

all public highways connecting and traversing such trunk highways, provided that said employees shall have no power or authority in connection with strikes or industrial disputes. Employees thus employed and designated shall subscribe an oath and furnish a bond running to the State of Minnesota, said bond to be approved and filed in the office of the secretary of state.

Approved April 23, 1945.

CHAPTER 517—S. F. No. 470

An act relating to dependent, neglected and delinquent children; amending Minnesota Statutes 1941, Sections 260.02, 260.06, 260.08, 260.09, 260.11, 260.13 and 260.21.

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

Section 1. Minnesota Statutes 1941, Section 260.02, is amended to read as follows:

260.02. Jurisdiction; district court; probate court. The district court in counties now or hereafter having a population of more than 100,000 shall have original and exclusive jurisdiction of all cases coming within the terms of sections 260.01 to 260.34. In all trials in the district court under these sections, 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 100,000 the probate court shall have jurisdiction over the appointment of guardians of dependent, neglected, or delinquent children for the purpose of these sections. The jurisdiction of both the district and probate courts over cases of dependency, neglect, and delinquency arising thereunder 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.

Sections 260.01 to 260.34 shall apply to children under the age of 18 years, except as therein provided.

When jurisdiction shall have been obtained by the court in the case of any child such child shall continue for the purposes of these sections under the jurisdiction of the court un-

til he becomes 21 years of age unless discharged prior thereto by the court.

Sec. 2. Minnesota Statutes 1941, Section 260.06; is amended to read as follows:

260.06. Probate court as juvenile court; record; appeal. In counties of not more than 100,000 population the judge of probate shall provide himself with a suitable book at the expense of the county in which he shall enter minutes of all proceedings of the court in each case; he need not record any evidence taken except as it shall seem to him proper and necessary and he shall record therein all orders, decrees, and judgments made by this court except non-appealable orders. The reasons for appointing a guardian shall be entered therein and any parent or the attorney for any child may appeal from the final disposition of the guardianship matter by complying with the law regulating appeals from probate courts. When acting under the provisions of sections 260.01 to 260.34 the probate court may for convenience be called the juvenile court of the appropriate county.

A final order or commitment in any case of dependency, neglect or delinquency, shall be an appealable order which, on appeal, shall be treated and considered the same as an order appointing a general guardian, and shall be tried by a jury, unless a jury is waived by the appellant. On an appeal to the Supreme Court from a final order of commitment in district court such order shall be treated and considered the same as an order involving merits or a final order affecting a substantial right in a special proceeding.

The parent or attorney for any child so committed may appeal from such order of commitment by complying with the laws regulating appeals from probate and district courts.

Whenever it is necessary for a child to be present the district court may order that the child and an authorized attendant shall be present at a fixed time and place for the hearing on the appeal.

Sec. 3. Minnesota Statutes 1941, Section 260.08, is amended to read as follows:

260.08. Setting petition for hearing; summons; service; guardian ad litem; warrant; hearing; custody of child. 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 be not less than 24 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 nor 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. Except in counties containing a city of the first class if the petition presented is made by a person other than a representative of the division of social welfare or county welfare board, notice as provided by the court shall be given to the county welfare board. Where the person to be notified, other than a member of the county welfare board or its staff, 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 noti-

fied, or as soon thereafter as may be, the court shall proceed to hear the case, and may proceed in a summary manner.

In all such proceedings in counties having less than 150,000 population the county attorney shall appear for the petitioner. The child shall have the right to appear and be represented by counsel and, if unable to provide counsel, the court may appoint counsel for him. The counsel shall receive from the general revenue fund of the county reasonable compensation for services upon the order of the court.

In all such proceedings the county welfare board shall upon the request of the judge of the juvenile court or the county attorney, cause an investigation to be made relative to the child and the child's family. Provided, however, that in all such proceedings, such child may be released into the custody of the parent, guardian or custodian.

Sec. 4. Minnesota Statutes 1941, Section 260.09, is amended to read as follows:

260.09. Probation officers; duties; compensation. The court shall have authority to appoint one or more persons of good character to serve as probation officers during the pleasure of the court. Such probation officers shall act under the orders of the court in reference to any child committed to their care, and in the performance of their duties shall have the general powers of a peace officer; and it shall be their duty to make such investigations with regard to any child as may be required by the court before, during or after the trial or hearing, and to furnish to the court such information and assistance as may be required; to take charge of any child before, *during* or after trial or hearing when so directed by the court, and to keep such records and to make such reports to the court as the court may order. Probation officers heretofore or hereafter appointed under the provisions of sections 636.01 to 636.06 shall be subject to the orders of the court in reference to all matters covered by the provisions of sections 260.01 to 260.34. In counties of more than 100,000 population, a majority of the judges of the district court may direct the payment of such salary to probation officers as may be approved by the county board. In other counties probation officers shall receive the same fees as constables for similar services, including all travel, and in addition thereto such salary as may be fixed by the judge and approved by the county board.

In all counties where regular probation officers are not provided by the county board, the county welfare board may on request of the judge of juvenile court provide a probation

officer and provide funds and fix the salary therefor to direct and supervise any child placed on probation by the court. Two or more counties through their county boards may combine to provide a common probation officer for the several counties.

Sec. 5. Minnesota Statutes 1941, Section 260.11, is amended to read as follows:

260.11. Commitment to director or state public school; hospital and medical care; consent of parents; continuance; final commitment, notice. When any child shall be found to be dependent or neglected within the meaning of sections 260.01 to 260.34 the court may make an order committing the child to the care of the director of social welfare 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 continue the hearing from time to time without making an order of final commitment, as above provided for, and may make an order placing the child in the temporary care or custody of the county welfare board or an association accredited as provided by law. The court may, when the health or condition of the child shall require it, authorize the county welfare board to provide special medical or remedial care or treatment for the child, including care in a public or private hospital, if necessary, at the expense of the county. 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. Before making an order of final commitment to the director of social welfare or the state public school for dependent children at Owatonna, provided for by this section, the court shall consider such evidence, report, or recommendation as the county welfare board may make concerning the case. Upon making an order of commitment to the director of social welfare, the judge or clerk shall mail or deliver a copy thereof to the director of social welfare, and the child shall be delivered by order of the court to the county welfare board; as the representative of the director of social welfare, to be cared for as directed by the director of social welfare. If the child is committed to the guardianship of an association, accredited by law to receive children for care and place them

in private homes, the child shall be transported at the expense of the county by order of the court to the place designated by such association for the care of the child. *The parent or attorney for any such child committed, may petition the juvenile court which made the commitment for the discharge of the child.*

Sec. 6. Minnesota Statutes 1941, Section 260.13, is amended to read as follows:

260.13. Hearing; continuance; commitment by court; parole; 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 21 years. A child committed to such an institution or association shall be subject to the control of the board of managers thereof.

Upon the court's own motion or upon the petition of the director of institutions or upon the petition of a parent or the attorney for a child, the court after a hearing of which the director of institutions has been given ten days' notice shall have the power to parole or discharge said 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 director of social welfare and to

all the laws and regulations relating to discipline in and parole and discharge from the schools.

Sec. 7. Minnesota Statutes 1941, Section 260.21, is amended to read as follows:

260.21. Criminal proceedings. The adjudication of a juvenile court that a child is delinquent shall in no case be deemed a conviction of crime; but the court may in its discretion cause any alleged delinquent child of the age of 12 years or over to be proceeded against in accordance with the laws that may be in force governing the commission of and punishment for crimes and misdemeanors, or for the violation of municipal ordinances, by an order directing the county attorney to institute such prosecution as may be appropriate.

Approved April 23, 1945.

CHAPTER 518—S. F. No. 516

An act relating to salary and clerk hire of the clerk of district court in certain counties.

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

Section 1. Salaries of clerks of court in certain counties. In all counties of this state now or hereafter having a population of not less than 10,000 and not more than 15,000 with not less than 18 or more than 22 full and fractional congressional townships and having a valuation of not less than \$4,000,000 and not to exceed \$6,000,000 exclusive of money and credits and exclusive of homestead exemptions, the salaries in the office of the clerk of the district court shall be as fixed in section 2 hereof.

Sec. 2. Retain fees; amount guaranteed; clerk hire. The clerk of the district court in any such county shall receive for compensation for his services all fees collected by him in the performance of his official duties; provided that if in any year the total of said fees, including every emolument of his office, is less than \$1,800 he shall receive from the county a sum in addition to said fees which shall make the income of his office \$1,800; provided that said clerk of court shall receive a salary of \$1,200 per annum for his services, which shall be considered a portion of his fees as herein provided. Fees in connection with naturalization proceedings are ex-