

REVISED LAWS OF
MINNESOTA 94

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

COMPILED AND ANNOTATED BY
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CHAPTER 73.

ADOPTION AND CHANGE OF NAME.

3612. Adoption—Petition and consent.—Any inhabitant of the state may petition the district court of his county for leave to adopt any child not his own. If the petitioner be married the spouse shall join in the petition. All petitions for the adoption of a child who is a ward or pupil of the State Public School shall be made jointly by the person desiring to adopt such child and the superintendent of the said State Public School. The board of managers of the said State Public School may determine by resolution that the joinder of the said superintendent in such petition shall be its consent to the adoption of such ward or pupil, as prayed for in such petition. A person of full age may be adopted. (R. L. § 3612, as amended by Laws 1909, c. 81, § 1.)

Historical.—“An act amending section 3612 of Revised Laws 1905 so as to require the superintendent of the State Public School to join in all petitions for the adoption of a ward of such school.” Approved March 18, 1909.

See section next following.

3612 [bis]. Adoption—Petition and consent.—Any inhabitant of the state may petition the district court of this county for leave to adopt any child not his own. If the petitioner be married, the spouse shall join in the petition; provided, where the spouse has been adjudged insane, such insane spouse need not join in the petition if such petition is filed in the proper court within thirty days from the date this act shall take effect and in such case the decree of adoption shall not in any way confer any rights, duties or obligations upon the insane spouse in reference to the person adopted. A person of full age may be adopted. (R. L. § 3612, as amended by Laws 1909, c. 457, § 1.)

Historical.—“An act to amend section 3612 of the Revised Laws of Minnesota for 1905, relating adoption.” Approved April 23, 1909.

See section next preceding.

[CHAPTER 73A.]

[DEPENDENT, NEGLECTED AND DELINQUENT CHILDREN.]

[3621—]1. Terms defined.—This act shall apply only to children under the age of seventeen years. For the purpose of this act the words “dependent child”, and “neglected child” shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable persons, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of ten years who 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 words “delinquent child” shall include any child under the age of seventeen years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with

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thieves, vicious or immoral persons; or who without just cause and without the consent of its parents or custodian absents itself from its home or place of abode; or who is growing up in idleness or crime; or who knowingly frequents a house of ill fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated; or who frequents any saloon or dram shop where intoxicating liquors are sold, or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being in any lawful business or occupation; or who habitually wanders about any railroad yards or tracks or jumps or hooks on to any moving train or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a delinquent child, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act or any evidence given in such cause shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever excepting subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or disposition of children coming within the meaning of this act. ('05 c. 285 § 1)

Historical.—"An act to regulate the treatment and control of dependent, neglected and delinquent children." Approved April 19, 1905.

By section 15 the act took effect June 1, 1905.

See sections [3621—] 17 to [3621—] 31, as to counties having less than 50,000 inhabitants.

[3621—]2. Jurisdiction of district courts in counties having 50,000 inhabitants—Jury trial.—The district court in counties having over 50,000 population shall have original and exclusive jurisdiction in all cases coming within the terms of this act. In all trials under this act 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. ('05 c. 285 § 2)

[3621—]3. Designation of judge—Juvenile court.—In counties having over 50,000 population 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 this act, unless absent or disabled in which case another judge shall be temporarily assigned for said purpose, 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 said juvenile court, and the work of the juvenile court shall have precedence over all other court work. 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 a book or books to be kept for that purpose, and known as the "juvenile record," and the court may for convenience be called the "juvenile court." (Laws 1905, c. 285, § 3, as amended by Laws 1909, c. 418, § 1.)

Laws 1905, c. 285, § 3, was amended by Laws 1907, c. 394.

[3621—]4. Petition.—Any reputable person resident in the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction in the matter a petition in writing, set-

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ting forth the facts verified by affidavit. The petition shall 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, if known, or if not known, then the name and residence of some near relative, if there be one, and his residence is known. It shall be sufficient that the affidavit is upon information and belief. ('05 c. 285 § 4)

[3621—]5. Summons—Notice—Warrant—Hearing—Detention home.—Upon the filing of the petition a summons shall be issued by the 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 not be less than twenty-four hours after service. Such summons shall be served as provided by law for the service of summons in civil actions. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her 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. Where the person to be notified 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, a warrant may issue on the order of 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 itself. On the return of the summons 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 and dispose of the case in a summary manner. Pending the final disposition of any case, the child may be retained in the possession of the person having the charge of the same, or may be kept in some suitable place provided by the city or county authorities. The county commissioners shall have authority to purchase, lease, erect, equip, and maintain a detention home 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 said detention home shall in all cases have the approval of the judges of the district court. There shall be a superintendent and matron appointed for such home, but they shall both be probation officers of said juvenile court, and shall be appointed and removed by the district judges. The salaries of the superintendent, matron and other employes shall be fixed by the judges of the district court. The juvenile court may place in said detention home, for temporary detention, or for a period of not more than six months under any order, any child coming before or within the jurisdiction of said court, and any child who is placed in such home may be released therefrom by order of said juvenile court at any time. The county commissioners of all counties to which this act applies are hereby authorized, empowered and required to pro-

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vide the necessary funds and to make all needful appropriations to carry out the provisions of this act. (Laws 1905, c. 285, § 5, as amended by Laws 1907, c. 172, § 1.)

[3621—]6. Probation officers—Duties—Compensation.—The court shall have authority to appoint or designate one or more discreet 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 or children, committed to his care, and it shall be the duty of said probation officers to make such investigations with regard to any child or children as may be required by the court before or after trial and to furnish to the court such information and assistance as the judge may require, and to take charge of any child or children before or after trial, whenever he may be so directed by the court, and to keep such records and to make such reports to the court as the court may order or direct. Probation officers heretofore or hereafter appointed under the provisions of chapter one hundred fifty-four of the General Laws of Minnesota for 1899, and all laws amendatory thereof shall be subject to the orders of the court in reference to all matters covered by the provisions of this act. Probation officers appointed under authority of this act shall serve without compensation from the county, save only that the majority of the judges of the court may direct the payment of such salary to such probation officers as may be approved by the board of county commissioners of the county where such officers are appointed. ('05 c. 285 § 6)

Historical.—Laws 1899, c. 154, referred to in this section, was amended by Laws 1903, c. 270. Said acts were repealed by R. L. §§ 5543, 5546; the provisions of the amended act being incorporated in sections 5496-5503.

[3621—]7. Dependent or neglected children—Commitment.—When any child under the age of seventeen years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution or to the care of some reputable citizen of good moral character, as provided by law, 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 hereinafter provided. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it for like purpose without charge. ('05 c. 285 § 7)

[3621—]8. Guardianship—Adoption—Proceedings.—In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceeding for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Provided, however, that when adoption proceedings for any such child or children are commenced in any other court than the court which originally committed such child, then a copy of the petition in such adoption proceedings shall be filed in the office of the clerk of the court which originally committed such child, at least thirty days before any final

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decree of adoption shall be entered. Such guardianship shall not include the guardianship of any estate of the child. ('05 c. 285 § 8)

[3621—]9. Hearing continued—Commitment—Discharge.—In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its 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 the board of such child, until suitable provisions may be made for the child in a home without such payment; or the court may commit such child to the state training school, or the court may commit the child to any institution incorporated under the laws in this state, that may care for delinquent children, or be provided by city or county suitable to the care of such children, or to any state institution which may be established for the care of delinquent children. In no case shall a child be committed beyond the age of twenty-one years. A child committed to such an institution shall be subject to the control of the board of managers thereof, and the said board shall have power to parole such child on such conditions as it may prescribe, and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete, or 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, and that has been duly accredited as hereinafter provided. The district court may, in its discretion, cause any delinquent child to be proceeded against in accordance with the laws that may be in force governing the commission of crimes and misdemeanors, or the violation of municipal ordinance. (Laws 1905, c. 285, § 9, as amended by Laws 1909, c. 204, § 1.)

[3621—]10. Support by parents.—In any case in which the court shall find a child neglected, dependent or delinquent, it may, in the same or subsequent proceeding, upon the parents of said 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 its 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 may enforce the same execution, or in any way in which a court of equity may enforce its orders or decrees. ('05 c. 285 § 10)

[3621—]11. State board of control—Duties and powers—Powers of court.—All associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the state board of control as are the public charitable institutions of this state, and it shall be the duty of the said board to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the provisions of this act, and every such association shall annually, at such time as said board shall direct, make report thereto, showing its condition, management and competency to adequately care for such children as are, or may be committed to it, and such other facts as said board may require, and upon said board being satisfied that such association is competent

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and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year, unless sooner revoked by said board, and no child shall be committed to any such association, which shall not have received a certificate within fifteen months next preceding the commitment. The court may, at any time, require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any association whose standing, conduct or care of children or ability to care for the same, is not satisfactory to the court. ('05 c. 285 § 11)

[3621—]12. **Surrender of child—Adoption.**—It shall be lawful for the parents, parent, guardian or other person having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any public or private law of this state for the purpose of aiding, caring for or placing in home such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceeding for the legal adoption of such child, and consent to its adoption and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other person the same as if such person were personally in court and consented thereto whether made party to the proceeding or not. ('05 c. 285 § 12)

[3621—]13. **Religious belief of parents.**—The court in committing children shall place them, as far as it deems practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child. ('05 c. 285 § 13)

[3621—]14. **Liberally construed.**—This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the child to be placed in an approved family home and become a member of the family by legal adoption or otherwise. ('05 c. 285 § 14)

[3621—]15. **Responsibility of parents, etc.—Penalty.**—In all cases when any child shall be a delinquent, dependent or neglected child, as defined by section 1 of chapter 285, General Laws of 1905 [3621—1], the parent or parents, legal guardian or person having the custody of such child, or any other person who, by an act of omission or commission, or by word, shall have encouraged, caused, or contributed to, or who is responsible for the delinquency, dependency or neglect of such child, shall be guilty of a misdemeanor. The court may impose conditions upon any person found guilty under this act; and, so long as such person shall comply therewith to the satisfaction of the court, the sentence imposed may be suspended. ('07 c. 92 § 1)

Historical.—“An act to provide for punishment of persons responsible for or contributing to the delinquency, dependency or neglect of children under the age of seventeen years and giving to the juvenile courts concurrent jurisdiction over such offenses.” Approved April 4, 1907.

[3621—]16. **Concurrent jurisdiction.**—The several juvenile courts in this state, established under the provisions of chapter 285,

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General Laws, 1905, shall have concurrent jurisdiction of the offenses described in this act. And upon complaint being made against any such person so contributing to the delinquency or dependency of such child, such person may be brought before the court upon a warrant, and, if adjudged guilty by the court, may be punished as by statute provided for the punishment of misdemeanors. (Laws 1907, c. 92, § 2, as amended by Laws 1909, c. 305, § 1.)

[3621—]17. **Terms defined.**—This act shall apply only to children under the age of seventeen years. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable persons, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child; and any child under the age of ten years who is found begging, peddling or selling any article 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 words "delinquent child" shall include any child under the age of seventeen years who violates any law of this state or any city or village ordinance; or who is incorrigible, or who knowingly associates with thieves, vicious or immoral persons, or who without just cause and without the consent of its parents or custodian absents itself from its home or place of abode; or who is growing up in idleness; or who knowingly frequents a house of ill-fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated; or who frequents any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being in any lawful business or occupation; or who habitually wanders about any railroad yard or tracks or jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane, or indecent language; or who is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a delinquent child, and shall be liable to guardianship as hereinafter provided. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or disposition of children coming within the meaning of this act. That a child is dependent, neglected or delinquent shall be a ground for the appointment of a guardian for such child. ('09 c. 232 § 1)

Historical.—"An act for the appointment of guardians for dependent, neglected and delinquent children and for the proceeding against persons at fault for such dependency, neglect or delinquency." Approved April 17, 1909.

By section 16 the act took effect June 1, 1909.

See section [3621—]31, as to counties in which the act is applicable.

[3621—]18. **Appointment of guardians—Jurisdiction of probate judge.**—The judge of probate shall have jurisdiction over the appointment of guardians for dependent, neglected and delinquent children. He shall provide himself with a suitable book in which to record all proceedings taken under the provisions of this act, at the expense of the county, and he shall record in said book all proceedings taken in each case coming before him under this act, but

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need not record any evidence taken except as it shall seem to him proper and necessary. The reasons for appointing such 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. ('09 c. 232 § 2)

[3621—]19. **Petition.**—Any reputable person resident in the county, having knowledge of a child in his county, who appears to be either neglected, dependent or delinquent, may file with the probate court of the county where such child resides, a petition in writing, setting forth the facts verified by affidavit. The petition shall 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, if known, or if not known, then the name and residence of some near relative, if there be one, and his residence is known. It shall be sufficient that the affidavit is upon information and belief. ('09 c. 232 § 3)

[3621—]20. **Summons—Notice—Warrant—Hearing.**—Upon the filing of the petition a summons shall be issued by the judge of probate of such county, 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 not be less than twenty-four hours after service. Such summons shall be served as provided by law for the service of summons in civil actions. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one and his residence is known, shall be notified of the proceedings. In every case the judge shall appoint some suitable person to act in behalf of the child. Where the person to be notified 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. Notice by registered mail proven by receipt of letter containing same, shall be sufficient. 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 party served fails to obey the summons, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of 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 itself. On the return of the summons or other process, or on the appearance of the child with or without summons or other process in person before the court, and on 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 and dispose of the case. Pending the final disposition of any case, the child may be retained in the possession of the person having the charge of the same, or may be kept in some suitable place designated by the judge of probate, at the expense of the county. ('09 c. 232 § 4)

[3621—]21. **Probation officers — Duties — Compensation.**—The court shall have authority to appoint or designate one or more discreet 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 or children committed to his care, and it shall be the duty of said probation officers

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to make such investigations with regard to any child or children as may be required by the court before or during the hearing of the application for a guardian, and to furnish to the court such information and assistance as the judge may require, and to take charge of any child or children before hearing, during the continuance of the hearing, and after hearing until the guardian shall assume the custody of the child, whenever he may be so directed by the court, and to keep such records and to make such reports to the court as the court may order or direct. Probation officers appointed under authority of this act shall serve without compensation from the county save only that they may have the same fees as constables for similar service, including all travel, when the judge of probate court shall so direct. ('09 c. 232 § 5)

[3621—]22. **Dependent or neglected children—Guardians.**—When any child under the age of seventeen years, shall be found to be dependent or neglected, within the meaning of this act, the court may make any order appointing a suitable guardian for such child, and such guardian may be any state institution or 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 hereinafter provided. ('09 c. 232 § 6)

[3621—]23. **Guardianship — Adoption — Proceedings.**—In any case where the court shall appoint as guardian of any child, any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association shall have authority to place such child in a family home of the same religious belief as the parents of such child, with or without indenture, and may be made party to any proceedings for the legal adoption of the child, and may by its attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. When adoption proceedings for any such child or children are commenced, a copy of the petition in such adoption proceedings shall be filed in the court which appointed the guardian for such child, at least thirty days before any final decree of adoption shall be entered. Such guardianship shall not include the guardianship of any estate of the child. ('09 c. 232 § 7)

[3621—]24. **Property of child—Termination of guardianship.**—If any child so put under guardianship have any property, the income of said property shall, unless more than is necessary, be applied to the education of such child, and upon cause shown to the probate court appointing such guardian, the principal or any part thereof may be used for the same purpose. Any parent may, after the expiration of any year of such guardianship, apply to the probate court which has created such guardianship for the termination thereof; and if it appears by clear and convincing evidence that the causes which produced or contributed to the dependency, neglect or delinquency of such child no longer exist, the child, unless previously adopted, shall be restored to its parents. Ten days' notice by registered mail, or by personal service, of the hearing upon said application, shall be given to such child and the guardian thereof, and such guardian shall produce such child at such hearing. ('09 c. 232 § 8)

[3621—]25. **Hearing continued—Temporary guardian—Proceedings where guardianship ineffectual.**—In the case of a dependent, neglected or delinquent child the court may continue the hear-

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ing from time to time for the purpose of doing more exact justice according to the fact, including such facts as may thereby become known to him, and may commit the child to the care or custody of a probation officer as a temporary guardian, or may allow said child to remain in its own home, subject to the visitation of the probation officer, to be returned to the court for further proceedings at the time to which the case may have been continued, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a guardian is appointed and assumes his duties, such provision shall be considered by the court in determining what shall be done with the child during the continuance of the hearing, or the court may commit the child to any institution incorporated under the laws of this state, that may care for delinquent children, and become their guardian. The probation officer, when the court is of the opinion that guardianship would be ineffectual because of the serious delinquency of the child, may cause such delinquent child or the parent of any such delinquent child, or other person guilty of any offense against the laws of the state, which offense is likely to have affected such child's conduct or character, to be proceeded against in accordance with the laws that may be in force governing the commission of crimes and misdemeanors. ('09 c. 232 § 9)

[3621—]26. **State board of control—Duties and powers—Powers of court.**—All associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the state board of control as are the public charitable institutions of this state, and it shall be the duty of said board to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the provisions of this act, and every such association shall annually, at such time as said board shall direct, make report thereto, showing its condition, management and competency to adequately care for such children as are or may be committed to it, and such other facts as said board may require, and upon said board being satisfied that such association is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year, unless sooner revoked by said board, and no child shall be committed to any such association, which shall not have received a certificate within fifteen months next preceding the commitment. The court may at any time require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action and the court shall in no case be required to appoint as guardian of a child any association whose standing, conduct or care of children, or ability to care for the same, is not satisfactory to the court. ('09 c. 232 § 10)

[3621—]27. **Surrender of child—Adoption.**—It shall be lawful for persons having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any public or private law of this state for the purpose of aiding, caring for or placing in homes such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceedings for the legal adoption of such child, and consent to its adoption and the order of the court made upon such consent shall be binding upon the child and its parents

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or guardian or other person, the same as if such person were personally in court and consented thereto whether made party to the proceeding or not. ('09 c. 232 § 11)

[3621—]28. **Religious belief of parents.**—The court, in appointing a guardian for children, shall select one holding the same religious belief as the parents of said child, or some association which is controlled by persons of like religious faith of the parents of the said child. Such association shall have all control over such child given it by law over any child surrendered to it. ('09 c. 232 § 12)

[3621—]29. **Liberally construed.**—This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents. ('09 c. 232 § 13)

[3621—]30. **Expenses, how paid.**—The expenses of the proceedings provided for by this act, including the care of children during continuances, when not with relatives, and fifteen cents a folio to the judge of probate for all records made by him, additional to his salary, shall be paid by the parents of the child, if of sufficient means, and if not, so paid by the county upon the certificate of the judge of probate. Suit to recover the same from the parents shall be brought by the county attorney when a judgment therefor could probably be collected. ('09 c. 232 § 14)

[3621—]31. **Applicable to counties having less than 50,000 inhabitants.**—This act shall apply to all counties having a population of less than 50,000, according to the last state or national census. ('09 c. 232 § 15)