

CHAPTER 247

STATE PUBLIC SCHOOL FOR DEPENDENT CHILDREN

247.01 STATE PUBLIC SCHOOL; LOCATION: PURPOSE.

HISTORY. 1885 c. 146 ss. 1, 12, 13; G.S. 1878 Vol. 2 (1888 Supp.) c. 36 ss. 184, 194, 195; 1889 c. 167 ss. 3, 4; G.S. 1894 ss. 3500, 3510, 3511; 1897 c. 210 s. 1; R.L. 1905 s. 1938; G.S. 1913 s. 4154; G.S. 1923 s. 4618; M.S. 1927 s. 4618; 1945 c. 565 s. 1.

247.02 COMMITMENTS TO SCHOOL.

HISTORY. 1885 c. 146 ss. 14, 15; G.S. 1878 Vol. 2 (1888 Supp.) c. 36 ss. 196, 197; 1889 c. 167 ss. 5, 6; G.S. 1894 ss. 3512, 3513; 1897 c. 210 ss. 3 to 6; R.L. 1905 s. 1941; G.S. 1913 s. 4157; 1917 c. 214 s. 1; G.S. 1923 s. 4619; 1927 c. 286; M.S. 1927 s. 4619.

A feeble-minded dependent child who has been committed to the state board of control (director of public institutions) for specialized care, and thereafter adjudged to be feeble-minded and ordered committed to the custody of the state board of control (director of public institutions) but not admitted to a state institution is not a charge of the state. *County of Stearns v Town of Fairhaven*, 203 M 11, 279 NW 707.

Where indigent children are committed to the state public school at Owatonna but are placed on the waiting list, the parents, and, if they cannot pay, the village of their legal settlement, are liable for the support of the children. OAG June 14, 1932.

247.03 DIRECTOR OF SOCIAL WELFARE TO ASSUME GUARDIANSHIP OF CHILD.

HISTORY. 1885 c. 146 s. 12; G.S. 1878 Vol. 2 (1888 Supp.) c. 36 s. 194; 1889 c. 167 s. 3; G.S. 1894 s. 3510; 1897 c. 210 s. 8; R.L. 1905 s. 1945; G.S. 1913 s. 4161; 1917 c. 214 s. 2; G.S. 1923 s. 4620; M.S. 1927 s. 4620.

County committing a non-resident child to the state public school is liable for its support under this section, if returned by the school to the county. OAG July 21, 1930.

Children awaiting admittance to the state public school after commitment are the responsibility of the relatives named in section 261.01 or, if there are no relatives able to support them, they must be cared for by poor relief; there is no obligation resting on the state until they are admitted to the State Public School. OAG June 14, 1932.

Commitment by one county of a child having a legal settlement in another county binds the committing county for the future care of such child, as an indigent person, after its return by the school. OAG July 21, 1930.

A minor child retains the settlement of mother at time of its commitment to the state board of control (director of public institutions). OAG Sept. 9, 1935 (339d).

A child returned from the state public school to be committed to state guardianship as feeble-minded is a charge upon the county from which he was first committed. OAG July 17, 1936 (840a-6).

Upon discharge from guardianship of state board of control (director of social welfare) on attaining 18 years of age, pauper is resident of county from which committed and not the county where she resided at the time of discharge, though such person may gain a settlement in own right upon sufficient residence. OAG Jan. 12, 1937 (339c-2).

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Child, upon discharge by board of control (director of social welfare) becomes a charge, on account of commitment, even though the county has the town system of poor relief. OAG July 15, 1937 (840a-6).

County of commitment is responsible for return of child. OAG June 2, 1938 (840a-6).

The settlement of a minor under the guardianship of the board of control (director of social welfare) follows that of the parents with whom he is residing, or with whom he last resided. OAG Aug. 4, 1938 (339o-2).

The county from which the juvenile court commits a child to a state public school, subject to the guardianship of the state board of control (director of social welfare) is chargeable with its future care and maintenance as an indigent person in the event of its discharge therefrom, even if returned to the county of its settlement, but the petition may be filed in the juvenile court of the county of settlement and it might have inherent power to issue a commission to the juvenile court of the county where the child is found to take evidence to be returned to the court for commitment. OAG June 6, 1939 (840a-6).

The authority of the officers of the state public school over the person of infants committed to their guardianship under Laws 1897, Chapter 210, continues during the minority of the infants, unless sooner relinquished by the voluntary act of the officers, and is superior to the rights of a guardian either previously or subsequently appointed. - *Armstrong v State Public School*, 88 M 382, 93 NW 3.

Whether an infant committed to the state public school under Laws 1897, Chapter 210, shall be released therefrom prior to his arrival at majority rests in the sound judgment and discretion of the school officers, who are clothed with power to act in that behalf by the terms of the statute under which such commitments are made, with the exercise of which discretion the courts will not interfere. *Armstrong v State Public School*, 88 M 382, 93 NW 3.

247.04 ADOPTION AND APPRENTICESHIP.

HISTORY. 1885 c. 146 ss. 13, 18, 21; G.S. 1878 Vol. 2 (1888 Supp.) c. 36 ss. 195, 200, 203; 1889 c. 167 ss. 4, 9, 12; 1893 c. 117 s. 2; G.S. 1894 ss. 3511, 3517, 3518; 1897 c. 210 ss. 11, 12; R.L. 1905 s. 1947; G.S. 1913 s. 4163; G.S. 1923 s. 4621; M.S. 1927 s. 4621.

247.05 DISCHARGE OF CHILD.

HISTORY. 1885 c. 146 s. 13; G.S. 1878 Vol. 2 (1888 Supp.) c. 36 s. 195; 1889 c. 167 s. 4; G.S. 1894 s. 3511; R.L. 1905 s. 1948; G.S. 1913 s. 4164; G.S. 1923 s. 4622; M.S. 1927 s. 4622.

Discharge from state public school through error and mistake may be revoked where the child is still in the school. OAG Jan. 12, 1937 (840a-4).

247.06 AGENTS; APPOINTMENT; DUTIES.

HISTORY. 1885 c. 146 s. 18; G.S. 1878 Vol. 2 (1888 Supp.) c. 36 s. 200; 1889 c. 167 s. 9; 1893 c. 117 s. 2; G.S. 1894 s. 3517; 1897 c. 210 ss. 13, 15; R.L. 1905 s. 1949; G.S. 1913 s. 4165; G.S. 1923 s. 4623; M.S. 1927 s. 4623.

247.07 RECORD OF INMATES.

HISTORY. 1885 c. 146 s. 17; G.S. 1878 Vol. 2 (1888 Supp.) c. 36 s. 199; 1889 c. 167 s. 8; G.S. 1894 s. 3519; 1897 c. 210 s. 17; R.L. 1905 s. 1950; G.S. 1913 s. 4166; G.S. 1923 s. 4624; M.S. 1927 s. 4624.

247.08 HOMES FOR CHILDREN.

HISTORY. 1913 c. 404 s. 1; G.S. 1913 s. 4167; 1917 c. 214 s. 3; G.S. 1923 s. 4625; M.S. 1927 s. 4625.

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247.09 VISITATORIAL POWERS.

HISTORY. 1897 c. 210 ss. 13, 15; 1913 c. 404 s. 2; G.S. 1913 s. 4168; G.S. 1923 s. 4626; M.S. 1927 s. 4626.

247.10 PENALTIES.

HISTORY. 1885 c. 146 s. 16; G.S. 1878 Vol. 2 (1888 Supp.) c. 36 s. 198; 1889 c. 167 s. 7; 1891 c. 124 s. 1; 1893 c. 117 s. 1; G.S. 1894 s. 3514; R.L. 1905 s. 1952; G.S. 1913 s. 4170; G.S. 1923 s. 4627; M.S. 1927 s. 4627.

The authority of the officers of the state public school over the person of infants committed to their guardianship under Laws 1897, Chapter 210, continues during the minority of the infants unless sooner relinquished by voluntary act of the officers, and is superior to the rights of a guardian either previously or subsequently appointed. The release of an infant prior to arrival at majority rests in the sound judgment of the school officers. Courts may not interfere. *Armstrong v Board of Control of State Public School*, 88 M 382, 93 NW 3.