

Penalty for neglect of duty of school officers.

superintendent of schools wilfully neglecting or refusing to comply with the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof in any court of competent jurisdiction shall be fined in any sum not less than twenty dollars nor more than fifty dollars: *Provided*, That in the case of a teacher or district clerk such fine shall be paid to the county treasurer and by him placed to the credit of the school district of such teacher or district clerk, and in case a county superintendent be found guilty of such misdemeanor, such fine shall be paid to the county treasurer and by him placed to the credit of the general school fund of the county.

Duty of County Attorney.

SEC. 8. The county attorney shall act as attorney for the county superintendent in all court proceedings relating to the compulsory attendance of children as required by law.

Repeal.

SEC. 9. All acts and parts of acts in conflict herewith are hereby repealed.

Passed the House February 19, 1903.

Passed the Senate March 3, 1903.

Approved by the Governor March 7, 1903.

CHAPTER 49.

[H. B. No. 177.]

FOR THE PROTECTION OF ORPHAN, HOMELESS, NEGLECTED OR ABUSED CHILDREN.

AN ACT providing 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 repealing an act entitled, "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," approved February 14, 1899.

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 eighteen (18) years of age under the following provisions:

Authorized to have control of children—when.

(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 death or legal incapacity of a father or 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, any judge of Superior Court may cause a notice of hearing to be published in any newspaper of general circulation printed and published in the county, and if he deems it best for such orphan, homeless, neglected or abused child, he may surrender it to any benevolent or charitable society incorporated under the laws of Washington and having for its object the care of such children.

(d) 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 it 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 discre-

Superior Court to have jurisdiction over child.

tion 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 custody is not in the interest of the child.

Issue of warrant for taking child into custody.

SEC. 2. Upon complaint of any person in writing other than an officer or agent of such society or corporation 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 a man of notoriously bad character, 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 an inmate of a house of ill fame, or 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 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 not less than five days notice shall be given to such parents, guardian or next of kin and such judge shall hear the allegations of the complaint and all testimony offered for or against the same and determine whether in his judgment there is cause for a change in the care and custody of such child. If the judge shall decide to change the care and custody of such child, he may commit the child to the care and custody of any such benevolent society contemplated in this act which is willing to receive it, and such commitment shall carry with it the same powers and authority as above provided in case of voluntary surrender, or he may enter such findings and transmit the papers and a transcript of his proceedings to the county commissioners of the county in which the case arises and surrender such child to the care and custody of such commissioners and it may be disposed of without further notice to the parents, guardian or next of kin.

Proceedings in Superior Court.

Surrender of child.

County Commissioners may act.

SEC. 3. When any minor is a county charge, 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 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 and when any child has been so surrendered by the county commissioners, it may be disposed of as herein provided for the disposition of other children.

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.

SEC. 5. When any minor under eighteen years of age shall be convicted on any charge, the punishment for which may be imprisonment or confinement in the Reform School, the judge of the Superior Court, if he finds that the good of such minor demands it, and such minor is an orphan, or a homeless, neglected or abused minor within the terms of this act, or is a county charge, or the parents or guardian of such minor consent thereto, may suspend sentence and surrender the custody of such minor to any society, as is contemplated in this act, when such society is willing to receive such minor, until such minor shall attain the age of majority, or for a term of years to be fixed in the order of surrender, and such society may find a home for such minor and surrender his custody to the person providing such home for the term fixed in said order of surrender, which surrender by the society shall be approved by an order of said court: *Provided*, That nothing in this section shall be held to affect the natural rights of said minor or of his parents or guardian, except in the matter of his custody; *and provided further*, That if said minor shall fail to conform to the order of court fixing his custody, he may be apprehended and brought before the court, and the court

Police officer
to assist.

In case of
minor con-
victed of any
charge, pun-
ishable by
confinement
in Reform
School.

Provide as to
rights of
parents, etc.

Provide for
failure to
obey order of
court.

may sentence said minor as provided by law, or re-surrender him as the court may deem best for the interests of said minor.

Society not to act as guardian.

SEC. 6. Nothing in this act shall entitle any such society to act as guardian or to have control of the estate of any minor child.

Evidence that child was legally surrendered.

SEC. 7. 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 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.

County to pay expenses.

SEC. 8. 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; when a child is surrendered to a benevolent society under the provisions of this act by the Superior Court, the county shall pay such society a reasonable compensation for the temporary care of such child until it is placed in a family but not to exceed fifty (\$50) [dollars] in each case. No clerk, sheriff, police officer, member of the board of county commissioners or agent of any such society 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: *Provided*, That the provisions of this section shall not apply to cases under section 5 of this act.

Proviso.

Repeal.

SEC. 9. An act entitled, "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," approved Feb. 14, 1899, be and the same is hereby repealed.

Passed the House February 24, 1903.

Passed the Senate March 3, 1903.

Approved by the Governor March 7, 1903.