

CHAPTER 257

CHILDREN; CUSTODY OF; ILLEGITIMATE

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CUSTODY

257.01 PLACING CHILDREN 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 cancelation 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 18 years, or shall have been legally adopted or discharged according to law.

[*Ex. 1919 c. 51 s. 1*] (4560)

257.02 SURRENDER OF PARENTAL RIGHTS. No person other than the parents or relatives may assume the premanent care and custody of a child under 14 years of age unless authorized so to do by an order or decree of court. Except 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 14 years of age. Any such transfer shall be void.

[*Ex. 1919 c. 51 s. 2*] (4561)

257.03 NOTIFICATION OF DIRECTOR OF SOCIAL WELFARE. When any person, group of persons, organization, association or society shall place or assist in placing a child in a private home, not licensed as an infants' home, for the purpose of providing the child with a permanent home or for adoption, the person or those responsible for the placing of the child shall as soon as possible and not more than 30 days after the child is so placed notify the director of social welfare, in writing, giving the name and address of the child, the name, address and relationship to the child of the person or persons with whom the child has been placed together with such other information regarding the child and his foster home as may be required by the director of social welfare.

[*Ex 1919 c 51 s 3; 1949 c 227 s 1*] (4562)

257.04 VISITATION. Upon the receipt of the notice provided for in section 257.03, or at any time thereafter, the director of social welfare may cause the child and the home in which the child has been placed to be visited by his agents and such investigation to be made as shall satisfy the director of social welfare that the home

is a suitable one for the child and that the child is a suitable one for the home. The director of social welfare may continue to visit and supervise the case of such child the same as though the child were placed out by him.

[*Ex 1919 c 51 s 4; 1935 c 112 s 2; 1949 c 227 s 2*] (4563)

257.05 IMPORTATION. 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 director of social welfare, and such person shall conform to the rules of the director of social welfare. He shall file with the director of social welfare a bond to the state, approved by the director of social welfare, in the penal sum of \$1,000, 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 director of social welfare, 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 director of social welfare that the person with whom the child is placed shall be responsible for his proper care and training; provided, however, that the director of social welfare may in his discretion waive the filing of a bond and accept in lieu thereof a written guarantee of responsibility in such form as he shall prescribe. 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 director of social welfare of his intention, and shall obtain from the director of social welfare a certificate stating that such home is, in the opinion of the director of social welfare, 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 director of social welfare. The person bringing or sending the child into the state shall report at least once each year, and at such other times as the director of social welfare 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 18 or shall have been legally adopted. 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.

[*Ex 1919 c 51 s 5; 1949 c 21 s 1*] (4564)

257.06 EXPORTATION. 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 director of social welfare such notice and information as is specified in section 257.05, and thereafter report to the director of social welfare at least once each year and at such other times as the director of social welfare may direct as to the location and well-being of such child until he shall have reached the age of 18 years or been legally adopted. It shall be the duty of the director of social welfare to carry out the provisions of this section.

[*Ex. 1919 c. 51 s. 6*] (4565)

257.07 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 when, in the opinion of the person placing such child or in the opinion of the director of social welfare, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted.

[*Ex. 1919 c. 51 s. 7*] (4566)

257.08 SUPERVISION BY DIRECTOR OF SOCIAL WELFARE. It shall be the duty of the director of social welfare 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 director may require. When the director 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

he shall issue to the same a certificate to that effect which shall continue in force for one year unless sooner revoked by him. A list of such certified agencies shall be sent by the director 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 15 months next preceding, and which certificate remains unrevoked, shall receive a child for care or placing out, 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 director as are the public charitable institutions of this state. For the purpose of this section the term agency means any individual, association, or corporation.

[*Ex. 1919 c. 51 s. 8*] (4567)

257.09 PROHIBITIONS; PENALTY. Every person who violates any of the provisions of sections 257.01 to 257.09, or who shall intentionally make any false statements or reports to the director of social welfare with reference to the matters contained therein, shall, upon conviction of the first offense, be guilty of a misdemeanor. A second or subsequent offense shall be a gross misdemeanor.

[*Ex. 1919 c. 51 s. 9*] (4568)

257.10 DEFINITIONS; APPLICATION. Any person who receives for care or treatment or has in his custody at any one time one or more infants under the age of 14 years, unattended by a parent or guardian, for the purpose of providing such child or children with food, care, or lodging, except infants related to him by blood or marriage, shall be deemed to maintain an infants' home; where used in sections 257.10 to 257.17 the term "infants' home" includes day care facilities.

The word "person" where used in sections 257.10 to 257.17 includes individuals and partnerships; the word "person" further includes voluntary associations and corporations, whether public or private, and all political subdivisions of the state and departments, boards, and agencies thereof; provided, that sections 257.10 to 257.17 shall not be construed to relate to any institution or institutions under the management of the director of social welfare or the director of public institutions or their officers or agents, nor to any person who furnishes care to children from not more than one family for a period of less than 30 days.

Sections 257.10 to 257.17 shall not apply to any person who receives for care, only children in the care or custody of a private child welfare agency, if such agency is approved by the director of social welfare to select persons to care for such children. The director of social welfare is hereby empowered to grant such approvals to such private welfare agencies as in his judgment will select only persons to care for such children who would otherwise be eligible to receive and hold a license under sections 257.10 to 257.17, and upon his own motion or after investigations occasioned by complaint of any citizen to the director he may revoke such approvals when he believes such revocation to be for the public good.

[*Ex. 1919 c. 52 s. 1; 1935 c. 112 s. 3; 1943 c. 486 s. 1; 1945 c. 84 s. 1*] (4569)

257.11 LICENSED. The director of social welfare is hereby empowered to grant a license for one year for the conduct of any infants' home that is for the public good, and is conducted by a reputable and responsible person. It shall be the duty of the director to provide such general regulations and rules for the conduct of all such homes as shall be necessary to effect the purposes of all laws of the state relating to children, so far as the same are applicable, and to safeguard the well-being of all infants born therein and the health, morality, and best interests of the patients who are inmates thereof. No person shall receive an infant for care in any such infants' home without first obtaining from the director a license to conduct such infants' home. No such license shall be issued unless the premises are in a 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 infants that may be properly boarded or cared for therein at any one time. Such license shall be kept posted in a conspicuous place on the licensed premises. No greater number of infants shall be kept at any one time on the premises than is authorized by the license and no infant shall be kept in a building or place not designated in the license. A record of the licenses so issued shall be kept by the director of social welfare, who shall forthwith give notice to the state board of health and to the local board of health of the city, village, or 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 director may, after due notice and hearing, revoke the

license if any provision of sections 257.10 to 257.17 is violated; or when in his opinion such infants' home is maintained without due regard to sanitation and hygiene or to the health, comfort, morality, or well-being of the inmates thereof, or in case of the violation of any law of the state, in a manner disclosing moral turpitude or unfitness to maintain such hospital, or upon evidence that any such hospital is conducted by a person of ill repute or bad moral character. Written charges against the licensee shall be served upon him at least three days before hearing shall be had thereon and a written copy of the findings and decision of the director upon hearing shall be served upon the licensee in the manner prescribed for the service of a summons in civil actions.

Any licensee feeling himself aggrieved by any decision of the director may appeal to the district court by filing with the clerk thereof in the county where his hospital is situated within ten days after written notice of such decision, a written notice of appeal specifying the grounds upon which the appeal is made.

The appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the director should not be confirmed, amended or set aside. The written notices and decisions shall be treated as the pleadings in the case and may be amended in the discretion of the court. The issues shall be tried anew by the court and findings shall be made upon the issues tried.

Either party may appeal to the supreme court from the determination of the district court within five days after notice of filing the decision, in the manner provided for appeals in civil action.

No revocation of license shall become effective until any appeal made shall have been determined.

In case of revocation the director shall make an appropriate notation upon the records of the granting of such license and give written notice of the revocation of the license to the licensee by serving a copy of the order of revocation upon the licensee in the manner provided by law for the service of a summons in a civil action. Upon such revocation the director shall forthwith notify the state board of health and the local board of health of the city, town, or village in which the infants' home is situated.

[*Ex. 1919 c. 52 s. 2*] (4570)

257.12 FORMS FOR REGISTRATION AND RECORD OF INFANTS. The director of social welfare may prescribe forms for the registration and record of infants cared for in such home and the licensee shall be entitled to receive gratuitously from the director of social welfare a book of forms for such registration and record. Each book shall contain a printed copy of sections 257.10 to 257.17. The licensee of an infants' home shall keep a record in a form to be prescribed by the director of social welfare, 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 to the home; the name of any physician attending any sick infant in the home; the name and age of each infant 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 infant; and such other information as the director of social welfare shall prescribe. The licensee, immediately after the death in an infants' home of an infant, shall cause notice thereof to be given to the local board of health of the city, village, or town in which such home is located.

[*Ex. 1919 c. 52 s. 3*] (4571)

257.13 INSPECTION. The authorized agents of the director of public institutions, the officers and authorized agents of the state board of health and the local board of health of the several cities, villages, and towns of the state in which a licensed infants' home is located may inspect such home at any time and examine every part thereof. The agents of the director of social welfare may call for and examine the records which are required to be kept by the provisions of sections 257.10 to 257.17 and inquire into all matters concerning such home and the infants therein; and the agents of the director of social welfare shall visit and inspect such homes at least once in every six months and make, and the director of social welfare shall preserve, reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility of viewing the premises and seeing the inmates.

[*Ex. 1919 c. 52 s. 4*] (4572)

257.14 ASCERTAINING OF LEGITIMACY. When an infant is received for care in an infants' home, the licensee of such home shall use due diligence to ascertain whether such child is legitimate; and, in case there is any reason to believe that such infant is an illegitimate child, then and in such case such licensee shall notify the director of social welfare thereof and furnish the director of social welfare with such information bearing on such question as may have come to the knowledge of the licensee or any officer or agent of any such home.

[*Ex. 1919 c. 52 s. 5*] (4573)

257.15 DISCLOSURE PROHIBITED. No authorized agent of the director of social welfare, no officer or authorized agent of the state board of health or the local boards of health of the city, village, or town where such licensed home is located, or the licensee of such a home, or any of its agents, or any other person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such homes or the inmates thereof except upon inquiry before a court of law, at a coroner's inquest, or before some other tribunal, or for the information of the director of social welfare, state board of health, or the local board of the village, city, or town in which the home is located. Nothing herein shall prohibit the director of social welfare disclosing such facts to such proper persons as may be in the interest of any child maintained in the home with the consent of the mother of the child.

[*Ex. 1919 c. 52 s. 6*] (4574)

257.16 BURDEN OF PROOF. In a prosecution under the provisions of sections 257.10 to 257.17, or any penal law relating thereto, a defendant who relies for defense upon the relationship of any infant to himself shall have the burden of proof as to such relationship.

[*Ex. 1919 c. 52 s. 7*] (4575)

257.17 VIOLATION A GROSS MISDEMEANOR. Every person who violates any of the provisions of sections 257.10 to 257.16 shall, upon conviction of the first offense, be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

[*Ex. 1919 c. 52 s. 8*] (4576)

257.175 DUTIES OF DIRECTOR IN BEHALF OF CHILDREN; EXECUTIVE OFFICERS. It shall be the duty of the director of social welfare to promote the enforcement of all laws for the protection of defective, illegitimate, dependent, neglected, and delinquent children, to cooperate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made. The director shall have authority to appoint and fix the salaries of a chief executive officer and such assistants as shall be deemed necessary to carry out the purposes of sections 257.32 to 257.38.

[*1917 c. 194 s. 3*] (4456)

257.176 COUNTY CHILD WELFARE BOARDS. Subdivision 1. **Appointment of agents.** The director of social welfare may when requested so to do by the county board appoint in each county three persons resident therein, at least two of whom shall be women, who shall serve without compensation and hold office during his pleasure, and who, together with a member to be designated by the county board from its own number and the county superintendent of schools, shall constitute a child welfare board for the county, which shall select its own chairman; provided, that in any county containing a city of the first class five members shall be appointed by the director. The child welfare board shall perform such duties as may be required of it by the director in furtherance of the provisions of sections 257.32, 257.33, 257.176 and 257.177; and may appoint a secretary and all necessary assistants, who shall receive from the county such salaries as may be fixed by the child welfare board with the approval of the county board. Persons thus appointed shall be the executive agents of the child welfare board.

Subd. 2. **Agents where no child welfare board.** In counties where no child welfare board exists, the judge of the juvenile court may appoint a local agent to cooperate with the director of social welfare in furtherance of the purposes of sections 257.32, 257.33, 257.176 and 257.177, who shall receive from the county such salary as may be fixed by the judge with the approval of the county board.

Subd. 3. **Additional duties of agents.** Agents appointed pursuant to subdivisions 1 and 2 may, when so directed by the county board, perform the duties of probation and school attendance officers and aid in the investigation and supervision of county allowances to mothers.

[1917 c. 194 ss. 4, 5, 6] (4457, 4458, 4459)

257.177 TRAVELING EXPENSES. The traveling and other necessary expense of the several members of the child welfare board, while acting officially as members of such board, and of the executive agents, while exclusively employed in the business of the board, shall be paid so far as approved by the county board out of the general revenue fund of the county in the same manner as other claims against the county. If a member or an executive agent of the child welfare board uses his own automobile or other conveyance owned by him, he may be allowed reasonable compensation therefor at a rate of not more than seven cents per mile for each mile necessarily traveled in such automobile or other conveyance in the performance of his official duties.

[1917 c 194 s 7; 1931 c 242] (4460)

ILLEGITIMATE

257.18 COMPLAINT, WHEN TAKEN; PROCEDURE; WARRANT. Subdivision 1. **Who may take.** If a woman is delivered of an illegitimate child, or is pregnant with a child likely to be illegitimate when born, the county board of the county where she resides, or any member thereof, or the division of social welfare, or any person duly appointed to perform in the county any of the duties of the division of social welfare, relating to the welfare of children, may apply by complaint to a justice of the peace of the county, or to a municipal court, to inquire into the facts and circumstances of the case. Such complaint shall be filed and further proceedings had, either in the county where the mother resides or in the county of the residence of the alleged father of the child or in the county where the child may be found, if it is likely to become a public charge therein.

Subd. 2. **Examination.** Such justice or the judge of the municipal court may summon the woman to appear before him and may examine her on oath respecting the father of the child, the time when and the place where it was begotten, and any other facts he deems necessary for the discovery of the truth and thereupon shall issue his warrant to apprehend the putative father. Thereafter the proceedings shall be the same as if the complaint had been made by such woman under the provisions of this chapter and with like effect and, in all cases, the complainant and the accused may require the attendance of such woman as a witness.

[R. L. ss. 1575, 1576; 1917 c. 210 s. 1; 1921 c. 489 s. 1] (3269, 3270)

257.19 COMPLAINT BY MOTHER. On complaint being made to a justice of the peace or a municipal court by any woman who is delivered of an illegitimate child, or pregnant with a child which, if born alive, might be illegitimate, accusing any person of being the father of such child, the justice or the clerk of the court shall take the complaint in writing under her oath and thereupon shall issue a warrant, directed to the sheriff or to any constable of the county, commanding him forthwith to bring such accused person before such justice or court to answer such complaint; which warrant may be executed anywhere within the state. Such complaint shall be filed and further proceedings had either in the county where the woman resides or in the county where the alleged father of the child resides or in the county where the child is found, if it is likely to become a public charge upon such county. It shall be the duty of the county attorney, if the complaint seems to be justified, to prosecute such actions and he shall institute appropriate proceedings for the enforcement of orders of the court. The county attorney may, on the written request of the defendant, file such complaint in the district court accompanied by the written request and a waiver by the defendant of his right to a preliminary examination. The county attorney may then bring the defendant before the judge of the court at any time for the adjudication of the paternity of such child and the making of an order for its support.

[R. L. s. 1567; 1917 c. 210; 1921 c. 489 s. 1; 1941 c. 150] (3261)

257.20 ACTION; PROCEEDINGS ON RETURN OF WARRANT. The justice shall enter an action in his docket, or the clerk of court in his register of actions, in which the state shall be plaintiff and the accused defendant, and shall make such other entries as are required in criminal actions. On the return of the

warrant with the accused, the justice or judge shall examine, under oath, the complainant, and such other witnesses as may be produced by the parties, respecting the complaint, and shall reduce such examination to writing. He may, at his discretion, and, at the request of either party, shall, exclude the general public from attendance at such examination.

[*R. L. s. 1568; 1917 c. 210*] (3262)

257.21 BOND; MAY PLEAD GUILTY; COMMITMENT. If there is probable cause to believe the defendant guilty as charged in the complaint, the justice or judge shall require him to enter into a recognizance, with approved sureties, in the sum of not less than \$300, nor more than \$1,000, to appear before the district court of the proper county at the next term thereof, or, if the court is then sitting in the county, at a date fixed by the justice or judge and answer the complaint and abide the order of the court thereon. If he fails to give such recognizance, the justice or judge shall commit him to the county jail, there to be held to answer such complaint at the next term of such court, or at the date so fixed; provided, that the accused may appear before the court at any time and enter a plea of guilty to the complaint. Thereupon the justice or judge shall certify the examination and return the same and all process and papers in the case to the clerk of such court.

[*R. L. s. 1569; 1909 c. 275; 1913 c. 71 s. 1; 1917 c. 210; 1921 c. 489 s. 1*] (3263)

257.22 CONTINUANCE; RECOGNIZANCE. At the next term of the court, or at the date fixed by the justice or judge, if the complainant has not been delivered or is not able to attend, or for any other sufficient reason, the court may continue the cause, and such continuance shall renew the recognizance, which shall remain in force until final judgment. If the sureties shall at any term of court surrender the defendant and ask to be discharged, or if the court shall at any time deem it proper, it may order a new recognizance to be taken, and commit the defendant until it is given.

[*R. L. s. 1570; 1917 c. 210; 1921 c. 489 s. 1*] (3264)

257.23 TRIAL; PRELIMINARY EXAMINATION; JUDGMENT OF PATERNITY; DEFAULT; DUTIES OF DIVISION OF SOCIAL WELFARE; BOND FOR SUPPORT OF CHILD. Upon the trial in district court the judge may at his discretion exclude the general public from attending at such trial and shall do so at the request of either party. The examination taken before the justice or judges of the municipal court shall in all cases be read to the jury when demanded by the defendant. If he is found guilty, or admits the truth of the accusation, he shall be adjudged to be the father of such child and thenceforth shall be subject to all the obligations for the care, maintenance and education of such child, and to all the penalties for failure to perform the same, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity. Judgment shall also be entered against him for all expenses incurred by the county for the lying-in and support of and attendance upon the mother during her sickness, and for the care and support of such child prior to said judgment of paternity, the amount of which expenses, if any, shall also be found by the judge, together with costs of prosecution. If the defendant fails to pay the amount of such money judgment forthwith, or during such stay of execution as may be granted by the court, he shall be committed to the county jail, there to remain until he pays the same or is discharged according to law. No stay shall be granted unless the defendant shall give a bond to the county, in such sum and with such sureties as shall be approved by the court for the payment of such money judgment on or before the expiration of such stay. Upon due notice to the county welfare board or the director of social welfare and the duly appointed guardian, if any, the judge of the district court before whom the proceedings are pending shall make and enter an order, directing and requiring the father of such child to pay to the county welfare board, or the director of social welfare such sum of money or its equivalent, as may be proper and adequate for the care, maintenance, and education of such child; or such order may provide for the payment, in the manner heretofore provided, of a specific sum each month, or at other stated intervals, for the purpose hereinbefore specified. The court shall further fix the amount, and order the defendant to pay all expenses necessarily incurred by, or in behalf of, the mother of such child, in connection with her confinement and the care and maintenance of the child prior to judgment. If the defendant fails to comply with any order of the court, hereinbefore provided for, he may be summarily dealt with as for contempt of court, and shall likewise be subject to all the

penalties for failure to care for and support such child, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity, and in case of such failure to abide any order of the court, the defendant shall be fully liable for the support of such child without reference to such order.

[R. L. s. 1571; 1917 c. 210; 1921 c. 489 s. 1; 1925 c. 354 s. 1; 1941 c. 152 s. 1; 1943 c. 201 s. 1] (3265)

257.24 FATHER TO PAY ALL EXPENSES. In the event of judgment of paternity, as provided in section 257.23, the mother shall be entitled to recover of the father in a civil action all expense necessarily incurred by her in connection with her confinement, including her suitable maintenance for not more than eight weeks next prior thereto and not more than eight weeks thereafter, and for the burial of the child, if the same shall have been still-born or shall have died after birth, and all necessary expenses and doctors' bills in connection with her and the child's sickness. The provisions of this section shall apply only to such expense, or portion thereof, as is not otherwise provided for by order of the court.

[R. L. s. 1572; 1917 c. 210; 1921 c. 489 s. 1] (3266)

257.25 APPLICATION FOR DISCHARGE FROM IMPRISONMENT. Any person who has been imprisoned for 90 days for failure to pay any such money judgment for expenses incurred by the county may apply to the court by petition setting forth his inability to pay the same and praying to be discharged from imprisonment, and shall attach to the petition a verified statement of all his property, money, and effects, whether exempt from execution or otherwise. Thereupon the court shall appoint a time and place for hearing the application, of which the petitioner shall give at least ten days' notice to the county attorney.

[R. L. s. 1573; 1917 c. 210; 1921 c. 489 s. 1] (3267)

257.26 HEARING; JUDGMENT. At the hearing the defendant shall be examined on oath in reference to the facts set forth in the petition and his ability to pay the money judgment, and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that the defendant is unable to pay the judgment, the court may direct his discharge from custody, upon his making affidavit that he has not in his own name any property, real or personal, and has no such property conveyed or concealed or in any manner disposed of with design to secure the same to his own use or to avoid in any manner payment of the judgment. The court, as a condition of such discharge, may require the defendant to pay the judgment in monthly or other instalments, as the earning capacity of the defendant may justify. If upon the hearing it appears that the defendant has property, but not sufficient to pay the judgment, the court may make such order concerning the same in connection with the discharge as justice may require. The defendant's discharge shall not affect the right of the county to collect upon execution any portion of the judgment remaining at any time unsatisfied, subject to all the provisions of law relating to judgments for the payment of money; or the right of the court to recommit the defendant if at any time it shall appear to the court that the defendant is possessed of means to pay the judgment but will not do so.

[R. L. s. 1574; 1913 c. 494 s. 1; 1917 c. 210; 1921 c. 489 s. 1] (3268)

257.27 COMPROMISE BY BOARD. The county board, either before or after judgment, may make such compromise and settlement with the putative father of any illegitimate child as it deems equitable and just for expenses incurred by the county for which judgment may be or shall have been entered pursuant to section 257.23.

[R. L. s. 1577; 1917 c. 210] (3271)

257.28 DIRECTOR OF SOCIAL WELFARE MAY MAKE SETTLEMENT. The director of social welfare shall have authority to accept from the acknowledged or adjudicated father of the child such sum as shall be approved by the court having jurisdiction of proceedings to establish the paternity of the child in full settlement of all obligations for the care, maintenance, and education of such child and hold or dispose of the same as ordered by the court. Such settlement shall discharge the father of all further liability, civil and criminal, on account of such child, provided that such settlement shall not affect any liability of the father under section 257.24.

[R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1; 1941 c. 152 s. 2] (3272 (a))

257.29 CLERK TO REPORT NAME OF ADJUDGED FATHER. Upon the entry of a judgment determining the paternity of an illegitimate child the clerk of the district court shall notify in writing the state registrar of vital statistics of the

name of the person against whom such judgment has been entered, together with such other facts disclosed by his records as may assist in identifying the record of the birth of the child as the same may appear in the office of the registrar. If the judgment shall thereafter be vacated, that fact shall be reported by the clerk in like manner.

[R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1] (3272 (b))

257.30 PHYSICIAN MAY TESTIFY. In any proceeding under this chapter a licensed physician or surgeon may testify concerning the fact and probable date of inception of the pregnancy of his patient without her consent and shall so testify when duly called as a witness.

[R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1] (3272 (c))

257.31 RECORDS PRIVATE. All records of court proceedings in cases of alleged illegitimacy after the final determination thereof shall be withheld from inspection by any person other than by written request of the state department of public welfare or of a county welfare board, except upon order of the court.

[R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1; 1945 c. 357 s. 1] (3272(e))

257.32 DIRECTOR OF SOCIAL WELFARE LEGAL GUARDIAN. Subdivision 1. 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 his 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. No child shall be placed in an institution maintained for the care of delinquents who has not been duly adjudged to be delinquent. The director shall not be authorized to consent to the adoption of a child who is committed to his guardianship on account of delinquency.

Subd. 2. If existing buildings, grounds or other facilities provided by law, or which may be available, for the shelter and care of dependent and neglected children, who are under the guardianship of the director of social welfare, become inadequate, the director, with the approval of the commissioner of administration, may arrange according to law, by gift or by lease, not exceeding two years in duration, for the use of any available buildings, dwellings and grounds appurtenant thereto or suitable for such purpose.

[1917 c. 194 s. 1; 1941 c. 159 s. 1; 1945 c. 565 s. 3] (4454)

257.33 DUTIES OF DIRECTOR OF SOCIAL WELFARE. It shall be the duty of the director of social welfare when notified of a woman who is delivered of an illegitimate child, or pregnant with child likely to be illegitimate when born, to take care that the interests of the child are safeguarded, that appropriate steps are taken to establish his paternity, and that there is secured for him the nearest possible approximation to the care, support, and education that he would be entitled to if born of lawful marriage. For the better accomplishment of these purposes the director of social welfare may initiate such legal or other action as is deemed necessary; may make such provision for the care, maintenance, and education of the child as the best interests of the child may from time to time require, and may offer his aid and protection in such ways as are found wise and expedient to the unmarried woman approaching motherhood.

[1917 c. 194 s. 2] (4455)

257.34 [Renumbered 257.175]

257.35 [Renumbered 257.176, subdivision 1]

257.36 [Renumbered 257.176, subdivision 2]

257.37 [Renumbered 257.176, subdivision 3]

257.38 [Renumbered 257.177]