

*child the father absconds from the state with intent to evade proceedings to establish his paternity of such child, he is guilty of a felony and shall be punished by imprisonment in the state prison for not more than two years.*

Sec. 2. This act shall take effect and be in force from and after the first day of January, 1918.

Approved April 12, 1917.

#### CHAPTER 212—H. F. No. 1183.

*An act for the protection of children who are not in the homes and under the immediate control of their parents or guardians, and for the regulation of agencies receiving such children for care or placing out, and women during confinement, and to repeal Section 4050 and Sections 4985 to 4992 inclusive, General Statutes, 1913.*

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

**Section 1. Maternity hospitals and infants' homes.—Definitions.**—Any person who receives for care and treatment during pregnancy, or during delivery or within ten days after delivery, more than one woman within a period of six months, except women related to him by blood or marriage, shall be deemed to maintain a maternity hospital. Any person who receives for care or treatment, or has in his custody at any one time, three or more infants under the age of three years, unattended by a parent or guardian, for the purpose of providing them with food, care and lodging, except infants related to him by blood or marriage, shall be deemed to maintain an infants' home. The word "person" where used in this act shall include individuals, partnerships, voluntary associations and corporations; provided, however, that this act shall not be construed to relate to any institution under the management of the state board of control, or to its officers or agents; nor to any individual who has received for care alone children from not more than one family during any period of three months. Whoever receives and cares for both women and infants as above defined shall be deemed to maintain a maternity hospital and infants' home, and shall be subject to all the provisions of this act.

**Sec. 2. Same—incorporation required in certain counties.**—No individual, partnership or association, except a corporation duly created and existing under the laws of Minnesota, and authorized by its charter so to do, shall maintain in any county containing a city of the first or second class a maternity hospital or infants' home, as defined in this act.

**Sec. 3. Same—licenses.**—The state board of control is hereby empowered to grant a license for one year for the conduct

of any maternity hospital or infants' home that it believes is needed and is for the public good, and that is conducted by a reputable and responsible person; and it shall be the duty of the board to provide such general regulations and rules for the conduct of all such hospitals and homes as shall seem advisable to it and not inconsistent with any of the provisions of this act. No person shall receive a woman, or child for care in any such hospital or home without first obtaining from said board a license so to do. No such license shall be issued unless the premises are in fit sanitary condition. The license shall state the name of the licensee, the particular premises in which the business may be carried on and the number of women and infants that may be boarded, treated or cared for therein at any one time; and such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of women or infants shall be kept at any one time on the premises than is authorized by the license and no woman or infant shall be kept in a building or place not designated in the license. A record of the license so issued shall be kept by the board of control, which shall forthwith give notice to the state board of health and to the local board of health of the town in which the licensee resides, of the granting of such license and the conditions thereof. The license shall be valid for one year from the date of issue. The state board of control may revoke the license when a provision of this chapter is violated, or when, in the opinion of said board, such maternity hospital or infants' home is maintained without due regard to sanitation and hygiene, or to the health, comfort or morality of the inmates thereof. The board shall note such revocation upon the face of the record of the license and give written notice of the revocation to the licensee by handing the notice to the licensee or leaving it on the licensee's premises, and shall forthwith notify the state board of health and the local board of health of the town in which the maternity hospital or infants' home is situated.

**Sec. 4. Same—offers to dispose of children.**—No person, as an inducement to a woman to come to his place during confinement, shall in any way offer to dispose of any child, or advertise that he will give children for adoption, or hold himself out as being able to dispose of children in any manner.

**Sec. 5. Same—record of infants and book of forms.**—The state board of control may prescribe forms for the registration and record of persons cared for in such home or hospital, and the licensee shall be entitled to receive gratuitously from the board of control a book of forms for such registration and record. Each book shall contain a printed copy of this chapter. The licensee of a maternity hospital shall keep a record, in a

form to be prescribed by said board, wherein shall be entered the true name of every patient, together with all her places of residence during the year preceding admission to such hospital; the name and address of the physician or midwife who attended at each birth taking place in such hospital, or who attended any sick infant therein, and the name and address of the mother of such child; the name and age of each child who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child; and such other information as the board shall prescribe. The licensee of an infants' home shall keep a record in a form to be prescribed by said board wherein shall be entered the name and age of each child received or cared for in such home, together with the names and addresses of the parents and the name and address of the person bringing the child; the name of the physician who attended any sick infant therein; the name and age of each child who is given out, adopted or taken away to or by any person, together with the name and residence of the person so adopting or taking away such child; and such other information as the board shall prescribe.

**Sec. 6. Same—births—deaths.**—Every birth taking place in a maternity hospital shall be attended by a legally qualified physician or midwife. The licensee shall within twenty-four hours after the birth make a written report of every woman confined and child born upon the premises to the state board of control, together with such additional information as may be required by the board. The licensee, immediately after the death in a maternity hospital or infants' home, of a woman or an infant born therein or brought thereto, shall cause notice thereof to be given to the local board of health of the town in which such home or hospital is located.

**Sec. 7. Same—inspection.**—The officers and authorized agents of the state board of control and of the state board of health and the local boards of health of the towns in which such licensed premises are located may inspect such hospital or home at any time and examine every part thereof. The officers and agents of the state board of control may call for and examine the records which are required to be kept by the provisions of this act, and inquire into all matters concerning such hospital or home and the patients and infants therein; and the officers and authorized agents of the state board of control shall visit and inspect such hospitals and homes at least once every six months and shall preserve reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility for viewing the premises and seeing the patients therein; provided, however, that no patient, with-

out her consent, shall be required to be interviewed by an inspector or agent unless such inspector or agent is a woman or a licensed physician.

**Sec. 8. Same—reporting illegitimacy.**—Whenever a child or a woman who within ten days has been delivered of a child, or a woman who is pregnant is received for care in a maternity hospital or infants' home, or other public or private hospital, the licensee of such maternity hospital or home, or the officer in charge of such other hospital, shall use due diligence to ascertain whether such child is legitimate, and if there is reason to believe that he is illegitimate or will be illegitimate when born, such licensee or officer shall report to the state board of control, within such as said board may prescribe, the presence of such woman or child, together with such other information as the board may require.

**Sec. 9. Same—records to be private.**—No officer or authorized agent of the state board of control, the state board of health or the local boards of health of the towns where such licensed hospitals or homes are located, or a licensee of such a hospital or home, or his agent, or any other person shall disclose the contents of the records herein provided for or the particulars entered therein, except upon inquiry before a court of law, at a coroner's inquest or before some other competent tribunal, or for the information of the state board of control, the state board of health or the local board of health of the town in which said hospital is located.

**Sec. 10. Same—relationship.**—In a prosecution under the provisions of this act or a penal law relating thereto, a defendant who relies for defense upon the relationship of any woman or infant to himself shall have the burden or proof.

**Sec. 11. Placing out—records.**—Every person permitted by law to receive, secure homes for or otherwise care for children, shall keep a record containing the names, ages and former residences of all children received; the names, former residences, occupations and character so far as known of the parents; the dates of reception, placing out and adoption, together with the name, occupations and residences of the person with whom the child is placed; the date and cause of the cancellation of any contract of indenture; the date and cause of any removal to another home; the date and cause of termination of guardianship, and a brief history of each child until he shall have reached the age of eighteen years, or shall have been legally adopted or discharged according to law.

**Sec. 12. Same—surrender of parental rights.**—No person other than the parents or a relative may assume the permanent care and custody of a child under fourteen years of age unless

authorized so to do by an order or decree of court. Except to a maternity hospital as provided by law, and in proceedings for adoption, no parent may assign or otherwise transfer to another his rights or duties with respect to the permanent care and custody of his child under fourteen years of age, and any such transfer hereafter made shall be void.

**Sec. 13. Same—notification of state board of control.**—Whenever any person, shall place a child in a private home for the purpose of providing the child with a permanent home; and whenever a child shall have been in such a home for a longer period than six months, the person responsible for the placing of the child shall immediately notify the state board of control, giving the name and address of the child, the name of the person with whom the child has been placed, with such other information regarding the child and his foster home as may be required by the board.

**Sec. 14. Same—visitation of children.**—Within ninety days after the receipt of the notice provided for in section 13 the state board of control shall cause the child and the home in which he has been placed to be visited by its agent for the purpose of ascertaining whether the home is a suitable one for the child; and shall continue to visit and supervise the case of such child the same as though the child were placed out by the state public school. Whenever satisfied that a child has been placed in an unsuitable home the board may order its transfer, and if said order is not obeyed within thirty days or such shorter time as may be named in the order, the board itself shall take charge of and provide for such child.

**Sec. 15. Same—importation of children.**—No person shall bring or send into the state any child for the purpose of placing him out or procuring his adoption, without first obtaining the consent of the state board of control, and such person shall conform to the rules of the board. He shall file with the board a bond to the state, approved by the board, in the penal sum of one thousand dollars, conditioned that he will not send or bring into the state any child, who is incorrigible or unsound of mind or body; that he will remove any such child who becomes a public charge or who, in the opinion of the board of control, becomes a menace to the community prior to his adoption or becoming of legal age; that he will place the child under a written contract approved by the board that the person with whom the child is placed shall be responsible for his proper care and training. Before any child shall be brought or sent into the state for the purpose of placing him in a foster home, the person so bringing or sending such child shall first notify the state board of control of his intention, and shall obtain

from the board a certificate stating that such home is, in the opinion of the board, a suitable home for the child. Such notification shall state the name, age and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information as may be required by the board. The person bringing or sending the child into the state shall report at least once each year, and at such other times as the board of control shall direct, as to the location and well-being of the child so long as he shall remain within the state and until he shall have reached the age of eighteen or shall have been legally adopted. Provided, however, that nothing herein shall be deemed to prohibit a resident of this state from bringing into the state a child for adoption into his own family.

Sec. 16. **Same—exportation of children.**—Before any child is taken or sent out of the state for the purpose of placing him in a foster home, otherwise than by a parent or guardian, the person so taking or sending him shall give the state board of control such notice and information as is specified in section 15, and thereafter shall report to the board at least once each year and at such other times as the board may direct, as to the location and well-being of such child until he shall have reached the age of eighteen years or shall have been legally adopted. It shall be the duty of the state board of control to carry out the provisions of this section.

Sec. 17. **Same—written agreement.**—Every person placing a child in a foster home shall enter into a written agreement with the person taking the child, which agreement shall provide that the person placing the child shall have access at all reasonable times to such child and to the home in which he is living, and for the return of the child by the person taking him whenever in the opinion of the person placing such child, or in the opinion of the board of control, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted.

Sec. 18. **Corporations caring for children—approval by board of control.**—No association whose object embraces the care of dependent, neglected or delinquent children or the placing of such children in private homes shall hereafter be incorporated unless the proposed articles of incorporation shall have been submitted first to the state board of control. The secretary of state shall not issue a certificate of incorporation unless there shall first be filed in his office a certificate of the board of control that it has examined the articles of incorporation, and that in its judgment the incorporators are reputable persons, that the proposed work is needed, and that the incorporation of such association is desirable and for the public good. Amend-

ments proposed to the articles of incorporation of any such association shall be submitted in like manner to the board of control and the secretary of state shall not record such amendment or issue his certificate therefor unless there shall first be filed in his office the certificate of the board of control that it has examined such amendment, that the association is, in its judgment, performing in good faith the work undertaken by it, and that such amendment is, in its judgment, a proper one and for the public good.

Sec. 19. **Supervision by board of control.**—It shall be the duty of the state board of control to pass annually on the fitness of every agency, public, semi-public or private, which engages in the business, for gain or otherwise, of receiving and caring for children or placing them in private homes. Annually at such time as the board shall direct every such agency shall make a report showing its condition, management and competency to care adequately for such children as are or may be committed thereto or received thereby, the system of visitation employed for children placed in private homes, and such other facts as the board may require. When the board is satisfied that such agency is competent and has adequate facilities to care for such children, and that the requirements of the statutes covering the management of such agencies are being complied with, it shall issue to the same a certificate to that effect which shall continue in force for one year unless sooner revoked by the board. A list of such certified agencies shall be sent by the board at least annually to all juvenile courts and to all the agencies so approved. No agency which has not received such a certificate within the fifteen months next preceding, and which certificate remains unrevoked, shall receive a child for care or placing out, or place a child in another home, or solicit money in behalf of such agency. All such agencies shall be subject to the same visitation, inspection and supervision by the state board of control as are the public charitable institutions of this state. For the purposes of this section the term agency means any individual, association or corporation.

Sec. 20. **Same—penalties for violations.**—Every person who violates any of the provisions of this act, shall, upon conviction of the first offense, be guilty of a misdemeanor. A second or subsequent offense shall be a gross misdemeanor.

Sec. 21. The provisions of this act are severable one from another and in their application to the persons and interests affected thereby. The judicial declaration of the invalidity of any provision, or the application thereof, shall not affect the validity of any other provision, or the application thereof.

Sec. 22. **Laws repealed.**—Sections 4050, 4985, 4986, 4987, 4988, 4989, 4990, 4991 and 4992, General Statutes 1913, and all

other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Sec. 23. **When to take effect.**—This act shall take effect and be in force from and after the first day of January, 1918.

Approved April 12, 1917.

#### CHAPTER 213—H. F. No. 1187.

*An act to amend Sections 8666, as amended, 8667 and 8668, General Statutes, 1913, relating to desertion and failure to support a wife or child; and to add to Chapter 98, General Statutes, 1913, a new section, providing a rule of evidence in the prosecutions for desertion and non-support.*

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

Section 1. **Felony for desertion of child or pregnant wife.**—Section 8666, General Statutes, 1913, as amended by chapter 336, General Laws, 1915, is hereby amended so as to read as follows:

8666. Every parent or other person having legal responsibility for the care or support of a child who is under the age of sixteen years and unable to support himself by lawful employment, who deserts and fails to care for and support such child with intent wholly to abandon him; and every husband who, without lawful excuse, deserts and fails to support his wife, while pregnant, with intent wholly to abandon her is guilty of a felony and upon conviction shall be punished therefor by imprisonment in the state prison for not more than five years. Desertion of and failure to support a child or pregnant wife for a period of three months shall be presumptive evidence of intention wholly to abandon.

Sec. 2. **Misdemeanor for failure to support wife or child.**—Section 8667, General Statutes, 1913, is hereby amended so as to read as follows:

8667. Every man who, without lawful excuse wilfully fails to furnish proper food, shelter, clothing, or medical attendance to his wife, such wife being in destitute circumstances; and every person having legal responsibility for the care or support of a child who is under sixteen years of age and unable to support himself by lawful employment, who wilfully fails to make proper provision for such child, is guilty of a misdemeanor. But if any person convicted under this section gives bond to the state, in such amount and with such sureties as the court prescribes and approves, conditioned to furnish the wife or child with proper food, shelter, clothing, and medical attendance for such a period, not exceeding five years, as the court may order, judgment shall be suspended until some condition of the bond is violated. The bond may, in the discretion of the court, be conditioned upon