

from shall be turned over to the Treasurer of Ramsey County through the County Auditor of Ramsey County.

**Sec. 6. Trustees may be employed.**—The sheriff may furnish and use such prisoners confined in said jail, to be known as trustees, as may be required to aid and assist in the kitchen and for the purpose of serving food to prisoners confined in said jail.

Approved April 14, 1927.

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#### CHAPTER 192—S. F. No. 183.

*An act to amend Sections 8636, 8637, 8638, 8643, 8648, 8657, and 8662 of the General Statutes of 1923, in reference to dependent, neglected and delinquent children.*

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

**Section 1. Definitions.**—That Section 8636 be amended by striking out the first sentence thereof, so that said section as amended shall read as follows:

“Section 8636. Terms defined. For the purposes of this Act the term “dependent child” shall mean a child who is illegitimate; or whose parents, for good cause, desire to be relieved of his care and custody; or who is without a parent or lawful guardian able to adequately provide for his support, training and education, and is unable to maintain himself by lawful employment, except such children as are herein defined as “neglected” or “delinquent.” The term “neglected child” shall mean a child who is abandoned by both parents, or, if one parent is dead, by the survivor, or by his guardian; or who is found living with vicious or disreputable persons, or whose home, by reason of improvidence, neglect, cruelty, or depravity on the part of the parents, guardian or other person in whose care he may be, is an unfit place for such child; or whose parents or guardian neglect and refuse, when able to do so, to provide medical, surgical or other remedial care necessary for his health or well being; or, when such child is so defective in mind as to require the custodial care and training of the state school for the feeble-minded, neglect and refuse to make application for his admission to said institution; or who, being under the age of twelve years, 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 term “delinquent child” shall mean a child who violates any law of this state or any city or village ordinance; or who is habitually truant or incorrigible;

or who knowingly associates with vicious or immoral persons; or who without just cause and without the consent of his parents, guardian or other custodian absents himself from his home or place of abode, or who knowingly visits any place which exists, or where his presence is permitted, in violation of law; or who habitually uses obscene, profane or indecent language; or who is guilty of lewd or immoral conduct involving another person. The word "association" shall mean any corporation which includes in its purpose the care or disposition of children coming within the meaning of this Act."

**Sec. 2. Jurisdiction of District Court—jury trial—jurisdiction of Probate Court.**—That Section 8637 be amended to read as follows:

"Section 8637. Jurisdiction of district court—Jury trial—Jurisdiction of probate court.—The district court in counties now or hereafter having a population of more than 33,000 inhabitants *except in such counties of the Seventh Judicial District* shall have original and exclusive jurisdiction in all cases coming within the terms of this Act. In all trials in the district court 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. In counties now or hereafter having a population of not more than 33,000 inhabitants *and in all counties in the Seventh Judicial District* the probate court shall have jurisdiction over the appointment of guardians of dependent, neglected or delinquent children for the purpose of this Act. The jurisdiction of both the district and probate courts over cases of dependency, neglect and delinquency arising under this Act shall extend to all persons resident or found within the territorial limits of the court, although the evidentiary facts showing such dependency, neglect or delinquency may have occurred outside such territorial limits.

*This Act shall apply to children under the age of eighteen years, except as hereinafter provided.*

*When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue for the purposes of this Act under the jurisdiction of the court until he becomes nineteen years of age, unless discharged prior thereto by the court."*

**Sec. 3. Designation of Judge of, District Court—Juvenile Court—title of proceedings.**—That Section 8638 be amended to read as follows:

"Section 8638. Designation of judge of district court—Juvenile court—Title of proceedings. In counties having more than 33,000 population, *except the fourth judicial district, and the counties in the Seventh Judicial District*, the judges of the district court shall at such times as they shall determine designate one of their number whose duty it shall be to hear all cases arising under this Act,

unless absent or disabled, in which case another judge shall be temporarily assigned for said purposes; and such designation shall be for the period of one year unless otherwise ordered. The judge of the juvenile court so designated shall devote his first service and all necessary time to the business of the juvenile court, and this work shall have precedence over all his other court work. When deemed advisable the district judges may designate two judges for the purposes and subject to the provisions specified in this section. A special court room, to be designated as the juvenile court room, shall be provided for the hearing of such cases, and the findings 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 of the appropriate county. The title of proceedings in the juvenile court, excepting prosecutions under Section 27 and 28 of this Act, shall be substantially as follows:

Juvenile Court, County of .....

In the matter of ..... as a dependent (or neglected or delinquent, as the case may be) child.

*In the fourth judicial district all cases arising under this Act shall be heard by a judge of the district court, who shall bear the title "District Court Judge, Juvenile Court Division." Candidates for such position at any primary or general election shall be designated on the ballots as "District Court Judge, Juvenile Court Division"; and if appointed shall also be so designated. Such judge shall have charge of the juvenile court in his district, and shall hear and determine all matters brought before said juvenile court, and shall perform all other duties of the judge of said court under the laws of the state, and the performance of said duties shall take precedence over all other work. In case of the absence or sickness or other disability of such judge preventing him from the performance of his duties, the judges of the district court of such district may designate or assign one of the other judges of the district court to perform the duties of such judge during his absence or disability. Vacancies in such office shall be filled in like manner as is now or shall be provided by law for the filling of vacancies in the office of other judges of the district court. The judge of such court may be designated in writing by the Governor to the regular or ordinary duties of a judge of the district court without such designation affecting the term of office to which such person was elected."*

**Sec. 4. Summons—notice—warrant—hearing—temporary care of child.**—That Section 8643 be amended to read as follows:

"Section 8643. Summons—Notice—Warrant—Hearing—Temporary care of child. Upon the filing of the petition a sum-

mons shall be issued by the judge or 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 hours after service. Such place may be in the county seat of the county, or in any other city or village in the county, at the discretion of the court. It shall be sufficient to confer jurisdiction if service is made at any time before the day fixed in the summons for the return thereof; but in such case the court if so requested shall not proceed with the hearing earlier than the second day after the service. The summons shall be served as provided by law for the service of summons in civil actions, and may be served by a probation officer. 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 or guardian, or if his 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 court, or bring the child, he may be proceeded against as in case of contempt of court. In case the summons can not 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, or that the welfare of the child requires that he shall be brought forthwith into the custody of the court, 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 himself. 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. *The county attorney or an assistant designated by him shall assist in the presentation of cases when directed by the judge of the juvenile court. The defendant shall have the right to appear and be represented by counsel at all hearings in said court.*

*Except as hereinafter in this Act provided, whenever any officer takes a child into custody he shall accept the promise of the par-*

*ent, guardian or custodian to be responsible for the presence of the child in the court at the time fixed. Thereupon such child may be released in the custody of the parent, guardian or custodian, or in the custody of a probation officer or other person designated by the court. If not so released, such child shall be taken immediately to a place of detention designated by the court, at the expense of the county, and the officer taking him shall immediately notify the court and shall file a petition when directed to do so by the court.*

**Sec. 5. Hearing continued—commitment by District Court—discharge.**—That Section 8648 be amended to read as follows:

*“Section 8648. Hearing continued—Commitment by district court—Discharge. In the case of a delinquent child the court may continue the hearing from time to time and may place the child in the care or custody of a probation officer, and may allow the child to remain in his 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 provision may be made for the child in a home without such payment. A child found delinquent may be committed by the court to the state training school for boys or the Minnesota home school for girls, or to any institution established by law or incorporated under the laws of this state that may care for delinquent children, or to any place provided by the town or county suitable to the care of such children. In appropriate cases 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. In no case shall a child be held under any such commitment beyond the age of twenty-one years. A child committed to such an institution or association shall be subject to the control of the board of managers thereof, and said board shall have power to *parole the child on such conditions as it may prescribe, and the court shall have power to discharge the child from custody, except when committed to the state training school for boys or the state home school for girls, whenever in its judgment such action shall be for the best interests of the child.**

Every child committed to the state training school for boys or the Minnesota home school for girls shall be subject to

the guardianship of the state board of control, and to all the laws and regulations relating to discipline in and parole and discharge from said schools."

**Sec. 6. Transfer of cases from Municipal Courts.**—That Section 8657 be amended to read as follows:

"Section 8657. Transfer of cases from municipal courts, etc. Whenever any minor is arraigned upon a criminal charge before a judge of the municipal court or justice of the peace, otherwise than upon an order transferring the case from a juvenile court, the judge or justice shall inquire concerning the age of such minor, and if it satisfactorily appears that he is under the age of eighteen years the case shall forthwith be transferred to the juvenile court of the county. Such transfer shall be effected by filing with the judge or clerk of the juvenile court a certificate showing the name, age and residence of the child, the names and addresses of his parents or guardian, if known, the specific charge upon which he has been arraigned, and the name and residence of the complainant.

The certificate shall have the effect of a petition filed in the juvenile court; but the judge of said court may in his discretion direct the filings of a new petition, which shall supersede such certificate. The judge of the municipal court or the justice shall have power to commit such child to appropriate custody, when deemed advisable, for a period of not more than one week and to fix reasonable bail, upon furnishing which said child shall be returned to the custody of his parents or guardian to respond to such proceedings as shall be had in the juvenile court.

*The judge in charge of the juvenile court in any county may transfer any case to another county when it appears that the child resides in such other county and the convenience of witnesses or the interest of such child will be best served by such transfer. Such transfer shall be made by forwarding to the clerk of the juvenile court of the county to which the case is transferred a certified copy of all papers filed, together with an order of transfer."*

**Sec. 7. Responsibility of parents, etc.—penalties.**—That Section 8662 be amended to read as follows:

"Section 8662. Responsibility of parents, etc.—Penalty. In all cases when any child shall be found to be neglected or delinquent as defined in this Act the parent or parents, legal guardian or person having the custody of such child, or any other person who by any act, word or omission encourages, causes or contributes to the neglected or delinquent condition of such child, when such act, word or omission is not by other provisions of law declared to be a felony, is guilty of a misdemeanor. The fact that a child has been adjudged more

than *once* to be delinquent on account of conduct occurring while in the custody of his parents or the same guardian shall be presumptive evidence that such parents or guardian are responsible for his last adjudged delinquency."

Sec. 8. This Act shall take effect and be in force after its passage.

Approved April 14, 1927.

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#### CHAPTER 193—S. F. No. 195.

*An act amending Section 2 of Chapter 439, General Laws 1921, relating to township telephone lines, so as to empower the Railroad and Warehouse Commission to order the extension of any service across any township line in certain cases in this act provided for.*

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

Section 1. **Railroad and Warehouse Commission may order extension of lines in certain cases.**—That section 2 of chapter 439, General Laws 1921, be and the same hereby is amended so as to read and be as follows:

"Sec. 2. For the purpose of carrying out the provisions of Section 1 of this act, any town may, by itself or in conjunction with one or more other towns, construct, maintain, acquire, own or lease telephone lines, telephone equipment or a local exchange, outside the corporate limits of such town; provided, however, that the authority herein granted to any town to acquire, construct or maintain, by itself, lines outside of its corporate limits shall be solely for the purpose of connecting telephones inside its corporate limits with a telephone exchange or switching center outside its corporate limits. *Provided, further, that the railroad and warehouse commission may order any service to be extended across any township line to any person or concern adjacent thereto, whenever in the judgment of the commission such person or concern is entitled to telephone service and the same cannot be reasonably required of any other telephone company.*"

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

Approved April 14, 1927.

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#### CHAPTER 194—S. F. No. 224.

*An act to amend Section 3 and subsection (a) of Section 5, of Chapter 377, Laws 1925, relating to noxious weeds and the destruction of the same upon roads and highways.*