

1 **SEC. 14. Penalty.** Every person who violates any of the provisions
 2 of this act or who shall intentionally make any false statements or
 3 reports to the state board of control with reference to the matters
 4 contained herein, shall be guilty of a misdemeanor and upon convic-
 5 tion shall be fined not to exceed three hundred dollars or imprisoned
 6 for a term not to exceed one year.

1 **SEC. 15. Repeal.** That chapter one hundred thirteen (113), code
 2 of 1924, be and the same is hereby repealed.

Approved March 17, A. D. 1925.

CHAPTER 80

CHILD-PLACING AGENCIES

H. F. 131

AN ACT to define, license, and regulate child-placing agencies, to regulate the surrender or commitment of minors to such agencies, and to repeal sections thirty-six hundred sixty-two (3662), thirty-six hundred sixty-three (3663), thirty-six hundred sixty-four (3664), thirty-six hundred sixty-five (3665), thirty-six hundred sixty-nine (3669), thirty-six hundred seventy (3670), thirty-six hundred seventy-two (3672), thirty-six hundred seventy-three (3673), thirty-six hundred seventy-four (3674), thirty-six hundred seventy-five (3675), and thirty-six hundred eighty-four (3684) of the code, 1924, relating thereto.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Child-placing agency defined.** The words "person" or
 2 "agency" where used in this act shall include individuals, institutions,
 3 partnerships, voluntary associations, and corporations, other than
 4 institutions under the management of the board of control or its offi-
 5 cers or agents. Any agency, public, semipublic, or private, which
 6 represents itself as placing children permanently or temporarily in
 7 private family homes or as receiving children for such placement, or
 8 which actually engages, for gain or otherwise, in such placement, shall
 9 be deemed to operate a child-placing agency.

1 **SEC. 2. License required.** The board of control of state institu-
 2 tions is hereby empowered to grant a license for one year for the con-
 3 duct of any child-placing agency that is for the public good, and is
 4 conducted by a reputable and responsible person; and it shall be the
 5 duty of the board to provide such general regulations and rules for
 6 the conduct of all such agencies as shall be necessary to effect the
 7 purposes of this act and of all other laws of the state relating to
 8 children so far as the same are applicable, and to safeguard the well-
 9 being of children placed or cared for by such agencies. No persons
 10 shall conduct a child-placing agency or solicit or receive funds for its
 11 support without an unrevoked license issued by the board of control
 12 within the twelve months preceding to conduct such agency. No such
 13 license shall be issued unless the person applying shall have shown
 14 that he and his agents are properly equipped by training and experi-
 15 ence to find and select suitable temporary or permanent homes for

16 children and to supervise such homes when children are placed in
17 them, to the end that the health, morality, and general well-being
18 of children placed by them shall be properly safeguarded. The license
19 shall state the name of the licensee and the particular premises in
20 which the business may be carried on, and such license shall be kept
21 posted in a conspicuous place on the licensed premises. A record of
22 the licenses so issued shall be kept by the board of control.

1 **SEC. 3. Revocation of license—appeal.** Licenses granted under this
2 act shall be valid for one year from the date of issuance thereof unless
3 revoked in accordance with the provisions hereof. The board of control
4 may, after due notice and hearing, revoke the license:

5 a. In case the person to whom the same is issued violates any
6 provision of this act.

7 b. When in the opinion of this board such agency is maintained
8 in such a way as to waste or misuse funds contributed by the public
9 or without due regard to sanitation or hygiene or to the health, com-
10 fort, or well-being of the child cared for or placed by the agency.

11 c. In case of violation by the licensee or his agents of any law of
12 the state in a manner disclosing moral turpitude or unfitness to main-
13 tain such agency.

14 d. In case any such agency is conducted by a person of ill repute
15 or bad moral character.

16 e. In case said agency operates in persistent violation of the rea-
17 sonable regulations of the board of control governing such agencies.

18 Written charges against the licensee shall be served upon him at
19 least ten days before hearing shall be had thereon and a written copy
20 of the findings and decisions of the board upon hearing shall be served
21 upon the licensee in the manner prescribed for the service of original
22 notice in civil actions.

23 Any licensee feeling himself aggrieved by any decision of the board
24 revoking his license may appeal to the district court by serving on
25 the board of control and filing with the clerk of the district court in
26 the county where his agency is situated, within ten days after written
27 notice of such decision, a written notice of appeal specifying the
28 grounds upon which the appeal is taken.

29 The appeal may be brought on for hearing in a summary manner
30 by either party by an order obtained from the court to show cause
31 why the decision of the board should not be confirmed, amended, or
32 set aside. The written notice and decisions shall be treated as the
33 pleadings in the case and may be amended in the discretion of the
34 court. The issues shall be tried anew by the court as an equitable
35 proceeding and decree rendered.

1 **SEC. 4. Record forms.** The board of control shall prescribe forms
2 for the registration and record of persons cared for by any child-
3 placing agency licensed under this act, and for reports required by
4 said board from the agencies. The licensee shall keep a record and
5 make reports in the form to be prescribed by said board.

1 **SEC. 5. Annual report.** Every such agency shall file with the
2 board of control, during the month of January of each year, an annual
3 written or printed report, which shall show:

4 1. The number of children cared for during the preceding year.

- 5 2. The number of children received for the first time and the
6 number returned from families.
- 7 3. The number placed in homes.
- 8 4. The number deceased.
- 9 5. The number placed in state institutions.
- 10 6. The number returned to friends.
- 11 7. The number and names and number of months of each of those
12 attending school.
- 13 8. A statement showing the receipts and disbursements of such
14 agency.
- 15 9. The amount expended for salaries and other expenses, specify-
16 ing the same.
- 17 10. The amount expended for lands, buildings, and other invest-
18 ments.
- 19 11. Such other information as the board may require.

1 **SEC. 6. Inspection.** Officers and authorized agents of the board
2 of control may inspect the premises and conditions of such agency
3 at any time and examine every part thereof; and may inquire into
4 all matters concerning such agencies and the children in the care
5 thereof. Said officers and authorized agents of the board of control
6 shall visit and inspect the premises of licensed child-placing agencies
7 at least once every six months and make and preserve written reports
8 of the conditions found, and authorized agents of the state department
9 of health and of the local board of health of the city, village, or town
10 in which a licensed child-placing agency is located may make inspec-
11 tion of the premises. The licensees shall give all reasonable informa-
12 tion to such inspectors and afford them every reasonable facility for
13 obtaining pertinent information.

1 **SEC. 7. Information confidential.** No individual who acquires
2 through the operation of the provisions of sections four (4), five (5),
3 and six (6) of this act or from the records provided for in this act,
4 information relative to any agency or relative to any person cared for
5 by such agency or relative to any relative of any such person, shall
6 directly or indirectly disclose such information except upon inquiry
7 before a court of law, in a coroner's inquest, or before some other
8 tribunal, or for the information of the governor, general assembly,
9 board of control, state department of health, or the local board of
10 health where such agency is located. Provided, however, that nothing
11 herein shall prohibit the board of control from disclosing such facts
12 to such proper persons as may be in the interest of a child cared for
13 by such agency or in the interest of the child's parents or foster
14 parents and not inimical to the child, or as may be necessary to pro-
15 tect the interests of the child's prospective foster parents, and pro-
16 vided that nothing herein shall prohibit the statistical analysis by
17 duly authorized persons of data collected by virtue of this act or the
18 publication of the results of such analysis in such manner as will not
19 disclose confidential information.

1 **SEC. 8. Placement of children.** No person other than the parents
2 or relatives of the child within the fourth degree may assume the
3 permanent care and custody of a child under fourteen years of age
4 except in accordance with the provisions of this act, and no person
5 may assign, relinquish, or otherwise transfer to another his rights,

6 or duties with respect to the permanent care or custody of a child
7 under fourteen years of age unless specifically authorized or required
8 so to do by an order or decree of court, or unless the parent or par-
9 ents sign a written release attested by two witnesses, of the permanent
10 care and custody of the child to an agency licensed by the board of
11 control. Neither parent may sign such release without the written
12 consent of the other unless the other is dead or hopelessly insane, or
13 for one year immediately preceding has been under indictment for
14 abandoning the family, or is imprisoned for crime, or is an inmate or
15 keeper of a house of ill fame, or has been deprived of the custody of
16 the child by judicial procedure because of unfitness to be its guardian,
17 or unless the parents are not married to each other. If the parents
18 are not married to each other, the parent having the care and pro-
19 viding for the wants of the child may sign the release. Children
20 so surrendered may not be recovered by the parents except through
21 decree of court based upon proof that the child is neglected by its
22 foster parent, guardian, or custodian, as neglect is defined by the
23 statute relating to neglected children.

1 **SEC. 9. Inspection of placements.** Every month every child-plac-
2 ing agency licensed by the board of control shall report to the board
3 the names of all children placed out by the agency since its preceding
4 monthly report, together with the name and address of the person
5 with whom each child has been placed, and such other information
6 regarding the child and its foster home as may be required by the
7 board. The board of control shall satisfy itself that each licensed
8 child-placing agency is maintaining proper standards in its work, and
9 said board may at any time cause the child and home in which he has
10 been placed to be visited by its agents for the purpose of ascertaining
11 whether the home is a suitable one for the child, and may continue
12 to visit and inspect the foster home and the conditions therein as
13 they affect said child.

1 **SEC. 10. Authority to agencies.** Any institution incorporated under
2 the laws of this state or maintained for the purpose of caring for,
3 placing out for adoption, or otherwise improving the condition of
4 unfortunate children may, under the conditions specified in this act
5 and when licensed in accordance with the provisions of this act:

6 1. Receive neglected, dependent, or delinquent children who are
7 under eighteen years of age, under commitment from the juvenile
8 court, and control and dispose of them subject to the provisions of
9 chapter one hundred eighty (180) of the code, 1924.

10 2. Receive neglected, dependent, and delinquent children under
11 twenty-one and over eighteen years of age, under commitment from
12 the juvenile court, and control and dispose of them as in this act
13 provided.

14 3. Receive, control, and dispose of all minor children voluntarily
15 surrendered to such institutions.

1 **SEC. 11. Importation of children.** No agency shall bring into the
2 state any child for the purpose of placing him out or procuring his
3 adoption without first obtaining the consent of the board of control,
4 and such agency shall conform to the rules of the board. It shall file
5 with the board a bond to the state, approved by the board, in the
6 penal sum of one thousand dollars, conditioned that it will not know-

7 ingly send or bring into the state any child who has a contagious or
8 incurable disease or who is deformed, feeble-minded, or of vicious
9 character; that it will remove any such child who, in the opinion of
10 the board of control, becomes a public charge, or who, in the
11 opinion of the board of control, becomes a menace to the community
12 prior to his adoption or within five years after being brought into
13 the state, or who, in the opinion of the board, has been placed in an
14 unsuitable home; that it will place the child under a written contract
15 approved by the board that the person with whom the child is placed
16 shall be responsible for his proper care and training. Before any
17 child shall be brought or sent into the state for the purpose of plac-
18 ing him in a foster home, the agency so bringing or sending such
19 child shall first notify the board of control of its intention so to do,
20 which notification shall state the name, age, and personal description
21 of the child and the name and address of the person with whom the
22 child is to be placed, and such other information as may be required
23 by the board. The person bringing or sending the child into the
24 state shall report at least once a year and at such other times as the
25 board shall direct, as to the location and well-being of the child so
26 long as he shall remain within the state and until he shall have
27 reached the age of eighteen or shall have been legally adopted; pro-
28 vided, however, that nothing herein shall be deemed to prohibit a
29 resident of this state from bringing into the state a child for adop-
30 tion into his own family. In the case of a breach of said bond a con-
31 clusive presumption shall prevail that the amount of said bond was
32 intended to constitute liquidated damages.

1 **SEC. 12. Exportation of children.** Before any child is taken out or
2 sent out of the state for the purpose of placing him in a foster home,
3 otherwise than by parent or guardian, the person or agency so taking
4 or sending him shall give the board of control such notice and informa-
5 tion and procure such consent as is specified in section eleven (11),
6 and thereafter shall report to the board at least once each year, and
7 at such other times as the board shall direct, as to the location and
8 well-being of the child until he shall have reached the age of eighteen
9 years or shall have been legally adopted.

1 **SEC. 13. Agreement in child placements.** Every agency placing a
2 child in a foster home shall enter into a written agreement with the
3 person taking the child, which agreement shall provide that the
4 agency placing the child shall have access at all reasonable times to
5 such child and to the home in which he is living, and for the return of
6 the child by the person taking him whenever, in the opinion of the
7 agency placing such child, or in the opinion of the board of control, the
8 best interests of the child shall require it. The provisions of this
9 section shall not apply to children who have been legally adopted.

1 **SEC. 14. Proof of relationship.** In a prosecution under the provi-
2 sions of this act or any penal law relating thereto, a defendant who
3 relies for defense upon the relationship of any woman or child to him-
4 self shall have the burden of proof.

1 **SEC. 15. Penalty.** Every person who violates any of the provisions
2 of this act or who intentionally shall make any false statements or
3 reports to the board of control with reference to the matters con-

4 tained herein, shall be guilty of a misdemeanor and upon conviction
5 shall be punished accordingly.

1 **SEC. 16. Repeal.** That sections thirty-six hundred sixty-two
2 (3662), thirty-six hundred sixty-three (3663), thirty-six hundred
3 sixty-four (3664), thirty-six hundred sixty-five (3665), thirty-six hun-
4 dred sixty-nine (3669), thirty-six hundred seventy (3670), thirty-six
5 hundred seventy-two (3672), thirty-six hundred seventy-three
6 (3673), thirty-six hundred seventy-four (3674), thirty-six hundred
7 seventy-five (3675), and thirty-six hundred eighty-four (3684) of the
8 code, 1924, be and the same are hereby repealed.

Approved March 28, A. D. 1925.

CHAPTER 81

PATERNITY

S. F. 134

AN ACT to repeal sections twelve thousand six hundred fifty-eight (12658) to twelve thousand six hundred sixty-seven (12667), both inclusive, code, 1924, relating to children born out of wedlock and to enact a substitute therefor, being an act with reference to proceedings to establish paternity.

Be it enacted by the General Assembly of the State of Iowa:

1 **SECTION 1. Obligation of parents.** The parents of a child born out
2 of wedlock and not legitimized (in this act referred to as "the child")
3 owe the child necessary maintenance, education and support. They
4 are also liable for the child's funeral expenses. The father is also
5 liable to pay the expense of the mother's pregnancy and confinement.
6 The obligation of the parent to support the child under the laws for
7 the support of poor relatives applies to children born out of wedlock.

1 **SEC. 2. Recovery by mother from father.** The mother may recover
2 from the father a reasonable share of the necessary support of the
3 child. In the absence of a previous demand in writing (served per-
4 sonally or by registered letter addressed to the father at his last
5 known residence or in the manner provided for service of original
6 notices) not more than two years' support furnished prior to the
7 bringing of the action may be recovered.

1 **SEC. 3. Recovery by others than mother.** The obligation of the
2 father as hereby provided creates also a cause of action on behalf of
3 the legal representative of the mother, or on behalf of third persons
4 furnishing support or defraying the reasonable expenses thereof,
5 where paternity has been judicially established by proceedings brought
6 by the mother or by or on behalf of the child or by the authorities
7 charged with its support, or where paternity has been acknowledged
8 by the father in writing or by the part performance of the obligations
9 imposed upon him.

1 **SEC. 4. Discharge of father's obligation.** The obligation of the