

No. 13, S.]

[Published July 25, 1919.

CHAPTER 614.

AN ACT to consolidate, renumber and revise chapters 45g and 203 of the statutes to be chapter 48; and to rearrange, renumber, revise and amend the sections of said chapters and scattered sections of the statutes, all relating to juvenile courts, dependent or delinquent children, to the state public school, the Wisconsin industrial school for boys, the Wisconsin industrial school for girls, and child protection and reformation in general.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapters 45g and 203 of the statutes are consolidated and renumbered and the chapter titles revised to read:

“CHAPTER 48.

CHILD PROTECTION AND REFORMATION.”

JUVENILE COURTS.

SECTION 2. Section 573—1 and subsections 1, 2, 3, 3m, and 7 of section 573—2 are consolidated and renumbered to be section 48.01 and amended to read:

48.01 DESIGNATION OF COURT; JURISDICTION; OFFICERS; JURY TRIAL. * * * (1) *All courts of record in this state shall have original jurisdiction of all cases of neglected, dependent, or delinquent children, as defined in this subsection, concurrent with that of the circuit courts of this state. The judges of the several courts of record in each county of this state shall, * * * at intervals of not * * * exceeding one year, designate one or more of their number, whose duty it shall be to hear at such places and times as he or they may set apart for such purpose, all such cases; * * * and in case of the absence, sickness or other disability of such judge, he shall designate a judge of any court of record whose duty it shall be to act temporarily in his place.*

(a) * * * The words “dependent child” and “neglected child” shall mean any child under the age of sixteen years, 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 person, or whose home by reason of neglect, cruelty or depravity on the part of its parents, guard-

ian or other person in whose care it may be, is an unfit place for such child; * * * or any child under the age of eight years who is found begging, or singing or playing any musical instrument upon the street for gain or is used in aid of any person so doing.

(b) * * * The words "delinquent child" shall include any girl under the age of eighteen years and any boy under the age of seventeen years, who violates any law of this state, the penalty for which is not imprisonment in the state prison, or who violates any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who is growing up in idleness or crime; or who knowingly patronizes any place where any gaming device is or shall be operated; or who knowingly visits, or enters a house of ill repute; or who patronizes, visits or enters any stall saloon, or wine room, or any saloon frequented by men or women of bad repute; or who attends, visits or enters any dance held in any room or hall in connection with a saloon, unless accompanied by parents or legal guardian; or who loafs or congregates with groups or gangs of other boys at or about any railroad yard or tracks; or who habitually uses obscene, vulgar or profane language, or is guilty of immoral conduct in any public place, or about any schoolhouse; or who is habitually truant or habitually insubordinate in any school.

(c) * * * Where a parental school is available, a juvenile disorderly person may be classed as a delinquent.

(2) * * * 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;" * * * the court shall be called for convenience the "juvenile court"; * * * and the clerk *and stenographic reporter* of the court * * * *so designated* shall be, *respectively*, the clerk *and the reporter* of such "juvenile court." * * * *The reporter* shall attend all sessions * * * *of said court*, * * * take down in shorthand the testimony taken and proceedings had at such sessions and promptly transcribe the same, and forthwith file a copy with the clerk of such court, and * * * shall furnish such other copies as the judge shall order. * * * *Unless the judge shall order otherwise, or unless the person against whom the proceeding is instituted demands a public hearing or trial, the hearing or trial of all matters relating to dependent, neglected or delinquent children shall be private, and all persons, except the officers of the court, the parties, their witnesses, and counsel, shall*

be excluded therefrom; and the record thereof shall not be open to the public except upon the order of the judge.

(3) * * * *Whenever in * * * any county containing one or more cities of the second or third class * * * any court is designated as the juvenile court and there is no clerk of such court other than the register in probate, the judge * * * may appoint, * * * by an instrument in writing filed with the county clerk, a clerk of the juvenile court, who shall be a stenographer and shall perform the duties of clerk and reporter of said court. Such clerk shall take and file the official oath and shall receive * * * a salary * * * of seven hundred and twenty dollars per annum, * * * unless otherwise fixed by the county board.*

(4) * * * *In the trial * * * in a juvenile court of any dependent or delinquent child, any person interested * * * may demand a jury of six persons, or the judge of his own motion may order * * * such jury, to try the case. Such jury * * * shall be obtained and the trial shall proceed in the manner provided in * * * sections 4750 to 4758, both inclusive.*

SECTION 3. Section 1547 is repealed.

SECTION 4. Section 1546*a* is repealed.

SECTION 5. Section 4556*a* is repealed.

SECTION 6. Sections 1543 and 1546 are consolidated and renumbered to be section 4556*a*, and amended to read:

DEFINITION OF VAGRANTS; PENALTY. *Section 4556a.*
 * * * *All persons of the classes enumerated in this section, except dependent, neglected, or delinquent children as defined in section 48.01 shall be deemed vagrants, namely: All idle persons who, not having visible means to maintain themselves, live without employment; all persons wandering abroad and lodging in groceries, beerhouses, outhouses, market places, sheds or barns or in the open air, all common drunkards; all lewd, wanton, lascivious persons in speech or behavior; all persons wandering abroad or begging or who go about from door to door or place themselves in the streets, highways, passages or other public places to beg or receive alms, or fortune tellers and other like impostors or gamblers, and persons having no visible occupation and unable to give a satisfactory account of themselves, and every female who shall be found wandering about the streets and addressing male persons for the purpose of soliciting the commission of any lewd, indecent or unlawful act, or for the purpose of enticing any male person into a house of prostitution, bed house, room or other place for any unlawful purpose, or any*

female inmate of any bawdy house, or house of prostitution, or assignation house or brothel, or any common prostitute who shall be found wandering about the streets or loitering in or about any restaurant, lodging house, saloon or place where intoxicating liquors are sold; * * * *and shall* * * * be punished by imprisonment *at hard labor* in the county jail not exceeding ninety days *or by solitary confinement therein not less than three days nor more than ten days.* * * *

SECTION 7. The chapter title of chapter 65 of the statutes, and sections 1544 and 1545 are repealed.

SECTION 8. Subsections 4, 4m, 5, and 6 of section 573—2 are renumbered to be section 48.02 and revised to read:

48.02 APPOINTMENT AND COMPENSATION OF PROBATION OFFICERS. (1) In counties whose population is one hundred fifty thousand or over the judges of the several courts of record shall in each odd-numbered year appoint, for a term commencing on the first day of July in said year, a chief probation officer and three or more probation officers of the juvenile court, at least one of whom shall be a woman over twenty-five years of age.

(2) In counties having less than one hundred and fifty thousand population the county board may, in its discretion, provide for the appointment of one or more probation officers; and in case such provision is made the judge of the juvenile court shall biennially appoint such officer or officers, to serve in said court.

(3) In case of the absence or disability of any of said probation officers for any period of more than three weeks the judge of the juvenile court shall designate some competent person, having the qualifications of an original appointee to act as probationer officer during such period.

(4) Such probation officers and temporary substitutes shall receive such annual salary for their services as shall be fixed by the county board; which shall be payable monthly by the county in which such juvenile court is situated. A reasonable amount for postage and stationery shall be allowed to the probation office upon requisition therefor made to the county clerk.

(5) Any probation officer or his substitute may be removed, by the judge or judges by whom he was appointed, for incompetence, or wilful or habitual neglect to perform the duties of his office.

SECTION 9. Subsections 3, 4, 5 and 6 of section 573—3 are renumbered to be section 48.03 and amended to read:

48.03 DUTIES OF PROBATION OFFICERS. (1)
* * * In counties where a chief probation officer is appointed,

said officer shall have office hours daily during the same hours as the clerk of the courts, in an office which shall be furnished and equipped for the use of said officer and his assistants by the county board * * * in the building in which said juvenile court is held.

(2) * * * *The* said chief probation officer * * * shall attend all sessions of the juvenile court, and * * * take such action as shall be for the best interests of the children brought before such court; * * * know before each session of the juvenile court the full list of cases to appear before the court, and * * * secure before trial such investigation of the conditions surrounding each child's life, as shall be necessary for the protection of the child in court; * * * receive all persons having business before the juvenile court and assist them in procuring necessary and suitable papers, and, in general, * * * advise all persons needing information in regard to cases in which children are concerned, and * * * assist in the proper disposition of such matters coming before the courts; * * * supervise the work of all probation officers appointed to serve the court and * * * receive and file in his office, in systematic order, their monthly and final reports; and * * * supervise the records of the probation office. But it shall not be part of the duties of such chief probation officer to visit families or to perform the ordinary duties of a probation officer especially appointed for an individual child.

(3) * * * Every other *salaried* probation officer * * * shall attend all sessions of the juvenile court; * * * perform such work of investigation and office work pertaining to said court, as the chief probation officer or the judge may direct; and * * * act as probationer officer for an individual child when appointment to such case is made by the court, such duty to be performed in the same manner as * * * prescribed for *special* probation officers. * * *

(4) * * * *Salaried* probation officers * * * shall have the powers of police officers and deputy sheriffs for the purpose of apprehending dependent, neglected and delinquent children. * * *

SECTION 10. Subsections 1 and 2 of section 573—3 are renumbered to be section 48.04 and amended to read:

48.04 SPECIAL PROBATION OFFICERS; DUTIES.

* * * (1) The *juvenile* court * * * may appoint * * * one or more * * * persons * * * to serve, *without compensation*, as *special* probation officers during the pleasure of the court. * * * *Whenever any child is to be*

brought before the court * * * the clerk * * * shall, if practicable, * * * notify * * * any such special probation officer, if one has been appointed, in advance; * * * and said probation officer * * * shall make such investigation as may be required by the court, * * * be present in court * * * to represent * * * the child, when the case is heard, * * * furnish the court such information and assistance as the judge may require, and * * * take such charge of * * * the child before and after trial as may be directed by the court.

(2) * * * Any probation officer appointed for a particular child, * * * shall become thoroughly conversant with the conditions surrounding the child; * * * be ready to report upon the child's progress at any time until dismissed from the case; and * * * file with the chief probation officer or the court at least monthly, and at such other times as may be required, written, particularized reports in regard to the case.

SUPERVISION AND CUSTODY OF JUVENILES.

SECTION 11. Section 1527 and subsection (13m) of section 561j are consolidated and renumbered to be section 48.05 and amended to read:

48.05 CHILDREN NOT TO BE SENT TO THE POORHOUSE; CRIPPLED CHILDREN. (1) * * * No child * * * under sixteen years of age shall be sent as a poor person to any county poorhouse for support and care; * * * but the county superintendents or other officers having the care of the poor shall * * * bring all such cases, when brought to their notice, into the juvenile court in the manner provided in section 48.06.

(2) * * * The juvenile court may commit any child deformed or physically defective at the time of birth, or * * * cause such child to be committed, to * * * the state public school, or to such other appropriate hospital as the * * * court may determine, for surgical or other treatment and care whenever in * * * its judgment * * * such child would be benefited thereby and such treatment has not been or is not likely to be otherwise provided.

SECTION 12. Section 573—4 and subsections 1, 2, and 2a of section 573—5 are consolidated and renumbered to be section 48.06, and amended to read:

48.06 PETITION AND SUMMONS FOR COMMITMENT.

(1) * * * Any * * * resident * * * of any county having knowledge of a child in * * * said county who appears to be either neglected, dependent, or delinquent, may

file with * * * the *juvenile* court * * * a *verified* petition * * * setting forth the facts. * * * The person making such affidavit shall suffer no personal risk greater than when the proceeding is upon warrant, providing said affidavit is made in good faith.

(2) * * * Upon the filing of the petition, a summons shall issue from 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 the place and time stated in the summons, which time shall be not less than twenty-four hours after service. The parents of the child, if living, and their residence 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. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, he may be proceeded against as in case of contempt of court.

(3) * * * 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 be issued 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, *to take and bring such person before the court*. On the return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner, *subject to the provisions of subsection (4)*.

(4) * * * In case the summons or notice of hearing cannot be served upon and there shall be no appearance at the hearing in said proceeding by the parents, legal guardian or other person entitled to the custody of such child, no order shall be entered permanently depriving such person of the care and custody of such child, except upon * * * publication of notice *and hearing by the juvenile court* in the manner provided by section 4022 * * * ; *but* * * * the court * * * may make a temporary disposition of the case as * * * provided in section 48.07.

SECTION 13. Subsections 3, 4, and 5, of section 573—5 are renumbered to be section 48.07, and amended to read:

48.07 DISPOSITION OF DEPENDENT AND NEGLECTED CHILDREN. (1) * * * When any *such* child * * * shall be found to be dependent or neglected * * * the court may make an order committing the child to the care, custody and guardianship of some suitable state or county institution as provided by law, or to the care, custody and guardianship of some incorporated association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children; or the court may make a temporary disposition of such case by placing such child in the care and custody of the probation officer or of some suitable person or institution for such period of time as the court shall see fit, not exceeding three months at one time, not exceeding, however, a total period * * * of one year, during which the parent or other person from whose custody such child is taken may be put upon probation and required to report to the court.

(2) * * * If it shall appear to the court, during such period of probation, that the conditions have ceased to exist which caused such child to be * * * dependent or neglected, and that it will be for the best interests of the child to be returned to the parent or person from whom he was taken, the court may release such child to the care and custody of such parent or other person and may dismiss the proceeding or extend the period of probation pending final disposition of the case.

(3) * * * During such period of probation the county shall be liable for the reasonable expense of the maintenance of such child * * * such expense to be definitely fixed by order of the court; but the court may, as a part of the conditions of probation, require any person who is before the court and who is legally liable for such support to pay in the first instance or to refund to the county all or any part of such cost of maintenance.

SECTION 14. Subsection 1 of section 573—6 is renumbered to be section 48.08, and amended to read:

48.08 DISPOSITION OF DELINQUENT CHILDREN. * * * When any *such* child shall be found delinquent * * * the court may *by order*:

(1) *Place the child on probation and commit* * * * *it* to the care of a probation officer * * * *allowing it* to remain in its own home, subject to the visitation of the probation officer. Such child * * * *shall* report to the probation officer as often as may be required, and * * * *may* be returned to the court on the original charge for further proceedings whenever such action may appear necessary. * * * Any

such order of probation shall continue, *subject to the* * * * further order of the court, * * * *until* the child, if a girl, has reached the age of eighteen years, or if a boy, the age of seventeen years; * * * *but* when a girl between the ages of seventeen and eighteen years, or a boy between the ages of sixteen and seventeen years, shall be found delinquent, * * * *the order* * * * *of* probation may continue for one year from the date of the original hearing, in the same manner and upon the same condition as in other cases.

(2) * * * Cause the child to be placed in a suitable family home or institution, subject to the friendly supervision of a probation officer and the further order of the court; or * * * authorize * * * a probation officer to board out the child in some suitable family home, * * * *if* provision is made by voluntary contribution * * * or otherwise * * * for the payment of * * * *such* board, * * * until a suitable provision may be made for the child in a home without such payment.

(3) * * * Commit the child, * * * to an industrial school for boys, or * * * girls, *respectively*; or * * * commit the child to the care and custody of some association or institution that will receive it, embracing in its objects the care of neglected, dependent or delinquent children.

SECTION 15. Section 573b is renumbered to be section 48.09, and amended to read:

48.09 COMMITMENTS; TRANSFER OF INMATES.

* * * (1) * * * *The juvenile court shall, before committing children* to industrial schools, asylums or other institutions for the care of such children, * * * upon application of the parents or guardians thereof, take into consideration, in selecting the institution to which the commitment shall be made, the wishes of such parents or guardians; but if no such application is made, the child, if of proper age and condition, shall be sent to the state public school.

(2) No child now or hereafter committed by any such court * * * to any such institution or provided for therein shall be removed therefrom to * * * *the state public school*, or to any other institution for the care of dependent or neglected children, without the express consent of the officers of the institution to which it has been committed, or in which it is provided for, or of the parents or general guardian of such child, or of the state board of control * * * unless by a majority vote of the county board in a case in which the county supports or contributes to the support of such child * * *. When such

consent is obtained or such action taken by the proper county board, the state board of control * * * may make the necessary order transferring such child to the state public school.

(3) Whenever in the opinion of that board it shall be for the best interest of a * * * *child* committed to that school that he become an inmate of the industrial school for boys or the industrial school for girls, * * * the board may * * * cause such * * * *child* to be transferred to such industrial school.

SECTION 16. Subsections 1m, 2 and 3 of section 573—6 are renumbered to be section 48.10, and amended to read:

48.10 SUPPLEMENTAL ORDERS; CONVICTION NOT EVIDENCE; COSTS; APPEAL. * * * (1) The *juvenile* court may, when a child is found delinquent, dependent or neglected, order the person having charge of such child, to cause such child to be placed in a public hospital or other institution for treatment or special care, or in a private hospital or institution, which will receive it without pay from the public treasury.

(2) * * * *Evidence of any conviction in a juvenile court shall not be admitted* * * * in any other court. No costs shall be taxed against nor fines imposed upon the defendant in any case in a juvenile court.

(3) In any case where the child is found, determined or adjudged by the *juvenile court* to be dependent, neglected or delinquent * * * appeal may be taken directly to the supreme court within twenty days from the date of said finding, determination or judgment, in the * * * manner * * * in which appeals are taken from judgments in civil actions in the circuit court. * * * No undertaking shall be required on such appeal. The finding, determination or judgment of said juvenile court shall stand, pending the determination of said appeal; * * * but the court may, upon application and in its discretion, stay said finding, determination, or judgment pending said appeal, upon the giving of suitable bond for the care and maintenance of said child in wholesome and proper surroundings to be approved by the court.

SECTION 17. Sections 573—7 and 573—8 are consolidated and renumbered to be section 48.11 and amended to read:

48.11 TRIALS OF MINORS IN OTHER COURTS. (1) * * * When any * * * *delinquent child* is arrested, with or without warrant, charged with the violation of any law of this state the penalty for which is not imprisonment in the state prison, or the violation of any city or village ordinance, such child may, instead of being taken before a justice of the

peace or police magistrate, be taken directly before the juvenile court; or if the child be taken before a justice of the peace or police magistrate, * * * such justice of the peace or police magistrate * * * shall transfer the case to * * * the juvenile court, and the officer having the child in charge * * * shall take such child before that court; and in any such case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as * * * provided in section 48.06; but in any such case a petition shall be filed and the court shall require notice to be given and investigation to be made and may adjourn the hearing from time to time for the purpose.

(2) * * * When in any county * * * a male child under the age of * * * seventeen years or any female child under the age of eighteen years is arrested with or without warrant, charged with the violation of any law of this state, the penalty for which is imprisonment in the state prison, the magistrate before whom the prisoner is brought shall, as soon as may be, hold a preliminary examination of the offender, and all the provisions of chapter 195 of the statutes, relative to the arrest and examination of offenders, shall be applicable, except that in case it shall appear that an offense has been committed, and that there is probable cause to believe the prisoner guilty, the magistrate shall admit the prisoner to bail or commit him for trial to the juvenile court, or to the current term of the court having jurisdiction of such cases, and the case shall immediately be placed on the calendar for trial, and all provisions of law relating to proceedings in criminal cases in circuit courts shall be applicable to the trial, sentence and commitment of such offenders in such courts; provided, however, that such court may in its discretion commit such offenders as provided in section * * * 48.08.

SECTION 18. Section 573—9 is renumbered to be section 48.12 DETENTION AND CONFINEMENT OF CHILDREN; and the subsection numbers thereof shall be inclosed in parentheses.

SECTION 19. Section 573—10 is renumbered to be section 48.13 and amended to read:

48.13 BOARD OF VISITATION. * * * The judge of * * * the juvenile court may appoint a board of six reputable inhabitants, who will serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as once a year, all institutions, societies and associations receiving children * * * committed thereto by said court; said visits shall be made by not less than two of the members of the board,

who shall go together or make a joint report; the said board of visitors shall report to the court from time to time the condition of the children received by or in charge of such associations, and institutions, and shall make an annual report to the state board of control in such form as the board may prescribe. The county board may at its discretion, make appropriations for the payment of the actual necessary expenses incurred by the visitors in the discharge of their official duties.

THE STATE INDUSTRIAL SCHOOLS.

SECTION 20. Section 4961 is renumbered to be section 48.14 and amended to read:

48.14 OBJECT. * * * The Wisconsin industrial school for boys, * * * shall be the place of confinement and instruction of all male children * * * and the Wisconsin industrial school for girls, of all female children, within the age limits prescribed in section 48.15, who shall be * * * committed thereto * * * in the cases provided by law.

SECTION 21. Sections 4970—1 and 4970—3 are repealed.

SECTION 22. Sections 4965 and 4970—p are repealed.

SECTION 23. Sections 4966 and 4968 are consolidated and renumbered to be section 48.15, and amended to read:

48.15 COMMITMENT TO INDUSTRIAL SCHOOLS.

* * * (1) Any male child under the age of sixteen or any female child, under the age of eighteen, convicted of a criminal offense may, in the discretion of the judge or magistrate before whom the case is tried, be committed to one of the industrial schools of this state instead of to the state prison, house of correction, county jail or police station, as the case may be * * *.

(2) The courts of record of this state may, in their discretion commit to * * * one of the industrial schools of this state any male child between the ages of eight and seventeen years, or any female child under the age of eighteen, having a legal residence in the county * * * who, upon complaint and due proof, is found to be a vagrant or so incorrigible and vicious that a due regard for the morals and welfare of such child manifestly requires that * * * it shall be committed to said school.

(3) All commitments to any industrial school shall in the case of boys * * * be to the age of eighteen years, and in the case of girls to the age of twenty-one years, but no child shall be committed as a vagrant or incorrigible until one of the supervisors of the town, one of the village trustees or a superintendent of the poor in the village or city in which * * * the child

resides, shall be notified of the arrest of such child and be heard by the judge before whom the child is arraigned.

(4) In all commitments to industrial schools the court shall state, in the commitment paper, the date of the birth of the child committed. * * * The court sentencing any child to be confined in said school shall, together with a copy of the record or certificate of the sentence, transmit to the superintendent of said school a copy of all the evidence in the case, together with a concise statement of all the facts pertinent to the history of the person so committed.

SECTION 24. Sections 4962 and 4967 are renumbered to be section 48.16 and amended to read:

48.16 REMOVAL OR DISCHARGE OF INMATES; RESTORATION TO PARENTS. (1) * * * The state board of control is hereby clothed with the sole authority to discharge any child or children from * * * *either of said industrial schools* who shall have been legally committed thereto, subject to the power of the governor to grant pardons, and it may return any such child to the court, justice or other authority which ordered or directed its commitment, when in its judgment such child is an improper subject for its care and management or shall be found incorrigible, whose continuance in the school it may deem prejudicial to the management and discipline thereof, or who, for any other cause, in its judgment, ought to be removed therefrom; and in such case said court, justice or other authority shall have power and is hereby required to proceed as might have been done if the commitment had not been ordered to such school.

(2) * * * The * * * board * * * may restore any * * * *child* duly committed to * * * *either of said schools* to the care of * * * *its* parents or guardians before the expiration of * * * *its term of commitment* if in its judgment it would be most for the future benefit and advantage of such * * * *child*.

SECTION 25. Section 4970—5 is repealed.

SECTION 26. Section 4963 is renumbered to be section 48.17 and amended to read:

48.17 INSTRUCTION AND MAINTENANCE; ESCAPES; FEES. (1) * * * *The state board of control shall cause the children committed to either of said industrial schools to be placed at such employments and to be instructed in such branches of useful knowledge as shall be suited to their years and capacities.* The superintendent of each said school shall charge to each of the several counties, in a book provided by him for that pur-

pose, the sum of * * * *two and one-half dollars* per week for the care and maintenance of each * * * *child in said schools* from each of such counties; * * * and the cost of the original commitment of all persons to said school shall be chargeable to the county from which the person committed thereto is sent; and said superintendent shall procure the arrest and return of any person escaping therefrom; and any justice of the peace, marshal or constable, upon information of such escape, shall arrest and return any such fugitive as above mentioned.

(2) *When any sheriff or other officer or other person appointed by the board shall execute a commitment to any state industrial school he shall be entitled to receive therefor from the proper county his actual and necessary expenses and the further sum of five dollars, and no more, for each day while necessarily engaged in executing such commitment.*

SECTION 27. Section 4970—6 is repealed.

SECTION 28. Section 4970 is renumbered to be section 48.18 and is amended to read:

48.18 REPORTS AND RECORD AS TO LIABILITY OF COUNTIES. * * * (1) * * * The superintendents of the Wisconsin industrial school for boys and the Wisconsin industrial school for girls, respectively, and the managers of every other industrial school which has the right to * * * claim compensation * * * *from any county for the support of inmates therein*, shall, on the first day of * * * *July* in each year, report to the * * * *juvenile court* of each county the names of all children in such school during the preceding year whose support is chargeable to the county, with the date when each was received and the date when each ceased to be an inmate thereof, whether by death, escape, final discharge, binding out or otherwise, with such other information as may show the extent to which the county is liable.

(2) Each * * * *juvenile court judge* shall record in a book all the information obtained pursuant to this section and similar information as to commitments made by himself and his predecessors in office, so far as the same are in force. * * *

THE STATE PUBLIC SCHOOL.

SECTION 29. Section 573 is renumbered to be section 48.19 and amended to read:

48.19 OBJECT. * * * The object of the state public school * * * shall be to care for and educate physically, intellectually and morally such dependent or neglected children as

may be placed therein until such times as temporary homes can be procured for them in good families. * * *

SECTION 30. Section 573a is renumbered to be section 48.20 and amended to read:

48.20 CHILDREN ENTITLED TO ADMISSION; RETURN; HOMES; FEES AND EXPENSES. * * * (1)
 * * * *The board of control shall * * * admit as pupils in said school * * * children under fourteen years of age * * * who are in a suitable condition of body and mind to receive instruction and who shall be found dependent upon the public for support; * * * but in admitting children said board shall give the preference to those under twelve years of age and to dependent and indigent orphan or half orphan children of deceased soldiers and sailors of this state.*

(2) * * * *Children received into the school, unless * * * sent therefrom as hereinafter provided, shall be retained until they are sixteen years of age; and may, in the discretion of the board, remain after they have reached that age * * * until a home is provided for them * * *. Any child may be returned to the county from which it was sent to said school on its attaining the age of sixteen years if no home has been obtained for it, or at any time after its admission if said board be satisfied that it was unsound in mind or body at the time it was admitted or if for any other reason the board shall consider the child an improper inmate of the school. On the return of any child, pursuant to law, the guardianship of the board of control shall cease and the child so returned shall become a charge on the county from which it was sent. Said board shall give the superintendent of poor of the proper county its reasons in writing for returning such child * * *.*

(3) * * * *The board shall place all such children in worthy homes, within sixty days from and after the date of receiving them; * * * and in case of failure so to do, and every sixty days thereafter the superintendent of the said school * * * shall make a verified statement of the reasons for such failure in each and every case, * * * until such child is placed in a home. * * * Said statements shall be countersigned by the physician of the state public school, * * * be filed with the state board of control, and shall be at all times open to the inspection of any citizen of this state. * * **

(4) * * * *The * * * compensation paid to any person * * * for taking any child to the state public school, * * * shall not exceed the sum of two dollars * * * per day * * * and the necessary expenses, and no charge shall*

be made for more than one person escorting each child; and whenever practical a woman shall be employed as such escort for * * * *any child* under three years of age. * * *

SECTION 31. Sections 573aa and 573ab are consolidated and renumbered to be section 48.21 and amended to read:

48.21 CRIPPLED CHILDREN. * * * (1) In addition to the classes of children * * * received at the state public school * * * pursuant to * * * *section 48.20*, there shall also be received as pupils in the said school, any children under * * * *sixteen* years of age, residents of this state, who are crippled or deformed in body or otherwise physically defective, or who are suffering from disease through which they are likely to become crippled or deformed or otherwise physically defective, * * * *whose* bodily ailments or diseases, are curable by surgical operation or hospital treatment at the school, with facilities, appliances, material, equipment and professional skill and assistants, provided therefor. * * * All existing provisions of law for the commitment, care, disposition, control and discharge of the inmates of said school, and all restrictions upon their admission, except the three years' age limitation, and except as * * * *otherwise* provided in *this section*, shall apply to such crippled or deformed children.

* * * (2) The board of control shall engage and fix the salaries of additional physicians, surgeons, nurses, teachers and other employes necessary to carry out the provisions of this section and shall equip such school with the necessary appliances, material, equipment and facilities therefor.

(3) The expense of treating, educating and maintaining any child in said school under the provisions of this section shall be borne by the parent, parents or guardian of such child, if not indigent, and the amount thereof shall be determined by the board, but no *such* child shall be denied admission * * * for the reason that * * * *it* or its parents or guardian are unable to pay for *such* treatment, education and maintenance. * * *

(4) The * * * board * * * *shall*, whenever suitable and reasonable arrangements can be made, * * * transfer any child designated in subsection (1) of this section, or * * * cause any such child to be committed, to some other appropriate hospital in this state wherein such treatment, surgical assistance and care may be given.

SECTION 32. Section 573e is repealed.

SECTION 33. Sections 573c, 573d, 573j and 573h are renumbered to be, respectively, subsections (1), (2), (3) and (4) of a new section to be numbered 48.22 and are amended to read:

48.22 INSTRUCTION; GUARDIANSHIP; BINDING OUT; ADOPTION. (1) * * * The children in the state public school shall be educated in the branches usually taught in the common schools and shall have proper physical and moral training.

(2) * * * The * * * *state* board of control is * * * the legal guardian of all *said* children. * * * It may place them in families and make written contracts with responsible and suitable persons * * * *for keeping them* during their minority, or, in the discretion of the board, until they attain the age of eighteen years; provide therein for their education in the public schools where they may reside, for teaching them some useful occupation, for their kind and proper treatment as members of the families in which they are placed, and for the payment, on the termination of such contracts, to said board, * * * *to* the use of the children, of such sum of money as may have been stipulated in the contracts.

(3) * * * The * * * board * * * *may* consent to the adoption of any *such* child * * * by any person or persons in the manner provided by law; and such consent given in writing shall have the same force and effect as if given by the parent or parents of such child. Such * * * consent shall be in duplicate, * * * one copy * * * *to* be filed with the secretary of the board and the other delivered to the county court in which the proceedings for adoption are * * * taken. * * * On the consummation of such proceedings the guardianship of said board over the child * * * shall cease.

(4) * * * Said board may appoint, to *serve during its pleasure*, one or more * * * agents of the state public school; * * * *who shall* investigate all applications to take any such children by adoption or otherwise and the persons who make the same, and *shall be authorized* to enter into * * * *such* contracts in writing in behalf of and under the instruction of said board *as it may order* * * * *for the keeping of* any such child; * * * *but* all such contracts shall contain a clause reserving to said board the right to withdraw the child from any person having him when in the opinion of the board the welfare of the child requires it. *As often and at such times as shall be directed by the board, each such agent shall visit any or all children placed in charge of any person by said board, inquire into and investigate the condition of such children, and thereupon report to said board.* Each such agent, while acting as such, shall be paid his necessary traveling ex-

penses * * * *which shall be charged against the appropriation for said school.* * * *

SECTION 34. Section 573g is renumbered to be section 48.23, and amended to read:

48.23 SCHOOL RECORD. * * * The * * * board * * * shall provide and keep in said school a record in which shall be entered the names, residences and ages of all children received, the names, post-office addresses, business, habits, and character of their parents if living and known, the date of the reception of the children, of the contract of indenture, and the names, occupations and post-office addresses of the persons with whom children are placed. A brief history of each child shall also be kept and continued during the guardianship of the board.

SECTION 35. Section 573i is repealed.

TRUANT DAY SCHOOLS; PARENTAL SCHOOLS.

SECTION 36. Section 1 of chapter 447 laws of 1903, as amended by chapter 186 laws of 1907, is renumbered to be section 48.24, and amended to read:

48.24 AUTHORITY TO ESTABLISH. (1) * * * In any city of the first class, the board of education or any board with similar powers, may establish and maintain truant ungraded day schools for the purpose of providing for the proper training of children between the ages of seven and sixteen years, who are habitually truant, or insubordinate or disorderly at any school, or who habitually frequent the streets or other public places, having no lawful occupation or employment; and may, through their truant officers and superintendents of schools, require such children to attend such schools.

(2) * * * For the care and instruction of the same classes of children as aforesaid, such board may establish and maintain a parental boarding school within or without the corporate limits of such city, and may, when such school is maintained, after a notice of seven days to such child and to its parent, guardian or custodian, order such child to be restrained and cared for in such school, with the written consent of such parent, guardian or custodian, upon such terms, financial or otherwise, as shall be arranged between them.

(3) * * * Whenever a parental school is available, * * * such child may be proceeded against in any juvenile court, * * * as a juvenile disorderly person, and upon the court so finding, may be committed to such parental school until eighteen years of age, subject to earlier discharge as * * * provided in section 48.25.

(4) The authorities of any city or school district not having a parental boarding school, may contract with a city having such school, * * * *and in such case all the provisions relating to the commitment and custody of children in said school shall be in force as to such city or school district.*

SECTION 37. Sections 2 and 4 of chapter 447 laws of 1903, as amended by chapter 186 laws of 1907 are consolidated and renumbered to be section 48.25 and amended to read:

48.25 MANAGEMENT OF PARENTAL SCHOOL.

* * * (1) The board * * * *having charge of such parental boarding school* * * * shall appoint necessary officers, teachers and agents for said school and make * * * regulations for the government of said school, and the children attending the same, and also rules under which said children may be allowed to return to their homes on parole, but to remain in the legal custody and under the control of the officers of the school, subject to be returned by order of the superintendent of such school upon failure to comply fully with the terms of the parole, or if for any other reason the welfare of the child may demand such return; except as * * * provided *in subsection (2).*

(2) No child shall be released upon parole in less than three months from the time of his commitment, nor thereafter until the superintendent of such parental school is satisfied from the conduct of such child and the conditions of his home that he will attend school or work regularly. If such child, so released on parole, continues in regular, orderly attendance at school or work for a period of one year from the date on which he was released on parole, he shall then be finally discharged.

(3) * * * There shall be appointed one or more agents for the regular oversight of children on parole from said school; or regular hours for such parole duty shall be appointed to certain officers or teachers of the school.

(4) * * * Said board shall make suitable provision, so that children confined in a parental school shall be allowed, at least once in each week, to freely receive within the institution, spiritual advice and ministrations from any clergyman of good standing in the church or denomination to which such children respectively belong.

SECTION 38. Section 3 of chapter 447 laws of 1903, as amended by chapter 186 laws of 1907, is renumbered to be section 48.26 CLOTHING AND MAINTENANCE OF CHILDREN.

COUNTY HOMES FOR DEPENDENT CHILDREN.

SECTION 39. Sections 697—2, 697—3, 697—4 and 697—5 are consolidated and renumbered to be section 48.27, and revised to read:

48.27 ESTABLISHMENT. Any county may establish a home for dependent children as provided in section 46.17. In all counties whose population is less than two hundred and fifty thousand, such home shall be governed pursuant to the provisions of sections 46.18, 46.19 and 46.20.

SECTION 40. Section 697—7 is renumbered to be section 48.28 COMMITMENT AND CUSTODY OF CHILDREN; and the subsections thereof shall be inclosed in parentheses, and subsection (1) is amended to read:

(48.28) (1) * * * The * * * board of trustees of *said home* may receive into its charge and under its control by commitment, or otherwise, and become the legal guardian of any child under sixteen years of age residing in the county for which such home for dependent children has been organized, who shall be * * * *committed thereto by the juvenile court*, or whose parent, or person standing in his place, by an instrument in writing, shall assign and commit such child to the care and custody of such home. * * *

SECTION 41. Sections 697—6, 697—8, 697—9 and 697—10 are consolidated and renumbered to be section 48.29 and amended to read:

48.29 APPRENTICESHIP AND ADOPTION OF CHILDREN. (1) * * * Such trustees * * * may bind out all minors, who are supported at the expense of the county, in the same manner and with like effect as * * * *municipal authorities* are authorized to do by section * * * 49.05 * * * ; *but* before consenting to the binding out or the adoption of any such minors, * * * *shall* carefully investigate the qualifications and fitness of such persons to whom such children are to be bound out, or by whom they are to be adopted, *and* * * * *shall* inquire into the treatment of children to whose adoption they have given their consent, as herein provided, or who shall have been bound out by such trustees, or by their predecessors in office, and defend them from all cruelty and neglect on the part of those persons who have adopted them, or to whom they have been bound out.

(2) * * * If any child so adopted shall be misused, ill-treated or neglected by the person or persons who shall have adopted such child, or by any person under their direction or by their permission, said trustees or any one thereof, in behalf

of such child, may file a complaint in the county court for the county in which such person or persons so adopting such child or children reside, setting forth the facts and circumstances of the case, and the court, after having caused such notice as it shall deem reasonable to be given to the person or persons having adopted such child, shall proceed to hear and determine the cause, whether such person or persons who have adopted such child, shall appear or not; and if the complaint be sustained, may make an order revoking and setting aside all orders and proceedings made in the adoption of such child by any court, and shall further order in his discretion, that said child shall be returned to the dependent home from which such child was adopted, and that the costs of the proceedings be paid by such person or persons against whom such complaint was made. If such complaint made by the officer authorized to bind out minors, or consent to their adoption, be not sustained, the court shall not award costs against such officer, unless it shall appear that the complaint was made without just or reasonable cause. Either party may appeal from any such order to the circuit court in the manner provided for appeals from orders made in probate proceedings.

COUNTY INDUSTRIAL SCHOOLS.

SECTION 42. Sections 697—18, 697—19, 697—20, 697—21, 697—22, 697—23, 697—27, 697—28, 697—29, 697—30 and 697—31 are consolidated and renumbered to be section 48.30, and revised to read:

48.30 ESTABLISHMENT. Any one or more counties having a several or joint population exceeding fifty thousand may establish a county industrial school, as provided in section 46.17 for the purpose of keeping and educating delinquent children committed to it by the juvenile court. In any county having a population of two hundred and fifty thousand or more such school shall be governed pursuant to section 46.21, and the board shall appoint an additional superintendent to have charge thereof. In all other counties it shall be governed pursuant to the provisions of sections 46.18, 46.19 and 46.20. In any such school the board in charge shall, in addition to the superintendent, appoint a visiting physician and a matron, who shall continue in office at the pleasure of the board, and shall perform such duties and render such reports as may be required by the board.

SECTION 43. Section 697—24 is renumbered to be section 48.31, and amended to read:

48.31 REMOVALS FROM STATE OR PRIVATE INSTITUTIONS TO COUNTY INDUSTRIAL SCHOOLS. *Upon the request of the chairman of the county board and of the district attorney of any county maintaining a county industrial school, either singly or jointly with one or more other counties, the superintendent of such school may * * * demand and receive the custody of any and all children committed as * * * delinquents to any state or private institution within the state * * * for the support of * * * whom said county or counties are liable. Such removal however, * * * shall be subject to such rules as the state board of control may adopt. * * * In case any of said state or private institutions shall refuse any such demand properly made, the counties to whom the expense of caring for and maintaining said children is chargeable may at their option, refuse to pay any and all claims of said state or private institutions for the maintenance of said children incurred after such request shall have been duly made. Any county not maintaining such industrial * * * school * * * may contract with another county or counties maintaining such institution for the care, maintenance and education of its * * * delinquent children.*

SECTION 44. Section 697—26 is renumbered to be section 48.32, and amended to read:

48.32 PLACING CHILDREN IN HOMES. * * * Whenever it shall be deemed advisable by the trustees of said institution to remove any child or person from any such institution * * * to a place or home where they can be taken care of or adopted under the law with the consent and approval of the state board of control, they may do so.

AID TO DEPENDENT CHILDREN.

SECTION 45. Section 573f is renumbered to be section 48.33 MOTHERS' PENSION, and the subsections thereof are renumbered, respectively, to be subsections (1) to (10). Subsection (2) of said section is amended by striking out the phrase "of the juvenile court or of the county court," and further by striking out the phrase "on July 1, 1917;" subsection 7 as renumbered to be subsection (8) is amended by striking out the word "act" and inserting in place thereof the word "section;" and subsection 9 as renumbered to be subsection (10) is amended by striking out the word "act" and inserting in place thereof the word "section."

SECTION 46. Section 2344a is renumbered to be section 48.34 EARNINGS OF SELF-SUPPORTING MINORS.

SECTION 47. Chapters 88 laws of 1857, 73 and 192 laws of 1859; 17 and 260 laws of 1861; 219 supplemental to private and local laws of 1862; 142 laws of 1863; 104 laws of 1866; 89 laws of 1867; 30 laws of 1869; 30 laws of 1872; 10 laws of 1873; 207 laws of 1874; 66 and 93 laws of 1875; 64, 68 and 323 laws of 1876; 61 laws of 1877; 47 laws of 1878; 134 laws of 1879; 108 laws of 1880; 284 laws of 1881; 136 laws of 1882; 457 laws of 1885; 156 laws of 1895; 187, 201 and 294 laws of 1899; 90, 109, 223, 385, and 427 laws of 1901; 97, 185 and 359 laws of 1903; 50 and 496 laws of 1905; 73, 82 and 515 laws of 1907; 321 laws of 1911; and 486 laws of 1917 are repealed.

SECTION 48. This act shall take effect upon passage and publication.

Approved July 19, 1919.

No. 59, S.]

[Published July 25, 1919.

CHAPTER 615.

AN ACT to renumber chapter 199 to be chapter 57, and to rearrange, consolidate, renumber, amend, revise, and incorporate in said chapter sections 4734a to 4734n, 4855 to 4864, 4960c—1 to 4960c—7, and other sections of the statutes herein enumerated, all relating to the probation, parole, and pardon of convicts.

The people of the state of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 199 of the statutes is renumbered to be chapter 57, and its title amended to read:

CHAPTER * * * 57.

PROBATION, PAROLES, AND PARDONS OF CONVICTS.

Probation for felonies.

SECTION 2. Section 4734a is renumbered to be section 57.01 and amended to read:

57.01 SUSPENSION OF SENTENCE. * * * Whenever any adult is convicted of a felony punishable by imprisonment for a term not exceeding ten years, convictions under section 4587c * * * excepted, and it appears to the satisfaction of the court that * * * *such* person * * * has never before been convicted of a felony, * * * in this state or elsewhere, that the character of the defendant and the circumstances of the case indicate that he is not likely again to commit crime, and that the public good does not require that * * * *he* shall suffer the penalty provided by law, said court may, ex-