

CHAPTER VIII.

[H. B. No. 50.]

PROTECTION AND CUSTODY OF ORPHAN CHILDREN.

AN ACT for the protection of orphan, homeless, neglected or abused children and conferring powers upon judges of the superior court, the county commissioners and charitable societies to receive, control and dispose of the same, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington :

SECTION 1. Any benevolent or charitable society incorporated under the laws of this state for the purpose of receiving, caring for, or placing out for adoption, or improving the condition of orphan, homeless, neglected or abused minor children of this state, shall have authority to receive, control, and dispose of children under fourteen (14) years of age under the following provisions:

Certain benevolent incorporations given authority in certain cases to receive, control and dispose of children under 14 years of age.

(a) When the father and mother or the person or persons legally entitled to act as guardian of the person of any minor child shall in writing surrender such child to the charge and custody of said society, such child shall thereafter be in the legal custody of such society for the purposes herein provided.

(b) In case of the death or legal incapacity of a father or of his abandonment or neglect to provide for his family the mother shall have authority to make such surrender, and in case of the death or legal incapacity of a mother, or her abandonment of such child then the father shall have authority to make such surrender.

(c) In all cases where the person or persons legally authorized to make such surrender are not known, the board of county commissioners of the county in which any orphan, homeless, neglected, or abused child may be found, may, when they deem it best for such child, make such surrender, and when any child shall have been surrendered in accordance with any of the preceding clauses and such child shall have been accepted

by such society, then (but not otherwise) the rights of its natural parents or of the guardian of its person (if any) shall cease and such corporation shall become entitled to the custody of such child, and shall have authority to care for and educate such child or place it either temporarily or permanently in a suitable private home in such manner as shall best secure its welfare. Such corporation shall have authority when any such child has been surrendered to it in accordance with any of the preceding provisions, and is still in its control, to consent to its adoption under the laws of Washington. The custody or control of any such child by any such corporation or by any other corporation, institution, society, or person may be inquired into and, in the discretion of the court, terminated at any time by the superior court of the county where the child may be, upon the complaint of any person, and a showing that such a custody is not in the interest of the child.

Complaint to
be made to
superior judge.

SEC. 2. Upon complaint of any person in writing to any judge of the superior court giving the names and residences of the parents, guardian (if any) or next of kin of such child, so far as known, and alleging that the father of such minor child is dead or has abandoned his family, or is an habitual drunkard, or is imprisoned for crime, or has grossly abused or neglected such child, and that the mother of such child is an habitual drunkard or imprisoned for crime, or is an inmate of a house of ill fame, or is a woman of notoriously bad character, or is dead, or has abandoned her family, or has grossly abused or neglected such child, and alleging that the welfare of such child requires that legal steps be taken to provide for its care and custody, a warrant shall issue directing the proper officer to take such child into custody and to care for or dispose of it as such judge shall direct, until a hearing can be had such proceedings shall have precedence of other causes; of which hearing twenty days notice shall be given to such parents, guardian or next of kin, and such judge shall hear the allegations of the com-

plaint and all testimony offered for and against the same and determine whether in his judgment there is cause for a change in the care and custody of such child, he shall enter such finding and shall transmit the papers and the transcript of his proceedings to the county commissioners of the county in which the case arises and shall surrender such child to the custody and care of said commissioners, and such surrender by said judge shall carry with it the same powers and authority as above provided in case of voluntary surrender except as to power to consent to adoption.

Superior court to hear, try, and determine.

SEC. 3. When any minor is a county charge or has been surrendered to the board of county commissioners under the provisions of this act the board of county commissioners, if they think the welfare of the child demands it, may surrender such child to the care and custody of any family or any benevolent society or corporation without the consent of its parents unless within twenty days after the notice of the intention of such commissioners so to do, given in writing to parents, guardian or next of kin of such child, so far as known to said commissioners, such parents, guardian or next of kin shall provide for such child and relieve the county thereof.

When minor is a county charge.

SEC. 4. When any officer or agent of any such society shall request a police officer, or other peace officer, to investigate or assist in the investigation of any alleged case of any such neglected or abused child, such officer shall immediately make or assist in such investigation and if he deem it proper shall forthwith take such child into custody without warrant, taking such child and reporting such case at once to the judge of the superior court for such proceedings as may be proper under the provisions of this act.

Duties of police officers.

SEC. 5. Nothing in this act shall entitle any such society to act as guardian of or to have control of the estate of any minor child.

Estate of minor not affected.

SEC. 6. Upon the hearing of any writ of *habeas corpus* for the custody of any such child, if it appears that such child has been surrendered to any such

Fact of surrender prima facie evidence of legality.

corporation under the provisions of this act, such surrender shall be taken as *prima facie* evidence that such child was legally and properly surrendered to such corporation and that such corporation is entitled to the custody and control of such child under the provisions of this act.

Expenses of care of minor during examination.

SEC. 7. The board of county commissioners shall pay the expenses of bringing the child before the court and caring for it pending a hearing under this act; no clerk, sheriff, police officer, member of the board of county commissioners or witness shall charge or be allowed any costs whatever in these proceedings, except where a complaint shall be adjudged to be without sufficient cause and malicious, in which event all costs shall be taxed against the complainant.

Emergency clause.

SEC. 8. Whereas a number of orphan, homeless, neglected and abused children now await the action of the legislature, an emergency exists for the immediate taking effect of this act, the same shall be in force immediately upon its passage and approval by the governor.

Passed the House January 26, 1899.

Passed the Senate February 8, 1899.

Approved February 14, 1899.

CHAPTER IX.

[H. B. No. 120.]

TO REGULATE THE AGRICULTURAL COLLEGE LAND GRANT.

AN ACT for rendering available the endowment of the agricultural college, experiment station and school of science of the State of Washington, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington :

SECTION 1. It shall be the duty of the state land commissioner to make a report to the board of regents of the agricultural college and school of science on or