

CHAPTER 260

DEPENDENT, NEGLECTED, AND DELINQUENT CHILDREN

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260.01 DEPENDENT, NEGLECTED AND DELINQUENT CHILDREN. For the purpose of sections 260.01 to 260.34 the term "dependent child" means a child who is illegitimate; or whose parents, for good cause, desire to be relieved of his care and custody; or who is without a parent or lawful guardian able to adequately provide for his support, training, and education, and is unable to maintain himself by lawful employment, except such children as are herein defined as "neglected" or "delinquent." The term "neglected child" means a child who is abandoned by both parents, or, if one parent is dead, by the survivor, or by his guardian; or who is found living with vicious or disreputable persons, or whose home, by reason of improvidence, neglect, cruelty, or depravity on the part of the parents, guardian, or other person in whose care he may be, is an unfit place for such child; or whose parents or guardian neglect and refuse, when able to do so, to provide medical, surgical, or other remedial care necessary for his health or well-being; or who because of erratic, unstable, or abnormal conduct appears to be emotionally disturbed and is, therefore, in need of psychiatric study, care, and treatment, and whose parents or guardian are unwilling or unable to provide him with such necessary care and treatment; or, when such child is so defective in mind as to require the custodial care and training of the state school for the feeble-minded, neglect and refuse to make application for his admission to the institution; or who, being under the age of 12 years, is found begging, peddling, or selling any articles or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The term "delinquent child" means a child who violates any law of this state or any city or village ordinance; or who is habitually truant or incorrigible; or who knowingly associates with vicious or immoral persons; or who without just cause and without the consent of his parents, guardian, or other custodian absents himself from his home or place of abode, or who knowingly visits any place which exists, or where his presence is permitted, in violation of law; or who habitually uses obscene, profane, or indecent language; or who is guilty of lewd or immoral conduct involving another person. The word "association" means any corporation which includes in its purpose the care or disposition of children coming within the meaning of sections 260.01 to 260.34.

[1917 c 397 s 1; 1927 c 192 s 1; 1949 c 39 s 1] (8636)

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 sec-

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

[1917 c. 397 s. 2; 1927 c. 192 s. 2; 1931 c. 250 s. 1; 1933 c. 184; 1941 c. 110 s. 1; 1945 c. 517 s. 1] (8637)

260.03. JUDGES OF JUVENILE COURT. In counties having more than 45,000 inhabitants, except the fourth judicial district and the counties in the seventh judicial district, the judges of the district court shall, at such times as they shall determine, designate one of their number whose duty it shall be to hear all cases arising under sections 260.01 to 260.34, unless absent or disabled, in which case another judge shall be temporarily assigned for these purposes; and such designation shall be for the period of one year unless otherwise ordered. The judge of the juvenile court so designated shall devote his first service and all necessary time to the business of the juvenile court and this work shall have precedence over all his other court work. When deemed advisable the district judges may designate two judges for the purposes and subject to the provisions specified in this section. A special court room, to be designated as the juvenile court room, shall be provided for the hearing of such cases, and the findings of the court shall be entered in books to be kept for that purpose, and known as the "juvenile record," and the court may for convenience be called the juvenile court of the appropriate county. The title of proceedings in the juvenile court, excepting prosecutions under sections 260.27 and 260.28, shall be substantially as follows:

Juvenile Court, County of.....

In the matter of.....as a dependent (or neglected or delinquent, as the case may be) child.

[1917 c. 397 s. 3; 1927 c. 192 s. 3; 1931 c. 250 s. 2; 1941 c. 110 s. 2] (8638)

260.04 CLERK TO ASSIGN DEPUTY; SALARIES. The clerk of the district court shall assign a deputy, subject to the approval of the judge of the juvenile court, who shall have special charge of the duties to be performed by the clerk in connection with the juvenile court and whose duty it shall be to keep all books and records thereof, to issue summons and process, to attend to correspondence in connection with the court, and in general to perform such duties in the administration of the business of the court, whether or not herein specifically enumerated, as the judge may direct. Such deputy may be specially appointed for the purposes specified herein, in addition to other deputies provided for by law. In counties where more than one judge of the juvenile court has been designated a deputy clerk may be assigned for each. In counties having not less than 150,000 population the salary of the deputy clerk assigned pursuant to this section shall be \$1,800 per annum. When not engaged in the duties pertaining to the juvenile court the deputy shall do such work in the clerk's office as the clerk may direct. When such deputy is absent the clerk or another deputy may perform the duties herein specified. The clerk may from time to time change the assignment of such deputy with the approval of the judge. When no assignment of a deputy has been made pursuant to this section the clerk of the district court shall perform the duties herein specified.

[1917 c. 397 s. 4] (8639)

260.05 RAMSEY COUNTY; SALARY OF BAILIFF IN JUVENILE COURT. In all counties having more than 300,000, and less than 450,000 inhabitants, a bailiff of the juvenile court may be appointed by the judge of the court. He shall serve

four years unless removed by the judge for cause and shall be in attendance at all sessions of the court, make and serve all summons, writs, warrants, and processes issued out of the court and perform such other duties as may be directed by the judge. He shall have all the authority of a deputy sheriff and when his services are not required by the juvenile court, he may, with the consent of the court, be called upon by the sheriff to serve as such deputy. In case of his absence, the sheriff shall, upon request of the judge, assign a deputy to perform his duties. The bailiff shall receive the salary fixed by the Board of County Commissioners, which sum shall include all expenses incurred by him in the performance of his duties within the county.

[1917 c 397 s 5; 1927 c 420 s 6; 1929 c 405 s 1; 1949 c 54 s 1] (8640)

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 of 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.

[1917 c. 397 s. 6; 1931 c. 250 s. 3; 1931 c. 82 s. 1; 1933 c. 204 s. 1; 1941 c. 110 s. 3; 1945 c. 517 s. 2] (8641)

260.07 WHO MAY FILE PETITION; REQUISITES. Any reputable person including any agent of the director of social welfare or the state industrial commission having knowledge of a child in this state who appears to be either dependent, neglected, or delinquent may file with the juvenile court in the county where the child is or in the county of its residence a verified petition setting forth the facts of the alleged dependency, neglect, or delinquency. The petition shall also set forth the name and residence of each parent, if known, and if both are dead or the residence unknown, then the name and residence of the legal guardian, or if there be none, or if his residence is unknown then the name and residence of some near relative, if there be one and his residence is known. It shall be sufficient if the petition is on information and belief.

[Ex. 1937 c. 79 s. 1] (8642-1)

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

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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 notified, 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. In all such proceedings, such child may be released into the custody of the parent, guardian, or custodian.

[*Ex. 1937 c. 79 s. 2; 1941 c. 158 s. 1; 1945 c. 517 s. 3*] (8643-1)

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.

[1917 c. 397 s. 9; 1933 c. 204 s. 1; 1945 c. 517 s. 4] (8644)

260.10 EXPERT ASSISTANCE. In any county of more than 150,000 population the court may establish a department of the juvenile probation system of such county for the physical and mental diagnosis of cases of children who are believed to be physically or mentally diseased or defective, and may appoint as special probation officers a competent nurse and a duly qualified physician, whose salaries shall be fixed by the judge with the approval of the county board. In any county under 150,000 population when the juvenile court has obtained jurisdiction of a dependent, neglected, or delinquent child the court may require that a physical or mental examination, or both, be made of such child by a duly qualified physician or mental examiner.

[1917 c. 397 s. 10; 1941 c. 158 s. 7] (8645)

260.11 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 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, 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.

[Ex1937 c 79 s 3; 1941 c 158 s 2; 1945 c 517 s 5; 1947 c 81 s 1] (8646-1)

260.12 GUARDIANSHIP; ADOPTION. In any case where the court shall award a dependent or neglected child to the care of the director of social welfare, or of any association or individual in accordance with the provisions of sections 260.01 to 260.34, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the director of social welfare or of the association or individual to whose care he is committed; but such guardianship shall not include the guardianship of any estate of the child, except as provided in section 260.17. The director of social welfare, association, or individual shall have authority to place such child in a family home and may be made a party to any proceedings for the legal adoption of the child, and may, by his or its attorney or representative, appear in any court where such proceedings are pending and consent to such adoption.

[1917 c. 397 s. 12; 1941 c. 158 s. 3] (8647)

260.125 YOUTH CONSERVATION ACT. Subdivision 1. **Purpose.** The purpose of this section is to protect society more effectively by providing a program looking toward the prevention of delinquency and crime by educating the youth of

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the state against crime and by substituting for retributive punishment methods of training and treatment directed toward the correction and rehabilitation of young persons found delinquent or guilty of crime.

Subd. 2. **Creation of commission.** There is hereby created a Youth Conservation Commission to provide and conduct a program looking toward the prevention of juvenile and youth delinquency and to provide and administer preventive and corrective training for persons committed to the Commission.

Subd. 3. **Personnel of commission; quorum; director appointed by governor; compensation.** The commission shall consist of six persons including the director of the division of public institutions, the chairman of the state board of parole, and four others, at least one of whom shall be a woman, appointed by the Governor, with the consent of the Senate. Three members shall constitute a quorum. The Governor shall designate one of the appointed members as the chairman who shall be the full time director of the commission. The director shall be responsible for the administration and enforcement of this section under the direction of the commission. The director of the division of public institutions and the chairman of the state board of parole shall serve without additional compensation. All other members shall serve on a per diem basis.

Subd. 4. **Term of office.** The term of office of the appointed members of the commission shall be for six years except that the members serving under their initial appointment shall serve for the remainder of the terms for which they were respectively appointed. The woman initially appointed shall serve for a term expiring July 1, 1952. All appointments made thereafter, except to fill a vacancy, shall be for full term. A member is eligible for reappointment. A member shall hold office until the appointment and qualification of his successor.

Subd. 5. **Vacancy.** All appointments to a vacancy shall be made by the Governor and shall be for the unexpired term. Each member shall hold until the appointment and qualification of his successor.

Subd. 6. **Qualification of appointees.** All persons appointed to the commission shall, in so far as possible, have legal and administrative ability, educational experience, and experience in the study of juvenile and youthful offenders, and in planning and conducting programs of prevention of juvenile and youth delinquency and crime and one shall be a juvenile court judge who is also a judge of probate. A person particularly well qualified for such appointment may be appointed, even though such person is not, at the time of the appointment, a resident of this state.

Subd. 7. **Salaries, expenses.** The salary of the director of the commission shall be the sum of \$7200 per annum, payable as hereinafter provided. Each of the other appointed members of the commission shall receive as compensation the sum of \$25 per day for each day actually spent in the discharge of official duties. In addition to the compensation so provided, each of the members of the commission shall be reimbursed for all expenses paid or incurred by him in the performance of his official duties.

Subd. 8. **Removal.** The governor may remove any member of the commission who fails to properly discharge his responsibilities as a member of the commission. If requested by the member, the charges must be submitted in writing to such member and he shall be afforded an opportunity to be heard.

Subd. 9. **Cooperation with other agencies.** The Director of the Division of Social Welfare of the State Department of Social Security, the Commissioner of Education, and the State Board of Health through its executive officer shall advise, cooperate with and assist the commission in carrying out the duties and responsibilities assigned to it by this section and for these purposes they may attend meetings. Their facilities and services and those of other state agencies, particularly of the division of public institutions and of the state board of parole, shall be made available to the Commission upon such terms and as the Governor may direct.

Subd. 10. **Power to grant probation or to commit to institution.** (1) Every order granting or revoking probation, committing to an institution, granting or revoking parole, or issuing final discharge to any person under the control of the commission shall be made by the commission, and the commission may not delegate the making of such decisions to any other body or person.

(2) All other powers conferred on the commission may be exercised by the director or through his subordinates under rules established by the commission. Any person subjected to an order of the director or such subordinates may petition the commission for review.

Subd. 11. Certificate of preparation; filing. No person may be committed to the commission until it has certified in writing to the secretary of state that it is prepared to discharge its duties and functions and has filed certified copies thereof in the office of the clerk of the district court and with the probate court in each county. Before such filing a judge of said courts shall deal with persons convicted of a crime or found delinquent without regard to the provisions of this section.

Subd. 12. Declaration of minority of prisoner; proceedings not deemed criminal. When in any criminal proceeding in a court of this state a person has been convicted of a felony or gross misdemeanor for which the judge has power under subdivision 13, to commit to the commission, the judge of that court shall determine whether the person was less than 21 years of age at the time of apprehension from which the criminal proceedings resulted. Proceedings in a juvenile court in respect to a juvenile are not criminal proceedings.

Subd. 13. Commitment of prisoner to commission; probation. After a certificate has been filed with the clerk of the district court of any county as provided in subdivision 11, and except as hereinafter provided, the district court of such county shall commit to the commission every person convicted of a felony or gross misdemeanor, who is found to be less than 21 years of age at the time of his apprehension and who is not sentenced to imprisonment for life, or in a county jail for 90 days or less, or to a fine only. This commitment shall be for the maximum term provided by law for the crime for which the person was convicted. Execution of sentence may be stayed by the court and the defendant placed on probation. This probation shall not be granted until an investigation and report shall have been made by the probation officer of the court, if there be one, otherwise to the extent that its facilities permit, by the commission concerning the advisability thereof; but the granting or denial and the terms of probation shall be within the discretion of the court. If probation is granted, the court in its discretion may place the defendant under the supervision of the commission, provided the commission consents. Otherwise, such probation may be granted pursuant to law without regard to this section.

Subd. 14. Juvenile court may commit child to probationary care of commission; terms. In addition to the powers conferred by Minnesota Statutes 1945, Section 260.13, the juvenile court of any county not having a probation officer shall have the power in its discretion and with the consent of the commission to place any child whom it has adjudged delinquent as defined in Minnesota Statutes 1945, Section 260.01, on probation in the care and custody of the commission on such terms and conditions as the court may prescribe. The commission shall not have power by virtue thereof or by virtue of any commitment to it by a juvenile court, to place such child in any penal institution. Such juvenile court may also request, and it shall then be the duty of the commission to make, an investigation and report to the court, either before or after the hearing, respecting the proper disposition which should be made of such child.

Subd. 15. Minor convicted or found delinquent may not be imprisoned in any jail disapproved by commission. A person who is convicted of a felony or gross misdemeanor and who is found to be less than 21 years of age at the time of apprehension, and a person who has been found delinquent by a juvenile court, may not be imprisoned by virtue thereof in any jail which has been disapproved for that purpose by the commission.

Subd. 16. Upon commitment, the commission may order the minor detained until further orders. When a court commits a person to the commission, it may order him conveyed forthwith to some place of detention approved or established or designated by the commission or may direct that he be left at liberty until otherwise ordered by the commission under such conditions as will insure his submission to any orders of the director.

Subd. 17. Certified copy of the warrant of commitment. When a court commits a person to the commission it shall promptly forward to the commission a certified copy of the warrant of commitment.

Subd. 18. Commission shall examine and study all pertinent circumstances of the life of person committed. When a person has been committed to the commis-

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sion, the commission under its rules shall forthwith examine and study him and investigate all of the pertinent circumstances of his life and the antecedents of the crime because of which he has been committed to it, and thereupon order such treatment as it shall determine to be most conducive to the accomplishment of the purposes of this section. The court and the prosecuting and police authorities and other public officials shall make available to the commission all pertinent data in their possession in respect to the case.

Subd. 19. Placed on probation; order confinement; commit to state training school; order release on parole; recommitment; revoke or modify order; discharge from control. When a person has been committed to the commission it may (a) place him on probation under such supervision and conditions as it believes conducive to law-abiding conduct; (b) if he has been committed to the commission upon conviction of a felony or gross misdemeanor, order his confinement to such reformatory, state prison, jail, or other place of confinement to which he might have been sentenced by the court in which he was convicted except for this section. Such reformatories, state prisons, jails or other places of confinement are hereby required to accept such persons in like manner as though they had been committed by such court; (c) if he has been committed to the Commission by a juvenile court upon a finding of his delinquency, order his commitment to the State Training School for Boys or the Minnesota Home School for Girls and such schools shall accept such persons so committed to them or to private schools or institutions established by law or incorporated under the laws of this state that may care for delinquent children; (d) order his release on parole from confinement under such supervision and conditions as it believes conducive to law-abiding conduct; (e) order recommitment or renewed parole as often as the commission believes to be desirable; (f) revoke or modify any order, except an order of discharge, as often as the commission believes to be desirable; (g) discharge him from its control when it is satisfied that such discharge is consistent with the protection of the public.

Subd. 20. Vocational, physical and educational training. As a means of correcting the socially harmful tendencies of a person committed to it, the commission may, subject to the provisions of subdivision 24, require participation by him in vocational, physical, educational and corrective training and activities and such conduct and modes of life as seem best adopted to fit him for return to full liberty without danger to the public welfare.

Subd. 21. Cooperation with state institutions and local police officers. The commission may enter into agreement with the Division of Public Institutions, the State Board of Parole, with local probation officers or other public officials and with private agencies, schools or institutions, for custody, separate care or special treatment of persons subject to the control of the commission.

Subd. 22. Cooperation with local probation officer. Any person committed to the commission from a county having a probation officer of a district or juvenile court may be placed on probation by the commission only under the supervision of such probation officer who shall assume such supervision as though it were pursuant to a judgment or order of the district or juvenile court. Such probation officer shall co-operate with the commission in providing treatment for such person consistent with the purposes of this section, but nothing herein shall give the commission direction or control over such probation officer or require him or his subordinates to perform duties not otherwise required by law. If parole is granted by the commission to such person after confinement to a penal institution or after commitment to the State Training School for Boys or the Minnesota Home School for Girls, the parole may be conditioned on like supervision with the consent of the district or juvenile court respectively of such county.

Subd. 23. Inspection of institutional facilities. The commission may inspect all public institutions, agencies and departments whose facilities it is authorized to utilize and shall be given reasonable opportunity to examine or consult with persons committed to the commission at all times.

Subd. 24. Limitation on powers of commission. This section shall not be construed to give the commission control over existing facilities, institutions or agencies; or to require them to serve the commission inconsistently with their functions, or with the authority of their officers, or with the laws and regulations governing their activities.

Subd. 25. **Re-examinations of persons committed.** The director shall make periodic re-examination of all persons under control of the commission for the purpose of determining whether existing orders in individual cases should be modified or continued in force. Those examinations may be made as frequently as the commission directs and shall be made with respect to every person at least once annually.

Subd. 26. **Cessation of jurisdiction.** The control over a person committed to it in a criminal proceeding shall cease at the expiration of the term of his sentence for the crime for which convicted and he shall thereupon be entitled to a discharge in any event whether on probation, parole, confinement or other order of the commission. The care, custody and control of any delinquent child who has been committed to the commission by a juvenile court shall cease on the twenty-first birthday of such child.

Subd. 27. **Discharge on 25th birthday; exceptions.** Unless previously discharged under the provisions of this section, a person who has been committed to the commission upon conviction of a crime shall be discharged by the director and be given his liberty on his twenty-fifth birthday, unless the commission shall determine that such discharge at that time would be dangerous to the public in which event the commission shall terminate its control in the following manner: (1) if he be then on probation under the supervision of the probation officer of a district court, the future control and disposition of the case shall be in all respects as though such probation were under the order of said court. (2) If he be then on probation, but not under the supervision of a local probation officer, or if he be on parole, control of him shall be transferred to the State Board of Parole who shall thereupon assume like control over him as though he were on parole following sentence of a court for a maximum term provided by law for the crime for which he was committed. (3) If he be then confined in a penal institution, the control of the commission shall cease and such confinement shall be upon like terms and conditions as though it had been under sentence of court for the maximum term provided by law for the crime for which he was committed.

Subd. 28. **Imprisonment for life; assumption of control.** If a sentence of imprisonment for life is imposed upon a person who was under 21 years of age at the time of his apprehension, and if before he reaches the age of 25 the Board of Pardons commutes the sentence by committing him to the commission, the commission shall assume control over him pursuant to the provisions of this section.

Subd. 29. **Institution of proceedings in probate court in cases of insanity or psychopathic personality.** Whenever the director is of the opinion that there are grounds for believing that a person committed to it is insane, or a psychopathic personality as defined in Minnesota Statutes 1945, Section 526.09, the director may institute proceedings in the probate court of the county in which such person then resides or is confined to determine whether he is insane or a psychopathic personality. If the court shall so find, he shall be transferred by the order of the court to the state asylum for the dangerous insane or to a state hospital for the insane at the discretion of the court, there to be kept and maintained as in the case of other insane persons. If, in the judgment of the superintendent of the asylum or hospital, his sanity is restored before the period of his commitment to the commission has expired, he shall be returned by the director of public institutions to the commission for further disposition or treatment under this section.

Subd. 30. **Appeal or stay of sentence.** The right of a person convicted of a crime to a new trial or to an appeal from the judgment of conviction, or to a stay of sentence or to admission to bail is not affected by this section.

Subd. 31. **Restoration of civil rights.** Whenever a person committed to the commission upon conviction of a crime is discharged from its control other than by expiration of the maximum term of commitment as provided under this section, or under the provisions of subdivision 27, such discharge shall, when so ordered by the commission restore such person to all civil rights and shall have the effect of setting aside the conviction and nullifying the same and of purging such person thereof.

Subd. 32. **Development of constructive programs; cooperation with other agencies.** The commission shall be charged with the duty of developing constructive programs for the prevention and decrease of delinquency and crime among youth and to that end shall cooperate with existing agencies and encourage the establishment

of new agencies, both local and state-wide, having as their object the prevention and decrease of delinquency and crime among youth; and the commission shall assist local authorities of any county or municipality when so requested by the governing body thereof, in planning, developing and coordinating their educational, welfare, recreational and health activities or other constructive community programs, which have as their object the conservation of youth.

Subd. 33. Report annually to the governor; recommendations. The commission shall report annually to the governor upon its work including therein the number of persons committed to it, the number upon probation or parole, the number confined by it in penal or other institutions of the state, such information as it may have as to the causes of crime and delinquency among youth, and such other information relative to its activities as it may consider desirable or useful to the public. It may include in such report recommendations and suggestions for the prevention or decrease of such delinquency and crime. These reports may be published by the commission and upon publication they shall become public records.

Subd. 34. Upon written order of director local official may retake any absconding person under the control of the commission. The written order of the director is authority to any peace officer, or to any parole or probation officer or other supervising agent of the commission, to retake and place in actual custody any person under the control of the commission; but any such parole or probation officer may, without order or warrant, when it appears to him necessary in order to prevent the escape or to enforce discipline, take and detain such person and present him before the director for his action.

Subd. 35. Rules and regulations. The commission may make and shall enforce all rules appropriate to the proper accomplishment of its functions.

Subd. 36. Review of order of commitment. (1) Within 30 days from the date of notice in writing of any order made pursuant to subdivision 10 (1) or 19, or of any order terminating its control made pursuant to subdivision 27 after an examination as therein provided, any person who has been committed to the commission after conviction of a felony or gross misdemeanor, may request the commission in writing to conduct a hearing of record for the review of any such order.

(2) If the commission grants the request, it shall hold a full hearing of record, allowing the person opportunity to appear with counsel, and thereafter the commission shall issue a final order affirming, modifying, or rescinding its prior order.

(3) Upon application to the committing district court made by the person affected by the final order within 30 days from the date of written notice thereof, the committing district court only may review such final order. Such review shall be in like manner as though reviewed by certiorari, except that the trial shall be de novo upon the return of the commission and such other evidence as may be received by the court. Nothing herein shall prohibit the commission from making such investigation and orders to carry out the purposes of this section.

(4) The final order shall remain in full force and effect until reversed by the committing district court, and if appeal is taken to the supreme court, until that court makes its final order.

Subd. 37. Conservation camps. (1) The commission may establish and operate conservation camps in which persons committed to the commission may be placed. Such camps may be established independently or in cooperation with any other public agency or any governmental subdivision, subject to the approval of such agency or subdivision as to any camp or project to the extent that its premises or operations are affected.

(2) Every able-bodied person committed to the commission and confined to a conservation camp established pursuant to this subdivision or to any other place or institution under the control of the commission may be required by order of the commission to labor during the whole or some part of the time for which he is so committed and confined, but not more than eight hours per day. The commission is authorized and empowered to provide for the payment of such compensation as it may determine to persons so confined who perform labor as hereinabove provided. Any money arising hereunder shall be and remain under control of the commission and shall be for the sole benefit of the person performing the labor unless it shall be used for rendering assistance to his family or dependents or in making restitution

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to persons determined by the commission to be entitled thereto, in either event payments shall be made only in such amount, at such time and to such persons as the commission may order in writing.

[1947 c 595 s 1; 1949 c 575 s 1]

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 board of such child, until suitable provision may be made for the child in a home without such payment. Otherwise, and unless disposition of a delinquent child is made pursuant to section 260.125, subdivision 14, a child found delinquent shall be committed by the court to the Youth Conservation Commission or to an 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, but the court shall not commit a delinquent child to the state training school for boys or the Minnesota Home School for Girls. 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 cases 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.

Every child committed to the Youth Conservation Commission shall be subject to the guardianship of the director of social welfare.

[1917 c 397 s 13; 1927 c 192 s 5; 1945 c 517 s 6; 1947 c 595 s 2] (8648)

260.14 COUNTY HOME SCHOOLS. In counties of over 33,000 population the county board shall have authority to purchase, lease, erect, equip, and maintain a county home school for boys and girls, or a separate home school for boys and a separate home school for girls, and the same may, with the approval of the district court judges, be a separate institution, or it may be established and operated in connection with any other organized charitable or educational institution; but the plans, location, equipment, and operation of the county home school shall in all cases have the approval of the judges of the district court. There shall be a superintendent or matron, or both, appointed for such home, who shall be probation officers of the juvenile court, and shall be appointed and removed by the district judges. The salaries of the superintendent, matron, and other employees shall be fixed by the judges of the district court, subject to the approval of the county board. The juvenile court may place in the home school, for a period of not more than six months under any order, any child coming before the court, and any child who is placed in such home school may be released therefrom by order of the court at any time. A delinquent child may be committed during the pleasure of the court to any county home school, or any orphans' home conducted by a charitable institution, where the inmates are taught the branches of study usually pursued in the public schools and where agriculture, horticulture, gardening, or domestic science is studied or carried on by the inmates thereof; but in no case shall such child be detained beyond his majority. The county board of each county to which this section applies is hereby authorized, empowered, and required to provide the necessary funds to make all needful appropriations to carry out the provisions of this section. The board of education, commissioner of education, or other persons having charge of the public schools in any city of the first or second class in a county where a county home school is maintained pursuant to the provisions of this section shall have authority to furnish all necessary instructors, school books, and school supplies for the boys and girls placed in any such home school.

[1917 c. 397 s. 14] (8649)

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260.15 EXISTING HOME SCHOOLS CONTINUED. All juvenile detention homes, farms, and industrial schools heretofore established under the provisions of Laws 1905, Chapter 285, section 5, as amended by Laws 1907, Chapter 172, and Laws 1911, Chapter 353, or Laws 1913, Chapter 83, or Laws 1915, Chapter 228, are hereby declared to be county home schools within the meaning of sections 260.01 to 260.34 and all the provisions of those sections relating to county home schools shall apply thereto.

[1917 c. 397 s. 15] (8650)

260.16 GUARDIANS FOR DELINQUENTS IN PROBATE COURT. When any child is found delinquent in a probate court the court may appoint the director of social welfare to be the guardian of such child, or any institution or association incorporated under the laws of this state that may care for delinquent children and become their guardian, or any suitable city, county, or state institution. The provisions of section 260.13 relative to the control, parole, and discharge of delinquent children committed by district courts shall apply to delinquent children placed under guardianship by probate courts. In all cases girls committed to the state home school for girls shall be accompanied to the school by a woman.

[1917 c. 397 s. 16] (8651)

260.17 PROPERTY OF CHILD USED FOR CHILD'S EDUCATION. If any child placed under guardianship by a juvenile court pursuant to the provisions of sections 260.01 to 260.34 has any property, the income thereof shall, unless more than is necessary, be applied to the education of such child; and upon cause shown to the court having jurisdiction of the estate of such child the principal or any part thereof may be used for the same purpose.

[1917 c. 397 s. 17; 1941 c. 158 s. 8] (8652)

260.18 INFORMATION WITH COMMITMENT. When a juvenile court shall commit a child to a state institution or to the guardianship of the director of social welfare there shall be delivered with the order of commitment a copy of the findings and order of the court relative to such child and a brief statement of such particulars of the case as the director of social welfare may require.

[1917 c. 397 s. 18] (8653)

260.19 EVIDENCE IN DELINQUENCY CASES PROTECTED. Any disposition of a child dealt with for delinquency under sections 260.01 to 260.34, or any evidence given in such cause, shall not in any civil, criminal, or other cause or proceeding in any court be lawful or proper evidence against such child for any purpose; provided, that nothing in this section shall be construed to relate to subsequent proceedings in a juvenile court.

[1917 c. 397 s. 19] (8654)

260.20 RELIGIOUS BELIEF OF PARENTS. The court in committing any child, or appointing a guardian for him under the provisions of sections 260.01 to 260.34, shall place him so far as it deems practicable in the care and custody of some individual holding the same religious belief as the parents of the child, or with some association which is controlled by persons of like religious faith with the parents.

[1917 c. 397 s. 20] (8655)

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.

[1917 c. 397 s. 21; 1945 c. 517 s. 7] (8656)

260.22 TRANSFER OF CASES. Subdivision 1. **Transfer from municipal or justice court.** When any minor is arraigned upon a criminal charge before a judge of the municipal court or justice of the peace otherwise than upon an order transferring the case from a juvenile court the judge or justice shall inquire concerning the age of such minor and, if it satisfactorily appears that he is under the age of 18 years, the case shall forthwith be transferred to the juvenile court of the county. Such transfer shall be effected by filing with the judge or clerk of the juvenile

court a certificate showing the name, age, and residence of the child, the names and addresses of his parents or guardian, if known, the specific charge upon which he has been arraigned, and the name and residence of the complainant.

The certificate shall have the effect of a petition filed in the juvenile court; but the judge of the court may in his discretion direct the filing of a new petition, which shall supersede such certificate. The judge of the municipal court or the justice shall have power to commit such child to appropriate custody, when deemed advisable, for a period of not more than one week and to fix reasonable bail, upon furnishing which the child shall be returned to the custody of his parents or guardian to respond to such proceedings as shall be had in the juvenile court.

Subd. 2. Transfer to another county. The judge in charge of the juvenile court in any county may transfer any case to another county when it appears that the child resides in such other county and the convenience of witnesses or the interest of such child will be best served by such transfer. Such transfer shall be made by forwarding to the clerk of the juvenile court of the county to which the case is transferred a certified copy of all papers filed, together with an order of transfer.

[1917 c. 397 s. 22; 1927 c. 192 s. 6] (8657)

260.23 ARREST; WARRANTS. Nothing in sections 260.01 to 260.34 shall be construed to forbid the arrest of any person with or without warrant as is now or hereafter may be provided by law or to forbid the issue of warrants by magistrates as so provided.

[1917 c. 397 s. 23] (8658)

260.24 PRIVACY OF HEARINGS AND RECORDS. Upon the trial or hearing of cases arising under sections 260.01 to 260.34 the court shall exclude the general public from the room wherein such trial or hearing is had, admitting only such persons as may have a direct interest in the case, witnesses, officers of the court and accredited persons interested in the study of social conditions. The records of all cases may be withheld from indiscriminate public inspection at the discretion of the court; but such records shall at all times be open to the inspection of any child to whom the same relates, and to his parents and guardian. For the purposes of this section the records of juvenile probation officers and county home schools shall be deemed records of the court. This section shall not be deemed to apply to prosecutions under sections 260.27 and 260.28.

[1917 c. 397 s. 24] (8659)

260.25 SUPPORT BY PARENTS. In any case in which the juvenile court of a county having a population of over 40,000, except those of the seventh judicial district, shall find a child dependent, neglected, or delinquent, it may, in the same or a subsequent proceeding, upon the parents of the child or either of them being duly summoned or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to his support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises and enforce the same by execution or in any way in which a court of equity may enforce its orders or decrees.

[1917 c. 397 s. 25; 1933 c. 204 s. 1] (8660)

260.26 UNLAWFUL REMOVAL OF CHILD. Any unlawful removal, attempt to remove or interference with a child committed by a juvenile court to the custody or guardianship of any institution, association, or individual is hereby declared to be contempt of court and punishable accordingly.

[1917 c. 397 s. 26] (8661)

260.27 RESPONSIBILITY OF PARENTS, GUARDIANS. In all cases when any child shall be found to be neglected or delinquent as defined in sections 260.01 to 260.34 the parent or parents, legal guardian, or person having the custody of such child, or any other person who by any act, word, or omission encourages, causes, or contributes to, the neglected or delinquent condition of such child when such act, word, or omission is not by other provisions of law declared to be a felony, is guilty of a misdemeanor. The fact that a child has been adjudged more than once to be delinquent on account of conduct occurring while in the custody of his parents or the same guardian shall be presumptive evidence that such parents or guardian are responsible for his last adjudged delinquency.

[1917 c. 397 s. 27; 1927 c. 192 s. 7] (8662)

260.28 JURISDICTION. In counties having a population of over 33,000 the juvenile court shall have jurisdiction of the offenses described in section 260.27. Prosecutions hereunder shall be begun by complaint duly verified and filed in the juvenile court of the county. If the defendant is found guilty, the court may impose conditions upon him and so long as he shall comply therewith to the satisfaction of the court the sentence imposed may be suspended.

[1917 c. 397 s. 28] (8663)

260.29 EXPENSES PAYABLE BY COUNTY. In counties having a population of less than 50,000, the expenses in probate courts acting as juvenile court for the proceedings of dependent, neglected, and delinquent children including the care of children when in the custody of the court and during continuance when not with the parents, medical and hospital care that may be necessary at the hearing or while the child is in the custody of the court, the fees and necessary mileage, not to exceed five cents per mile, of witnesses and of officers serving notices and subpoenas ordered by the court, the expenses for travel and board incurred by the probate judge when holding court in places other than the county seat, shall be paid by the county upon the certificate of the probate judge; and judges of probate acting as judge of juvenile court in such proceedings shall receive an annual salary for such service equal to \$25 for each 1,000 inhabitants, or fraction thereof within said county according to the then last preceding federal or state census. Such salary shall be paid monthly in the same manner as the regular salary of such probate judges.

[Ex. 1937 c. 79 s. 4; 1941 c. 158 s. 4; 1947 c. 287 s. 1] (8664-1)

260.30 FINDINGS; CERTIFICATION. In any proceeding relating to a dependent, neglected, or delinquent child, if it appears that the child has a legal settlement in another county, the court may continue the case and forward to the clerk of the juvenile court of the county in which it appears the child has a legal settlement a certified copy of all papers filed, together with an order of transfer of the case to the county of legal settlement. When the judge of the juvenile court of the county to which the case has been transferred denies that such child has a legal settlement in his county, he shall send such order of transfer with his statement of facts as to settlement of the child to the director of social welfare, who shall immediately investigate and determine the question of legal settlement and certify his findings to the juvenile judge of each of such counties. Such decision shall be final and complied with unless, within 30 days thereafter, action is taken in the district court as provided in sections 261.08 and 261.09.

When the legal settlement of the child has been determined the judge of the juvenile court of the county of legal settlement shall proceed to hear and determine the disposition of the case. The judge may accept the findings of the juvenile court where the petition was filed or he may in his discretion direct the filing of a new petition and hear the case de novo.

[Ex. 1937 c. 79 s. 5; 1941 c. 158 s. 5] (8664-2)

260.31 CERTIFICATION OF REJECTION OF CLAIM BY COUNTY AUDITOR; DETERMINATION. When it has been determined that the legal settlement of such child is in another county by the admission of the juvenile court judge of such county or by the director of social welfare or the district court, the necessary costs and expenses of such proceedings, together with the cost of caring for such child during continuances when not with the parents, shall be certified by the court to the auditor of the county in which the proceedings are held, who shall certify the same to the auditor of the county where the child is found to have a legal settlement and paid as other claims against the county.

[Ex. 1937 c. 79 s. 6; 1941 c. 158 s. 6] (8664-3)

260.32 SALARIES. All salaries required to be paid under the provisions of sections 260.01 to 260.34 shall be paid by the county in equal monthly instalments and all authorized fees and expense money shall be paid by the county upon proper certification by the judge.

[1917 c. 397 s. 30] (8665)

260.33 LIBERAL CONSTRUCTION. Sections 260.01 to 260.34 shall be liberally construed to the end that their purpose may be carried out. In all proceedings arising under their provisions the court shall act upon the principle that to the child concerned there is due from the state the protection and correction which he needs under the circumstances disclosed in the case; and when it is necessary to provide for him elsewhere than with his parents his care, custody, and discipline

shall approximate as nearly as may be that which ought to be given by his parents; and in all cases where it can properly be done he shall be placed in an approved family home and become a member of the family by legal adoption or otherwise.

[1917 c. 397 s. 32] (8667)

260.34 LAWS NOT AFFECTED. Nothing contained in sections 260.01 to 260.34 shall be construed to repeal any of the provisions of sections 484.53, 636.01 to 636.06, or Laws 1915, Chapter 3.

[1917 c. 397 s. 34] (8669)

260.35 TESTS, EXAMINATIONS. 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.

[1941 c. 159 s. 2]

260.36 SPECIAL PROVISIONS IN CERTAIN CASES. When 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. When 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 260.35. If the director of social welfare is satisfied that the child is feeble-minded 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.

[1941 c. 159 s. 3]

260.37 GUARDIANSHIP CEASES UPON 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. 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.

[1941 c. 159 s. 4]

260.38 NECESSARY COST 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 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.

[1941 c 159 s 5; 1947 c 81 s 2]