

CHAPTER 159—H. F. No. 256

An act relating to the guardianship, care and support of children; repealing Mason's Minnesota Statutes of 1927, Sections 4454, 8689-2, 8689-3, 8689-4 and 8689-5, and Mason's Supplement 1940, Section 8689-1.

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

Section 1. Director of Social Welfare to have powers of legal guardianship in certain cases.—The director of social welfare shall have powers of legal guardianship over the persons of all children who may be committed by courts of competent jurisdiction to his care, or to institutions under state management. After commitment to his guardianship he may make such provision for and disposition of the child as necessity and the best interests of the child may from time to time require. Provided, however, that no child shall be placed in an institution maintained for the care of delinquents who has not been duly adjudged to be delinquent; and provided further, that the director shall not be authorized to consent to the adoption of a child who is committed to his guardianship on account of delinquency.

Sec. 2. Director to make tests, examinations, etc.—Thereafter it shall be the duty of the director of social welfare through the bureau of child welfare and county welfare boards to arrange for such tests, examinations, and investigations as are necessary for the proper diagnosis, classification, treatment, care and disposition of the child as necessity and the best interests of the child shall from time to time require. When it appears that a dependent or neglected child is sound of mind, free from disease, and suitable for placement in a foster home for care or adoption, the director may so place him or delegate such duties to a child-placing agency accredited as provided by law, or authorize his care in the county by and under the supervision of the county welfare board.

Sec. 3. May make special provisions in certain cases.—Whenever the director of social welfare shall find that a child committed to his guardianship as a dependent or neglected child is handicapped physically or whose mentality has not been satisfactorily determined or who is affected by habits, ailments or handicaps that produce erratic and unstable conduct, and is not suitable or desirable for placement in a home for permanent care or adoption, the director of social welfare shall make special provision for his care and treatment designed to fit him, if possible, for such placement or to become self-supporting. The facilities of the division of social welfare

and all state institutions, the Minnesota General Hospital and the child guidance clinic of its psychopathic department, as well as the facilities available through reputable clinics, private child-caring agencies, and foster boarding homes, accredited as provided by law, may be used as the particular needs of the child may demand. Whenever it appears that the child is suitable for permanent placement or adoption, the director of social welfare shall cause him to be placed as provided in Section 2 hereof. Provided if the director of social welfare is satisfied that the child is feebleminded he may bring him before the probate court of the county where he is found or the county of his legal settlement for examination and commitment as provided by law.

Sec. 4. Guardianship to cease when minor reaches majority.—When a child is no longer a minor, as provided by law, the guardianship of the director of social welfare shall cease. If he is not self-supporting he shall be returned to the county of his legal settlement for care by the authorities charged with poor relief. Provided that a child, of the age of 14 years, not adopted but placed in a satisfactory foster home, may with the foster parents' consent, join with the director of social welfare in a petition to the court having jurisdiction of such child, praying that such foster parents be appointed guardian of such child and for the discharge of the director of social welfare as such guardian.

Sec. 5. Necessary costs to be paid by county.—In addition to the usual care and services given by public and private agencies, the necessary cost incurred by the director of social welfare in providing care for such child except such children as may have been committed to the state public school, shall be paid by the county committing such child which, subject to uniform regulations established by the director of social welfare, may receive a reimbursement not exceeding one-half of such costs from funds made available for this purpose by the legislature.

Sec. 6. Laws repealed.—Mason's Minnesota Statutes of 1927, Sections 4454, 8689-2, 8689-3, 8689-4, and 8689-5 and Mason's Supplement 1940, Section 8689-1, are hereby repealed.

Approved April 9, 1941.