

CHAPTER 56—S. F. No. 457

An act authorizing the governing body of certain municipalities to convey certain land to cemetery associations.

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

Section 1. Land to be conveyed to cemetery associations.—Whenever any land situated within any town or village in this state has heretofore and prior to 1870 been dedicated to public use without any restriction as to such use, and when such lands have been used as a cemetery for more than fifty years, the governing body of the town or village wherein such lands are situated, is hereby authorized to convey such lands to any existing cemetery association upon such terms as such governing body may deem advisable.

Approved March 20, 1935.

CHAPTER 57—S. F. No. 500

An act to amend Mason's Minnesota Statutes of 1927, Sections 8671, 8672, 8673, 8675, 8679, 8680, and 8681, relating to allowances to mothers and others for support of dependent children in their own homes, and repealing Laws 1933, Chapter 367, fixing maximum annual expenditures for mothers' allowances in certain counties of this state.

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

Section 1. Aid for dependent children.—That Mason's Minnesota Statutes of 1927, Section 8671, as amended by Laws 1933, Chapter 204, be amended to read as follows:

"8671. Whenever any child under the age of *eighteen* years who is regularly attending school, if physically able and *above the minimum* school age, or who is under *compulsory* school age, or who is *physically unable to attend school*, or who is *over compulsory school age*, but through physical or mental disability is unable to be employed, or who is *over compulsory school age and unemployed, but is of such intelligence and mental capacity as to make further schooling inadvisable in the opinion of the court and his unemployment is without fault on his part*, is found by a juvenile court to be dependent the court shall, when requested so to do, and in the same proceeding, make its findings upon the following points:

- (a) Whether the mother of the child is a widow;

(b) If her husband is living:

(1) *Whether he is an inmate of a penal institution under a sentence which will not terminate within three months after the date of such finding;*

(2) *Whether he is an inmate of a state institution for insane, epileptic, inebriate, or feeble-minded persons; or a fugitive after escape therefrom and the mother has in good faith assisted the proper authorities in all reasonable efforts to apprehend him and return him to the institution from which he escaped;*

(3) *Whether he is unable to labor for the support of his family by reason of physical or mental disability of such nature as to be of at least four months continuous duration from and after the date of such findings;*

(4) *Whether there is and has been for three months past an outstanding warrant for his arrest on a charge or after conviction for the crime of abandoning such child, or for abandoning his wife while pregnant, and the mother has in good faith assisted the proper authorities in all reasonable efforts to apprehend him pursuant to such warrant.*

(c) Whether the dependency of the child is due to the poverty of the mother without neglect, improvidence or other fault on her part;

(d) Whether the mother is otherwise a proper person to have the custody of the child;

(e) Whether the welfare of the child will be subserved by permitting him to remain in the custody of the mother, if adequate means of support shall be provided;

(f) Whether the mother is a citizen of the United States or has made application to become a citizen of the United States or has made declaration of intention to become a citizen and has resided two years *continuously last past* in the state and one year *continuously last past* in the county.

Upon the making and filing of findings that the mother is a widow or that support is not obtainable from her husband by reason of one of the alternatives specified in subdivision (b) of this section, together with findings in the affirmative upon the points specified in subdivisions (c), (d), (e), and (f) of this section, the court shall further find, and order the payment of the sum of money which it deems necessary for the county to allow the mother in order to enable her to bring up the child properly in her own home, not exceeding \$20.00

per month for one child and not exceeding \$15.00 per month for each additional child; provided, however, that no allowance shall be made when the husband is the subject of an outstanding warrant of arrest for abandonment, as enumerated above, unless the court is satisfied that he is a fugitive from justice and that the mother has in good faith assisted and will continue to assist in all reasonable efforts to apprehend him.

Before making the findings above specified the court, in counties having a population of not more than 40,000 and in all counties in the 7th Judicial District, shall notify the county attorney of the county, and the county commissioner of the district in the county wherein the mother resides, that an application has been made for the payment of an allowance. Such notice shall specify the name of such child and the name and address of the mother of such child and also specify the time and place when and where the court will hear the evidence relevant to the matters upon which the making of such findings depends.

Such notice shall be given at least one week before the date of hearing on such application, shall be in writing and may be given by mail. It shall be the duty of the county attorney, and of such county commissioner, to investigate the financial condition and status of such child or children and that of the mother. The county attorney shall appear at the time and place specified for such hearing and participate therein and present to the court such evidence or information as may be within his knowledge, relevant to the matters on which the making of such findings depends, and such county commissioner shall report to the court any information he may have relating to the application, and make such recommendations as he deems proper."

Sec. 2. Copy of order to be filed.—That Mason's Minnesota Statutes of 1927, Section 8672, be amended to read as follows:

"8672. A certified copy of such order shall be filed with the county auditor and thereafter, so long as such order remains in force and unmodified, it shall be the duty of the County Auditor each month to draw his warrant on the general revenue or poor fund of the county in favor of the mother for the amount specified in such order. The warrant shall be delivered to the clerk of the court making the order and shall by the latter be delivered to the mother upon her executing a receipt therefor, to be retained by the clerk with the other records in the proceedings relating to the child. It shall be the duty of the County Treasurer to pay the warrant out of

the general revenue or poor fund of the county when properly presented. The court may for cause duly shown revoke or modify any order previously made. A certified copy of any such subsequent order shall forthwith be filed with the County Auditor and thereafter warrants shall be drawn and payments made only in accordance with such subsequent order: This act shall not authorize the County Auditor, in any county now or hereafter caring for the poor of the county under the commission system, to draw his warrant on the poor fund of such county in favor of any mother for the amount specified in any such order."

Sec. 3. Duties of court.—That Mason's Minnesota Statutes of 1927, Section 8673, be amended to read as follows:

"8673. The Court may require any mother to whom an allowance is made under this act to make a reasonable effort to learn the English language and customarily use the same in her family. The court may also require the mother to do such remunerative work outside her own home as she can do without detriment to her health or neglect of her family and may limit the number of days per week when she may be employed. *The court may also impose such other reasonable conditions as to it may seem just and proper under all the circumstances involved and with a view to furthering the intent and purpose of this act.*"

Sec. 4. Duties of court.—That Mason's Minnesota Statutes of 1927, Section 8675, be amended to read as follows:

"8675. Before making any order or allowance under this act it shall be the duty of the court, either through the judge in person or through the county child welfare board and its agents or a probation officer designated for that purpose or an official investigator appointed as provided in Section 8676 and Section 8677, General Statutes 1923, to make inquiry as to all the points necessary to establish the right to such allowance; and particularly to inquire whether the surroundings of the household, including its other members, are such as to make for the good character of children growing up therein; to ascertain all the financial resources of the family, and if need be to urge upon *any* members their proper contribution; to take all lawful means to secure support for the family from relatives under legal obligation to render such support; to ascertain the ability of other relatives to assist the family and to interview individuals, societies and other agencies which may be deemed appropriate sources of such assistance. Every family to which an allowance has been made shall be visited at its home by a representative of the court at least once in

three months; and after each visit the person making the same shall make and keep on file as a part of the official record of the case a detailed statement of the condition of the home and family, and all other data which may assist in determining the wisdom of the allowance granted and the advisability of its continuance; and the court shall at least once in each year reconsider every case in which an allowance has been made, and take such action as the facts then existing shall warrant. All findings and orders provided for herein may be made upon the written reports of official investigators with like effect as if based upon competent testimony given in open court."

Sec. 5. Who may receive aid.—That Mason's Minnesota Statutes of 1927, Section 8679, as amended by Laws 1929, Chapter 101, be amended to read as follows:

"8679. The ownership by a mother or husband of property as follows shall be a bar to any allowance under this act:

(1) Personal property of a reasonable market value in excess of \$100.00, exclusive of appropriate clothing and necessary household furniture and equipment, and of such tools, implements, and domestic animals as in the opinion of the court it is expedient to retain for the purpose of reducing the expense or increasing the income of the family; or

(2) Real estate not used as a home, provided that if such real estate produces no gross income and there is no available market for the sale of such property, or if the price which can be obtained on the prevailing market is not fair and reasonable considering the applicant's interest therein and the possibilities of sale of said property for a greater amount within a reasonable length of time thereafter then, in that event, in the discretion of the court, ownership of the same shall not be a bar to an allowance under this act, or

(3) Real estate when used as a home, of a value disproportionate to the needs of the family.

The ownership, however, of not more than \$500.00 shall not be a bar to an allowance if the applicant has no real property or other personal property, except appropriate clothing and necessary household furniture and equipment, and such tools, implements and domestic animals as in the opinion of the court it is expedient to retain for the purpose of reducing the expenses or increasing the income of the family, and if all but \$100.00 thereof shall be deposited in trust with a proper depository to be designated by the court, the income therefrom to be used in lieu of an equivalent amount of the allowance ordered by the court, the principal to be returned to the applicant upon the discontinuance of the allowance."

Sec. 6. Definitions.—That Mason's Minnesota Statutes of 1927, Section 8680, be amended to read as follows:

"8680. The word 'husband' in this act may denote either the father of a dependent child or a stepfather of whose family the child is or has been a member. The word 'mother' may denote either the mother or a stepmother of whose family the child is a member. *The word 'child' shall include an illegitimate child living in the same household with a legitimate child of the same mother.*"

Sec. 7. Allowance to grandmother.—That Mason's Minnesota Statutes of 1927, Section 8681, be amended to read as follows:

"8681. Whenever the court shall be of the opinion that the welfare of a dependent child will be best served by permitting *such child to live in the family and under the care of a grandmother of such child, and where such person meets the requirements of residence and citizenship as contained in Mason's Minnesota Statutes of 1927, Section 8671 (f), as amended and is found to be a proper person mentally, morally, and physically to care for and bring up such child, and where a finding has been made that support is not obtainable from the father of such child by reason of one of the alternatives specified in Mason's Minnesota Statutes of 1927, Section 8671, subdivision (b) as amended, the court may grant such person such allowance as is provided for such child by this act, provided, however, that no allowance shall be made to the grandmother for the care of such child where the grandparents are able and required to support such child pursuant to the provisions of Section 3157 of Mason's Minnesota Statutes for 1927.*"

Sec. 8. Laws repealed.—Laws 1933, Chapter 367, is hereby repealed.

Approved March 20, 1935.

CHAPTER 58—S. F. No. 550

An act validating, ratifying, approving and confirming bonds and other instruments or obligations heretofore issued by public bodies of this State for public works projects. Be it enacted by the Legislature of the State of Minnesota:

Section 1. 1935 validating act.—This Act may be cited as "The 1935 Validating Act".