

CHAPTER 190.

[S. B. 40.]

RELATING TO DELINQUENT CHILDREN.

AN ACT in aid of children, providing for the custody, control, treatment, maintenance and adoption of neglected and delinquent children, under the direction and by order, of the superior court, repealing Chapter 18, Laws of 1905, also Chapter 110, Laws of 1907, relating to delinquent children, and all acts and parts of acts inconsistent herewith.

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

SECTION 1. The words "delinquent child" shall for the purpose of this act mean any child under the age of eighteen years who violates any law of this state, or any city or town ordinance, or who is incorrigible, or who knowingly associates or lives with thieves, vicious, immoral or disreputable persons, or who is growing up in idleness or crime, or who knowingly visits or enters a house of ill repute, or who knowingly patronizes or visits any policy shop or place where any gambling device is or shall be operated, or who patronizes or visits any saloon or dram shop where intoxicating liquors are sold, or who patronizes or visits any public pool room or bucket shop or who wanders about the streets in the night time without being on any lawful business or occupation, or who habitually uses vile, obscene, vulgar, profane or indecent language, or is guilty of immoral conduct in any public place, or about any schoolhouse. For the purpose of this act the words "neglected child" shall mean any child under the age of eighteen years who, for any reason, is destitute or homeless, or abandoned, and is unable to earn his own living or is growing up under such circumstances as would tend to cause such child to lead a vicious or immoral life; or who habitually begs or receives alms; or who is found in any house of ill repute, or with any vicious or disreputable person, or whose home or stopping place, by reason of neglect, ignorance, cruelty, or depravity on the part of its parents, or others, is an unfit place for such child, and any child under ten (10) years of age found begging, peddling or sell-

"Delinquent
child."

"Neglected
child."

ing any articles or singing or playing any musical instrument for gain upon the street, or giving any public entertainment, or accompanies, or is used in the aid of, any person so doing. The word "child" or "children" may mean one or more children, or the word "parent" or "parents" may mean one or both parents when consistent with the intent of this act. The word "association" shall mean any incorporation which includes in its purpose the care and disposition of children consistent with the intent of this act.

Other definitions.

For the purpose of this act only, all delinquent and neglected children within the state shall be considered wards of this state and their persons shall be subject to the custody, care, guardianship and control of the court as hereinafter provided.

Wards of state.

SEC. 2. The superior courts in the several counties of this state shall have original jurisdiction in all cases coming within the terms of this act. In all trials under this act any person interested therein may demand a jury trial, or the judge, of his own motion, may order a jury to try the case.

Superior court.

SEC. 3. In counties of the first and second class the judges of the superior court shall, at such times as they may determine, designate one or more of their number whose duty it shall be to hear all cases arising under this act. A special session, to be designated as the "Juvenile Court Session," shall be provided for the hearing of such cases and the finding of the court shall be entered in a book or books to be kept for that purpose, and known as the "Juvenile Record;" and the court may, for convenience, be called the "Juvenile Court."

"Juvenile court."

SEC. 4. Any reputable person, being a resident in the county, having knowledge of a child in his county who appears to be either delinquent or neglected within the meaning of this act, may file with the clerk of the court a complaint, in writing, setting forth the facts, including a statement of the name and place of residence of the parent, parents or other guardian, also of the person having the custody of such child, if known, and if unknown

Complaint against child.

that fact shall be stated. The complaint shall be verified by affidavit, which shall be sufficient if made upon information and belief.

Summons.

SEC. 5. Upon the filing of an information or the complaint the clerk of the court shall issue a summons requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. The parents of the child, if living, and their residence is known, or its legal guardian, if there be one, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be notified of the proceedings; and in any case the judge shall appoint some suitable person or association to act in behalf of the child. If the person summoned, as herein provided, shall fail without reasonable cause to appear and abide the order of the court, or to bring the child, he shall be proceeded against as for contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, and in any case when it shall be made to appear to the court that said summons will be ineffectual a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child, or with whom the child may be, or against the child itself. On return of the summons or other process, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of the case, the child may be retained in the possession of the person having charge of the same, or may be kept in some suitable place provided by the city or county authorities, or by any association having for one of its objects the care of delinquent and neglected children.

Guardian
ad litem.

Warrant.

SEC. 6. In any case where it shall appear, by the complaint or other verified statement, that the person standing in the position of natural or legal guardian of the person of any child, is a non-resident of this state or that the

name or place of residence or whereabouts of such person is unknown, as well as in all cases where, after due diligence, the officer has been unable to make service of the summons or notice provided for in section 4, the court may, by order, direct the clerk of the court to publish a notice four consecutive weeks in some newspaper printed in the county and having a general circulation therein. Such notice shall be directed to the parent, parents or other person claiming the right to the custody of the child, if their names are known, and if unknown the phrase "To All Whom It May Concern," shall be used and apply to, and be binding upon, any such persons whose names are unknown. The name of the court, the name of the child (or children if of one family), the date of the filing of the complaint and the date of hearing, which shall not be less than twenty days from the date of the last publication, and the object of the proceeding in general terms, shall be set forth and the whole shall be subscribed by the clerk. There shall be filed with the clerk an affidavit showing due publication of the notice and the cost of publication shall be paid by the county at not to exceed the rate paid by the county for other legal notices.

Notice by
publication.

The publication of notice shall be deemed equivalent to personal service upon all persons, known or unknown, who have been designated as provided in this section.

SEC. 7. The court or judge designated, as provided in section 3 of this act, shall appoint or designate one or more discreet persons of good character, to serve as probation officers during the pleasure of the court, said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when the child is to be brought before the said court; it shall be the duty of said probation officers to make such investigation as may be required by the court, to be present in order to represent the interests of the child when the case is heard, to furnish the court such information and assistance as the judge may require, and

Probation
officers.

to take such charge of the child before and after trial as may be directed by the court.

Salaries.

Authority of probation officer.

In counties containing cities of the first class, when it shall appear to the court that there is a necessity for such officers, the court shall appoint a chief probation officer, in addition to the officers above provided for, who shall be paid a sum not to exceed \$125.00 per month, and also may appoint an assistant probation officer, who shall be paid a sum not to exceed \$83.33 per month as compensation for their services in the same manner as other county officers are paid, and such officers shall possess all the powers conferred upon sheriffs and police officers to serve process and make arrests for the violation of any state law or city ordinance. One of said salaried probation officers shall be a woman.

Commitment of child.

SEC. 8. When any child under the age of eighteen years shall be found to be delinquent or neglected, within the meaning of this act, the court may, at any time, make an order committing the child to some suitable institution, or to the care of some reputable citizen of good moral character, or to the care of some training school or industrial school as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent, neglected or delinquent children: *Provided*, Such order may be temporary or permanent in the discretion of the court and may be revoked or modified as the circumstances of the case may thereafter require. In any case in which the court shall find a child neglected, dependent or delinquent, it may in the same or in a subsequent proceeding, upon the parent or parents, guardian or other person having custody of said child being duly summoned or voluntarily appearing, proceed to inquire into the ability of such person or persons to support the child or contribute to its support, and if the court shall find such person or persons able to support the child or contribute thereto, the court may enter such order or decree as shall be according to equity in the premises, and

may enforce the same by execution, or in any way in which a court of equity may enforce its decrees.

SEC. 9. In any case where the court shall award a child to the care of any association or individual, the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the association or individual to whose care it is committed; such association shall have authority, with the assent of the court, to place such child in a family home, either temporarily or for adoption. With the written consent of the parents or one of them, or other person having the right, under the laws of this state, to dispose of a neglected or delinquent child, the court may make an order or decree of adoption transferring to any suitable person or persons, willing to receive such child, all the rights of the parent or other guardian. The order of the court made upon such consent shall be binding upon the child and its parents or guardian, or other person, the same as if such persons were personally in court and consented thereto, whether made party to the proceeding or not. The estate or property rights of any child shall not be affected, nor subjected to guardianship by the provisions of this act. The jurisdiction of the court shall continue over every child brought before the court, or committed pursuant to this act, and the court shall have power to order a change in the custody or care of such child, if at any time it is made to appear to the court that it would be for the best interests of the child to make such change.

SEC. 10. In any case of a delinquent or neglected child, the court may continue the hearing from time to time, and may commit the child to the care and guardianship of a probation officer, duly appointed by the court, and may allow said child to remain at its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required and subject to be returned to the court for further proceedings whenever such action may appear to be necessary, or the court may com-

mit the child to the care and guardianship of the probation officer, to be placed in a suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until a suitable provision may be made for the child in a home without such payment, or the court may commit the child to a suitable institution for the care of delinquent or neglected children. In no case shall a child be committed beyond the age of twenty-one years. A child committed to such institution shall be subject to the control thereof and the said institution shall have power to parole such child, on such condition as it may prescribe, and the court shall, on the recommendation of such institution, have power to discharge such child from custody, whenever, in the judgment of the court, his or her reformation shall be complete; or the court may commit the child to the care and custody of some association that will receive such child, embracing in its object the care of neglected and delinquent children.

Limit of
commitment.

SEC. 11. No court or magistrate shall commit a child under fourteen years of age to a jail, common lock-up or police station; but, if such a child is unable to give bail, it may be committed to the care of the sheriff, police officer, or probation officer, who shall keep said child in some suitable place or house or school of detention provided by the city or county, outside of the enclosure of any jail or police station, or in the care of any association willing to receive it, and having as one of its objects the care of neglected and dependent children. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced, it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or enclosure with such adult convicts, or to bring such child into any yard or building in which such adult convicts may be present.

Child under
fourteen not
to be locked
up.

SEC. 12. When in any county where a court is held as provided in section 3 of this act, a child under the age of eighteen (18) years is arrested with or without war-

rant, such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace, or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take the child before that court, and in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon complaint as hereinbefore provided. In any such case the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for such purpose. If upon investigation it shall appear that a child has been arrested upon the charge of having committed a crime the court, in its discretion, may order such child to be turned over to the proper officers for trial under the provisions of the criminal code.

Justice courts to transfer cases to juvenile court.

SEC. 13. In counties of the first and second class it shall be the duty of the proper authorities to provide and maintain at public expense a detention room, or house of detention, separated or removed from any jail, lock-up or police station, to be in charge of a matron, or other person of good character, wherein all children within the provisions of this act shall, when necessary, be sheltered.

Place of detention.

SEC. 14. This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be provided by its parents, and that as far as practicable any neglected or delinquent child shall be treated, not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help and assistance.

Method of handling children.

SEC. 15. That no fees shall be charged or collected by any officer for any proceedings under this act.

No fees.

SEC. 16. In each county the judge presiding over the juvenile court session, as defined in this act, may appoint a board of four reputable citizens, who shall serve with-

Board of visitation.

out compensation, to constitute a board of visitation, whose duty it shall be to visit as often as once a year all institutions, societies and associations within the county receiving children under this act. Also to visit other institutions, societies and associations within the state receiving or caring for children whenever requested so to do by the judge of the juvenile court: *Provided*, The actual expenses of such board may be paid by the county commissioners when members thereof are requested to visit institutions outside of the county seat, and no member of the board shall be required to visit any institution outside the county unless his actual traveling expenses shall be paid as aforesaid. Said visits shall be made by not less than two of the members of the board, who shall go together, or make a joint report; the board of visitors shall report to the court from time to time the condition of children received by or in charge of such associations or institutions. It shall be the duty of every institution, society and association receiving or caring for children to permit any member, or members, of the board of visitation to visit and inspect such institution in all its departments, so that a full report may be made to the court.

Duties.

SEC. 17. Chapter 18, Laws of 1905, also chapter 110, Laws of 1907, relating to delinquent children, also all acts and parts of acts inconsistent with this act, are hereby repealed.

Passed by the Senate March 2, 1909.

Passed by the House March 9, 1909.

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ch. 18, pp.
34-39;
L. '05
§§ 3354,
3354m
Pierce, and
ch. 110, p.
208, L. '07,
repealed.