

FOR AN ACT TO ESTABLISH A JUVENILE COURT, AND TO REGULATE THE TREATMENT AND CONTROL OF DEPENDENT, NEGLECTED AND DELINQUENT CHILDREN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. The district court is hereby clothed with original and full jurisdiction to hear and determine all cases coming within the purview of this act, and the proceedings, orders, findings and decisions of said court shall be entered in a book or books to be kept for the purpose and known as the Juvenile Court Record. Said court shall always be open for the transaction of business coming under the purview of this act, but the hearing of any matter requiring notice shall be had only in term time or at such time and place as the Judge may appoint.

Sec. 2. This act shall apply only to children under the age of sixteen years, not at the time inmates of a State institution or any industrial school for boys or girls, or at any institution incorporated under the laws of this State, and shall apply to all children of said age, except such as are charged with the commission of offenses punishable under the laws of the State with life imprisonment, or with the penalty of death. For the purpose of this act, the words "dependent children" or "neglected children" shall mean any child who for any reason is destitute or homeless, or abandoned; or dependent upon the public for support; or who has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable person; or whose home, by reason of neglect, cruelty or depravity on the part of its parents or guardian or other person in whose care it may be, is an unfit place for such child; and any child under

12 the age of ten (10) years; who is found begging, or giving any public entertainment upon the
13 street for pecuniary gain for self or another; or who accompanies or is used in aid of any
14 person so doing; or who, by reason of other vicious, base or corrupting surroundings, is, in
15 the opinion of the court, within the spirit of this act. The words "delinquent child" shall
16 include any child under the age of sixteen years, who violates any law of this State, or any
17 city or village ordinance; or who is incorrigible; or who knowingly associates with thieves,
18 vicious or immoral persons, or who is growing up in idleness or crime; or who knowingly
19 frequents a house of ill fame; or who patronizes any policy shop or place where any gaming
20 device is, or shall be operated; or who habitually wanders about any railroad yards or tracks,
21 gets upon any moving train or enters any car or engine without lawful authority. The word
22 "child" or "children" may mean one or more children, and the word "parent" or "parents"
23 may be held to mean one or both parents when consistent with the intent of this act. The
24 word "association" shall include any corporation which includes in its purposes the care or
25 disposition of children coming within the meaning of this act.

Sec. 3. Any reputable person being a resident of the county, having knowledge of a child
2 in his county who appears to be either dependent, neglected or delinquent, may, without fee,
3 file with clerk of the court having jurisdiction of the matter, a petition in writing, setting forth
4 the facts, verified by affidavit; it shall be sufficient if the affidavit is upon information and
5 belief.

Sec. 4. Upon the filing of the petition the court may cause a summons to issue requiring
2 the person having custody or control of the child or with whom the child may be, to appear
3 with the child at a time and place stated in the summons. The parents of the child, if living,
4 and their residence is known, or its legal guardian, if one there be, or if there is neither
5 parent nor guardian or if his or her residence is not known, then some relative, if there be
6 one and his residence is known, shall be notified of the proceedings, and in any case the judge
7 may appoint some suitable person to act in behalf of the child. If the person summoned as
8 herein provided shall fail to appear or bring the child, without reasonable cause, and abide
9 the order of the court, he may be proceeded against as in case of contempt of court. In case
10 the summons cannot be served or the party fails to obey the same, and in any case when it
11 shall be made to appear to the court that such summons will be ineffectual, a warrant may
12 issue on the order of the court, either against the parent or guardian or the person having
13 custody of the child or with whom the child may be, or against the child itself. On the
14 return of the summons or other process, or as soon thereafter as may be, the court shall

15 proceed to hear and dispose of the case in a summary manner; provided, however, that when
16 the child is brought before the court, charged with the commission of a crime, not punishable
17 with imprisonment for life, or the penalty of death, the court may, and if the child, its parent
18 or guardian demands, shall place the child on trial for the commission of such offense.
19 Where the penalty for the offense committed exceeds a fine of one hundred dollars (\$100), or
20 imprisonment for thirty (30) days, the court shall make an examination and in conducting
21 same shall be governed by the provisions of sections five thousand two hundred and sixteen
22 (5216), five thousand two hundred and eighteen (5218), five thousand two hundred and
23 nineteen (5219), five thousand two hundred and twenty-one (5221), five thousand two hundred
24 and twenty-two (5222), five thousand two hundred and twenty-three (5223), five thousand two
25 hundred and twenty-four (5224), five thousand two hundred and twenty-five (5225), five
26 thousand two hundred and twenty-six (5226), five thousand two hundred and twenty-seven
27 (5227), and five thousand two hundred and thirty nine (5239) of the Code, and shall make
28 certificate, order of discharge or commitment, issue warrant, require undertakings of witnesses
29 and security and commit witnesses as provided by sections five thousand two hundred and
30 twenty-eight (5228) to five thousand two hundred and thirty-five (5235) of the Code inclusive.
31 If the child is unable to furnish the required bail, the child may, pending the final disposition
32 of the case, be detained in the possession of the person having charge of the same, or may be
33 kept in a suitable place provided by the city or county authorities. If the crime is not triable
34 on indictment, or if it appears on the examination that a public offense has been committed
35 which is not triable on indictment the court may order any peace officer to file information
36 against the child before him and shall proceed to try the case before a jury of twelve (12)
37 men, selected as in a justice's court. The proceedings shall be as provided for trials in the
38 district court and the defendant shall be entitled to his exceptions and right of appeal.

Sec. 5. When any such boy or girl shall be found guilty of the commission of a crime,
2 not punishable with imprisonment for life, or the penalty of death, the court in its discretion³
3 may, instead of entering judgment of conviction, make order concerning such child in man-
4 ner as hereinafter provided.

Sec. 6. The court shall have authority to appoint or designate one or more discreet per-
2 sons of good character to serve as probation officers during the pleasure of the court; said
3 probation officers to receive no compensation from the public treasury. In case a probation
4 officer shall be appointed by any court, it shall be the duty of the clerk of the court, if prac-
5 ticable, to notify the said probation officer in advance when any child is to be brought before

6 the said court; it shall be the duty of said probation officer to make such investigation as
7 may be required by the court; to be present in court in order to represent the interests of the
8 child when the case is heard; to furnish to the court such information and assistance as the
9 judge may require, and to take such charge of any child before and after trial as may be
10 directed by the court.

Sec. 7. The judge of such court shall designate a certain time for the hearing of such
2 cases and is hereby empowered, when tried in a summary manner as provided in section four
3 (4) hereof, to exclude from the courtroom at such hearing any and all persons that in his
4 opinion, are not necessary for the hearing of the case. The probation officer shall be present
5 at every hearing in the interest of the child.

Sec. 8. When any child of the age stated in section two (2) hereof, shall be found to be
2 dependent or neglected, within the meaning of this act, the court may make an order com-
3 mitting the child to the care of some suitable State institution, or to the care of some reputa-
4 ble citizen of good moral character, or to the care of some industrial school, as provided by law,
5 or to the care of some association willing to receive it, embracing in its objects the purpose
6 of caring for and obtaining homes for dependent and neglected children, which association
7 shall have been accredited as hereinafter provided. The court may, when the health or condi-
8 tion of the child may require it, cause the child to be placed in a public hospital or institu-
9 tion for treatment or special care, or in a private hospital or institution which will receive it
10 for like purposes without charge.

Sec. 9. In any case where the court shall award a child to the care of any association or
2 individual in accordance with the provisions of this act, the child shall, unless otherwise ordered,
3 become a ward and subject to the guardianship of the association or individual to whose care
4 it is committed. Such association or individual shall have authority to place such child in a
5 family home, with or without indenture, and may be made party to any proceedings for the
6 legal adoption of the child, and may by his or its attorney or agent appear in any court where
7 such proceedings are pending and assent to such adoption. And such assent shall be sufficient
8 to authorize the court to enter the proper order or decree for adoption. Such guardianship
9 shall not include the guardianship of any estate of the child.

Sec. 10. It shall be lawful for the parent, parents, guardian or other person having a right
2 to dispose of a dependent or neglected child to enter into an agreement with any association or
3 institution incorporated under any public law of this State for the purpose of aiding, caring for
4 or placing in home such children, and being approved as herein provided, for the surrender of

5 such child to such association or institution, to be taken and cared for by such association
6 or institution or put in a family home. Such agreement may contain any and all proper
7 stipulations to that end, and may authorize the association or institution by its attorney or
8 agent, to appear in any proceeding for the legal adoption of the child and consent to its adoption,
9 and the order of the court made upon such consent shall be binding upon the child and its
10 parents or guardian or other person the same as if such person were personally in court and con-
11 sented thereto, whether made party to the proceeding or not.

Sec. 11. In the case of a delinquent child, the court may continue the hearing from time
2 to time, and may commit the child to the care or custody of a probation officer, and may allow
3 said child to remain in its own home subject to the visitation of the probation officer; such
4 child to report to the probation officer as often as may be required, and subject to be returned
5 to the court for further or other proceedings whenever such action may appear to be necessary;
6 or the court may cause the child to be placed in a suitable family home, subject to the friendly
7 supervision of the probation officer and the further order of the court; or it may authorize the
8 child to be boarded out in some suitable family home, in case provision is made by voluntary
9 contribution or otherwise for the payment of the board of such child, until suitable provision
10 may be made in a home without such payment; or the court may commit such child, if a boy,
11 to an industrial school for boys; or, if a girl, to an industrial school for girls; or the court may
12 commit the child to any institution within the county, incorporated under the laws of this
13 State, that may care for delinquent children, or be provided by a city or county, suitable for the
14 care of such children, or to any State institution which may be established for the care of delin-
15 quent boys or girls over the age of ten (10) years. In no case shall a child be committed be-
16 yond his or her minority. A child committed to such institution shall be subject to the control
17 of the board of managers thereof, and said board shall have power to parole the child on such
18 conditions as it may prescribe; and the court shall, on the recommendation of the board, have
19 power to discharge such child from custody whenever, in the judgment of the court, his or her
20 reformation is complete; or the court may commit the child to the care and custody of some
21 association that will receive it, embracing in its objects the care of neglected and dependent
22 children, and that has been duly accredited as hereinafter provided.

Sec. 12. No court or magistrate shall commit a child not yet having reached his seven-
2 teenth (17th) birthday, to jail or police station, but if such child is unable to give bail it may
3 be committed to the care of the sheriff, police officer, probation officer or other person, who
4 shall keep such child in some suitable place provided by the city or county, outside the en-

5 closure of any jail or police station. When any child shall be sentenced to confinement in
6 any institution to which adult convicts are sentenced, it shall be unlawful to confine such
7 child in the same yard or enclosure with such adult convicts, or to bring such child into any
8 yard or building in which adult convicts may be present. Any such child, taken before any
9 justice of the peace or police court, in such counties, charged with misdemeanor, shall, to-
10 gether with the case, be at once transferred by said justice of the peace or police court, to said
11 district court and proper order shall be made therefor.

Sec. 13. In any case in which the court shall find a child dependent, negligent or delin-
2 quent, it may, in the same or subsequent proceedings, upon the parents of said child or either
3 of them, being duly summoned or voluntarily appearing, proceed to inquire into the ability of
4 such parent or parents to support the child or contribute thereto, and if the court shall find
5 such parent or parents able to support the child or contribute to its support, the court may
6 enter such order or decree as shall be according to equity in the premises, and may enforce
7 the same by execution or in any way in which a court of equity may enforce its orders or
8 decrees.

Sec. 14. The Board of Control shall designate and approve the institutions and associa-
2 tions to have charge of juveniles under this act and shall have supervision, oversight and right
3 of visitation (by all or any of its members or by such persons as it shall appoint thereto) to all
4 institutions and associations having charge of juveniles under this act, and said court, insti-
5 tutions and associations shall make annual reports in the first fifteen (15) days in January of
6 each year to said Board of Control. The report of the court shall include the number of
7 juveniles of each sex brought before it, the number for whom homes had been obtained, the
8 number sent to State institutions, and the number under charge of such associations.

Sec. 15. The court in committing children shall place them as far as practicable in the
2 care and custody of some individual holding the same religious belief as the parents of said
3 child, or with some association which is controlled by persons of like religious faith with the
4 parents of said child.

Sec. 16. This act shall be construed liberally to the end that its purpose may be carried
2 out, to wit: That the care, custody and discipline of a child shall approximate as nearly as
3 may be that which should be given by its parents, and in all cases where it can properly be
4 done, the child to be placed in an approved family home and become a member of the family
5 by legal adoption or otherwise.