

## CHAPTER 58.

## PRIVATE ASYLUMS, HOSPITALS AND SOCIETIES.

58.01 Private institutions for orphans, indigents and delinquent children.	58.06 Private tuberculosis sanatoriums.
58.05 Private institutions for the insane and feeble-minded.	58.07 Humane societies.

**58.01 Private institutions for orphans, indigents and delinquent children.** (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.

(2) Any corporation organized for the establishment and maintenance of any industrial school for the keeping and reformation of children lawfully committed to the same may receive any child lawfully committed thereto or placed therein and shall thereafter have and maintain the exclusive custody, care and guardianship of every such child for the term of commitment or until discharged according to law, and any regular commitment, consent or order shall be full authority to all the corporate agents and servants therefor.

(3) Every such corporation may contract with any person, parent, guardian, or municipality responsible therefor, for the maintenance, care and education of every such inmate, or recover a reasonable price therefor, if no contract be made, not exceeding the amount fixed by its by-laws or regulations.

(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.

(5) Any clergyman of good standing shall be granted reasonable facilities, at proper times and places, freely to minister and impart moral and religious instruction, according to the usages of his church or denomination, to every inmate of such institution belonging to such church or denomination, or who shall desire him so to do.

(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.

**58.02 to 58.04** [*Repealed by 1929 c. 439 s. 1*]

**58.05 Private institutions for the insane and feeble-minded.** (1) The articles of organization of any corporation organized under the laws of this state for the establishment and maintenance of any hospital, asylum or other institution for the care, treatment or relief of insane or feeble-minded persons, or both, may contain provisions authorizing it to receive general, special, permanent or temporary endowments and to secure the repayment of the same in accordance with the terms and conditions upon which they may be made by a mortgage upon its real or personal property, or both, or otherwise, in the manner in such articles provided.

(2) Any insane or feeble-minded person may, upon the written request of his guardian, be committed to any such hospital, asylum or institution in the manner insane persons are committed to the state hospitals for the insane; but the county in which such person resides shall be liable for his support, maintenance and treatment only when he has been committed upon the request of the county board thereof, and such hospital, asylum or institution shall not be required to keep, care for or treat any insane or feeble-minded person longer than his guardian or friends or the county from which he shall have been committed shall defray the expenses of his care and treatment. Any person may voluntarily place himself in such hospital, asylum or institution for care and treatment.

(3) If at any time complaint is made to the state department of public welfare that any person is improperly confined in any such hospital, asylum, or institution, the department shall examine into the case in such manner as it deems best; and if it shall appear to the department that such person is improperly confined it shall order his immediate release, and thereupon such person shall be released. The corporation owning or maintaining any such hospital, asylum or institution shall not, nor shall any officer or employe thereof, be liable for the detention of any person duly committed or detained at the re-

quest of his guardian or friends or of any county board unless such person shall have been detained after the state department of public welfare shall have ordered his release or after a court or judge shall have directed his discharge; and such liability shall exist only for such detention as shall have occurred after the service of a copy of the order of such department, court or judge upon the superintendent or other officer in charge of such hospital, asylum or institution.

(4) Any letter, communication or complaint addressed to such department or to any member thereof by any inmate, employe or subordinate officer in any such hospital, asylum or institution shall be forthwith forwarded as addressed without interference therewith, breaking of the seal or reading thereof by any officer or employe therein.

(5) Every such corporation shall, on or before the first day of each July make a report to the state department of public welfare for the preceding year, which shall be in form and substance as required by said department and be verified by the president of such corporation or the superintendent or other officer having charge of such hospital, asylum or institution.

(6) Every such corporation that shall receive nonresident patients into such hospital, asylum or institution for care, treatment or relief shall execute to this state and file in the office of the secretary of state a bond in such sum and with such surety or sureties as the governor shall determine and approve, conditioned to indemnify the state and every municipality therein against expense in case any such patient shall become a pauper in this state. When any nonresident patient shall have been discharged from such hospital, asylum or institution and shall leave this state all liability of such corporation upon its bond on account of such patient shall thereupon cease. [1943 c. 93]

**58.06 Private tuberculosis sanatoriums.** (1) Any fraternal or mutual benefit society organized for the sole purpose of providing disability benefits in cases of tuberculosis may purchase or lease the necessary lands and buildings for the operation of a tuberculosis sanatorium or sanatoria for the benefit of its members. Whenever the sanatorium facilities are not all needed for the treatment of members, nonmembers of the society may be admitted to any such sanatorium upon payment of at least the cost of maintenance and treatment, which payments shall be placed in the funds of the society.

(2) Any private, philanthropic tuberculosis sanatorium organized on a nonprofit basis, if approved by the state board of health, may admit patients committed to it by any county in the manner and upon the terms provided by section 50.07. [1939 c. 233, 473]

**58.07 Humane societies.** (1) The superintendent or other chief officer of any humane society, upon approval of his appointment by the governor, is vested with the powers of a police officer and constable, and may exercise the same throughout the state.

(2) Any agent of any such society, appointed for the purpose of aiding in the enforcement of the laws for the prevention or punishment of cruelty to animals, children, women, aged or dependent people or criminals in any municipality, and whose appointment as such shall have been approved by the governor, is vested for that purpose with the powers of a police officer and constable in such municipality.

(3) The authority of any such superintendent or agent shall be evidenced by the governor's certificate of approval; and all police officials shall co-operate with him in the exercise of his functions.

(4) Such superintendent or agent shall not be entitled to any compensation for his services, except as provided in subsection (5); but shall be paid witness fees and mileage and expenses for the transfer of any child committed to the state industrial schools or the state public school at the rate and in the manner other officers are paid in like service.

(5) Any county, city, or village may appropriate for the maintenance and support of such societies in the prosecution within their respective boundaries of the work for which they are organized any sum of money deemed needful; but the aggregate of all such appropriations in any county shall not exceed twelve hundred dollars in any one year. Each county may, in addition thereto, appropriate and pay to one authorized and active agent of any such society such salary as the county board may fix.

## CHAPTER A 58.

## PUBLIC WELFARE.

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**58.31** [Created by *Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435*]

**58.31 State department of public welfare.** There is created a state department of public welfare which shall consist of a state board of public welfare, a director of public welfare, and such officers and employes as may be hereinafter authorized. [1939 c. 435]

**58.32** [Created by *Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435*]

**58.32 State board of public welfare.** (1) There is created a board of seven members which shall be known as the "State Board of Public Welfare" hereinafter referred to as the "board". The governor by and with the advice and consent of the senate shall appoint two members who shall serve two years, two others who shall serve four years, and three others who shall serve six years. Thereafter each member shall be appointed and confirmed for a term of six years. No member shall serve for more than two consecutive terms. Appointments shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of public welfare. All appointments shall be made without regard to party affiliation, or because of interest in any special organized group. A majority of the board shall constitute a quorum for the exercise of the power or authority conferred upon it, and each member of the board shall take and file the official oath.

(2) Each member of the board shall receive as compensation for his services a per diem not to exceed ten dollars as fixed by the board with the approval of the governor for time actually spent in performance of his official duties, not exceeding in the aggregate, however, the sum of six hundred dollars per annum, together with the amount of his travel and other expenses actually incurred in the performance of his official duties. [1939 c. 435]

**58.33** [Created by *Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435*]

**58.33 Duties and responsibilities of the state board.** (1) The powers and duties of the state board of public welfare shall be regulatory, advisory and policy-forming, and not administrative or executive.

(2) The board shall appoint the director of the state department of public welfare for an indefinite term and he shall not be subject to the provisions of chapter 16. Such appointment shall be made on the basis of recognized and demonstrated interest in and knowledge of the problems of public welfare and with due regard to training, experience, executive and administrative ability and efficiency and general qualifications and fitness for performing the duties of the office. No consideration shall be given by the board to nationality, political or religious affiliation.

(3) The board may appoint committees of citizens to make studies in the field of public welfare, but no member of any such committee shall receive any compensation or other emolument except reimbursement for actual travel expense.

(4) The board shall have authority to initiate and conduct a program of in-service training and staff development. [1939 c. 435]

**Note:** The state department of public welfare had no right to maintain an action at common law to recover from parents the cost of maintenance furnished to their daughter as an inmate of a state institution for the feeble-minded, and where the department attempted to do so, and had not followed the required procedure of first obtaining a determination of liability from the county judge under 49.11, a demurrer to the department's complaint was properly sustained. *State Department of Public Welfare v. Shirley*, 243 W 276, 10 NW (2d) 215.

**58.34** [Created by *Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435*]

**58.34 State director of public welfare.** (1) All of the administrative and executive powers and duties of the department shall be vested in a director of public welfare to be administered by him under the rules and regulations of said department, and subject further to the policies and in accordance with the principles established by the state board of public welfare.

(2) The salary of the director of public welfare shall be fixed by the board, and shall not exceed seven thousand five hundred dollars per annum.

(3) The director with the approval of the board shall establish such rules and regulations as may be necessary in the administering of the said department, and in the performance of the duties assigned to this department.

(4) The details of the departmental organization within the field assigned to the state board of public welfare shall be within the administrative discretion of the director to determine with the approval of the board.

(5) The director shall appoint all staff necessary for the carrying out of the duties of this department, all of whom shall be subject to the civil service law except heads of divisions enumerated in section 58.35. Each division shall have a single head appointed by the director with the approval of the board of public welfare.

(6) The director shall take an oath of office and shall file a bond in such amount and with such surety as the board may direct.

(7) The director subject to the approval of the board shall annually and at such other times as the board of public welfare may direct, prepare and submit budgets and reports relative to the administration of the department.

(8) All division heads shall be appointed on the basis of recognized interest, administrative and executive ability, training and experience in and a knowledge and understanding of the problems and needs in the field in which his division operates. [1939 c. 435]

58.35 [Created by Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435]

**58.35 Divisions created under the state board of public welfare; parole board.** (1) There shall be created within the department of public welfare the following divisions:

(a) The division of public assistance;

(b) The division of child welfare;

(c) The division of mental hygiene;

(d) The division of corrections;

(e) The divisions of administration and research, and such other divisions as may be found necessary by the board for the effective administration of the department. Subject to the approval of the state board, the director shall have the power to allocate and re-allocate functions among the divisions within the department.

(2) The parole board which consists of three members who shall be the director of the department of public welfare and the directors of the divisions of correction and mental hygiene. [1939 c. 435]

58.36 [Created by Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435]

**58.36 Functions, duties and powers of the department of public welfare.** The department of public welfare is charged with the execution of all powers, duties and functions vested in the following departments or divisions as they existed immediately prior to the creation of this department, namely:

(1) The state department of mental hygiene;

(2) The state department of corrections;

(3) The state pension department in the industrial commission of the state of Wisconsin;

(4) The public welfare department of the state of Wisconsin;

(5) All functions, powers and duties vested in the state board of control;

(6) The functions, powers and duties vested in the industrial commission relative to the adjudication of claims involving counties or other municipalities in disputes concerning the responsibility for relief under section 49.03 (8a). [1939 c. 435; 1943 c. 76]

58.37 [Created by Spl. S. 1937 c. 9, repealed by 1939 c. 142, 413, 435]

**58.37 Transfer of duties.** (1) By 60 days after September 16, 1939 all of the powers, functions and duties exercised by the state department of mental hygiene (as created by chapter 9, laws of special session 1937); the state department of corrections (as created by chapter 9, laws of special session 1937); the state pension department in the industrial commission of the state of Wisconsin relating to the administration of old-age assistance, aid to dependent children, and blind pensions vested in the industrial commission and the state pension department under sections 49.50 and 49.51, or under any other provision of law; the public welfare department of the state of Wisconsin, the industrial commission or such agency as the governor has designated to administer relief in Wisconsin under chapter 363, laws of 1933, chapter 15, laws of 1935, chapter 14, laws of special session 1937, or any act amendatory thereof or supplementary thereto, or under any other law, in so far as such laws relate to the administration of relief in Wisconsin; the juvenile department of the state board of control of Wisconsin relating to child protection and child welfare vested in the state board of control under chapter 48, or under any other provision of law; the state public school vested in the state board of control of

Wisconsin under sections 48.19 to 48.23; the collection and deportation division of the state board of control of Wisconsin vested in the state board of control under section 46.10, or under any other provision of law, relating to the collection and deportation counsel and the collection of money for maintenance of inmates of state and county institutions; all powers, functions and duties of the board of control relating to parole; the field agency for the care of the adult blind and the Wisconsin workshop for the blind and all of the functions, powers and duties relating thereto vested in the state board of control under sections 47.05 and 47.06 or any other provision of law; and all other functions, powers and duties vested in the industrial commission under section 49.03 (8a) relating to the adjudication of claims involving counties or other municipalities in disputes concerning responsibility for relief are assigned and transferred to and vested in the state department of public welfare. Such transfer shall be at all such times prior to 60 days after September 16, 1939, and in such manner as the state board of public welfare may determine. Concurrently with each such transfer of functions, there is appropriated to the department of public welfare for its use in the performance of the functions, powers and duties so transferred, the unexpended balance of the annual appropriation presently provided for each such function, power or duty, or if not provided with a separate appropriation, then that portion of the appropriation from which such function, power or duty is presently provided, the amount thereof to be determined by the emergency board.

(2) Annually, on July first there is appropriated to the state department of public welfare for the performance of its duties a sum equal to the total annual appropriation now provided for the functions, powers and duties transferred to the said department, to be determined as aforesaid by the emergency board. Each board and agency is empowered and directed to turn over to the department such records, equipment, supplies and materials as may be required with the transfer of such functions, and after such transfer all such functions, powers and duties shall be vested in, exercised or performed by the department of public welfare by or through the director of public welfare and the appropriate officer, division or bureau of such department. [1939 c. 435; 1943 c. 76, 169]

**Note:** Student loan program set up by provision in ch. 363, Laws 1933 (72.75) is included in transfer of relief agencies to department of public welfare. 28 Atty. Gen. 680.

**58.38** [Created by Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435]

**58.38 Transfer of employes.** All employes of any department, board, commission or any division thereof, who are subject to the provisions of chapter 16 and who are affected by the taking effect of this act are continued as employes of the new department of public welfare at the salaries received by them in the month of January, 1939, subject to the right of said department to make such changes in the manner provided by law in personnel, salaries, titles and duties as it may deem advisable. [1939 c. 435]

**58.39** [Created by Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435]

**58.39 Official co-operating state agency.** The state department of public welfare shall co-operate with the federal government in carrying out the purposes of any federal act concerning public assistance, social security, child welfare, mental hygiene and corrections over which the department has jurisdiction and in other matters of mutual concern pertaining to public welfare, within the department's jurisdiction. [1939 c. 435]

**58.40** [Created by Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435]

**58.40 Corporate character; seal.** The state department of public welfare shall be a body corporate and, in addition to the functions expressly authorized by law, shall have all powers necessary to the full and complete performance thereof. Said department shall have a seal, with the words "State Department of Public Welfare", and such other design as the department may prescribe, engraved thereon, by which it shall authenticate its proceedings, and of which the courts shall take jurisdictional notice. [1939 c. 435]

**58.41 to 58.44** [Created by Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435]

**58.45** [Created by Spl. S. 1937 c. 9, repealed by 1939 c. 142, 413, 435]

**58.46 to 58.48** [Created by Spl. S. 1937 c. 9, repealed by 1939 c. 413, 435]