

CHAPTER 257

CHILDREN; CUSTODY OF, ILLEGITIMATE

<p>Sec.</p> <p><b>CUSTODY</b></p> <p>257.01 Placing out, records</p> <p>257.02 Surrender of parental rights</p> <p>257.03 Notice to commissioner of public welfare</p> <p>257.04 Investigation</p> <p>257.05 Importation</p> <p>257.06 Exportation</p> <p>257.07 Written agreement</p> <p>257.081 Definitions; licensing and supervision of maternity shelters</p> <p>257.082 Facilities for maternity shelter; penalties</p> <p>257.091 Private agencies to care for and place children; licenses</p> <p>257.101 Foster care facilities; adequacy; licenses; supervision</p> <p>257.111 Revocation of license</p> <p>257.121 Burden of proof</p> <p>257.123 Violations, penalties</p> <p>257.13 Inspection</p> <p>257.14 Ascertainment of legitimacy</p> <p>257.15 Disclosure prohibited</p>	<p>Sec.</p> <p>257.175 Duties of commissioner of public welfare</p> <p><b>ILLEGITIMATE</b></p> <p>257.18 Complaint, when taken; procedure; warrant</p> <p>257.19 Complaint by mother</p> <p>257.20 Action; proceedings on return of warrant</p> <p>257.21 Bond; plea of guilty; commitment</p> <p>257.22 Continuance; recognizance</p> <p>257.23 Trial; examination; judgment of paternity; bond for support</p> <p>257.24 Father to pay all expenses</p> <p>257.25 Application for discharge from imprisonment</p> <p>257.26 Hearing; judgment</p> <p>257.27 Compromise</p> <p>257.28 Settlement</p> <p>257.29 Clerk to report name of adjudged father</p> <p>257.30 Physician may testify</p> <p>257.31 Records private</p> <p>257.32 Commissioner of public welfare, legal guardian</p> <p>257.33 Duties of commissioner of public welfare</p>
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CUSTODY

**257.01 PLACING OUT, RECORDS.** Each person permitted by law to receive children, secure homes for children, or care for children, shall keep a record containing the name, age, and former residence of each child received; the name, former residence, occupation, and character, of each parent; the date of reception, placing out, and adoption of each child, and the name, occupation, and residence of the person with whom a child is placed; the date of the removal of any child to another home and the cause thereof; the date of termination of the guardianship; the history of each child until he reaches the age of 21 years, is legally adopted, or is discharged according to law; and such other information as is required by the commissioner of public welfare.

[*Ex1919 c 51 s 1; 1951 c 644 s 1*] (4560)

**257.02 SURRENDER OF PARENTAL RIGHTS.** No person other than the parents or relatives may assume the permanent care and custody of a child under 14 years of age unless authorized so to do by an order or decree of court. Except in proceedings for adoption, no parent may assign or otherwise transfer to another his rights or duties with respect to the permanent care and custody of his child under 14 years of age. Any such transfer shall be void.

[*Ex1919 c 51 s 2*] (4561)

**257.03 NOTICE TO COMMISSIONER OF PUBLIC WELFARE.** Any person receiving a child in his home with intent to adopt him or keep him permanently, except a person receiving a child from an authorized agency, must notify the commissioner of public welfare in writing within 30 days after the child is received. Notice shall state the true name of the child; his last previous address; the name and address of his parents or legal guardian and of persons with whom he last resided; and the names and addresses of persons who placed him in the home, arranged for, or assisted with arrangements for his placement there; and such other facts about the child or the home as the commissioner may require. It is the duty of the commissioner or his designated agent to investigate the circumstances surrounding the child's entry into the home and to take appropriate action to assure for the child, the natural parents, and the foster parents the full protection of all laws of Minnesota relating to custody and foster care of children. Except as provided by section 317.65, no person shall solicit, receive, or accept any payment, promise of payment, or compensation, for placing a child in foster care or for assisting to place a child in foster care. Nor shall any person pay or promise to pay or in any way compensate any person, for placing or for assisting to place a child in foster care.

[*Ex1919 c 51 s 3; 1949 c 227 s 1; 1951 c 644 s 2; 1955 c 587 s 1*] (4562)

**257.04 INVESTIGATION.** Upon receipt of the notice provided for in section 257.03 the commissioner of public welfare or his designated agent shall visit the child and the home and shall continue to visit and supervise the home and the child or take other appropriate action to assure that the welfare of the child, his natural parents and his foster parents are fully protected.

[*Ex*1919 c 51 s 4; 1935 c 112 s 2; 1949 c 227 s 2; 1955 c 587 s 2] (4563)

**257.05 IMPORTATION.** No person shall bring or send into the state any child for the purpose of placing him out or procuring his adoption without first obtaining the consent of the commissioner of public welfare, and such person shall conform to all rules of the commissioner of public welfare and laws of the State of Minnesota relating to protection of children in foster care. He shall file with the commissioner of public welfare a bond to the state, approved by the commissioner of public welfare, in the penal sum of \$1,000, conditioned that he will not send or bring into the state any child who is incorrigible or unsound of mind or body; that he will remove any such child who becomes a public charge or who, in the opinion of the commissioner of public welfare, becomes a menace to the community prior to his adoption or becoming of legal age; provided, however, that the commissioner of public welfare may in his discretion waive the filing of a bond and accept in lieu thereof a written guarantee of responsibility in such form as he shall prescribe. Before any child shall be brought or sent into the state for the purpose of placing him in foster care, the person bringing or sending the child into the state shall first notify the commissioner of public welfare of his intention, and shall obtain from the commissioner of public welfare a certificate stating that the home in which the child is to be placed is, in the opinion of the commissioner of public welfare, a suitable adoptive home for the child if legal adoption is contemplated or that the home meets the commissioner's requirements for licensing of foster homes if legal adoption is not contemplated. The commissioner is responsible for protecting the child's interests so long as he remains within the state and until he reaches the age of 21 or is legally adopted. Notice to the commissioner shall state the name, age, and personal description of the child, and the name and address of the person with whom the child is to be placed, and such other information about the child and the foster home as may be required by the commissioner.

[*Ex*1919 c 51 s 5; 1949 c 21 s 1; 1955 c 587 s 3] (4564)

**257.06 EXPORTATION.** No person except a parent or guardian may take or send a child out of the state for purposes of placing him in foster care without first obtaining the approval of the commissioner of public welfare.

[*Ex*1919 c 51 s 6; 1955 c 587 s 4] (4565)

**257.07 WRITTEN AGREEMENT.** Every person placing a child in a foster home shall enter into a written agreement with the person taking the child, which agreement shall provide that the person placing the child shall have access at all reasonable times, to such child and to the home in which he is living, and for the return of the child by the person taking him when, in the opinion of the person placing such child or in the opinion of the commissioner of public welfare, the best interests of the child shall require it. The provisions of this section shall not apply to children who have been legally adopted.

[*Ex*1919 c 51 s 7] (4566)

**257.08** [Repealed, 1953 c 613 s 4]

**257.081 DEFINITIONS; LICENSING AND SUPERVISION OF MATERNITY SHELTERS.** Subdivision 1. For the purposes of sections 257.081 to 257.123 the terms defined shall have the meanings ascribed to them.

Subd. 2. "Agency" means any individual, organization, association, or corporation giving needed service or assistance to children in their own homes or receiving children unable to remain in their own homes and placing them in foster care. It includes any social service department of a child-caring institution which carries these responsibilities, or gives the services here described.

Subd. 3. "Person" includes association, corporation, partnership, any political subdivision of the state, and any agency, board, or department of such a political subdivision.

Subd. 4. (1) Except as provided in subdivision 4(2) a "facility for foster care" means any facility which for gain or otherwise regularly provides one or more children, when unaccompanied by their parents, with a substitute for the care, food, lodging, training, education, supervision or treatment they need but which for any reason cannot be furnished by their parents in their homes. This includes but is not

# MINNESOTA STATUTES 1961

2343

## CHILDREN; CUSTODY OF, ILLEGITIMATE 257.091

limited to the following: an institution, detention home, boarding home, free home, work home, children's home, day care home, day nursery, nursery school, or school for handicapped children.

(2) A facility for foster care does not include the following:

(a) A home caring for a child placed there for legal adoption unless legal adoption is not completed within two years after placement;

(b) A home caring for children from no more than one family for a period of less than 30 days;

(c) A home caring for children related to the operator thereof by blood or marriage;

(d) A school which in the judgment of the commissioner of public welfare operates for the primary purpose of educating children, rather than for the primary purpose of providing a needed substitute for the care, supervision, food, lodging, education, treatment or training provided most children in their own homes;

(e) A facility for foster care under the management and control of the commissioner of public welfare, or the Youth Conservation Commission.

Subd. 5. "Placing children in foster care" means placing children in any of the following foster care facilities: boarding home; work home; free home; group home; day boarding home; day nursery or institution. It also means placement in a private home for the purpose of legal adoption.

Subd. 6. "Children" means one or more persons under the age of 16 years or persons over 16 years of age if for reasons of mental retardation they still require the protection needed by persons under 16 years of age.

Subd. 7. "Facility for maternity shelter" means any family home, boarding home, institution, or establishment which gives or holds itself out to give care, shelter, or social services to women who are pregnant, or who have been delivered of a child or children within a period of 30 days prior to admission to such facility, whether or not children of these mothers are also received for care during the period of time the mother is in residence. It does not include facilities which give obstetrical care and treatment and are therefore subject to license by the department of health as defined in section 144.50 and in regulations issued by the Board of Health.

Subd. 8. [Renumbered 257.082, subd 1]

Subd. 9. [Renumbered 257.082, subd 2]

[1953 c 613 s 1; 1957 c 697 s 1]

**257.082 FACILITIES FOR MATERNITY SHELTER; PENALTIES.** Subdivision 1. The commissioner of public welfare shall pass annually on the adequacy and suitability of facilities for maternity shelter. The commissioner shall set rules governing the operation of such facilities. If he is satisfied that a facility for maternity shelter conforms to his rules and regulations, or in his opinion is making satisfactory progress toward full conformity, and that the wellbeing of each woman or child received is properly safeguarded, he shall grant a license to the individual, organization, or society operating such facility for maternity shelter. This license shall remain in force for one year unless sooner revoked and shall prescribe the number of persons who may be received for care at any one time and such other terms of license as the commissioner may prescribe. Each facility for maternity shelter shall keep records prescribed by the commissioner and shall make available all facts regarding its operation and services and all facts regarding the true identity of each woman or child received for care and such other facts as the commissioner may require. Every facility for maternity shelter is subject to visitation and supervision by the commissioner or his designated agent and shall receive from him consultation as needed to strengthen services for the identification and protection of mothers pregnant with children who will be born out of wedlock, and to strengthen social services for the protection and early identification of children born out of wedlock. No unlicensed facility for maternity shelter shall operate or continue to operate.

Subd. 2. Any person who violates the provisions of section 257.081 and this section shall, upon conviction of the first offense, be guilty of a misdemeanor. The second and subsequent offense shall be a gross misdemeanor.

[1955 c 624 s 1-3]

**257.09** [Repealed, 1953 c 613 s 10]

**257.091 PRIVATE AGENCIES TO CARE FOR AND PLACE CHILDREN; LICENSES.** The commissioner of public welfare shall pass annually on the fitness of

every person or agency engaging in the business, for gain or otherwise, of receiving and caring for children or placing them in foster care. The fitness of agencies shall be determined by the commissioner on the basis of conformity to rules established by the commissioner to govern their operation. Each agency shall make available all facts regarding its operations and services which the commissioner requires to determine its ability and competence to give service and care adequately for children received. When the commissioner is satisfied that an agency conforms to the rules governing its operation or is making satisfactory progress toward full conformity to such rules and is giving the services to children it purports to give, he shall issue a license to the agency. The license shall continue in force for one year unless sooner revoked by him. A list of licensed agencies shall be sent by the commissioner annually to all juvenile courts and to all the agencies so approved. The list shall contain a description of the scope of service to children for which each agency has been approved. No unlicensed person or agency shall receive a child for care or placing out, place a child in foster care, in any way assist with plans for his placement in foster care, or solicit money in behalf of such agency. All licensed agencies are subject to review and supervision by the commissioner and shall receive consultation as needed from the commissioner to strengthen services to children and to achieve the purpose of this section.

[1953 c 613 s 3; 1955 c 587 s 5]

257.10 [Repealed, 1953 c 613 s 2]

**257.101 FOSTER CARE FACILITIES; ADEQUACY; LICENSES; SUPERVISION.** The commissioner of public welfare shall pass annually on the adequacy and suitability of every facility for foster care whether operated for gain or otherwise. If the facility conforms to appropriate rules adopted by the commissioner or in his judgment is making satisfactory progress toward full conformity and he is satisfied that the interests and well being of children received therein are protected, he shall grant a license to the individual, organization, or association giving such foster care. This license shall remain in force for one year unless sooner revoked and shall prescribe the number and age groupings of children who may receive care at any one time. Each facility for foster care shall cooperate with the commissioner to make available all facts regarding its operation and services as he requires to determine its conformance to his rules and its competence to give the service needed and which it purports to give. A facility for foster care shall not use the name "school" unless it also meets standards of education and teacher certification established by the state board of education. No unlicensed facility for foster care may receive a child for care or continue caring for a child or children, nor solicit money in behalf of such facility for foster care. Every licensed facility for foster care is subject to visitation and supervision by the commissioner and shall receive from him consultation as needed to strengthen services to children and to achieve the purposes of this section.

[1953 c 613 s 5; 1957 c 697 s 2]

257.11 [Repealed, 1953 c 613 s 6]

**257.111 REVOCATION OF LICENSE.** Subdivision 1. **Grounds.** After due notice and hearing, the commissioner of public welfare may revoke the license of any agency, facility for foster care, or facility for maternity shelter:

(a) If any provision of sections 257.081 to 257.123 or Laws 1955, Chapter 624 is violated; or

(b) If the licensee violates any law of the state in a manner disclosing moral turpitude or unfitness to maintain the agency, facility for foster care, or facility for maternity shelter; or

(c) If there is evidence that the agency, facility for foster care, or facility for maternity shelter is conducted by a person of ill repute or bad moral character.

Subd. 2. **Written charges; service of findings and decision.** Written charges against the licensee shall be served upon the licensee at least three days before the date fixed for the hearing thereon, in the manner prescribed for the service of summons in a civil action. Following the hearing a written copy of the findings and decision of the commissioner based on the hearing shall be served upon the licensee.

Subd. 3. **Appeals to district court.** Any licensee feeling aggrieved by a decision of the commissioner upon a hearing may appeal to the district court by filing with the clerk thereof, in the county where the agency, facility for foster care, or facility for maternity shelter is situated within ten days after service of the decision upon

him, a written notice of appeal specifying the grounds of the appeal.

**Subd. 4. Hearing on appeal.** Any such appeal may be brought on for hearing in a summary manner by an order to show cause why the decision of the commissioner should not be confirmed, amended, or set aside. The decision and the written notices shall be deemed the pleadings in the case, and may be amended in the discretion of the court. The case shall be tried de novo and the court shall make its findings of fact and conclusions of laws upon the issues.

**Subd. 5. Appeals to supreme court.** Within ten days after notice of the filing of the court's decision either party to the action may appeal to the supreme court in the manner provided for appeals in civil actions.

**Subd. 6. Revocation stayed pending appeal.** When an appeal is taken from the decision of the commissioner of public welfare revoking the license of any agency, facility for foster care, or facility for maternity shelter, such revocation of license is not effective until appeal is finally determined.

[1953 c 613 s 7; 1955 c 624 s 4-6]

**257.12** [Repealed, 1953 c 613 s 6]

**257.121 BURDEN OF PROOF.** In a prosecution under the provisions of sections 257.01 to 257.123, or any penal law related thereto, a defendant who relies for defense upon the relationship of any infant to himself shall have the burden of proof as to such relationship.

[1953 c 613 s 8; 1955 c 587 s 6]

**257.123 VIOLATIONS, PENALTIES.** Every person who violates any of the provisions of sections 257.01 to 257.121 shall upon conviction of the first offense, be guilty of a misdemeanor. The second or subsequent offense shall be a gross misdemeanor.

[1953 c 613 s 9; 1955 c 587 s 7]

**257.13 INSPECTION.** The authorized agents of the commissioner of public welfare, the officers and authorized agents of the state board of health and the local board of health of the several cities, villages, and towns of the state in which a licensed infants' home is located may inspect such home at any time and examine every part thereof. The agents of the commissioner of public welfare may call for and examine the records which are required to be kept and inquire into all matters concerning such home and the infants therein; and the agents of the commissioner of public welfare shall visit and inspect such homes at least once in every six months and make and preserve reports of the conditions found therein. The licensee shall give all reasonable information to such inspectors and afford them every reasonable facility of viewing the premises and seeing the inmates.

[Ex1919 c 52 s 4] (4572)

**257.14 ASCERTAINMENT OF LEGITIMACY.** When an infant is received for care in an infants' home, the licensee of such home shall use due diligence to ascertain whether such child is legitimate; and, in case there is any reason to believe that such infant is an illegitimate child, then and in such case such licensee shall notify the commissioner of public welfare thereof and furnish him with such information bearing on such question as may have come to the knowledge of the licensee or any officer or agent of any such home.

[Ex1919 c 52 s 5] (4573)

**257.15 DISCLOSURE PROHIBITED.** No authorized agent of the commissioner of public welfare, no officer or authorized agent of the state board of health or the local boards of health of the city, village, or town where such licensed home is located, or the licensee of such a home, or any of its agents, or any other person, shall directly or indirectly disclose the contents of the records herein provided for, or the particulars entered therein, or facts learned about such homes or the inmates thereof except upon inquiry before a court of law, at a coroner's inquest, or before some other tribunal, or for the information of the commissioner of public welfare, state board of health, or the local board of the village, city, or town in which the home is located. Nothing herein shall prohibit the commissioner of public welfare disclosing such facts to such proper persons as may be in the interest of any child maintained in the home with the consent of the mother of the child.

[Ex1919 c 52 s 6] (4574)

**257.16, 257.17** [Repealed, 1953 c 613 s 10]

**257.175 DUTIES OF COMMISSIONER OF PUBLIC WELFARE.** It shall be the duty of the commissioner of public welfare to promote the enforcement of

all laws for the protection of defective, illegitimate, dependent, neglected, and delinquent children, to cooperate to this end with juvenile courts and all reputable child-helping and child-placing agencies of a public or private character, and to take the initiative in all matters involving the interests of such children where adequate provision therefor has not already been made. The commissioner shall have authority to appoint and fix the salaries of a chief executive officer and such assistants as shall be deemed necessary to carry out the purposes of sections 257.175 to 257.177, 257.32 and 257.33.

[1917 c 194 s 3] (4456)

257.176 [Repealed, 1959 c 480 s 6]

257.177 [Repealed, 1959 c 480 s 6]

#### ILLEGITIMATE

**257.18 COMPLAINT, WHEN TAKEN; PROCEDURE; WARRANT.** Subdivision 1. **Who may take.** If a woman is delivered of an illegitimate child, or is pregnant with a child likely to be illegitimate when born, the county board of the county where she resides, or any member thereof, or the commissioner of public welfare, or any person duly appointed to perform in the county any of the duties of the commissioner of public welfare, relating to the welfare of children, may apply by complaint to a justice of the peace of the county, or to a municipal court, to inquire into the facts and circumstances of the case. Such complaint shall be filed and further proceedings had, either in the county where the mother resides or in the county of the residence of the alleged father of the child or in the county where the child may be found, if it is likely to become a public charge therein.

Subd. 2. **Examination.** Such justice or the judge of the municipal court may summon the woman to appear before him and may examine her on oath respecting the father of the child, the time when and the place where it was begotten, and any other facts he deems necessary for the discovery of the truth and thereupon shall issue his warrant to apprehend the putative father. Thereafter the proceedings shall be the same as if the complaint had been made by such woman under the provisions of this chapter and with like effect and, in all cases, the complainant and the accused may require the attendance of such woman as a witness.

[R. L. ss. 1575, 1576; 1917 c. 210 s. 1; 1921 c. 489 s. 1] (3269, 3270)

**257.19 COMPLAINT BY MOTHER.** On complaint being made to a justice of the peace or a municipal court by any woman who is delivered of an illegitimate child, or pregnant with a child which, if born alive, might be illegitimate, accusing any person of being the father of such child, the justice or the clerk of the court shall take the complaint in writing under her oath and thereupon shall issue a warrant, directed to the sheriff or to any constable of the county, commanding him forthwith to bring such accused person before such justice or court to answer such complaint; which warrant may be executed anywhere within the state. Such complaint shall be filed and further proceedings had either in the county where the woman resides or in the county where the alleged father of the child resides or in the county where the child is found, if it is likely to become a public charge upon such county. It shall be the duty of the county attorney, if the complaint seems to be justified, to prosecute such actions and he shall institute appropriate proceedings for the enforcement of orders of the court. The county attorney may, on the written request of the defendant, file such complaint in the district court accompanied by the written request and a waiver by the defendant of his right to a preliminary examination. The county attorney may then bring the defendant before the judge of the court at any time for the adjudication of the paternity of such child and the making of an order for its support.

[R. L. s. 1567; 1917 c. 210; 1921 c. 489 s. 1; 1941 c. 150] (3261)

**257.20 ACTION; PROCEEDINGS ON RETURN OF WARRANT.** The justice shall enter an action in his docket, or the clerk of court in his register of actions, in which the state shall be plaintiff and the accused defendant, and shall make such other entries as are required in criminal actions. On the return of the warrant with the accused, the justice or judge shall examine, under oath, the complainant, and such other witnesses as may be produced by the parties, respecting the complaint, and shall reduce such examination to writing. He may, at his discretion, and, at the request of either party, shall, exclude the general public from attendance at such examination.

[R. L. s. 1568; 1917 c. 210] (3262)

**257.21 BOND; PLEA OF GUILTY; COMMITMENT.** If there is probable cause to believe the defendant guilty as charged in the complaint, the justice or judge shall require him to enter into a recognizance, with approved sureties, in the sum of not less than \$300 nor more than \$1,000, to appear before the district court of the proper county at the next term thereof; or, if the court is then sitting in the county, at a date fixed by the justice or judge and answer the complaint and abide the order of the court thereon. If he fails to give such recognizance, the justice or judge shall commit him to the county jail, there to be held to answer such complaint at the next term of such court, or at the date so fixed; provided, that the accused may appear before the court at any time and enter a plea of guilty to the complaint. Thereupon the justice or judge shall certify the examination and return the same and all process and papers in the case to the clerk of such court.

[*R. L. s. 1569; 1909 c. 275; 1913 c. 71 s. 1; 1917 c. 210; 1921 c. 489 s. 1*] (3263)

**257.22 CONTINUANCE; RECOGNIZANCE.** At the next term of the court, or at the date fixed by the justice or judge, if the complainant has not been delivered or is not able to attend, or for any other sufficient reason, the court may continue the cause, and such continuance shall renew the recognizance, which shall remain in force until final judgment. If the sureties shall at any term of court surrender the defendant and ask to be discharged, or if the court shall at any time deem it proper, it may order a new recognizance to be taken, and commit the defendant until it is given.

[*R. L. s. 1570; 1917 c. 210; 1921 c. 489 s. 1*] (3264)

**257.23 TRIAL; EXAMINATION; JUDGMENT OF PATERNITY; BOND FOR SUPPORT.** Upon the trial in district court the judge may at his discretion exclude the general public from attending at such trial and shall do so at the request of either party. The examination taken before the justice or judges of the municipal court shall in all cases be read to the jury when demanded by the defendant. If he is found guilty, or admits the truth of the accusation, he shall be adjudged to be the father of such child and thenceforth shall be subject to all the obligations for the care, maintenance and education of such child, and to all the penalties for failure to perform the same, which are or shall be imposed by law upon the father of a legitimate child of like age and capacity. Judgment shall also be entered against him for all expenses incurred by the county for the lying-in and support of and attendance upon the mother during her sickness, and for the care and support of such child prior to said judgment of paternity, the amount of which expenses, if any, shall also be found by the judge, together with costs of prosecution. If the defendant fails to pay the amount of such money judgment forthwith, or during such stay of execution as may be granted by the court, he shall be committed to the county jail, there to remain until he pays the same or is discharged according to law. No stay shall be granted unless the defendant shall give a bond to the county, in such sum and with such sureties as shall be approved by the court for the payment of such money judgment on or before the expiration of such stay. Upon due notice to the county welfare board or the commissioner of public welfare and the duly appointed guardian, if any, the judge of the district court before whom the proceedings are pending shall make and enter an order, directing and requiring the father of such child to pay to the county welfare board, or the commissioner of public welfare such sum of money or its equivalent, as may be proper and adequate for the care, maintenance, and education of such child; or such order may provide for the payment, in the manner heretofore provided, of a specific sum each month, or at other stated intervals, for the purpose hereinbefore specified. The court shall further fix the amount, and order the defendant to pay all expenses necessarily incurred by, or in behalf of, the mother of such child, in connection with her confinement and the care and maintenance of the child prior to judgment. If the defendant fails to comply with any order of the court, hereinbefore provided for, 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 or shall be imposed by law upon the father of a legitimate child of like age and capacity, and in case of such failure to abide any order of the court, the defendant shall be fully liable for the support of such child without reference to such order.

[*R. L. s. 1571; 1917 c. 210; 1921 c. 489 s. 1; 1925 c. 354 s. 1; 1941 c. 152 s. 1; 1943 c. 201 s. 1; 1953 c. 593 s. 2*] (3265)

**257.24 FATHER TO PAY ALL EXPENSES.** In the event of judgment of paternity, as provided in section 257.23, the mother shall be entitled to recover of the father in a civil action all expense necessarily incurred by her in connection with her confinement, including her suitable maintenance for not more than eight weeks next prior thereto and not more than eight weeks thereafter, and for the burial of the child, if the same shall have been still-born or shall have died after birth, and all necessary expenses and doctors' bills in connection with her and the child's sickness. The provisions of this section shall apply only to such expense, or portion thereof, as is not otherwise provided for by order of the court.

[R. L. s. 1572; 1917 c. 210; 1921 c. 489 s. 1] (3266)

**257.25 APPLICATION FOR DISCHARGE FROM IMPRISONMENT.** Any person who has been imprisoned for 90 days for failure to pay any such money judgment for expenses incurred by the county may apply to the court by petition setting forth his inability to pay the same and praying to be discharged from imprisonment, and shall attach to the petition a verified statement of all his property, money, and effects, whether exempt from execution or otherwise. Thereupon the court shall appoint a time and place for hearing the application, of which the petitioner shall give at least ten days notice to the county attorney.

[R. L. s. 1573; 1917 c. 210; 1921 c. 489 s. 1] (3267)

**257.26 HEARING; JUDGMENT.** At the hearing the defendant shall be examined on oath in reference to the facts set forth in the petition and his ability to pay the money judgment, and any other legal evidence in reference to such matters may be produced by any of the parties interested. If it appears that the defendant is unable to pay the judgment, the court may direct his discharge from custody, upon his making affidavit that he has not in his own name any property, real or personal, and has no such property conveyed or concealed or in any manner disposed of with design to secure the same to his own use or to avoid in any manner payment of the judgment. The court, as a condition of such discharge, may require the defendant to pay the judgment in monthly or other instalments, as the earning capacity of the defendant may justify. If upon the hearing it appears that the defendant has property, but not sufficient to pay the judgment, the court may make such order concerning the same in connection with the discharge as justice may require. The defendant's discharge shall not affect the right of the county to collect upon execution any portion of the judgment remaining at any time unsatisfied, subject to all the provisions of law relating to judgments for the payment of money; or the right of the court to recommit the defendant if at any time it shall appear to the court that the defendant is possessed of means to pay the judgment but will not do so.

[R. L. s. 1574; 1913 c. 494 s. 1; 1917 c. 210; 1921 c. 489 s. 1] (3268)

**257.27 COMPROMISE.** The county board, either before or after judgment, may make such compromise and settlement with the putative father of any illegitimate child as it deems equitable and just for expenses incurred by the county for which judgment may be or shall have been entered pursuant to section 257.23.

[R. L. s. 1577; 1917 c. 210] (3271)

**257.28 SETTLEMENT.** The commissioner of public welfare shall have authority to accept from the acknowledged or adjudicated father of the child such sum as shall be approved by the court having jurisdiction of proceedings to establish the paternity of the child in full settlement of all obligations for the care, maintenance, and education of such child and hold or dispose of the same as ordered by the court. Such settlement shall discharge the father of all further liability, civil and criminal, on account of such child, provided that such settlement shall not affect any liability of the father under section 257.24.

[R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1; 1941 c. 152 s. 2] (3272 (a))

**257.29 CLERK TO REPORT NAME OF ADJUDGED FATHER.** Upon the entry of a judgment determining the paternity of an illegitimate child the clerk of the district court shall notify in writing the state registrar of vital statistics of the name of the person against whom such judgment has been entered, together with such other facts disclosed by his records as may assist in identifying the record of the birth of the child as the same may appear in the office of the registrar. If the judgment shall thereafter be vacated, that fact shall be reported by the clerk in like manner.

[R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1] (3272 (b))

**257.30 PHYSICIAN MAY TESTIFY.** In any proceeding under this chapter a licensed physician or surgeon may testify concerning the fact and probable date



# MINNESOTA STATUTES 1961

2349

CHILDREN; CUSTODY OF, ILLEGITIMATE 257.33

of inception of the pregnancy of his patient without her consent and shall so testify when duly called as a witness.

[*R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1*] (3272 (c))

**257.31 RECORDS PRIVATE.** All records of court proceedings in cases of alleged illegitimacy after the final determination thereof shall be withheld from inspection by any person other than by written request of the state department of public welfare or of a county welfare board, except upon order of the court.

[*R. L. s. 1578; 1917 c. 210; 1921 c. 489 s. 1; 1945 c. 357 s. 1*] (3272 (e))

**257.32 COMMISSIONER OF PUBLIC WELFARE, LEGAL GUARDIAN.** Subdivision 1. The commissioner of public welfare shall have powers of legal guardianship over the persons of all children who may be committed by courts of competent jurisdiction to his care or to institutions under his management. After commitment to his guardianship, he may make such provision for, and disposition of, the child as necessity and the best interests of the child may from time to time require. No child shall be placed in an institution maintained for the care of delinquents who has not been duly adjudged to be delinquent. The commissioner shall not be authorized to consent to the adoption of a child who is committed to his guardianship on account of delinquency.

Subd. 2. If existing buildings, grounds or other facilities provided by law, or which may be available, for the shelter and care of dependent and neglected children, who are under the guardianship of the commissioner of public welfare, become inadequate, the commissioner, with the approval of the commissioner of administration, may arrange according to law, by gift or by lease, not exceeding two years in duration, for the use of any available buildings, dwellings and grounds appurtenant thereto or suitable for such purpose.

[*1917 c. 194 s. 1; 1941 c. 159 s. 1; 1945 c. 565 s. 3*] (4454)

**257.33 DUTIES OF COMMISSIONER OF PUBLIC WELFARE.** It shall be the duty of the commissioner of public welfare when notified of a woman who is delivered of an illegitimate child, or pregnant with child likely to be illegitimate when born, to take care that the interests of the child are safeguarded, that appropriate steps are taken to establish his 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 marriage. For the better accomplishment of these purposes the commissioner of public welfare may initiate such legal or other action as is deemed necessary; may make such provision for the care, maintenance, and education of the child as the best interests of the child may from time to time require, and may offer his aid and protection in such ways as are found wise and expedient to the unmarried woman approaching motherhood.

[*1917 c. 194 s. 2*] (4455)