

## CHAPTER 79—S. F. No. 103

*An act to promote the public welfare and provide for procedure in juvenile courts relative to dependent, neglected and delinquent children, and to repeal Sections 8642, 8643, 8646, and 8664, of Mason's Minnesota Statutes.*

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

**Section 1. Who may file complaints.**—Any reputable person including any agent of the state board of control or the state industrial commission having knowledge of a child in this state who appears to be either dependent, neglected or delinquent may file with the *Juvenile Court in the county where the child is or in the county of its residence* a verified petition setting forth the facts of the alleged dependency, neglect, or delinquency. The petition shall also 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, or if there be none, or if his residence is unknown then the name and residence of some near relative, if there be one and his residence is known. It shall be sufficient if the petition is on information and belief.

**Section 2. Petition—hearing.**—Upon the presentation of the petition if it appears that a child may be dependent, neglected or delinquent and that it is for the best interests of the child that the matter be heard in said county, the petition shall be filed and a date set for hearing thereon. A summons may 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 be 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 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, or that the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued by 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 date set for the hearing and on the return of the summons if any has been issued 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 the case, and may proceed 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 child 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 parent, 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.

**Section 3. Court may order child committed.**—When any child 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 the state board of control or of the state public school or some other suitable state institution, or to the care of some reputable citizens of good moral character, 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 provided by law. In appropriate cases the child may be left with the parents subject to such remedial supervision as the court may direct. The court may, when the health or condition of the child shall require it, cause the child to be placed in a private or public hospital or institution for treatment or special care or provide medical or remedial care at the expense of the county the cost of which shall not exceed \$25.00 per child. Provided, however, that in no case shall a dependent child be taken from its parents

without their consent unless, after diligent effort has been made to avoid such separation, the same shall be found needful in order to prevent serious detriment to the welfare of such child. The court may continue the hearing from time to time without making an order of final commitment as above provided for and may make an order committing the child to the temporary care or custody of any such citizen or association. Before making an order of final commitment to the state board of control or the state public school for dependent children at Owatonna provided for by this section, the court shall give the state board of control at least ten days notice of the time and place where such an order may be made and shall consider such evidence, report or recommendation as the state board of control may make concerning the case. Upon making an order of final commitment, the judge or clerk shall mail or deliver a copy thereof to the state board of control.

**Section 4. County to pay expense.**—The expenses in probate courts acting as juvenile court for the proceedings of dependent, neglected, and delinquent children including the care of children when in the custody of the court and during continuance when not with the parents, medical and hospital care that may be necessary at the hearing or while the child is in the custody of the court not to exceed, however, the sum of \$25.00 per child, the necessary witness fees and expenses for travel and board incurred by the probate judge when holding court in places other than the county seat, and 15 cents for each folio for all records in said matters additional to his salary, shall be paid by the county upon the certificate of the probate judge.

**Section 5. Court to make finding of residence.**—In all proceedings of dependent, neglected and delinquent children the court shall make a finding as to the child's residence, and whenever it is found by the court that the child is a resident of another county the necessary costs and expenses of such proceedings shall be certified by such court to the auditor of the county in which the proceedings are held who shall certify the same to the county auditor of the county where the child is found to be a resident and shall be paid as other claims against said county.

**Section 6. State Board of Control to establish residence.**—Whenever the auditor of the county to which costs and expenses for a dependent, neglected, or delinquent case have been certified denies that such person has a legal residence in his county, he shall send such certificate with a statement of his claim in reference thereto to the state board of control who shall immediately investigate and determine the question of residence and certify its findings to the auditor of each of said counties. Such decision shall be final unless an appeal may be to the district court of the county from which such person was committed.

Section 7. **Laws repealed.**—Sections 8642, 8643, 8646 and 8664 of Mason's Minnesota Statutes are hereby repealed.

Section 8. This act shall be in force and effect from and after its passage.

Approved July 16, 1937.

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#### CHAPTER 80—S. F. No. 186

*An act to provide for the licensing and inspection of boats, and prescribing penalties for the violation thereof.*

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

Section 1. **Licensing and inspection of boats.**—The County Boards of Commissioners of any counties, which counties are contiguous to or have within their borders an inland lake having a water area of at least 250 square miles may by joint action establish a Commission to be composed of the members of such county boards, which Commission shall be authorized to license and regulate boats in the manner hereinafter described. Wherever the word "Commission" is used in this act it shall mean the Commission so established.

Section 2. **Commission to make rules.**—The Commission is hereby authorized and empowered, and it shall be its duty, to carry out the provisions of this act, and it shall have the power and authority to make such rules and regulations as it may deem necessary to carry out the purposes of this act.

Section 3. **May appoint inspectors.**—The Commission shall appoint such inspectors as may be necessary for the purposes of enforcing this act and shall fix the compensation thereof.

Section 4. **Owners to procure licenses.**—Any person, co-partnership, corporation and association having in his or its possession, as owner or otherwise, any boat used in the carrying of five passengers or more for hire, or for the purpose of rental or for use by others than the owner thereof on any inland lake having a water area of at least two hundred and fifty square miles, shall, on or before the 10th day of April, 1938, and annually thereafter, procure from the Commission a license before using any such boat for the purposes herein stated.

Section 5. **Must make application.**—Before any license is issued by the Commission it shall require the applicant therefor to make and file an application, in writing, showing the number of boats