

3 eral Assembly, wherever they appear, the words "Iowa soldiers' or-
 4 phans home" and insert in lieu thereof the following words: "The
 5 Iowa Annie Wittenmyer Home".

1 SEC. 2. Hereafter the Iowa soldiers' orphans home shall be en-
 2 titled "The Iowa Annie Wittenmyer Home".

Approved April 20, 1949.

CHAPTER 102

BOARD OF CONTROL RESTRICTIONS

S. F. 207

AN ACT to amend section two hundred forty-seven point twenty-one (247.21), Code 1946, relating to paroles.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Amend Section two hundred forty-seven point twenty-
 2 one (247.21), Code 1946, by adding to subsection two (2), thereof
 3 the following:

4 "The Board of parole shall not, however, accept the custody, care
 5 and supervision of any person paroled from a sentence to a term in a
 6 county jail."

Approved May 5, 1949.

CHAPTER 103

UNIFORM SUPPORT OF DEPENDENTS LAW

S. F. 305

AN ACT authorizing and prescribing the procedure for civil proceedings to compel the support of dependent wives, children and poor relatives within and without the state.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. This Act may be cited and referred to as the uniform
 2 support of dependents law.

3 The purpose of this uniform Act is to secure support in civil pro-
 4 ceedings for dependent wives, children and poor relatives from
 5 persons legally responsible for their support.

1 SEC. 2. As used in this Act, unless the context shall require other-
 2 wise, the following terms shall have the meanings ascribed to them
 3 by this section:

4 (a) "State" shall mean and include any state, territory or posses-
 5 sion of the United States and the District of Columbia.

6 (b) "Court" shall mean and include a family court, domestic rela-
 7 tions court, children's court, municipal court and any other court, by
 8 whatever name known, in any state having reciprocal laws or laws

9 substantially similar to this Act upon which jurisdiction has been
10 conferred to determine the liability of persons for the support of de-
11 pendents within and without such state.

12 (c) "Child" includes a step child, foster child or legally adopted
13 child and means a child actually or apparently under seventeen years
14 of age, and a child over seventeen years of age who is unable to main-
15 tain himself and is likely to become a public charge.

16 (d) "Dependent" shall mean and include a wife, child, mother,
17 father, grandparent or grandchild who is in need of and entitled to
18 support from a person who is declared to be legally liable for such
19 support by the laws of the state or states wherein the petitioner and
20 the respondent reside.

21 (e) "Petitioner" shall mean and include each dependent person
22 for whom support is sought in a proceeding instituted pursuant to
23 this Act.

24 (f) "Respondent" shall mean and include each person against
25 whom a proceeding is instituted pursuant to this Act.

26 (g) "Petitioner's Representative" shall mean and include a cor-
27 poration counsel, county attorney, state's attorney, commonwealth
28 attorney and any other public officer, by whatever title his public
29 office may be known, charged by law with the duty of instituting,
30 maintaining or prosecuting a proceeding under this Act or under
31 the laws of the state or states wherein the petitioner and the re-
32 spondent reside.

33 (h) "Summons" shall mean and include a subpoena, warrant, cita-
34 tion, order or other notice, by whatever name known, provided for
35 by the laws of the state or states wherein the petitioner and the re-
36 spondent reside as the means for requiring the appearance and at-
37 tendance in court of the respondent in a proceeding instituted
38 pursuant to this Act.

39 (i) "Initiating state" shall mean the state of domicile or residence
40 of the petitioner.

41 (j) "Responding state" shall mean the state wherein the respond-
42 ent resides or is domiciled or found.

1 SEC. 3. For the purpose of this Act: (a) A husband in one state
2 is hereby declared to be liable for the support of his wife and any
3 child or children under seventeen years of age and any other depend-
4 ent residing or found in the same state or in another state having
5 substantially similar or reciprocal laws, and, if possessed of suffi-
6 cient means or able to earn such means, may be required to pay for
7 their support a fair and reasonable sum according to his means, as
8 may be determined by the court having jurisdiction of the respond-
9 ent in a proceeding instituted under this Act.

10 (b) A mother in one state is hereby declared to be liable for the
11 support of her child or children under seventeen years of age resid-
12 ing or found in the same state or in another state having substan-
13 tially similar or reciprocal laws, whenever the father of such child
14 or children is dead, or cannot be found, or is incapable of supporting
15 such child or children, and, if she is possessed of sufficient means or
16 able to earn such means, she may be required to pay for the support

17 of such child or children a fair and reasonable sum according to her
18 means, as may be determined by the court having jurisdiction of the
19 respondent in a proceeding instituted under this Act.

20 (c) The parents in one state are hereby declared to be severally
21 liable for the support of a child seventeen years of age or older
22 residing or found in the same state or in another state having sub-
23 stantially similar or reciprocal laws, whenever such child is unable
24 to maintain himself and is likely to become a public charge.

25 (d) A child or children born of parents who, at any time prior
26 or subsequent to the birth of such child, have entered into a civil or
27 religious marriage ceremony, shall be deemed the legitimate child
28 or children of both parents, regardless of the validity of such mar-
29 riage.

30 (e) A child or children born of parents who held or hold them-
31 selves out as husband and wife by virtue of a common law marriage
32 recognized as valid by the laws of the initiating state and of the
33 responding state shall be deemed the legitimate child or children of
34 both parents.

35 (f) A woman who was or is held out as his wife by a man by
36 virtue of a common law marriage recognized as valid by the laws of
37 the initiating state and of the responding state shall be deemed the
38 legitimate wife of such man.

39 (g) Notwithstanding the fact that the respondent has obtained
40 in any state or country a final decree of divorce or separation from his
41 wife or a decree dissolving his marriage, the respondent shall be
42 deemed legally liable for the support of any dependent child of such
43 marriage.

1 SEC. 4. For the purposes of this Act: (a) The court shall have
2 jurisdiction regardless of the state of last residence or domicile of
3 the petitioner and the respondent and whether or not the respondent
4 has ever been a resident of the initiating state or the dependent
5 person has ever been a resident of the responding state.

6 (b) The court of the responding state shall have the power to
7 order the respondent to pay sums sufficient to provide necessary
8 food, shelter, clothing, care, medical or hospital expenses, expenses
9 of confinement, expenses of education of a child, funeral expenses
10 and such other reasonable and proper expenses of the petitioner as
11 justice requires, having due regard to the circumstances of the
12 respective parties.

13 (c) The courts of both the initiating state and the responding
14 state shall have the power to order testimony to be taken in either or
15 both of such states by deposition or written interrogatories, and to
16 limit the nature of and the extent to which the right so to take testi-
17 mony shall be exercised, provided that the respondent is given a
18 full and fair opportunity to answer the allegations of the petitioner.

1 SEC. 5. A proceeding to compel support of a dependent may be
2 maintained under this Act in any of the following cases:

3 (a) Where the petitioner and the respondent are residents of or
4 domiciled or found in the same state.

5 (b) Where the petitioner resides in one state and the respondent
6 is a resident of or is domiciled or found in another state having sub-
7 stantially similar or reciprocal laws.

8 (c) Where the respondent is not and never was a resident of or
9 domiciled in the initiating state and the petitioner resides or is
10 domiciled in such state and the respondent is believed to be a resi-
11 dent of or domiciled in another state having substantially similar or
12 reciprocal laws.

13 (d) Where the respondent was or is a resident of or domiciled in
14 the initiating state and has departed or departs from such state
15 leaving therein a dependent in need of and entitled to support under
16 this act and is believed to be a resident of or domiciled in another
17 state having substantially similar or reciprocal laws.

1 SEC. 6. (a) A proceeding under this act shall be commenced by
2 a petitioner by filing a verified petition in the court in the county of
3 the state wherein he resides or is domiciled, showing the name, age,
4 residence and circumstances of the petitioner, alleging that he is in
5 need of and is entitled to support, from the respondent, giving his
6 name, age, residence and circumstances, and praying that the re-
7 spondent be compelled to furnish such support.

8 (b) If the respondent be a resident of or domiciled in such state
9 and the court has or can acquire jurisdiction of the person of the
10 respondent under existing laws in effect in such state, such laws shall
11 govern and control the procedure to be followed in such proceeding.

12 (c) If the respondent be not a resident of or domiciled in or
13 cannot be found in such state, a judge of such court shall certify
14 that a verified petition has been filed in his court in a proceeding
15 against the respondent under this act to compel the support of the
16 petitioner, that a summons, duly issued out of his court for service
17 upon the respondent has been returned with an affidavit to the effect
18 that the respondent cannot with due diligence be located or served
19 with such process in the initiating state, that the respondent is be-
20 lieved to be residing or domiciled in the responding state and that,
21 in his opinion, the respondent should be compelled to answer such
22 petition and should be dealt with according to law, and he shall
23 transmit such certificate and exemplified copies of such petition and
24 summons to the appropriate court in the responding state.

25 (d) Any judge of a court in the county of the responding state in
26 which the respondent resides or is domiciled or found, upon pres-
27 entation to him of such certificate and exemplified copies of such
28 petition and summons, shall fix a time and place for a hearing on such
29 petition and shall issue a summons out of his court, directed to the
30 respondent, duly requiring him to appear at such time and place.

31 (e) It shall not be necessary for the petitioner or the petitioner's
32 witnesses to appear personally at such hearing, but it shall be the
33 duty of the petitioner's representative of the responding state to
34 appear on behalf of and represent the petitioner at all stages of the
35 proceeding.

36 (f) If at such hearing the respondent controverts the petition
37 and enters a verified denial of any of the material allegations thereof,

38 the judge presiding at such hearing shall stay the proceedings and
39 transmit to the judge of the court in the initiating state a transcript
40 of the clerk's minutes showing the denials entered by the respondent.

41 (g) Upon receipt by the judge of the court in the initiating state
42 of such transcript, such court shall take such proof, including the
43 testimony of the petitioner and the petitioner's witnesses and such
44 other evidence as the court may deem proper, and, after due de-
45 liberation, the court shall make its recommendation, based on all
46 of such proof and evidence, and shall transmit to the court in the
47 responding state an exemplified transcript of such proof and evi-
48 dence and of its proceedings and recommendation in connection
49 therewith.

50 (h) Upon the receipt of such transcript, the court in the respond-
51 ing state shall resume its hearing in the proceeding and shall give
52 the respondent a reasonable opportunity to appear and reply.

53 (i) Upon the resumption of such hearing, the respondent shall
54 have the right to examine or cross-examine the petitioner and the
55 petitioner's witnesses by means of depositions or written interroga-
56 tories, and the petitioner shall have the right to examine or cross-
57 examine the respondent and the respondent's witnesses by means
58 of depositions or written interrogatories.

59 (j) If a respondent, duly summoned by a court in the responding
60 state, wilfully fails without good cause to appear as directed in the
61 summons, he shall be punished in the same manner and to the same
62 extent as is provided by law for the punishment of a defendant or
63 witness who wilfully disobeys a summons or subpoena duly issued
64 out of such court in any other action or proceeding cognizable by
65 said court.

66 (k) If, on the return day of the summons, the respondent appears
67 at the time and place specified therein and fails to answer the peti-
68 tion or admits the allegations thereof, or, if, after a hearing has
69 been duly held by the court in the responding state in accordance
70 with the provisions of this section, such court has found and deter-
71 mined that the prayer of the petitioner, or any part thereof, is
72 supported by the evidence adduced in the proceeding, and that the
73 petitioner is in need of and entitled to support from the respondent,
74 the court shall make and enter an order directing the respondent to
75 furnish support to the petitioner and to pay therefor such sum as the
76 court shall determine, having due regard to the parties' means and
77 circumstances. An exemplified copy of such order shall be trans-
78 mitted by the court to the court in the initiating state and such copy
79 shall be filed with and made a part of the records of such court in
80 such proceeding. The court shall place the respondent on probation
81 on such terms and conditions as the court may deem proper or
82 necessary to assure faithful compliance by the respondent with such
83 order. The court shall also have power to require the respondent
84 to furnish recognizance in the form of a cash deposit or surety bond
85 in such amount as the court may deem proper and just to assure the
86 payment of the amount required to be paid by the respondent for the
87 support of the petitioner.

88 (l) The court making such order shall have the power to direct

89 the respondent to make the payments required thereby at specified
 90 intervals to the probation department or bureau of the court and to
 91 report personally to such department or bureau at such times as may
 92 be deemed necessary and the respondent shall at all times be under
 93 the supervision of such department or bureau.

94 (m) A respondent who shall wilfully fail to comply with or violate
 95 the terms or conditions of the support order or of his probation shall
 96 be punished by the court in the same manner and to the same extent
 97 as is provided by law for a contempt of such court or a violation of
 98 probation ordered by such court in any other suit or proceeding
 99 cognizable by such court.

100 (n) Upon the receipt of a payment made by the respondent pur-
 101 suant to the order of the court of the responding state in any pro-
 102 ceeding under this act, the probation department or bureau of such
 103 court shall forthwith transmit the same to the court of the initiating
 104 state.

105 (o) The probation department or bureau of the court in the re-
 106 sponding state shall, not later than thirty days following the end of
 107 each fiscal year, furnish to the court of the initiating state an itemized
 108 statement under oath of all payments made by the respondent during
 109 such fiscal year for the support of the petitioner in such proceeding.

110 (p) The court of the initiating state shall receive and accept all
 111 payments made by the respondent to the probation department or
 112 bureau of the court of the responding state and transmitted by the
 113 latter on behalf of the respondent. Upon receipt of any such pay-
 114 ment, and under such rules as the court of the initiating state may
 115 prescribe, the court, or its probation department or bureau, as the
 116 court may direct, shall deliver such payment to the dependent person
 117 entitled thereto, take a proper receipt and acquittance therefor, and
 118 keep a permanent record thereof.

1 SEC. 7. It shall be the duty of all petitioners' representatives of
 2 this state to appear in this state on behalf of and represent the
 3 petitioner in every proceeding pursuant to this act, at the time the
 4 petition is filed and at all stages of the proceeding thereafter, and to
 5 obtain and present such evidence or proof as may be required by the
 6 court in the initiating state or the responding state.

1 SEC. 8. This act shall be construed to furnish an additional or
 2 alternative civil remedy and shall in no way affect or impair any
 3 other remedy, civil or criminal, provided in any other statute and
 4 available to the petitioner in relation to the same subject matter.

1 SEC. 9. This act shall be so interpreted and construed as to
 2 effectuate its general purpose to make uniform the law of the states
 3 which enact it.

1 SEC. 10. If any part of this act or the application thereof to any
 2 person or circumstances is adjudged invalid by a court of competent
 3 jurisdiction, such judgment shall not affect or impair the validity
 4 of the remainder of such act or the application thereof to other
 5 persons and circumstances.

1 SEC. 11. This Act being deemed of immediate importance shall
 2 be in full force and effect after its publication in the Marshalltown
 3 Times-Republican, a newspaper published at Marshalltown, Iowa,
 4 and in the Messenger & Chronicle, a newspaper published at Fort
 5 Dodge, Iowa.

Approved April 28, 1949.

I hereby certify that the foregoing act was published in the Marshalltown Times-Republican, May 9, 1949, and in the Messenger & Chronicle, May 9, 1949.

MELVIN D. SYNHORST, *Secretary of State.*

CHAPTER 104

COUNTY POOR FUND LEVY

H. F. 379

AN ACT relating to increasing the amount of the poor fund in each county by increasing the levy therefor.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Chapter one hundred forty-three (143), Laws of the
 2 Fifty-second General Assembly, is hereby amended by striking from
 3 line seven (7) of section one (1), the words "one and one-half" and
 4 inserting in lieu thereof, the word "three".

Approved May 2, 1949.

CHAPTER 105

BOARD OF EDUCATIONAL EXAMINERS

H. F. 441

AN ACT to amend chapter two hundred sixty (260), Code 1946, and to repeal section eight (8) of chapter one hundred twenty-six (126), Acts of the Fifty-first General Assembly, relating to the board of educational examiners; and to provide a biennial appropriation for the operating cost of the board of educational examiners; and to provide for furnishing of supplies for the board of educational examiners by the state executive council.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section two hundred sixty point fifteen (260.15), Code
 2 1946, and section eight (8) of chapter one hundred twenty-six (126),
 3 Acts of the Fifty-first General Assembly, are hereby repealed and the
 4 following substituted in lieu thereof: "Applications for the issuance
 5 or renewal of all teachers' certificates shall be made to the superin-
 6 tendent of public instruction. All fees for the issuance or renewal of
 7 such certificates shall be paid to the superintendent of public instruc-
 8 tion who shall deposit each fee received from these sources with the
 9 treasurer of state to be credited to the general revenue fund. In the
 10 event that an application for the issuance or renewal of a certificate
 11 is not approved, the state superintendent of public instruction shall