

(2) Annually, such sums as may be necessary, for printing and distributing the Wisconsin Statutes and Wisconsin Town Laws and Wisconsin Annotations as prescribed by law.

(3) *On July 1, 1929, five or six thousand dollars, for preparing a new edition of the Wisconsin Annotations to the statutes as provided in section 1 of chapter 191 of the Laws of 1929.*

SECTION 2. This act shall take effect upon passage and publication.

Approved August 26, 1929.

No. 237, A.]

[Published August 30, 1929.

### CHAPTER 439.

AN ACT to repeal sections 48.01 to 48.04, subsections (1) and (2) of section 48.05, sections 48.06 to 48.12, subsections (2), (3) and (4) of section 48.15, subsections (3a) and (3b) of section 48.22, sections 48.24 to 48.27, subsection (3) of section 48.28, sections 48.29 to 48.32, 49.05, 58.02 to 58.04, 322.01 to 322.06, 324.30, 351.26 and 351.28; to renumber subsection (3) of section 48.05 to be subsection (7) of section 41.01; to create sections 48.01 to 48.12, sections 48.29 to 48.31, 48.35 to 48.47 and 322.01 to 322.09, subsections (11), (12) and (13) of section 46.03, subsection (5) of section 46.04, paragraph (am) of subsection (1) of section 46.16, subsection (9a) of section 59.08, and subsection (8) of section 140.05; and to amend sections 48.33 and 48.331, chapter 166, paragraph (a) of subsection (1) of section 46.16, section 48.14, subsection (1) of section 48.15, subsection (2) of section 48.16, subsection (1) of section 48.17, subsections (1), (2) and (4) of section 48.20, subsections (1) and (2) of section 48.22, section 48.23, subsections (1) and (2) of section 48.28, subsection (3) of section 54.07, section 55.06, subsection (1) of section 57.05, subsection (1) of section 57.07, subsections (1), (4) and (6) of section 58.01, subsection (3) of section 324.01 and sections 351.24 and 351.25 of the statutes, relating to a children's code for Wisconsin and providing penalties.

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

SECTION 1. Sections 48.01 to 48.04, subsections (1) and (2) of section 48.05, sections 48.06 to 48.12, subsections (2), (3) and

(4) of section 48.15, subsections (3a) and (3b) of section 48.22, sections 48.24 to 48.27, subsection (3) of section 48.28, sections 48.29 to 48.32, 49.05, 58.02 to 58.04, 322.01 to 322.06, 324.30, 351.26 and 351.28 of the statutes are repealed:

SECTION 2. Subsection (3) of section 48.05 is renumbered to be subsection (7) of section 41.01 of the statutes.

SECTION 3. Twelve new sections are added to the statutes to be numbered and to read: 48.01 DEFINITIONS; JUVENILE COURT; JURISDICTION; OFFICERS. (1) As used in this chapter:

(a) The words "neglected child" shall mean any child under the age of eighteen years who is abandoned by his parent, guardian or custodian; or who lacks proper parental care by reason of the fault or habits of the parent, guardian or custodian; or whose parent, guardian or custodian neglects or refuses to provide proper or necessary subsistence, education or other care necessary for the health, morals or well-being of such child; or whose parent, guardian or custodian neglects or refuses to provide the special care made necessary by the mental condition of the child; or who engages in an occupation or is in a situation dangerous to life or limb or injurious to his health or morals.

(b) The words "dependent child" shall mean any child under the age of sixteen years who is homeless or destitute or without proper support, but who is not a neglected child as defined above; or who lacks proper care by reason of the mental or physical condition of the parent, guardian or custodian.

(c) The words "delinquent child" shall mean any child under the age of eighteen years who has violated any law of the state or any county, city, town or village ordinance; or who by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian; or who is habitually truant from school or home; or who habitually so deports himself as to injure or endanger the morals or health of himself or others.

(2) All courts of record in this state shall have original jurisdiction of all cases of neglected, dependent and delinquent children. The judges of the several courts of record in each county of this state shall at intervals of not less than 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 purposes 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. Such court shall be known as the juvenile court.

(3) The findings of the juvenile court shall be entered in a book or books or deposited in a file to be kept for that purpose, and the clerk and stenographic reporter of the court so designated shall be respectively the clerk and 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 or parts thereof as directed by the judge, and forthwith file a copy with the clerk of such court, and shall also furnish such other copies as the judge shall order. Whenever the court shall enter an order committing a child to an institution or agency, a transcript of all of the evidence in the case, prepared by the reporter, shall be transmitted by the clerk of the court to such institution or agency, together with a supplementary statement prepared by the court or under its direction, based on information contained in the files of the court in relation to the child so committed, setting forth such facts therein as the court may deem suitable for the guidance of the institution or agency in properly caring for the child committed to its care. A copy of the birth certificate of such child or, if a birth certificate is not obtainable, other documentary evidence satisfactory to the court of the date of birth of such child shall be obtained for inclusion in the supplementary report. Unless the judge shall order otherwise or unless the person concerning 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. The court shall hear and determine all cases of children without a jury, unless a jury is demanded.

(4) 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 such court. Such clerk shall take and file the official

oath and shall receive such salary as shall be fixed by the county board.

(5) (a) Except as otherwise provided in this paragraph, the juvenile court shall have exclusive original jurisdiction of proceedings under this chapter based on the delinquency, neglect or dependency of children residing within the county or involving the transfer of the care, control and custody of children therein as provided in subsection (7) of section 48.07; provided, that if in any of such cases either the child or the parent, guardian or custodian is at the time of filing of petition present within some other county, but does not reside therein, the juvenile court of such other county shall have concurrent jurisdiction. In all cases of delinquent children over sixteen years of age, the criminal courts shall have concurrent jurisdiction with the juvenile court. Nothing contained herein shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or when such custody is incidental to the determination of causes pending in such courts.

(b) Whenever the juvenile court shall determine any child to be delinquent, such child shall continue for the purposes of sections 48.01 to 48.28 under the jurisdiction of the court until he becomes twenty-one years of age, unless discharged prior thereto.

(c) Whenever in the hearing of a case of a child alleged to be delinquent, neglected or dependent, it shall appear that an adult has been guilty of contributing to, encouraging or tending to cause by any act or omission, the delinquency, neglect or dependency of the child, the court shall have power to make orders with respect to the conduct of such adult in his relationship to the said child as provided in section 48.08.

#### 48.02 APPOINTMENT AND COMPENSATION OF PROBATION OFFICER.

(1) In counties whose population is one hundred fifty thousand or over the judge of the juvenile court shall appoint a chief probation officer and as many more probation officers of the juvenile court as shall be fixed by the county board. All such probation officers shall be appointed according to the rules of the county civil service commission.

(2) In counties having less than one hundred 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 ap-

point such officer or officers to serve in said court. All such probation officers must have the minimum qualifications specified for state probation officers under the civil service law; provided, that this subsection shall not apply to any person who shall have been employed as a probation officer by any county of this state at the time of the taking effect of this section. Such officers may be removed at will during the first six months of their employment and thereafter shall be removed only for the causes specified in subsection (6).

(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 may designate some competent person, having the qualifications of an original appointee, to act as probation officer during such period.

(4) In counties having less than one hundred fifty thousand population probation officers and temporary substitutes shall receive such annual salary for their services as shall be fixed by the judge of the juvenile court, with the approval of the county board, which shall be payable monthly by the county in which such juvenile court is situated.

(5) The probation officers appointed pursuant to this section shall constitute the probation department of the court. A reasonable amount for postage, stationery and other necessary expenses shall be allowed to the probation department upon requisition therefor made to the county clerk.

(6) Any probation officer or his substitute may be removed by the judge of the juvenile court for incompetence, or wilful or habitual neglect to perform the duties of his office, or for some other good cause; provided, that in counties to which sections 16.31 to 16.44 are applicable, removal shall be made only in accordance with these sections.

48.03 DUTIES OF PROBATION OFFICERS. It shall be the duty of the probation department to make such investigations and exercise such discretionary powers as the court may direct, to keep a written record of such investigations and to submit the same to the judge. Upon the placing of any person on probation, the probation department shall, under the direction of the court, prescribe the conditions of probation and shall instruct such person regarding the same. Such department shall keep informed concerning the conduct and condition of each person on probation under its supervision and shall report thereon to the judge

as he may direct. Each probation officer shall use all suitable methods to aid persons on probation and to bring about improvement in their conduct and condition. The probation department shall keep full records of its work and shall keep accurate and complete accounts of money collected from persons under its supervision, shall give receipts therefor and make reports thereon as the judge may direct. For the purposes of sections 48.01 to 48.12, probation officers receiving salaries shall have the powers of police officers and deputy sheriffs.

48.04 SPECIAL PROBATION OFFICERS; REFEREES. (1) If deemed advisable, the juvenile court of any county may appoint one or more persons to serve, without compensation, as special probation officers during the pleasure of the court. Such special probation officers shall, under the direction of the court, perform the same duties as salaried probation officers in any case assigned to them, but shall not be vested with police powers.

(2) The court may appoint a suitable person to act as a referee of the juvenile court to hear cases coming within the provisions of sections 48.01 to 48.07 and duly referred as hereinafter provided. In any case in which a jury is demanded the hearing shall be before the court. Such referee shall hold office during the pleasure of the court. The hearing of any case may be referred to such referee by a suitable order of the court. Any case so referred shall be heard in the first instance by such referee in the manner provided for the hearing of cases by the court. In all cases coming before the referee the procedure shall comply with the requirements of and conform to the procedure provided for the hearing of such cases by the court. Upon the conclusion of the hearing in each case the referee shall file with the court all papers relating to the case together with, if so required by the court, his conclusions and recommendations in writing. Such conclusions and recommendations to the extent and in the form confirmed by order of the court, shall become the judgment of the court; provided, that no child shall be committed to an institution without review of the evidence by the court. A hearing by the court shall also be accorded in all other cases in which any person, or the parent or guardian of any child whose case has been heard by a referee, files a request for a further hearing within ten days after the referee has filed his conclusions and recommendations. A referee appointed pursuant to this sub-

section shall receive such compensation as shall be fixed by the county board.

48.05 CHILDREN NOT TO BE SENT TO THE COUNTY HOME. No child under sixteen years of age shall be sent as a poor person to any county home 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.

48.06 PETITION; SUMMONS; WARRANT; RELEASE OF CHILDREN.

(1) Whenever any person gives to the juvenile court information tending to show that a child is neglected, dependent or delinquent, or that such child has committed any act or has pursued a course of conduct which if found true would make him a delinquent child, the court shall make preliminary inquiry to determine whether the public interests or the interests of the child require that formal jurisdiction should be acquired, and may authorize a petition to be filed. The petition shall be verified under oath, alleging briefly the facts which bring said child within the definitions of a neglected, dependent or delinquent child. The person making such petition shall suffer no personal risk greater than when the proceeding is upon warrant, providing said petition is made in good faith. The petition shall also state the name, age and residence (1) of the child, and the name and residence (2) of his parents, (3) of his legal guardian if there be one, (4) of the person or persons having custody or control of the child, or (5) of the nearest known relative if no parent or guardian can be found. If any of these facts are not known or cannot be ascertained by the petitioner the petition shall so state.

(2) After a petition shall have been filed and after such further investigation as the court may direct, unless the parties hereinafter named shall voluntarily appear, the court shall issue a summons reciting briefly the substance of the petition, and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned shall be other than the parent or guardian of the child, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed, at least twenty-four hours before the hearing. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the judge, is necessary.

(3) Service of summons shall be made personally by the delivery of a copy thereof to the persons summoned; provided, that if the judge is satisfied that it is impracticable personally to serve such summons or the notice to the parent or guardian provided for in subsection (2), he may make an order providing for the service of such summons or notice by registered mail addressed to their last known addresses or by publication thereof, or both, as he may direct. Service of summons, process or notice pursuant to sections 48.01 to 48.12, may be made by any suitable person under the direction of the court. The judge may authorize the payment of necessary traveling expenses incurred by any person summoned or otherwise required to appear at the hearing of any case coming within the provisions of sections 48.01 to 48.12, and such expenses when approved by the judge shall be a charge upon the county.

(4) If any person summoned shall fail without reasonable cause to appear, he may be proceeded against for contempt of court. In case the summons cannot be served or the parties served fail to obey the same, or in any case when it shall be made to appear to the judge that the service will be ineffectual, a *capias* may be issued for the parent, or guardian, or for the child.

(5) Whenever any officer takes a child into custody, he shall, unless it is impracticable or has been otherwise ordered by the court, accept the written promise of the parent, guardian or custodian to be responsible for the presence of such child in the court at the time fixed. Thereupon such child may be released in the custody of the parent, guardian or custodian, or in the custody of a probation officer or other person designated by the court. If not so released such child shall be taken immediately to the place of detention designated by the court, and the officer taking him shall immediately notify the court and shall file a petition as provided in subsection (1) of this section, when directed to do so by the court.

(6) In the case of any child ordered or taken into custody by a probation or police officer and pending the final disposition of the case, the child may be released in the custody of a parent, guardian or custodian, or of a probation officer or other person appointed by the court, to be brought before the court at the time designated. When not so released, such child, pending the hearing of the case, shall be detained in such place of detention



as shall be designated by the court, subject to further order. Provided, that any child under eighteen years of age against whom a petition has been filed or who is being detained pending the filing of a petition may, in the discretion of the chief probation officer or of the judge of the juvenile court, be permitted to give bond or security in such reasonable sum as may be fixed by such officer or judge as will assure the presence of such child at any hearing or proceeding.

(7) Nothing in this section shall be construed as forbidding any peace officer, police officer or probation officer from immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or his guardian, or from justice, or whose surroundings are such as to endanger his health, morals or welfare, unless immediate action is taken; provided, that in every such case the officer taking any child under sixteen years of age into custody shall immediately report such fact to the court and the case shall then be proceeded with as provided in sections 48.01 to 48.12.

**48.07 JUDGMENT; MODIFICATIONS; ADDITIONAL PROCEEDINGS; APPEAL.** (1) If the court shall find that the child is delinquent, neglected or dependent, it may:

(a) Place the child on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court shall determine; or

(b) Commit the child to a suitable public institution or to a suitable child welfare agency licensed by the state board of control and authorized to care for children or to place them in suitable family homes. The terms and duration of such commitments, other than to the industrial school for boys or to the industrial school for girls, shall in each case be fixed by the court, subject to modification by the court on its own motion or otherwise; provided that in case of commitment to a county home for dependent children the terms of such commitment shall not exceed three months at any time, subject however to the power of the court after the three months' period to extend the term as special circumstances require; and provided further, that the court upon application before commitment may consider the wishes of the parent or guardian in the selection of a suitable institution or agency; or

(c) Make such further disposition as the court may deem to be for the best interests of the child.

(2) Every order made under this section shall be based on a finding of fact, entered of record.

(2a) Upon the discovery of additional evidence which raises a question as to the advisability of the commitment made in any case in any juvenile court, the parent, guardian or next friend of the child so committed may at any time petition the court for a rehearing and if the court deems such rehearing advisable, it may again hear the case and make such disposition thereof as is in the best interests of the child.

(3) No adjudication upon the status of any child in the jurisdiction of the juvenile court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction, nor shall any child be charged with or convicted of a crime in any court, except as provided in section 48.11. The disposition of a child or any evidence given in the juvenile court shall not be admissible as evidence against the child in any case or proceeding in any other court, nor shall such disposition or evidence disqualify a child in any future civil service examination, appointment or application. No costs shall be assessed against nor fines imposed upon any child in the juvenile court.

(4) It is declared to be the intent of this chapter that each child coming within the jurisdiction of the juvenile court shall receive such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interests of the state; and when such child is removed from his own family, to secure for him custody, care and discipline as nearly as possible equivalent to that which should have been given by his parents.

(5) A parent, guardian or next friend of any child who has been temporarily committed by the court to the custody of a county home for dependent children or a private institution, or agency, or to a person, or such institution, agency or person, may at any time file with the court a verified petition for the release or transfer of such child and a modification of the order of commitment, stating therein the reasons for such modification. If upon examination of the petition and after giving the institu-

tion, agency or person having the temporary custody of the child an opportunity to reply, if the petition was filed by some other person, the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear the facts and determine the question at issue. The court may thereupon order that such child be restored to the custody of its parent or guardian or be retained in the custody of the institution, agency or person and may direct such institution, agency or person to make such other arrangements for the child's care and welfare as the circumstances of the case may require, or the court may make a further order or commitment.

(6) (a) Whenever a child is committed by the court to custody other than that of his parent and no provision is otherwise made by law for the support of such child, compensation for the care of such child, when approved by order of the court, shall be a charge upon the county, except in counties maintaining a county home for dependent children. In counties in which such a home is being maintained, the county board may authorize the payment for care of children in private homes or private institutions and fix the maximum rate to be paid thereof. But the court may, after giving a parent a reasonable opportunity to be heard, adjudge that such parent shall pay in such manner as the court may direct such sum as will cover in whole or in part the support of such child, and if such parent shall wilfully fail or refuse to pay such sum he may be proceeded against as for contempt of court.

(b) Except as otherwise provided in paragraph (a) of this subsection, a licensed child welfare agency into whose care and custody a child has been committed by a juvenile court shall be entitled to recover from the county chargeable for the support of such child, a reasonable sum not exceeding three dollars per week for his care and maintenance in an institution and not exceeding seven dollars per week if boarded in a family home, less in either case any amounts received pursuant to paragraph (a) of this subsection. Such amounts shall be payable as are other claims against the county and an amount sufficient to pay all such claims shall be appropriated annually by the county.

(7) Whenever in the course of a proceeding instituted under sections 48.01 to 48.07 or otherwise, it shall appear to the court that the person or child welfare agency (other than a parent) having the care, control and custody of such child is not fitted

therefor or that the parents of a child have abandoned such child or have substantially and continuously or repeatedly refused or being financially able have neglected to give such child parental care and protection, the court shall have jurisdiction to transfer the permanent care, control and custody of such child to some other person, agency or institution and in the exercise of such jurisdiction the court may terminate all rights of the parents with reference to such child, and also may appoint a guardian for the person of such child. Such transfer of the permanent care, control and custody of a child, and if it appear wise, also the termination of all the rights of the parents with reference to such child also may be ordered by the court on consent of the parents of such child, or, in case of an illegitimate child, of the mother thereof, provided the court find the same to be in the interests of the child. Such transfer of the permanent care, control or custody of a child or termination of the rights of the parents with reference to a child shall be made only after a hearing before the court and the court shall cause notice of the time, place and purpose of such hearing to be served on the parents of such child personally at least ten days prior to the date of hearing or if to the satisfaction of the court personal service cannot be obtained, then by publication thereof in a newspaper in the county once a week for three weeks prior to the date of hearing. In case of any minor parent the court shall appoint a guardian ad litem therefor in the manner provided for appointment of guardians ad litem in the county court.

(8) In any case where a child is found, determined or adjudged by the juvenile court to be dependent, neglected or delinquent or in case of the transfer of the permanent control, care and custody of a child or the termination of the rights of the parents with reference to such child, appeal may be taken to the circuit court or 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 such appeal, upon the giving of a suitable bond for the care and main-

tenance of said child in wholesome and proper surroundings to be approved by the court.

**48.08 PROCEDURE IN CASES OF ADULTS CONTRIBUTING TO THE DELINQUENCY, NEGLECT OR DEPENDENCY OF CHILDREN.** No order to any adult pursuant to paragraph (c) of subsection (5) of section 48.01 shall be entered by any juvenile court until such adult shall have been afforded an opportunity to be heard upon the charges against him and the contemplated order of the court. The court shall cause notice of the time, place and purpose of such hearing to be served on such adult personally at least ten days prior to the date of hearing. The procedure in such cases shall, as far as practicable, be the same as in other cases in the juvenile court, and shall otherwise be the procedure followed in courts of equity. The power of the court to issue orders governing the relationship of any adult to a child, where such adult has been guilty of contributing to, encouraging or tending to cause the delinquency, neglect or dependency of such child, shall include the power to determine the ability of such adult to provide for the maintenance or care of such child and to direct when, how and where money for such maintenance or care shall be paid. Any adult who shall fail to comply with any order issued by a juvenile court pursuant to this section and paragraph (c) of subsection (5) of section 48.01 may be proceeded against as for contempt of court, and if the conduct of such adult involves a criminal offense, he may be proceeded against under the criminal law.

**48.09 COMMITMENTS; TRANSFER OF INMATES.** (1) Whenever in the opinion of the state board of control it shall be for the best interest of a child committed to the industrial school for boys or the industrial school for girls that such child should become an inmate of the state public school, said board may make the necessary order transferring such child to the state public school.

(2) Whenever in the opinion of the board of control it shall be for the best interest of a child committed to the state public school that such child become an inmate of the industrial school for boys or the industrial school for girls, that board may cause such child to be transferred to such industrial school. Any child so transferred to an industrial school or the parent, guardian or next friend of any such child may have the action of the board of control in ordering such transfer reviewed by the court making original commitment of said child, on filing a petition in said

court and after notice to the board of control in such manner as the court may direct.

**48.10 PHYSICAL AND MENTAL EXAMINATIONS AND CARE.** (1) The court may cause any person coming under its jurisdiction to be examined by a physician, psychiatrist or clinical psychologist as defined in section 52.02, appointed by the court, in order that the condition of such person may be given due consideration in the disposition of the case. The expenses of such examination, when approved by the court, shall be paid by the county. In counties maintaining an examination service by one or more physicians, psychiatrists and clinical psychologists such county service shall be used for the purposes of this subsection.

(2) The governing authority of any county home for dependent children may require as a condition of commitment of any child to said home that such physical and mental examination shall be made and such information furnished as shall be deemed necessary for the proper care of such child as well as of other children in said home.

(3) Whenever a child concerning whom a petition has been filed appears to the court to be in need of special care and treatment a suitable order may be made upon the parent, guardian or custodian to provide such care and treatment for such child in a hospital or otherwise. If such parent, guardian or custodian fails to provide such care the court may, after due notice, enter an order therefor, and the expenses thereof, when approved by the court, shall be a charge upon the county; but the court may adjudge that the person or persons having the duty under the law to support such child pay part or all of the expenses of such treatment.

**48.11 TRIALS OF DELINQUENT CHILDREN IN OTHER COURTS.** When any child under sixteen years of age is taken into custody with or without warrant, charged with the violation of any law of this state, or the violation of any county, town, city or village ordinance, such child shall, instead of being taken before a justice of the peace or police magistrate, be taken directly before the juvenile 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 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 this purpose.

48.12 DETENTION AND CONFINEMENT OF CHILDREN. (1) No child under eighteen years of age shall be placed in or committed by the juvenile court to any prison, jail, lock-up, police station or in any other place where such child can come into communication with any adult convicted of crime or under arrest and charged with crime; provided, that a child sixteen years of age or older, whose habits or conduct are such as to constitute a menace to other children, may, by order of the juvenile court, be detained in a jail or other place of detention for adults, but in a room or ward entirely separate and apart from adults confined therein.

(2) Provision shall be made by the county board for the temporary detention of children in one of the following ways: (a) in a detention home which shall be conducted as an agency of the court; (b) the court may arrange for the boarding of such children temporarily in a private home in the custody of some fit person, subject to the supervision of the court; (c) the court may arrange with any incorporated institution or agency, maintaining a suitable place of detention for children, that such institution or agency shall receive for temporary care children within the jurisdiction of the court.

(3) A detention home established as an agency of the court shall be furnished and conducted, as far as possible, as a family home in charge of a superintendent. The judge may appoint a superintendent and other necessary personnel for the personal care and education of the children in such home, subject to civil service regulations in counties having civil service. The salaries of such personnel and also the salaries of other necessary employes appointed by the county board shall be fixed and paid in the same manner as the salaries of other county employes. The necessary expenses incurred in maintaining such detention home shall be paid by the county. In case the court shall arrange for the boarding of children temporarily detained in private homes or institutions, a reasonable sum to be fixed by the court for the board of such children shall be paid by the county.

SECTION 4. Three new sections are added to the statutes to be numbered and to read: 48.20 COUNTY CHILDREN'S BOARDS; ORGANIZATION; PERSONNEL. (1) The county board of any county whose population is less than two hundred fifty thousand may by

resolution establish a county children's board for such county and may thereafter discontinue such board by vote of a majority of all of its members at any regular meeting or at any special meeting called for this purpose.

(2) The county children's board shall consist of five members, at least two of whom shall be women, and all of whom shall be residents of the county, selected annually to hold office until the first Monday of January next succeeding and until their successors shall have been selected and shall have qualified. One of the members of said board shall be the chairman of the county board. One other member shall be appointed by the judge of the juvenile court. Two members, at least one of whom shall be a woman, shall be appointed by the state board of control. The fifth member shall be elected by the other four members at the first meeting of the board in each calendar year. Any vacancy shall be filled by the same body which selected the member whose position is vacant.

(3) The county children's board shall organize by the election of a chairman, vice-chairman and secretary from its own membership. Regular meetings shall be held at least once each month, unless otherwise determined, at a time and place fixed by the board. Special meetings shall be held upon call of the chairman or of any three members.

(4) The county children's board may discharge its duties through its own members or may employ personnel for this purpose. The compensation of any person so employed shall be fixed by the county board of supervisors. Two or more county children's boards may combine in the employment of personnel and share the services and divide the cost upon some agreed basis.

(5) Persons who are applicants for employment by county children's boards in positions involving other than purely clerical and stenographic duties shall have the minimum qualifications specified for probation officers employed by counties having a population of less than one hundred and fifty thousand.

(6) The members of the county children's board shall receive no compensation for their services, but shall be reimbursed their actual and necessary expenses incurred in the discharge of their duties. Such expenses shall be payable monthly, after being audited and approved by the finance committee of the county board or other committee or officer designated by the county board.



(7) The county board shall annually appropriate to the county children's board an amount it deems advisable for the payment of the expenses of members, the salaries and expenses of personnel, and other administrative expenses. It may also make an appropriation to the county children's board for the purchase of clothing, payment for medical services, expense of boarding, and other special aid to children.

48.30 COUNTY CHILDREN'S BOARDS; POWERS AND DUTIES. It shall be the duty of the county children's board and it shall have power and authority :

(1) To investigate the conditions surrounding mentally defective, dependent, neglected, delinquent and illegitimate children within the county and to take every reasonable action within its power to secure for them the full benefit of all laws enacted for their benefit. This duty shall be discharged in co-operation with the juvenile court and with the public officers or boards legally responsible for the administration and enforcement of these laws. The county children's board may also avail itself of the co-operation of any individual or private agency or organization interested in the social welfare of children in such county ;

(2) To administer and expend such amounts as may be necessary out of any moneys which may be appropriated to it by the county board or donated by individuals or private organizations for the purchase of clothing, payment for medical services, expense of boarding, and other special aid to children within the county ;

(3) Upon request of the judge of the court administering aid to dependent children within the county, to investigate applications for aid to dependent children and to supervise the expenditures of such aid ;

(4) Upon the request of the judge of the juvenile court, to investigate the home environment and other factors in the life of any child brought to the attention of the court for alleged dependency, neglect or delinquency, and to assume guidance and supervision of any child placed on probation by such court ;

(5) Upon request of the state board of control and under its direction, to assume the oversight of any juvenile under parole from or otherwise subject to the supervision of any state institution ;

(6) To make such reports to the state board of control as it

may request upon any matter or situation within the county concerning any child in which said board is interested;

(7) When so directed by the county board, to administer any other county funds appropriated for the welfare of necessitous persons, either independently or in co-operation with some other board or officer;

(8) To make an annual report to the county board at its November meeting upon its work during the year, including an account of all moneys received and expended by it or under its direction and including also its recommendations, if any, for the improvement of the laws enacted for the social welfare and protection of children or of their administration. A copy of this report shall be furnished at the same time to the state board of control.

48.31 COUNTY CHILDREN'S BOARDS; DUTIES OF THE BOARD OF CONTROL. The state board of control is empowered to assist counties in the organization of county children's boards. It shall advise with and assist such boards in developing efficient methods and standards in the discharge of their duties and shall prescribe the record forms to be used in their work. It shall also prescribe the statistical data which shall be included in the annual reports of such boards and shall compile and publish statistics upon the number, cost of support, and other important facts relating to the children under their care or supervision.

SECTION 5. Eight new sections are added to the statutes to be numbered and to read: 48.35 CHILD WELFARE AGENCIES. (1) The term "child welfare agency" as used in sections 48.35 to 48.42 is defined as any person, firm, association or corporation, and any private institution which receives for control, care and maintenance, with or without transfer of custody, for more than seventy-five days in any consecutive twelve months' period more than four children under twelve years of age unattended by their parents or guardians, but not counting, in the case of an individual, children related to such person, for the purpose of providing such children with care and maintenance or of placing them in foster homes whether for gain or otherwise. This term shall not apply to any boarding school which is essentially and primarily engaged in educational work. The term "related" as used in said sections is defined to include adoption or consanguinity within the sixth degree of kindred computed accord-

ing to the civil law with the person referred to or his or her spouse.

(2) Any child welfare agency licensed to do so by the state board of control may receive children of the classes, ages and sex described in the license issued to it who are lawfully committed thereto or placed in the charge or control thereof and shall have and maintain the care, custody and control of such children until transferred or committed to other legal custody or control. When licensed to do so a child welfare agency may also place children in foster homes during their minority.

(3) Any child welfare agency may contract with any parent, guardian, or other person for the care and maintenance of any child.

(4) Every child welfare agency shall cause all children of school age in its care to be instructed in such branches of useful knowledge as may be suited to their respective years and capacities.

(5) Every child welfare agency shall provide reasonable accommodations for any authorized clergyman of recognized standing to give moral and religious instruction to any child in its care according to the religious belief of the child or that of his natural or adoptive parents.

48.36 PERMANENT CARE, CUSTODY AND GUARDIANSHIP OF CHILDREN AND PLACEMENT IN FOSTER HOMES. (1) Any child welfare agency, when licensed to do so by the state board of control, may assume the care, custody and guardianship of the person of any child during the period of its minority, upon an order of a competent court to this effect.

(2) Whenever a child welfare agency shall have been given the permanent care, custody and guardianship of any child pursuant to an order of a competent court and the rights of the parents of such child shall have been terminated by an order of a competent court, it may give consent to the adoption of such child pursuant to the statutes regulating adoption proceedings. It may also provide for the care of any such child as a member of a family otherwise than by adoption through a written agreement which shall clearly state the terms of the custody granted to the person or persons receiving the child and shall provide for the proper care, education and maintenance of such child during its minority. A permit as provided in section 48.38 shall be required of the person receiving any such child. Such child welfare

agency shall keep and maintain careful supervision of all children so placed for care and its officers and agents shall visit all such homes and families as often as may be necessary to keep informed as to the condition and welfare of such children.

(3) Any child so placed with any person may be taken from such person whenever the child welfare agency which has so placed such child shall become satisfied that such child is subjected to vicious or harmful influences, or lacks wise or considerate care or attention, or that his welfare requires such action.

(4) No child welfare agency shall in any case charge or receive from the persons legally adopting any child any compensation therefor except the actual expense of taking such child to the home of such person; and in no case shall any person legally adopting any such child demand from such agency any compensation for the care, clothing or medical attendance of such child if it shall be returned to the agency.

48.37 LICENSES; RECORDS; REPORTS. (1) No person, other than the parent or legal guardian, and no firm, association or corporation, and no private institution shall place any child in the control and care of any person, with or without contract or agreement, or place such child for adoption, other than a licensed child welfare agency.

(2) Every child welfare agency must be licensed annually by the state board of control. Application for such license shall be made in such form as the board shall prescribe and upon forms to be furnished by the board. The applicant may furnish to the board of control the names and addresses of any persons who by reason of their official position have an interest in said application and such persons shall be consulted by the board. Before issuing such license the board shall satisfy itself that the applicant is in all respects qualified to receive children for the purpose of providing them with care and maintenance or of placing them in foster homes.

(3) Each license issued shall specify in general terms the kind of child welfare work the licensee is authorized to undertake, the ages and sex of children that may be received and the number of the same, and the territory within which said licensee, with due regard to its facilities for service, may place and supervise children, and whether such licensee is authorized to select foster homes for children and to issue permits to the same as provided in section 48.38. All such licenses shall expire on the first Tues-

day in June, shall not be transferable, and may be revoked by the state board of control as provided in section 48.39.

(4) Each child welfare agency shall keep such records regarding each child in its control and care as the state board of control shall prescribe and shall report to said board whenever called for, such facts as it may require with reference to such children, upon blanks to be furnished by the board. If the board shall at any time determine that any child is placed in an improper home, or is subjected to vicious or harmful influences, or lacks wise or considerate care or attention or that such child's welfare requires such action, it may order the person with whom such child has been placed to transfer the child to a proper home or otherwise remedy such improper conditions, and if such transfer is not made or such conditions are not remedied within a reasonable time, but not exceeding thirty days, the board may take charge of and make suitable provision for the child.

48.38 PERMITS TO FOSTER HOMES. (1) The term "foster home" as used in sections 48.35 to 48.42 shall mean the place of residence of any person or persons who receive therein a child or children under twelve years of age for control, care and maintenance, with or without transfer of custody; provided (1) that any of such children are not related to such person or persons or either of them, and (2) that the parents (natural or adoptive) or guardians of such children are not resident in the same home. No more than four children may be placed in a foster home unless all are in the relationship to each other of brother or sister.

(2) No person shall conduct or maintain a foster home without first having obtained a permit to do so from the state board of control or from a licensed child welfare agency designated to issue such permits by the state board of control.

(3) When designated so to do by the state board of control, a licensed child welfare agency may, after investigation and upon terms prescribed by said board and subject to the inspection and approval of said board, issue permits to conduct foster homes to persons applying therefor.

(4) Every foster home shall be under the supervision of the licensed child welfare agency, if any, which issued a permit to it and of the state board of control or of some person or agency designated by such board.

48.39 REVOCATION OF LICENSES TO CHILD WELFARE AGENCIES AND PERMITS TO FOSTER HOMES. (1) The state board of control

may revoke any license of a child welfare agency in case the licensee shall have substantially and wilfully violated any provision of this chapter or the provisions of such license or because such licensee is no longer qualified to receive children for the purpose of providing them with care and maintenance or placing them in foster homes.

(2) The state board of control may revoke any permit for a foster home in case the person to whom the same is granted shall have violated any provision of this chapter or the provisions of such permit, or because a child in such foster home is being subjected to vicious or harmful influence or lacks wise or considerate care or attention.

(3) No license to a child welfare agency or permit to a foster home shall be revoked or renewal denied unless the holder of such license or permit shall have notice in writing of the grounds for such proposed revocation, a public hearing upon at least thirty days' written notice, and opportunity thereat to present testimony and to confront witnesses. Such notice shall be given by personal service thereof on the holder of such license or permit at the address in such license or permit specified. Such hearing shall be held in the county in which the applicant or licensee resides unless the holder of such license or permit shall consent to a hearing at some other place.

(4) No order of revocation or refusal of renewal shall become effective until the final determination of any proceeding for the judicial review thereof. No proceeding to review the order of the state board of control, refusing to grant or revoking a license, shall be entertained, unless commenced within one month after service upon the applicant or agency of a copy of the order of the board. Such proceedings for review shall be brought in the circuit court of the county in which the applicant or agency resides or is located and, if any interested party so requests, by formal written motion ex parte, the court shall order the trial to be de novo. Appeal may be taken within thirty days from the determination of the circuit court to the supreme court. No undertaking of any kind shall be required for costs in any such proceeding or appeal.

48.40 VIOLATIONS. (1) Whenever the state board of control shall be advised or shall have reason to believe that any person is conducting or acting as a child welfare agency in this state without being licensed as in this chapter provided, it shall make

an investigation to ascertain the facts. If it finds that such person is so acting without a license, it may either issue a license to the agency conducted by such person upon application therefor, or may cause a prosecution to be instituted under the provisions of section 48.41.

(2) Whenever the state board of control shall be advised or shall have reason to believe that any person in this state is conducting or maintaining a foster home without having a permit therefor, as in this chapter provided, it shall make an investigation to ascertain the facts and take necessary steps to protect the children in such foster home either by issuing a permit pursuant to section 48.38 or by removing said children. The state board of control may also cause a prosecution to be instituted against such person under the provisions of section 48.41.

48.41 PENALTIES. (1) Any person who shall act as a child welfare agency without a license as provided in this chapter or who shall violate any of the provisions of the statutes relating to the organization, conduct and operations of child welfare agencies shall upon conviction thereof be punished by a fine of not less than ten nor more than five hundred dollars or by imprisonment in the county jail for not more than one year, and said term of imprisonment in case of an association or a corporation may be imposed upon its officers who participated in such violation.

(2) Any person who shall conduct or maintain a foster home without having a permit to do so as provided by section 48.38 shall upon conviction thereof be punished by a fine of not less than ten nor more than two hundred dollars, or by imprisonment in the county jail for not more than sixty days.

48.42 IMPORTATION AND EXPORTATION OF CHILDREN. (1) No person shall bring or send into this state or take or send out of this state any child for the purpose of placing such child in a foster home or of procuring his adoption, without first obtaining the consent of the state board of control; but this section shall not apply to a resident who brings a child into the state for adoption in his own family, nor to a parent or guardian who takes or sends a child outside of the state for placement in a foster home.

(2) Such consent by the state board of control shall be given only upon the following conditions:

(a) Any person who brings or sends children into this state for the purpose of placing such children in foster homes or

of procuring their adoption must file with the board a bond to the state of Wisconsin, approved by the board, in the penal sum of one thousand dollars, conditioned that he will not bring or send into this state any child who is incorrigible or unsound of mind or body and that he will remove any such child who becomes a public charge or who, in the opinion of the board, becomes a menace to the community prior to his adoption or becoming of legal age, and conditioned further that all placements shall be made under the same conditions as placements may be made by licensed child welfare agencies. This paragraph shall not apply to child welfare agencies licensed in this state and no bond shall be required from such agencies.

(b) Before any child is brought or sent into this state or taken from or sent out of this state for placement in a foster home, the person bringing, taking or sending such child must obtain a certificate from the state board of control that such home is a suitable home for such child.

(c) The person bringing, taking or sending such child into or out of this state, shall make a report to the state board of control, at least once each year and at such other times as the board may require, as to the location and well-being of such child, until he shall be eighteen years of age or until he shall be legally adopted.

(3) The state board of control shall have power and authority to make all necessary rules and regulations for the enforcement of this section, not in conflict therewith, and all persons bringing, taking or sending children into or out of this state shall comply with all such rules and regulations.

SECTION 6. Five new sections are added to the statutes to be numbered and to read: 48.43 MATERNITY HOSPITALS; LICENSES.

(1) The term "maternity hospital" as used in sections 48.43 to 48.47 is defined as a place in which any person, firm, association or corporation receives, treats or cares for more than one woman within a period of six months because of pregnancy or in child birth or within two weeks after child birth, but not counting in case of an individual, women related to such person or his or her spouse by consanguinity within the sixth degree of kindred computed according to the civil law.

(2) The person or persons conducting any such maternity hospital shall obtain an annual license from the state board of health, and no person conducting a maternity hospital shall receive a woman because of pregnancy or in child birth or within two



weeks after child birth, without first obtaining such license. Such license shall not be transferable and shall expire on the thirty-first day of December of the year for which issued unless sooner revoked by the state board of health.

(3) Each such license shall state the name and address of the licensee, the specific location of the premises used and the number of women and infants that may be cared for or treated therein at any one time. No greater number of women or infants shall be lodged or cared for at any one time in any maternity hospital than is authorized by the license and no premises shall be used other than those authorized by the license. A record of licenses issued shall be kept by the state board of health.

(4) No license for a maternity hospital shall be renewed unless the person licensed to conduct the same shall have faithfully observed all of the provisions of sections 48.43 to 48.46 and the rules and regulations of the state board of health issued thereunder. Before renewing any such license the state board of health shall secure from the state board of control a certification that the licensee has complied with all requirements of sections 48.44 to 48.46.

**48.44 APPLICATION FOR LICENSE; SUPERVISION; RECORDS.** (1) No license for a maternity hospital shall be granted without an investigation as in this section provided. Whenever application for a license is made for a maternity hospital, the state board of health shall forthwith give notice of such application to the local health officer. The local health officer shall make such investigation of such application for license as he shall deem necessary and shall then make his recommendation to the state board of health regarding granting of such license. If within a reasonable time, but not exceeding thirty days, the local health officer has not made a recommendation to the state board of health upon any application for a license to conduct a maternity hospital the state board of health shall make the necessary investigation. The investigation of any application for a license to conduct a maternity hospital shall include an inquiry as to the number of cubic feet of air space available for each patient, the facilities for ventilation and the admission of sunlight to the rooms used for the care of mothers and their infants. No license shall be issued unless the state board of health is satisfied that the physical equipment of the place to be used as a maternity hospital is adequate for the proper care of mothers and infants. The state board of

health and the local health officer shall keep informed of the nature and reputation of every such maternity hospital and shall visit and inspect the same as often as they deem necessary and for such purposes shall at all reasonable hours be given free and unrestricted access to every part thereof. The members and authorized agents of the state board of control shall have access to such records as maternity hospitals are required to maintain under this section, and they shall be furnished with any information which they may require and which is in possession of such hospitals or the persons conducting the same and which is in relation to the welfare of the children of unmarried mothers.

(2) Each license shall specify in general terms the kind of maternity hospital which the license covers. The state board of health shall make such general rules and regulations for the various kinds of maternity hospitals as shall be necessary to effect the purposes of sections 48.43 to 48.45.

(3) The state board of health with the approval of the state board of control shall prescribe forms for the registration and record of women cared for in pregnancy or in child birth or within two weeks after child birth in maternity hospitals. Every maternity hospital shall maintain a complete record of every such patient and her infant on the forms so prescribed, which record shall be kept in the office of such maternity hospital.

(4) No person connected with a maternity hospital shall directly or indirectly disclose the contents of its records as such, except in a judicial proceeding where the same is material or for the information of the state board of health, the state board of control, or the local health officer. Nothing herein shall be construed to limit or modify the provisions of section 325.21.

48.45 CONDUCT OF MATERNITY HOSPITALS. (1) No person conducting or in any way connected with the conduct of any maternity hospital shall in any way directly or indirectly offer to dispose of any child or hold himself out as being able to dispose of children in any manner.

(2) Whenever any woman is received in a maternity hospital because of pregnancy or in child birth or within two weeks after child birth, such hospital shall use due diligence to ascertain whether such patient is married; and, if there is reason to believe that her child is or will be when born an illegitimate child, such hospital shall report to the state board of control within

twenty-four hours, by registered mail, the presence of such woman.

48.46 REVOCATION OF LICENSES. (1) The state board of health may revoke the license for any maternity hospital if the persons licensed to conduct the same shall have violated any provision of sections 48.43 to 48.46 or any of the rules and regulations of the state board of health issued thereunder or the provisions of such license.

(2) No license for a maternity hospital shall be revoked unless the holders of such license shall have notice in writing of the grounds for such proposed revocation, a public hearing upon at least ten days' written notice, and opportunity thereat to present testimony and to confront witnesses. Such notice may be given either by personal service thereof or by mailing the same by registered mail to the holder of such license at the address therein specified.

48.47 PENALTIES. (1) Any person, firm, association or corporation found guilty of violating any of the provisions of sections 48.43 to 48.45 regulating maternity hospitals, shall be punished by a fine of not less than ten nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, and said term of imprisonment in case of an association or corporation may be imposed upon its officers who participated in said violation.

SECTION 7. Nine new sections are added to the statutes to be numbered and to read: 322.01 PETITION FOR ADOPTION; WHO MAY BE ADOPTED. (1) Any adult inhabitant of this state may petition the county court in the county of his residence for leave to adopt a child; but no such petition by a married person shall be granted unless the husband or wife shall join therein excepting that when such petitioner shall be married to the natural father or mother of such child then such joinder by such father or mother shall be deemed unnecessary.

(2) Any child may be adopted after arriving at the age of twenty-one years as well as before reaching that age.

322.02 INVESTIGATION BY BOARD OF CONTROL; PROBATIONARY RESIDENCE. (1) Upon the filing of a petition for the adoption of any minor child the court shall cause an investigation to be made of the former environment and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption and of the home of the petitioner to determine whether it is

a suitable home for the child. Such investigation shall be made either by the licensed child welfare agency or county home for dependent children which placed the child in the home of the petitioner or by a probation officer or by some other suitable person designated by the court, or if the court shall so desire, by the state board of control. The results of such investigation shall be embodied in a full report in writing which shall be submitted to the court at or prior to the hearing upon the petition and which shall be filed with the records of the proceedings and become a part thereof. The report shall contain a statement of facts found in the investigation, and shall show that the investigation included an actual inspection of the proposed home and that a careful personal inquiry was made as to the suitability of the proposed home. Such inquiry shall be made of at least two responsible citizens residing in the same community as the petitioner, and of the pastor of the congregation or parish, if any, to which the petitioner may belong. In case the parental rights of the natural parents of such child shall have been terminated by a juvenile or other court of competent jurisdiction, the report shall contain a summary of such proceedings and shall note any irregularities therein.

(2) No petition for the adoption of any minor child shall be granted until the child shall have lived for six months in the home of the petitioner; provided, that this requirement may be dispensed with upon good cause shown in the discretion of the court when the court is satisfied that the home of the petitioner and the child are suited to each other.

322.03 ADOPTION OF CHILD; NOTICE OF HEARING. (1) Upon the filing of a petition for adoption the court shall appoint a time and place for hearing such petition, which shall allow a reasonable time, but not exceeding thirty days, for the prior investigation provided for in section 322.02. The court shall mail notice of the date of hearing to the person or agency making the investigation provided for in section 322.02.

(2) The petitioner, and the child to be adopted if fourteen years of age or over, shall be required to attend the hearing in person, but a younger child shall not be required to attend, unless the court so orders.

322.04 CONSENT. (1) Except as otherwise specified in this section, no adoption shall be permitted except with the written consent of the living parents of a child. In the case of a child

fourteen years of age or over, the consent of such child also shall be required and must be given in writing in the presence of the court.

(2) Consent shall not be required of parents whose parental rights have been terminated by order of a juvenile or other court of competent jurisdiction; provided, however, that in such case adoption shall be permitted only on consent of the state board of control, or of the licensed child welfare agency, or county home for dependent children, to which the permanent care, custody or guardianship of such child has been transferred by a juvenile or other court of competent jurisdiction.

(3) If such child has no living parent or if such parent be a nonresident and shall have executed a written release of the custody of such child which shall have been valid at the time of its execution in the state in which made, adoption shall be permitted on consent of the legal guardian of the child or if there is no guardian, by the state board of control.

(4) In case of a child not born in lawful wedlock, the consent of the father shall not be necessary but in such case adoption shall not be permitted without the consent of the licensed child welfare agency, if any, to which the care and custody of such child has been committed or transferred by a court of competent jurisdiction, or if there be no child welfare agency, then by the state board of control.

(5) In case the child to be adopted has arrived at the age of twenty-one years the consent of such child alone shall be necessary.

(6) In a case where the consent of a minor parent is required a guardian ad litem therefor shall be appointed and the consent of such minor parent shall be effective only if concurred in by the guardian ad litem.

322.05 ORDER OF ADOPTION; CHANGE OF NAME. If, after the hearing and the written consent of the persons whose consent to adoption is necessary, the court shall be satisfied that the facts stated in the petition are true, that the petitioners are of good moral character and of reputable standing in the community and of ability properly to maintain and educate the child sought to be adopted, that the best interests of such child would be promoted by adoption, that such child is suitable for adoption, and that all legal requirements relative to adoption have been complied with, then the court shall make an order that from and

after the date thereof such child shall be deemed to all legal intents and purposes the child of the petitioners. In such order the name of the child may be changed to that of the parents by adoption. Such order shall set forth all jurisdictional facts.

322.06 RECORDS CLOSED. The files and records of the court in adoption proceedings shall not be open to inspection or copy by other persons than parties in interest and their attorneys and representatives of the state board of control, except upon order of the court, expressly permitting inspection or copy.

322.07 EFFECT OF ADOPTIONS. A child so adopted shall be deemed, for the purposes of inheritance and succession and for all other legal consequences and incidents of the natural relation of parents and children, the same to all intents and purposes as if the child had been born in lawful wedlock of such parents by adoption, excepting that such child shall not be capable of taking property expressly limited to the heirs of the body of such parents. The adoptive parents of such child and their heirs and next of kin shall be deemed for the purposes of inheritance and succession by such parents, their heirs and next of kin, the same to all intents and purposes as if such child had been born in lawful wedlock of such parents by adoption, and they shall take in accordance with the general statutory provisions regulating inheritance and succession as between a parent and a child dying without issue; providing further, that if no heirs or next of kin are found in the line of the adoptive parents, the property of the deceased shall go to the natural parents, and, in case they have died, then in their line of descent. The natural parents of such child shall be deprived, by such order of adoption, of such legal rights, if any, of whatsoever nature which they may have respecting such child and its property. Such child shall be freed from all legal obligations of maintenance and obedience to such natural parents; provided, that where the adoptive parent of such child shall be married to one of the natural parents of such child then the relation of such child toward such natural parent so married to the adoptive parent shall be in no way altered by such adoption, and the natural rights and obligations of such natural and adoptive parent toward such child shall be the same as if such child were the natural child of both the natural parent and the adoptive parent.

322.08 SUBSEQUENT ADOPTION. A subsequent adoption is au-

thorized by this chapter and in such case the words father, mother or parent include father, mother or parent by adoption.

322.09 ANNULMENT OF ADOPTION; LIMITATIONS. (1) Failure to comply in adoption proceedings with the essential requirements of this chapter shall be ground for annulment of the order of adoption within two years after date of entry thereof. Except as provided in subsection (2), any order for adoption heretofore or hereafter made by a court of record of this state shall be valid and conclusive and binding on all persons whomsoever and in all proceedings whatsoever after two years from the date of entry thereof, and any person who participated in the proceedings or who makes claim to property rights by, through or under any person who so participated, shall be estopped from attacking the validity of such adoption proceeding after said two years; provided, however, that where the adoption proceedings were had within two years prior to July 1, 1929, the two-year limitation period above set forth shall be construed to mean within two years from July 1, 1929.

(2) If a child who has been adopted develops insanity, feeble-mindedness, epilepsy or venereal disease before it is fourteen years of age and from conditions existing prior to adoption, of which the parents by adoption had no knowledge or information, such parents may petition the county court of the county in which they reside, on or before the fifteenth birthday of such child, for the annulment of the adoption, and if the court shall find that the facts are as alleged it shall enter an order revoking such adoption and making the state board of control the legal guardian of such child.

(3) The state board of control shall be made a party to the proceedings in any action in which the validity of an adoption shall be an issue. Notice of action shall be served upon the state board of control in the same manner as upon an adverse party.

SECTION 8. Three new subsections are added to section 46.03, a new subsection is added to section 46.04, a new paragraph is added to subsection (1) of section 46.16, a new subsection is added to section 59.08 and a new subsection is added to section 140.05 of the statutes to read: (46.03) (11) The board shall promote the enforcement of all laws for the protection of mentally defective, illegitimate, dependent, neglected and delinquent children, except laws whose administration is expressly vested in some other state department. To this end it shall co-operate

with juvenile courts and all licensed child welfare agencies and institutions of a public or private character, and shall take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made or is not likely to be made.

(12) When notified of the birth or expected birth of an illegitimate child, the board shall, through advice and assistance of the mother, or, if necessary, independently of the mother, see to it that the interests of such child are safeguarded, that appropriate steps are taken to attempt to establish the paternity and that there is secured for him the nearest possible approximation to the care, support and education that he would be entitled to if born of lawful wedlock.

(13) The board when so designated by the court having jurisdiction, shall act as trustee to receive and administer funds directed to be paid for the support of any child in any proceeding under chapter 166.

(46.04) (5) The director of the juvenile department and assistants may, by order of the governor upon recommendation of the state board of control, be vested with the same power to take children into custody, to make arrests and serve process in the enforcement of sections 48.35 to 48.42, as probation officers and sheriffs.

(46.16) (1) (am) Have power to license, revoke licenses of and exercise supervision over all child welfare agencies and the placement of children in foster homes, and grant and authorize the granting of permits to foster homes, as provided in sections 48.35 to 48.42. In the discharge of this duty the state board of control may inspect all records of any child welfare agency and visit all institutions conducted by such agency and any foster home in which children are placed, at any reasonable time.

(59.08) (9a) Establish such agencies and employ such personnel as it may deem necessary for the social welfare and protection of mentally defective, dependent, neglected, delinquent and illegitimate children within the county, fix the compensation of personnel so employed, and appropriate money for such agencies and personnel. Nothing herein shall authorize any departure from any of the provisions of any other statute relating to the social welfare and protection of such children, nor to relieve any county from any obligation imposed by any such statute, but



any county board may provide additional facilities and agencies for the social welfare and protection of such children.

(140.05) (8) The board shall have power to license and exercise supervision over maternity hospitals as provided in sections 48.43 to 48.47.

SECTION 9. Sections 48.33 and 48.331 of the statutes are amended to read: 48.33 (1) If any person shall have knowledge that any child *living with his mother or stepmother* is dependent upon the public for proper support or that the interest of the public requires that such child be granted aid, such person may bring any such fact to the notice of a judge of a juvenile court or of a county court of the county in which such child \* \* \* *has a legal settlement.*

(2) The said judge shall *make or cause to be made* an investigation and examination \* \* \* *of the circumstances of such child, which shall include a visit to the home of such child, before the granting of aid \* \* \*. A report upon such investigation, examination and visit shall be made in writing and become a part of the record in such case. To assist in making such investigations, \* \* \* examinations and visits, the judge may \* \* \* designate a probation officer, if there be one in the county, or may call upon the county children's board, if such board has been organized in the county.*

(3) The proceedings provided for by this section may include one or more children, all of whom may be named in the same notice and order of the judge thereon.

(4) \* \* \* *After such investigation and report the judge may, as the best interest of such child requires, grant aid to \* \* \* the mother or stepmother having the care and custody of such child \* \* \*.*

(5) \* \* \* *Such aid shall \* \* \* be granted only upon the following conditions:*

(a) There must be one or more children living with \* \* \* the mother \* \* \* or stepmother and dependent upon the public for proper support and who are under the age of sixteen; provided, that the court in its discretion may also grant aid for the support of minor children over sixteen who because of mental or physical disability are incapacitated for work.

(b) *Such child must have \* \* \* a legal settlement in the county in which application is made for aid \* \* \*; but such child may, with the approval of the court, reside and be*

*cared for outside of the county while receiving aid. For the purposes of this section, the receipt of public aid during the year next preceding by the family of any child shall not bar such child from having a legal settlement in the county.*

*(c) In cases in which all other conditions for granting aid shall be satisfied but in which the child does not have a legal settlement in the county in which application for aid is made, such aid may be granted in the discretion of the court, but only with the approval of the state board of control. The entire amount paid from county funds as aid in such cases shall be recoverable from the state out of the appropriation made by subsection (13) of section 20.17. Such aid shall not operate to prevent the gaining of a legal settlement within the county, and shall be chargeable to the state only until the child shall have acquired such legal settlement.*

*(d) The mother or stepmother must be without a husband; or the wife of a husband who is incapacitated for gainful work by \* \* \* mental or physical disability, likely to continue for at least one year in the opinion of a competent physician; or the wife of a husband who has been sentenced to a penal institution for \* \* \* a period of at least one year; or the wife of a husband who has continuously deserted her for \* \* \* one or more years, if the husband has been legally charged with abandonment for a period of one year; or such mother must be divorced from her husband and \* \* \* unable through use of the provisions of law to compel her former husband to support \* \* \* the child for whom aid is sought.*

*(e) The mother or \* \* \* stepmother having the care and custody of such children must be a fit and proper person to have the custody and care of the dependent children and the period of aid must be likely to continue longer than one year.*

*(f) The ownership by a mother or stepmother of a homestead shall not prevent the granting of aid under the provisions of this section if the \* \* \* total cost of maintenance of said homestead does not exceed the rental which \* \* \* the family \* \* \* would be obliged to pay for living quarters.*

*(6) The aid granted shall be sufficient to enable the mother \* \* \* or stepmother having the care and custody of such children to \* \* \* care properly for the children \* \* \*. The amount to be granted shall be determined by a budget for each family in which all possible income as well as expenses shall*

be considered. Such family budget shall be based on a standard budget, which shall be worked out annually by the judge of the court administering such aid and the county board or a committee of the board designated by it; provided, that if the county board shall not take action in such matter such standard budget shall be worked out by the judge alone. Medical and dental aid may be granted to minor children, the mother or the incapacitated father, as necessary. \* \* \* Aid pursuant to this section shall be the only form of public assistance granted to the family, excepting medical and dental aid, and no aid shall continue longer than one year without reinvestigation.

(7) Aid may be granted to a woman other than the mother or stepmother caring for a child dependent upon the public for proper support, living with and receiving family care from such woman under an arrangement which is likely to continue for at least one year, and also to a father who is physically incapacitated for gainful employment but capable of caring for his children in his home. Such aid shall be granted in the same manner, in the same amounts and under the same conditions as to a mother or stepmother, except that the ownership of a homestead shall not in the case of a woman other than the mother or stepmother, operate as a disqualification for the granting of aid. Whenever other adequate financial aid, public or private, is or shall become available for the proper family care of any child not living with his mother or stepmother, and whenever better provisions can be made for the care of such child, aid shall not be granted under the provisions of this section, and, if previously granted, shall be discontinued.

\* \* \* (8) The \* \* \* mother or stepmother receiving aid under the provisions of this section shall file monthly with the judge of the juvenile or county court of the proper county a statement showing the expenditures of all moneys received \* \* \* in the family income. The judge may require the mother to do such remunerative work as in his judgment she can do without detriment to her health or the neglect of her children or her home, and may prescribe the hours during which the mother may work outside of her home.

\* \* \* (9) The county board of each county shall annually appropriate a sum of money sufficient to carry out the provisions of this section. Upon the orders of the judge of the court having jurisdiction, the county treasurer shall pay out the

amounts ordered to be paid as aid, under the provisions of this section.

\* \* \* (10) The county clerk of each county having a population of one hundred thousand or more shall make a report to the county board at its annual November meeting showing in detail the amount of money advanced by the county to the residents of each town, village and city under the provisions of this section and section 48.331, *less the amount recoverable from the state, as provided in paragraph (c) of subsection (5)*. The county board at such meeting shall determine the amount to be raised and paid by each such town, village and city to reimburse the county for the money so advanced. Within ten days after such determination the county clerk of each county shall certify to the clerk of and charge to each such town, village and city the amount so advanced. Each such town, city and village shall levy a tax sufficient to reimburse the county for such advances to be collected as other taxes and paid into the county treasury. If any town, city or village shall fail to raise and pay over such money to the county, the county board shall have authority to compel such payment.

\* \* \* (11) (a) On the first day of January of each year the county treasurer shall certify under oath, in duplicate, to the secretary of state and the state board of control the amount paid out by such county during the preceding year for aid under this section and section 48.331, and *setting forth separately the amount of aid paid in cases under paragraph (c) of subsection (5) and the amount paid in all other cases*.

(b) If the board of control shall *be satisfied that such certification is correct and that the aid allowed in such county has been granted in compliance with the requirements of this section, it shall approve the same and shall cause its approval to be indorsed by \* \* \* its president and secretary \* \* \** on the certificate received by the secretary of state. *Thereupon the secretary of state shall credit the entire amount paid as aid in cases under paragraph (c) of subsection (5) and one-third of the amount paid in other cases \* \* \* on the state taxes next due \* \* \* from such county, and the state treasurer shall credit such county with \* \* \* the total of such amounts in his annual settlement with said county for taxes due the state; \* \* \* provided, \* \* \* that if the total amount \* \* \* due to \* \* \* counties under this section and section 48.331 \* \* \**

shall exceed the sum appropriated by subsection (13) of section 20.17, the secretary of state and the state treasurer shall prorate the \* \* \* sum *remaining after the payment in full of all claims under paragraph (c) of subsection (5) among the various counties according to the amounts \* \* \* due them.*

48.331 Aid shall also be granted to the mother of a child during the period extending from six months before to six months after the birth of the child, if her financial circumstances are such as to deprive either the mother or child of proper care. Such aid shall be governed in all respects by the provisions of section 48.33, except that the \* \* \* aid allowed under this section may be given in the form of supplies, nursing, medical or other assistance in lieu of money.

SECTION 10. Chapter 166 of the statutes is amended to read:

#### CHAPTER 166.

#### \* \* \* ILLEGITIMACY.

166.01 PROCEEDINGS ON COMPLAINT. On complaint being made to any justice of the peace by any female who shall \* \* \* *have been delivered of \* \* \* an illegitimate child or who shall be pregnant with a child which, \* \* \* when born, may be \* \* \* illegitimate, accusing any person of being the father of such child, the justice shall take such complaint in writing, under \* \* \* oath of such female, and shall thereupon issue his warrant against the person accused, directed to the sheriff or any constable of his county, commanding him forthwith to bring such accused person before the justice to answer such complaint. With the consent of the complainant, a summons may be issued in the first instance, as in civil cases, instead of a warrant, which summons shall be personally served.*

166.02 PROCEEDINGS ON RETURN OF WARRANT OR SUMMONS. On the return of such warrant, if the accused be in custody or shall appear, *or upon return of the summons, showing personal service on the defendant, the justice shall examine the complainant under oath respecting the cause of complaint, and the accused may cross-examine her and put any questions necessary for his defense. Witnesses may be examined on behalf of either party. If the action is commenced by service of summons, and the defendant does not appear, the justice shall proceed in the same*

*manner as though he were present, and shall make such orders as if the defendant were in court. The justice may at his discretion exclude the general public from attendance at such examination. All testimony taken and proceedings had shall be reduced to writing; the proceedings for cause shown may be adjourned from time to time \* \* \* and on such adjournment the accused may be recognized for his appearance for such examination in a sum not less than one hundred dollars nor more than one thousand dollars, and with sureties to the satisfaction of the justice, or the defendant may deposit money in lieu of sureties, and in default thereof he shall be committed, pending such examination, to the county jail. The accused shall be entitled to a removal of such action as in criminal examination before justices of the peace.*

166.03 DISCHARGE OF THE ACCUSED. If the accused person shall \* \* \* *enter into agreement with the complainant as provided in section 166.07, \* \* \* the justice shall make a memorandum of said agreement on his docket, \* \* \* and upon entry of judgment on such agreement shall discharge such accused person.*

166.04 RECOGNIZANCE AND COMMITMENT. (1) In case any person accused as aforesaid shall not comply with the provisions of the preceding section and there is probable cause to believe the accused person guilty the justice shall bind such person in a recognizance with one or more sureties, to be approved by the justice, in a sum of not less than two hundred dollars nor more than two thousand dollars, to appear at the next term of the circuit court for the proper county, and from time to time thereafter until final judgment, to answer the said complaint and to abide the order of said court thereon \* \* \*. *The defendant may deposit money with his recognizance in lieu of sureties and such sureties may deposit money in lieu of justification.* On the neglect or refusal of such defendant to \* \* \* furnish such security, the justice shall cause him to be committed to the county jail, there to be held to answer to such complaint \* \* \*.

(2) Such justice shall thereupon certify and return the examination and all testimony so taken before him with all process and papers in the case to the clerk of said circuit court. In case any examination has been had as provided by law, and the person complained of has been discharged for want of sufficient evidence to raise a probability of his guilt, and the district attorney

shall afterwards discover admissible evidence sufficient, in his judgment, to convict the person discharged, he may, notwithstanding such discharge, cause another complaint to be made before any officer authorized by law to make such examination, and thereupon another \* \* \* *proceeding* shall be had.

166.05 CHANGE OF VENUE. All cases begun under the provisions of this chapter shall be tried in the county where the action is properly commenced unless it shall appear to the satisfaction of the court by affidavit that a fair and impartial trial cannot be had in such county, in which case the court may direct that the accused be tried in some adjoining county where a fair and impartial trial can be had; the accused shall be entitled to a change of venue but once and no more.

166.06 JURISDICTION OF \* \* \* ILLEGITIMACY ACTIONS.

Any judge of a court of record, in vacation as well as in open court, and all court commissioners, except in counties containing cities having a population of one hundred fifty thousand or more, shall have concurrent jurisdiction with justices of the peace in all complaints and proceedings arising under this chapter.

166.07 SETTLEMENT AGREEMENTS. *A female who has been delivered of an illegitimate child or who shall be pregnant with a child which, when born, may be illegitimate, may enter into an agreement with the person claimed by her to be the father of the child. Such agreement may be entered into at any time prior to final judgment, either before or after issuance of process. The agreement shall include a determination of all facts and orders set forth in section 166.11 to be included by the court in its order for judgment, except that where the parties are unable to agree as to the paternity of the child, the alleged father may deny paternity in the agreement. By the terms of the agreement the defendant must submit personally to the jurisdiction of the court, and consent to entry of judgment in accordance with the terms of the agreement. Upon motion of the district attorney, the judge of the court of record having power to enter final judgment in illegitimacy proceedings, being satisfied with the terms of the agreement, shall order judgment in accordance therewith if paternity of the child is admitted. Where the paternity of the child is not admitted, after said agreement is approved by the court, it shall be filed but judgment shall not be rendered until there is a default of the payments agreed upon, when, upon motion of the district attorney, judgment shall be rendered and entered forth-*

*with. No other agreement or settlement of any illegitimacy proceedings shall be valid.*

\* \* \* 166.08 \* \* \* PROSECUTION \* \* \* BY DISTRICT ATTORNEY. \* \* \* *The district attorney \* \* \* shall appear and prosecute \* \* \* all \* \* \* illegitimacy proceedings \* \* \* including both the preliminary examination in justice court and the proceedings in the trial court \* \* \*. Private counsel in behalf of the complainant may appear with the district attorney, but attorneys' fees shall not be taxed for such purpose. The district attorney shall draft all agreements referred to in section 166.07.*

\* \* \*  
\* \* \* 166.09 CONTINUANCE; BAIL. *If at the next term of the court to which the accused is recognized or to which the venue has been changed the complainant shall not have been delivered or shall not be able to attend, or if at any time there shall be any other sufficient reason therefor the court may order a continuance of the cause from term to term as shall be judged necessary. If the sureties in the recognizance shall at any term of court object to being any longer held liable or if the court shall for any cause deem it proper such court may order a new recognizance to be taken and the defendant shall be committed until he gives such new recognizance.*

\* \* \* 166.10 TRIAL; EVIDENCE \* \* \*. *Upon the trial of the \* \* \* proceedings the issue shall be whether the accused is guilty or not guilty. The trial shall be by jury, if either party demands a jury, otherwise by the court. \* \* \* If the mother \* \* \* be dead or become insane or cannot be found within the jurisdiction, the proceeding does not abate, but the child shall be substituted as complainant. \* \* \* The testimony of the mother taken at the preliminary hearing may in any such case be read in evidence, and in all cases it shall be read in evidence \* \* \* if demanded by the defendant upon the trial. The judge may at his discretion exclude the general public from attendance at such trial. \* \* \**

166.11 JUDGMENT. (1) *If the accused shall be found guilty, or shall admit the truth of the allegation, or shall have entered into a settlement agreement, he shall be adjudged to be the father of such child, unless paternity shall have been denied in such settlement agreement, and shall be ordered to pay to the mother or town or county all expenses incurred by them for lying-*



*in and attendance of the mother during the last six months of pregnancy, and also for the care and support of the child, including funeral expenses if child be dead at time of trial, from the time of its birth until the date of the entry of judgment, and to pay to the county the costs of the action, and to stand chargeable for the future support of the child until it shall attain the age of sixteen years. Payments for such future support shall be directed to be made in either of the two following methods: (a) Payment of a specified monthly sum until the child is sixteen years of age; (b) payment of a specified lump sum within sixty days after entry of judgment or in specified monthly installments subject to the condition that upon default in any installment the entire amount shall become due and payable. All payments for the future support of the child shall be paid to a trustee and shall be held by him for the benefit of the child and by him shall be paid to the person having legal custody of the child in such manner and amounts as the court may direct.*

(2) *All of the foregoing matters shall be ascertained and fixed by the court and shall be inserted in the judgment, together with an order directed to the clerk of the court to file with the state registrar of vital statistics a certified copy of all judgments determining the paternity of the child. Judgments entered upon agreement of the parties shall conform to the above unless the parties are unable to agree as to the paternity of the child, when such adjudication may be omitted.*

(3) *All such judgments shall be satisfied of record by the clerk on payment to him of the costs and the filing of satisfaction of judgment executed and acknowledged by the complainant and trustee, if a trustee be appointed, and whenever ordered so to do by a written order of the court.*

166.12 CONTINUING JURISDICTION. *Whenever the judgment for the future support of the child has not been satisfied by the payment of the lump sum directed to be made, the court shall have continuing jurisdiction over proceedings brought to compel support and to increase or decrease the amount thereof until the judgment of the court has been completely satisfied. Nothing in this section shall in any way be considered a derogation of section 351.30.*

\* \* \* 166.13 BOND OR COMMITMENT. *If the person so adjudged to be the father of such child shall cause to be paid the cost of the prosecution, and any lump or total sum adjudged to be*

*paid, he shall be discharged and the judgment satisfied of record: or if he shall give a bond to the proper town or county in such sum and with such \* \* \* surety as shall be approved by the court, conditioned for the performance of such judgment and the payment of all sums ordered thereby to be paid as therein directed, \* \* \* he shall be discharged; otherwise he shall be committed to the county jail until he shall comply with and perform such judgment or shall be otherwise discharged according to law, unless the court shall stay execution of such commitment. Any execution of commitment so stayed shall issue at any time when it shall appear to the court that the defendant has defaulted on any of the provisions of the judgment. \* \* \**

\* \* \* 166.14 **WHEN AND HOW DISCHARGED; LIABILITY THEREAFTER.** Any person who shall have been so imprisoned ninety days may apply for his discharge from imprisonment in the manner provided by law for the discharge from imprisonment of persons confined in jail upon executions against the person; but notice of the application for such discharge shall be given to the complainant, if living within the state, and also to the \* \* \* *district attorney* at least fifteen days before such application for discharge is made. *Upon defendant's release, if the defendant shall at any time fail to comply with the judgment of the court with reference to the continued support of the child, he may be summarily dealt with as for contempt of court, and shall likewise be subject to all the penalties for failure to care for and support such child which are imposed by law upon the father of a legitimate child of like age and capacity, and in case of such failure to abide by any order of the court, the defendant shall be fully liable for the support of such child without reference to such order.*

\* \* \* 166.15 **EXECUTION.** The court, upon motion by the mother of such child, *or the trustee named in the judgment*, or of \* \* \* *the district attorney*, may, from time to time, order execution to issue against the defendant and his sureties in any bond given as aforesaid to secure the performance of any such judgments, or against a defendant who shall have been discharged under the preceding section for such sum as may at any time become due thereon and remain unpaid.

166.16 **ABSENCE OF DEFENDANT AT TRIAL.** *If the defendant fails to appear, the security for his appearance shall be forfeited*

*and shall be applied on account of the payment of the judgment, but the trial shall proceed as if he were present.*

166.17 RECORDS PRIVATE. *All records of court proceedings in cases under this chapter shall be withheld from inspection by, and copies shall not be furnished to persons other than the parties in interest and their attorneys except upon order of the court.*

166.18 TRUSTEE. (1) *The trustee to whom payment for the future support of the child shall be made pursuant to the judgment or agreement shall be the county official in charge of the relief of the poor, the clerk of the court, or such other person, corporation or state board or officer authorized so to act as may be designated by the court. Such trustee shall furnish such bond as the court may require, except that whenever a county officer shall be designated as trustee he shall not be required to furnish bond other than that furnished in his official capacity. The trustee shall administer such funds under the direction of the court and shall report to the court annually or oftener, as directed by the court, the amounts received and paid over.*

(2) *If upon the adoption of the child into another family there remain in the hands of the trustee unexpected funds received pursuant to the judgment, the trustee shall hold the funds until the child reaches maturity when the same shall be paid over to him. When upon the death of the child, and after payment of funeral expenses, unexpended funds remain in the hands of the trustee, such funds shall be paid over to the mother of the child.*

\* \* \* 166.19 PROSECUTION BY \* \* \* DISTRICT ATTORNEY. *When the mother of \* \* \* an illegitimate child commences any such proceeding and fails to prosecute the same, \* \* \* the district attorney, whenever he shall determine it to be to the best interest of the child, \* \* \* shall prosecute the proceedings commenced by the mother to final judgment.*

\* \* \* 166.20 INQUIRY BY \* \* \* DISTRICT ATTORNEY. *If any female shall be delivered of \* \* \* an illegitimate child which is or is likely to become a public charge, or shall be pregnant \* \* \* with a child likely to be born \* \* \* an illegitimate child, and to become a public charge, \* \* \* the district attorney, if he believes it to be to the best interest of the child, shall apply to \* \* \* any justice of the peace of the \* \* \* county, who shall thereupon examine such female on oath respecting the father of such child, the time when and the*

place where such child was begotten and as to such other circumstances as he may deem necessary; and such justice shall reduce such examination to writing and shall thereupon issue his warrant, without further or formal complaint, to apprehend the reputed father, and the same proceeding shall be had thereon and with the like effects as are hereinbefore provided in cases of complaint made by such female.

\* \* \* 166.21 WARRANT; ATTENDANCE OF FEMALE. Any warrant issued under this chapter may be executed in any part of this state; and in all cases \* \* \* *the justice may compel the said female to attend and testify the same as witnesses in other cases.*

\* \* \* 166.22 \* \* \* AGREEMENT BY DISTRICT ATTORNEY. \* \* \* *In all cases where the mother commences any proceedings under this chapter and fails to prosecute the same, or where she has been delivered of an illegitimate child which is likely to become a public charge or shall be pregnant with a child likely to be born an illegitimate child and to become a public charge, the district attorney of the county in which she resides shall have power to make \* \* \* an agreement with the putative father \* \* \* in the same manner and with the same force and effect as might be made by the mother.*

166.23 *This chapter shall be so interpreted and construed as to effectuate the protection and welfare of the child involved in any proceedings hereunder.*

SECTION 11: Paragraph (a) of subsection (1) of section 46.16, section 48.14, subsection (1) of section 48.15, subsection (2) of section 48.16, subsection (1) of section 48.17, subsections (1), (2) and (4) of section 48.20, subsections (1) and (2) of section 48.22, section 48.23, subsections (1) and (2) of section 48.28, subsection (3) of section 54.07, section 55.06, subsection (1) of section 57.05, subsection (1) of section 57.07, subsections (1), (4) and (6) of section 58.01, subsection (3) of section 324.01, and sections 351.24 and 351.25 of the statutes are amended to read: (46.16) (1) (a) Investigate and supervise all the charitable, curative, reformatory, and penal institutions of every county and other municipality, *all detention homes for children and all industrial schools, hospitals, \* \* \* asylums and institutions, organized \* \* \* for the purposes set forth in section 58.01*, and familiarize itself with all the circumstances affecting their management and usefulness.

48.14 The Wisconsin industrial school for boys, shall be the place of confinement and instruction of all male *delinquent* children and the Wisconsin industrial school for girls, of all female *delinquent* children, \* \* \* *who are committed to these institutions pursuant to section 48.07, but no child under twelve years of age shall be committed to either of these institutions by the juvenile court.*

(48.15) \* \* \* Any \* \* \* 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, *state reformatory, industrial home for women, house of correction, county jail or police station, as the case may be. All commitments of such children and of delinquent children to any industrial school shall be to the age of twenty-one years or until paroled in accordance with paragraph (b) of subsection (2) of section 48.16.*

(48.16) (2) (a) 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 \* \* \* *such action is in the best interest of such child.*

(b) *The board of control may parole any child committed to the industrial school for boys or the industrial school for girls, whenever it is satisfied that such action is for the best interests of such child. Every such paroled child shall remain in the legal custody of the said board until twenty-one years of age and may be returned to the institution from which paroled, in the manner provided in subsection (3) of section 57.06, or if then seventeen years of age or more in the case of boys or eighteen years of age or more in the case of girls may be transferred to the state reformatory or industrial home for women, as provided in subsection (3) of section 54.07.*

(48.17) (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 purpose, 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 coun-

ties; 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 \* \* \* return of any person escaping therefrom; and any justice of the peace, marshal or constable, upon information of such escape, shall \* \* \* return any such fugitive as above mentioned.

(48.20) (1) The board of control shall admit to said school \* \* \* *dependent and neglected children under sixteen years of age, but no child who is feeble-minded, insane or epileptic shall be committed to said school, and if committed shall be returned to the county from which committed.*

(2) Children received into the school, unless sent therefrom as hereinafter provided, may in the discretion of the board be retained until they are \* \* \* *twenty-one years of age* \* \* \*. *Any child received may at any time after its admission be transferred by the board to some other more appropriate institution.* \* \* \*

(4) *One-half of the net cost of caring for a child committed to the state public school shall be paid by the county of his legal settlement pursuant to section 46.10. The county shall also be chargeable with the compensation paid to any person for taking any child to the state public school. The compensation paid to any person for taking any child to the state public school, shall not exceed the sum of \* \* \* five dollars per day and the necessary expenses, and no charge shall be made for more than one person escorting each child. \* \* \* No person other than a competent woman shall be employed as such escort for any child under three years of age, \* \* \* or for \* \* \* any girl.*

(48.22) (1) The children in the state public school shall \* \* \* *receive substantially the same education as other children of like age and capacity who attend the public schools of this state and shall have proper physical, vocational and moral training. It shall be the duty of the department of public instruction to inspect the educational work of this school and to assist the state board of control in developing this work in compliance with this subsection.*

(2) The state board of control is the legal guardian of all \* \* \* *children permanently committed to the state public school. It may place them in families under the same conditions as are prescribed for licensed child welfare agencies, and make*

written contracts with responsible and suitable persons for keeping them during their minority, \* \* \* *providing* therein for their education in the public schools where they may reside, for teaching them some useful occupation, *and* for their kind and proper treatment as members of the families in which they are placed \* \* \*.

48.23 The board shall provide and keep in said school a record in which shall be entered the \* \* \* *information received from the juvenile court at the time of commitment and in addition thereto* the date of \* \* \* reception \* \* \* *and all available data regarding the antecedents and former environment of the child.* Such \* \* \* *record* shall include the results of a physical and \* \* \* *psychological* examination \* \* \* *of the child, by a competent physician \* \* \* and clinical psychologist and, when necessity therefor is indicated, by a psychiatrist.* As complete a \* \* \* *record* as possible of each child shall also be kept and continued during the guardianship of the board, *which shall include full information regarding every agreement for the placement of such child.*

(48.28) (1) The board of trustees of \* \* \* *any existing county home for dependent children* may receive into its charge and under its control by commitment, \* \* \* *or by transfer of custody as provided in subsection (7) of section 48.07* any neglected or dependent child under sixteen years of age residing in the county \* \* \*, *but no child who is blind, deaf, crippled, feeble-minded, insane or epileptic shall be committed to said home for dependent children.*

(2) *The board of trustees of such home for dependent children may \* \* \* place such children in suitable \* \* \* homes \* \* \* in this state upon written contracts \* \* \* for family care in the same manner as licensed child welfare agencies are authorized to do. \* \* \* Such home is hereby constituted the legal guardian of all children \* \* \* whose permanent care, custody and control has been transferred to it as provided in subsection (7) of section (48.07), and may consent in the courts of this state to the adoption of any such child by any person \* \* \* in the manner provided by law; and such consent given in writing shall have the same force and effect as if given by the \* \* \* parents of such child. Such written consent shall be given in duplicate, and one copy shall be filed with the secretary of said trustees, and the other delivered to*

the county court in which the proceedings for adoption are taken to be there filed. On the consummation of such proceedings, the custody of said trustees over the child adopted shall cease \* \* \*. It shall be the duty of the court making the order of adoption to transmit a certified copy of such order to the trustees of the institution from which such child was received.

(54.07) (3) Inmates of the industrial school for boys who have reached the age of seventeen years and inmates of the industrial school for girls who have reached the age of eighteen years, and inmates of other institutions, public or private, who have reached like ages, respectively, and who were committed to said institutions by a court \* \* \* and were then eligible for commitment to said industrial schools, may also be transferred to the reformatory or to the industrial home, respectively, by the board of control; but such \* \* \* children may be retained at the reformatory or industrial home only until they are \* \* \* twenty-one years of age. \* \* \* *The term inmates as used in this subsection shall include children on parole from the industrial school for boys or the industrial school for girls. The board of control may return such children at any time to the school or to the \* \* \* county from which they were sent to the school. Any child so transferred to a reformatory or industrial home, or the parent, guardian or next friend of any such child may have the action of the board of control in ordering such transfer reviewed by the court which made the original commitment of such child, on filing a petition in said court and after notice to the board of control in such manner as the court may direct.*

55.06 All jails and other municipal prisons shall be provided with suitable apartments or buildings for the separation of criminals from prisoners not criminal; persons of different sexes; and persons alleged to be insane \* \* \*. All prisoners shall be kept segregated accordingly.

(57.05) (1) If any minor, other than a delinquent \* \* \* child as defined in section 48.01, be found guilty of any misdemeanor, or be convicted the first time of a felony for which the prescribed penalty does not exceed ten years, the court in its discretion may suspend sentence and place such minor under the guidance and control of the state board of control as in the case of an adult, or of some adult person who shall have consented in writing to become responsible for the good behavior of such



minor for such period of probation not exceeding the maximum penalty prescribed as the court shall fix; and the court may require as a condition of the making or continuing in effect of the order, the payment of costs or the making or restitution, or both, in the court's discretion.

(57.07) (1) The state board of control may parole any inmate in the state reformatory *or* industrial home for women \* \* \* whenever suitable employment has been secured for such inmate, and his past conduct for a reasonable time has satisfied said board that he will be law abiding, temperate, honest, and industrious.

(58.01) (1) Any corporation organized for the establishment and maintenance of any hospital, asylum *or* other institution \* \* \* for the care and relief of sick, infirm, indigent *or* homeless persons, or for any similar charitable purpose may receive all such persons as shall be lawfully committed thereto or placed therein, and shall have and maintain the custody, care and control of such persons until lawfully discharged.

(4) Every such corporation shall cause \* \* \* *any inmate*, if so required by contract or by the terms of the commitment, to be instructed in such branches of useful knowledge as may be suited to their respective years and capacities; and all female inmates shall especially be taught domestic avocations, sewing, mending, knitting and housekeeping in all its departments, besides the common branches of education.

(6) The officers designated therefor by the by-laws of such corporation may at any time discharge any adult inmate when, in their discretion, it is for his interest or the interest of the corporation \* \* \*.

(324.01) (3) But no appeal shall be allowed from the action of any county court in allowing or disallowing any claim unless a part thereof in dispute amounting to at least twenty dollars shall have been allowed or disallowed. The appeal of any child from an order of adoption may be taken by any person on his behalf. *In any appeal from an order of adoption, the state board of control shall be made a party and shall be served with notice of appeal in the same manner as is hereinafter provided for service of such notice upon the adverse party.* In all other cases the appeal of any minor may be taken in and prosecuted in the name of the general guardian of such minor or by a guardian ad litem appointed generally or for that purpose.

351.24 Any woman who shall conceal the death of any issue

of her body which, if born alive, would be \* \* \* *an illegitimate child*, so that it may not be known whether such issue was born alive or not or whether it was not murdered, shall be punished by imprisonment in the county jail not more than one year nor less than six months, or by a fine not exceeding three hundred dollars nor less than one hundred dollars.

351.25 Any woman who shall be indicted or informed against for the murder of her \* \* \* *illegitimate* child may also be charged in the same indictment or information with the offense described in section 351.24, and if on the trial the jury shall acquit her of the charge of murder and find her guilty of the other offense judgment and sentence may be awarded against her for the same.

SECTION 12. The amendments to chapter 166 of the statutes included in this act shall apply to all proceedings commenced after this act takes effect.

SECTION 13. This act shall take effect upon passage and publication.

Approved August 26, 1929.

No. 551, A.]

[Published August 31, 1929.

## CHAPTER 440.

AN ACT to renumber chapter 211 of the statutes to be chapter 213 and to create a new chapter 211 of the statutes, relating to registered town mutual insurance companies.

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

SECTION 1. Chapter 211 of the statutes is renumbered Chapter 213.

SECTION 2. A new chapter is added to the statutes to read:

### CHAPTER 211

211.01 (1) A registered town mutual insurance company is defined to be a town mutual insurance company organized under, or, if heretofore organized, by registration with the department of insurance and conforming to the provisions of this chapter and licensed thereunder to transact the business of fire and lightning insurance authorized in subsection (1) of section 201.04, and adopting as herein provided, the standard articles