

CHAPTER 313

SOCIETIES FOR SECURING HOMES FOR CHILDREN

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**313.01 FORMATION OF CORPORATION.** Twenty or more citizens of this state may form a corporation for the purpose of securing homes in private families, by adoption or otherwise, for orphans, or homeless, abandoned, neglected, or grossly ill-treated children. Such incorporators shall file with the secretary of state their certificate of incorporation, accompanied by a certificate of the director of public institutions that the corporation is trustworthy and entitled to confidence. A like certificate of the director of public institutions shall be filed every ten years thereafter. Such corporation shall have a main office, adopt and publish rules for the transaction of its business, and its financial records shall be open to public inspection.

[R. L. s. 3117; 1929 c. 105] (7912)

**313.02 POWERS AS TO THE CUSTODY OF CHILDREN.** Every such society may receive, and become the legal guardian of, any resident child under ten years of age who is grossly ill-treated, who has been abandoned, who is without a home, or who is surrounded by bad or immoral influences. It may contract, in writing, with any person who, after 90 days' trial, shall take, without adopting, any such child, for its proper care until 16 years of age, if a girl; and 18, if a boy. Such contract shall also specify the amount to be paid to such child at the expiration thereof, but shall contain no provision for its political or sectarian training or education. Such contract shall not interfere with the adoption of the child according to law.

[R. L. s. 3118; 1917 c. 221 s. 1] (7913)

**313.03 COMPENSATION.** The society shall, in no case, charge or receive from any person adopting a child any compensation except the expense of taking it to the home provided, and the person taking the child shall receive no compensation for the care, clothing, or medical attendance thereof in case it is returned to the society.

[R. L. s. 3119] (7914)

**313.04 SUPERVISION OF CHILDREN IN HOMES.** The society shall keep careful supervision over all children placed by it; and, except in case of legal adoption, shall require, from persons taking them, a full report of their condition and welfare at least once a year. Its agents shall have the right to visit such children, and personally investigate their condition, as often as may be deemed desirable. If such society becomes satisfied, upon due investigation, that the influence of any home is harmful, or the treatment of the child is unduly severe or inconsiderate, its superintendent may require his return to its main office at the expense of the family having it.

[R. L. s. 3120] (7915)

**313.05 REPORT TO DIRECTOR OF PUBLIC INSTITUTIONS.** The secretary of every such society shall, from time to time, report to the director of public institutions such facts in reference to the children in its custody as he may require, on blanks prescribed by him. He may at all times investigate the homes where such children are placed; and, if any child is found to have been placed in an improper home, he may order its transfer to a proper one. If the change is not made within 30 days, he may take charge of such child and make suitable provision for it.

[R. L. s. 3121] (7916)

**313.06 APPLICATION TO PROBATE JUDGE; HIS DUTIES.** When two members of the governing board of any city, county, town, or village shall make petition, in writing, to the probate judge of the county, that a child, under the age of ten years, residing in such county, is, in their opinion, dependent upon the public for support; has been abandoned or neglected or is a vagrant; or whose life, health, or morals is imperiled by cruel treatment or by the habitual intemperance or other misconduct of its parents or guardian, such judge shall issue a citation fixing a time and place of hearing upon such complaint, which citation shall be served upon such parents or guardian not less than five days before the day of hearing, if they or either of them can be found in the state, of which the sheriff's return shall be sufficient proof. If such parent or guardian shall join in the petition, no notice shall be necessary. In either case the judge shall cause an investigation to be made as to the truth of the allegations of the petition and the condition of such child; and, upon any such hearing, he may compel the attendance of witnesses, and shall enter his findings on the records of the court. The county attorney shall attend all such hearings, and any other person may appear thereat in behalf of such child. In case of refusal by the parents or guardian to surrender a child to such society on order of such judge, he may direct the sheriff to take possession of the child and deliver it to such society or its agent.

[R. L. s. 3122] (7917)

**313.07 ORDER OF PROBATE JUDGE.** If the judge finds the allegations of the petition to be true, upon the written request of the superintendent of such society, he may direct that such child be turned over to its care and custody for the purpose of adoption or to be placed by contract, and shall deliver to such society a copy of its order, which, in addition to other findings, shall state, as far as can be ascertained, the name and age of the child, and the name, nativity, residence, and occupation of the parents, or either of them. Upon entering such order, the parents of such child shall be released from all parental duties and responsibilities in respect thereto, and thereafter shall have no right to its custody, services, or earnings, except by direction of such society or order of court.

[R. L. s. 3123] (7918)

**313.08 CHILD, HOW RESTORED TO PARENTS.** When one or both of the parents of any ward of such society so committed to its care have become able to support and educate such child, by resolution of the governing body of the society and by order of the court it shall be returned to the parent making application therefor. All orders of the probate judge relative to such child shall be appealable to the district court by the petitioners, parents, or guardians.

[R. L. s. 3124] (7919)

**313.09 PROVISIONS FOR INCORPORATING HOMES FOR DEPENDENT CHILDREN, AND FOR SECURING HOMES FOR THEM.** A corporation may be formed, under the provisions of sections 313.09 to 313.11, by not less than three persons, for the purpose of establishing and maintaining homes for dependent children, for the receiving of such children into these homes, the care and supervision of the children and the conduct of these homes; and for the purpose of securing homes in private families, by adoption or otherwise, for orphans, homeless, abandoned, neglected, or grossly ill-treated children. Such incorporators shall file with the secretary of state their certificate of incorporation, which shall declare and state:

- (1) Its name and principal place of business;
- (2) That it is organized to establish and maintain a home for dependent children and for the custody and supervision of these dependent children in such home, and to find and secure homes in private families, by adoption or otherwise, for orphans, homeless, abandoned, neglected or grossly ill-treated children;
- (3) The names and places of residence of the incorporators, and how and when their successors may be appointed and elected;
- (4) The names of the first board of directors or managing officers and in what officers or persons the government of the corporation and management of its affairs shall be vested and how and when they shall be elected or appointed; and
- (5) Any other provisions, not inconsistent with law, that may be desired.

[1913 c. 314 s. 1; 1915 c. 61 s. 1] (7920)

**313.10 POWERS GRANTED TO CERTAIN CORPORATIONS IN THE CUSTODY, CARE, AND SUPERVISION OF THE WELFARE OF CHILDREN.** The persons so executing such certificate and their successors shall thereupon become

a corporation by the name specified therein, with all the powers of a common law corporation. It may sue and be sued by its corporate name, have perpetual succession, adopt a corporate seal, and change the same at pleasure. It may, in its corporate name, acquire and receive, by purchase, gift, grant, devise, and bequest, any property, real, personal, or mixed, and hold, sell, convey, assign, loan, lease, or otherwise use the same for the purposes named in its certificate of incorporation, and for such time and in such manner as may be directed by any grantor or testator who may make a gift, devise, or bequest to such corporation, to be administered and used as provided in sections 312.09 to 312.11; and it shall have no power to divert any gift, grant, or bequest from the specific uses and purposes designated by the donor or testator. Such corporation shall have no capital stock; and any court of equity, on its own motion or upon application, may have and exercise visitatorial powers over its officers and affairs. Every such corporation may receive and become the legal guardian of any resident child, under 12 years of age, who is grossly ill-treated, or who has been abandoned, or is without a home or surrounded by bad or immoral influences. It may contract, in writing, with any person who, after 60 days' trial, shall take, without adopting, any such child, for its proper care until 16 years of age, if a girl, and 18 years of age, if a boy; such contract shall specify what amount, if any, is to be paid to such child at the expiration of such period, but it shall contain no provision for its political or sectarian training, or education. Such corporation shall keep careful supervision of all children placed by it; and, except in case of legal adoption, shall require from persons taking them a full report of their condition and welfare at least once a year; and its agents shall have the right to visit such children and personally investigate their conditions as often as may be deemed desirable. If such corporation become satisfied, upon due investigation, that the influence of any home is harmful, or the treatment of the child is unduly severe or inconsiderate, it may require, through its board of directors or managing officer, the return of such child to the main office of the corporation, at the expense of the family having it.

[1913 c. 314 s. 2; 1915 c. 61 s. 2; 1917 c. 232 s. 1] (7921)

**313.11 PROPERTY TO BE EXEMPT FROM TAXATION.** The corporation shall have supervision over all children received by it, as provided in sections 313.09 to 313.11, and shall have a right to be appointed by the proper court and to act as guardian of any of the children. The corporation and all its property, personal, real, and mixed, shall be exempt from taxation. The corporation shall have all the powers and rights now conferred upon the governing body of cities, counties, towns, and villages by section 313.06, and may exercise the powers and rights, as provided in section 313.06; and may have children committed to the home by the probate court and receive the same in the same manner as provided in sections 313.06 to 313.08.

[1913 c. 314 s. 3; 1915 c. 61 s. 3] (7922)