of control shall forthwith notify the state board of health, and the local board of health of the city, town or village in which the infants' home is situated.

Sec. 3. Forms to be prescribed by board.—The state board of control may prescribe forms for the registration and record of infants cared for in such home and the licensee shall be entitled to receive gratuitously from the board of control a book of forms for such registration and record. Each book shall contain a printed copy of this chapter. The licensee of an infants' home shall keep a record in a form to be prescribed by the state board of control, wherein shall be entered the name and age of each child received or cared for in such home, together with the names and addresses of the parents and the name and address of the person bringing the child to the home; the name of any physician attending any sick infant in the home; the name and age of each infant who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such infant; and such other information as the board shall prescribe. The licensee immediately after the death in an infants' home of an infant shall cause notice thereof to be given to the local board of health of the city, village or town in which such home is located.

Sec. 4. Inspection.—The officers and authorized agents of the state board of control and of the state board of health and the local board of health of the several cities, villages and towns of the state in which a licensed infants' home is located may inspect such home at any time and examine every part thereof. The officers and agents of the state board of control may call for and examine the records which are required to be kept by the provisions of this act and inquire into all matters concerning such home and the

infants therein; and the officers and agents of the state board of control shall visit and inspect such homes at least once in every six months and shall make, and the board shall preserve, reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility of viewing the premises and seeing the inmates.

Sec. 5. Ascertaining of legitimacy.—Whenever an infant is received for care in an infants' home, the licensee of such home shall use due diligence to ascertain whether such child is legitimate and in case there is any reason to believe that such infant is an illegitimate child, then and in such case such licensee shall notify the board of control thereof and furnish said board with such information bearing on such question as may have come to the knowledge of the licensee or any officer or agent of any such home.

Sec. 6. Disclosure prohibited.—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 home is located, or the licensee of such a home, 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 homes, 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 the village, city or town in which said home is located. Provided, however, that nothing herein shall prohibit the board of control, disclosing such facts to such proper persons as may be in the interest of any child maintained in said home with the consent of the mother of said child.

Sec. 7. 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 infant to himself, shall have the burden of proof as to such relationship.

Sec. 8. 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. 9. This act shall take effect and be in force from and after its passage.

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

Approved September 22, 1919.