

ter. Such fees shall be collected and allocated to the credit of the State Teachers' College collecting the same and are hereby re-appropriated to the use of such college.

*Subdivision 3. A contingent fund for each of said Teachers' Colleges from the fees collected in Subdivision 2 shall remain in the hands of the accounting officers of each State Teachers' College from which expenditures may be made in case of actual emergency requiring immediate payment, the emergency to be determined by the president of the college at the time when it arises. The amount of such contingent fund shall in no event exceed \$1,000 in any one of the Teachers' Colleges. Disbursements may be made from such fund upon the direction in writing by the president of the college. An itemized verified claim conforming to the requirements of the law shall be presented for audit and allowance, and upon the allowance thereof, the state auditor shall reimburse the contingent fund for the amount of such disbursement.*

Approved April 24, 1943.

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CHAPTER 612—S. F. No. 903.

(AMENDING SECTIONS 256.01; 246.01; 256.93; 525.75; 525.751; 525.753; 525.754; 525.761; 525.762; 525.78 AND 525.79  
MINNESOTA STATUTES 1941.)

*An act relating to mental hygiene work and to the commitment of feeble-minded and epileptic persons, and amending Mason's 1940 Supplement, Sections 3199-102 (a) (3) and (10), 3199-103, 4467-1, 4467-2, 8992-173, 8992-174, 8992-175, 8992-176, 8992-177, 8992-179, 8992-180, 8992-183 and 8992-184.*

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

*Section 1. Law amended.*—That Mason's 1940 Supplement Section 3199-102 (a) (3), is hereby amended so as to read as follows:

“(3) **Director of Social Welfare—powers and duties—specific powers enumerated.**—Administer and supervise all mental hygiene work involving persons not in a state institution. The authority and power conferred by this subsection does not extend to administration or supervision of state institutions of mental hygiene nor to patients therein during the period of actual confinement, nor to mental testing, or to persons feeble-minded, epileptic, or mentally ill on parole from state institutions.”

**Sec. 2. Law amended.**—That Mason's 1940 Supplement, Section 3199-102 (a) (10), is hereby amended so as to read as follows:

“(10) **Specific powers enumerated.**—The director is hereby specifically constituted as guardian of both the estate and the person of all of the wards of the state of Minnesota and other persons the guardianship of whom has been heretofore vested in the state board of control, whether by operation of law or by an order of court, without any further act or proceeding whatever, *except as to persons committed as feeble-minded or epileptic*. All of said guardianships, and the funds and property of the same, are hereby transferred to and vested in said director, and said director is hereby constituted a legal entity and is hereby empowered to act as guardian under any laws of this state heretofore conferring such powers upon the state board of control.”

**Sec. 3. Law amended.**—That Mason's 1940 Supplement, Section 3199-103, is amended so as to read as follows:

“3199-103. **Powers and duties vested in Board of Control transferred to Director of Public Institutions.**—*The director of public institutions is hereby specifically constituted the guardian of both the estate and person of all feeble-minded and epileptic persons, the guardianship of whom has heretofore been vested in the state board of control or in the director of social welfare whether by operation of law or by an order of court without any further act or proceeding whatever, and all the powers and duties vested in or imposed upon the State Board of Control or the director of social welfare, with reference to mental testing or persons feeble-minded, epileptic or mentally ill on parole from state institutions, and with reference to the institutions of the State of Minnesota are hereby transferred to, vested in, and imposed upon the Director of Public Institutions, and in relation thereto said director is hereby charged with and shall have the exclusive power of administration and management of all of the following State institutions: The State Prison, the State Reformatory for Men, the State Training School for Boys, the School for the Feeble-minded, State hospitals and asylums for the insane, the State School for the Blind, the State School for the Deaf, the State Public School for Dependent Children, the State Epileptic Colony, the State Hospital for Indigent, Crippled and Deformed Children, the State Hospital for Inebriates, the State Sanatorium for Consumptives, the Home School for Girls, and the State Reformatory for Women. The Director shall have power and authority to determine all matters relating to the unified and continuous development of all of the foregoing institutions and of such other institutions, the supervision of which may, from time to time, be vested in the Director. It is the intent of this Act that there be vested*

in the Director all of the powers, functions, and authority now vested in the State Board of Control relative to State institutions.

It shall be the duty of the several directors to actively cooperate, each with the other, in establishing an efficient working relationship relative to the care and supervision of individuals both prior to and after departure from institutions herein above mentioned."

**Sec. 4. Law amended.**—That Mason's 1940 Supplement, Section 4467-1, is hereby amended so as to read as follows:

"4467-1. **Director of Social Welfare to take possession of estates in certain cases.**—In any case where the guardianship of the person of any defective, illegitimate, dependent, neglected or delinquent child, has been committed to the *director of social welfare*, and in any case where the guardianship of the person of any feeble-minded or epileptic person has been committed to the *director of public institutions*, and such person's estate shall consist only of personal property not exceeding in value the sum of \$1,000, and there shall be no guardian of the estate of such person, the probate court having jurisdiction of such estate may on such notice as the court may direct and upon notice to *the director to whose guardianship said person has been committed*, authorize such director to take possession of the property in such estate, liquidate the same, and hold the proceeds thereof in trust for such ward, to be invested, expended and accounted for as provided by Mason's Minnesota Statutes of 1927, Sections 4462, 4463, 4464, 4465, 4466 and 4467, and acts amendatory thereof."

**Sec. 5. Law amended.**—That Mason's Supplement, Section 4467-2, is hereby amended so as to read as follows:

"4467-2. **Director of Social Welfare to file annual report with Probate Court.**—The *director of social welfare* and the *director of public institutions* shall annually or at such other times as the probate court may direct file with the court an account of moneys received and disbursed by *each of them* for their respective wards, pursuant to Mason's 1940 Supplement, Section 4467-1. Upon petition of the ward or of any person interested in such estate and upon notice to *the director to whose guardianship such ward has been committed*, the probate court may terminate such trust and require final accounting thereof."

**Sec. 6. Law amended.**—That Mason's 1940 Supplement, Section 8992-173, is hereby amended so as to read as follows:

"8992-173. **Voluntary hospitalization.**—Any insane, inebriate, feeble-minded, or epileptic person desiring to receive treatment

at a state institution may be admitted upon his own application, in such manner and upon such conditions as the *director of public institutions* may determine. During the time of such treatment and until the expiration of three days after such person in writing demands his release, the superintendent of such institution is authorized and empowered to detain him as though he had been duly committed. If any such person demands his release, the superintendent if he deems such release not to be for the best interest of such person, his family, or the public, shall file a petition for commitment in the probate court of the county wherein such institution is located, within three days after such demand."

**Sec. 7. Law amended.**—That Mason's 1940 Supplement, Section 8992-174, is hereby amended so as to read as follows:

"8992-174. **Institution of proceedings.**—Unless otherwise indicated by the context, the word "patient" as used in this article means any person for whose commitment as an insane, inebriate, feeble-minded, or epileptic person, proceedings have been instituted or completed. Any reputable citizen may file in the court of the county of the patient's settlement or presence a petition for commitment setting forth the name and address of the patient and of his nearest relatives and the reasons for the application. If the court determines it to be for the best interest of the patient or of his family or of the public, the court may direct the sheriff or any other person to apprehend the patient and to take him to and confine him for observation and examination, in any hospital or any other place or institution consenting to receive him in the county wherein the proceedings are pending.

The person, hospital, or institution ordered by the court to make such apprehension, conveyance, or confinement, may execute the order on any day and at any time thereof, by using all necessary means, including the breaking open of any door, window or other part of the building, vehicle, boat or other place in which the patient is located, and the imposition of necessary restraint upon the person of such patient.

Upon the filing of such petition, written notice thereof shall be given to the county attorney who shall appear for and protect the rights of the patient, unless other counsel has been retained by or for the patient. If the court determines that the patient is financially unable to obtain counsel and that the interests of the patient require counsel other than the county attorney, or if the county attorney be absent, ill, or disqualified, the court may appoint counsel for him. If the patient has no settlement in this state, all proceedings shall be stayed until the *director of public institutions* shall have consented thereto."

**Sec. 8. Law amended.**—That Mason's 1940 Supplement, Section 8992-175, is hereby amended so as to read as follows:

"8992-175. **Examination.**—The patient shall be examined at such time and place and upon notice to such persons and served in such manner as the court may determine. If he be obviously inebriate, feeble-minded, or epileptic, and if the county attorney consent thereto in writing, the examination may be made by the court; otherwise the court shall appoint two duly licensed doctors of medicine, or in feeble-minded proceedings two persons skilled in the ascertainment of mental deficiency, to assist in the examination. Upon the filing of a petition for the commitment of a feeble-minded or epileptic patient, the court shall fix the time and place for the hearing thereof, of which ten days' notice by mail shall be given to the *director of public institutions*, and to such other persons and in such manner as the court may direct.

The examiners and the court shall report their findings upon such forms as may be prescribed by *said director*, one of which shall be filed in court and another shall be transmitted to *said director*. The court shall determine the nature and extent of the property of the patient committed and of the persons upon which liability is imposed by law for his care and support, making such findings upon any such forms as may be prescribed by *said director*, one of which shall be filed in court and another shall be transmitted to *said director*."

**Sec. 9. Law amended—Commitment.**—That Mason's 1940 Supplement, Section 8992-176, is hereby amended so as to read as follows:

"If the patient is found to be insane or inebriate, the court shall issue to the sheriff or any other person a warrant in duplicate, committing the patient to the custody of the superintendent of the proper state hospital, or to the superintendent or keeper of any private licensed institution for the care of inebriates or insane persons; provided, however, that such patients are required to pay the necessary hospital charge. If such patient be entitled to care in any institution of the United States in this state, such warrant shall be in triplicate, committing him to the joint custody of the superintendents of the proper state and federal institution. If such federal institutions be unable or unwilling to receive the patient at the time of commitment, he subsequently may be transferred to it upon its request. Such transfer shall discharge his commitment to the state institution and constitute a sole commitment to the federal institution.

If the patient is found to be feeble-minded or epileptic, the court shall appoint the *director of public institutions* guardian of his person and commit him to *his* care and custody.

Whenever a defendant in a criminal proceedings has been examined in the probate court, pursuant to an order of the state or federal district court, the probate court shall transmit its findings and return the defendant to such district court, unless otherwise ordered. A duplicate of the findings shall be filed in the probate court but there shall be no petition, property or report, nor commitment, unless otherwise ordered."

*Sec. 10. Law amended.*—That Mason's 1940 Supplement, Section 8992-177, is hereby amended so as to read as follows:

"8992-177. **Payment of fees and mileage.**—In each proceedings the court shall allow and order paid to each witness subpoenaed the fees and mileage prescribed by law, to each examiner the sum of five dollars per day for his services and fifteen cents for each mile traveled, to the person to whom the warrant of apprehension is issued the sum of three dollars per day and actual disbursements for the travel, board, and lodging of the patient, of himself, and of authorized assistants, and to the person conveying the patient to the place of detention the sum of three dollars per day and actual disbursements for the travel, board, and lodging of the patient, of himself and of authorized assistants, and to the patient's counsel when appointed by the court, the sum of ten dollars per day. Upon such order the county auditor shall issue a warrant on the county treasurer for the payment thereof.

Whenever the settlement of the patient is found to be in another county, the court shall transmit to the county auditor a statement of the expenses of the apprehension, confinement, examination, commitment, and conveyance to the place of detention. Such auditor shall transmit the same to the auditor of the county of the patient's settlement and such claim shall be paid as other claims against such county. If the auditor to whom such claim is transmitted shall deny the same, he shall transmit it with his objections to the *director of public institutions* who shall determine the question of settlement and certify *his* findings to each auditor. If the claim be not paid within thirty days after such certification, an action may be maintained thereon by the claimant county in the district court of the claimant county against the debtor county."

*Sec. 11. Law amended.*—That Mason's 1940 Supplement, Section 8992-179, is hereby amended so as to read as follows:

"8992-179. **Release after commitment.**—Any insane, inebriate, feeble-minded, or epileptic patient committed to the *director of public institutions* or any institution under *his* control, may be released to any person if *said director* consents thereto or if a bond to the State be filed with *said director* in such amount as *he* may

fix, conditioned upon the care and safekeeping of the patient and the payment of all expenses, damages, and other items arising from any act of such patient."

**Sec. 12. Law amended.**—That Mason's 1940 Supplement, Section 8992-180, is hereby amended so as to read as follows:

"8992-180. **Detention.**—Upon delivery of an insane or inebriate patient to the institution to which he has been committed, the superintendent thereof shall retain the duplicate warrant and endorse his receipt upon the original which shall be filed in the court (of) commitment. Upon such filing, the court shall transmit a copy of the warrant with all endorsements of the *director of public institutions*. After such delivery, the patient shall be under the care, custody, and control of *said director* until discharged by *him* or by a court of competent jurisdiction; but no patient found by the committing court to be dangerous to the public shall be released from custody of *said director* or any institution except upon order of a court of competent jurisdiction. Whenever a patient is paroled, discharged, transferred to another institution, dies, escapes, or is returned, the institution having charge of the patient shall file notice thereof in the court of commitment.

Upon commitment of a feeble-minded or epileptic patient, the *director of public institutions* may place him in an appropriate home, hospital, or institution, or exercise general supervision over him anywhere in the state outside any institution through any child welfare board or other appropriate agency thereto authorized by *said director of institutions*."

**Sec. 13. Law amended.**—That Mason's 1940 Supplement, Section 8992-183, is hereby amended so as to read as follows:

"8992-183. **Restoration of feeble minded and epileptics.**—The *director of public institutions* may petition the court of commitment, or the court to which the venue has been transferred, for the restoration to capacity of a feeble-minded or epileptic patient. Upon the filing of such petition, the court shall fix the time and place for the hearing thereof, notice of which shall be given as the court may direct. Upon proof of the petition, the court shall restore the patient to capacity.

Upon the filing of such petition by any person other than the *director of public institutions* and upon payment by the petitioner to *said director* all expenses in connection with the hearing in such amount as may be fixed by *said director* for the transportation, board, and lodging of the patient and authorized attendants, the court shall fix the time and place for the hearing thereof, ten days' notice of which shall be given to the *director of public institutions* and to such other persons and in such manner

as the court may direct. Any person may oppose such restoration. Upon proof that the patient is not feeble-minded or epileptic, the court shall order him restored to capacity at the expiration of thirty days from the date of service of such order upon the *director of public institutions*. If restoration be denied, the patient shall be remanded to the *director of public institutions*; if restoration be granted, he shall be so remanded for the thirty days aforesaid.

The court may appoint two duly licensed doctors of medicine or two persons skilled in the ascertainment of mental deficiency to assist in the determination of the mental capacity of the patient. The court shall allow and order paid to each person so appointed the sum of five dollars per day for his services and fifteen cents for each mile traveled. Upon such order the county auditor shall issue a warrant on the county treasurer for the payment thereof. If the court notifies the county attorney he shall attend the hearing and if he deems it for the best interest of the public he shall oppose the restoration in the probate court and appellate courts."

*Sec. 14. Law amended.*—That Mason's 1940 Supplement, Section 8992-184, is hereby amended so as to read as follows:

"8992-184. **Appeal.**—Notwithstanding the provisions of Article XVII, there shall be no appeal from an order granting or denying the petition of any person other than the *director of public institutions* for the restoration to capacity of a feeble-minded or epileptic patient, except as provided in this section. The *director of public institutions* may appeal to the district court in the manner prescribed by Article XVII for appeals by the State. Such appeal shall suspend the operation of the order appealed from until final determination of the appeal.

Any person aggrieved other than the *director of public institutions*, upon payment by him to *said director* of all expenses in connection with the hearing in the district court in such amount as may be fixed by *said director* for the transportation, board, and lodging of the patient and authorized attendants, may appeal to the district court in the manner prescribed by Article XVII. Such appeal shall not suspend the operation of the order appealed from until reversed or modified by the district court. Upon perfection of the appeal, the return shall be filed forthwith. The district court shall give the appeal precedence over every other proceeding therein, and shall hear the matter *de novo*, without a jury, and in a summary manner. Upon determination of the appeal, judgment shall be entered pursuant to the provisions of Article XVII."

Approved April 24, 1943.