

CHAPTER 132.

RELATING TO THE RIGHTS, DUTIES AND RELATIONS BETWEEN PARENT AND CHILD
BY ADOPTION.

S. F. 156.

AN ACT to amend section three thousand two hundred and fifty three [3253] of the code relating to the rights, duties and relations between parent and child by adoption.

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

SECTION 1. Right of inheritance. That section 3253 of the code be and the same is hereby amended by adding thereto the following words:

"And the right of inheritance from each other shall be the same as between parent and children born in lawful wedlock."

Approved April 8, 1902.

CHAPTER 133.

FRIENDLESS CHILDREN.

H. F. 145.

AN ACT to repeal chapter eight (8) of title sixteen (16) of the code, and enact a substitute therefor relating to the care of friendless children, and the establishment, regulation and visitation of homes for friendless children.

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

SECTION 1. Repealed. That chapter eight (8) of title sixteen (16) of the code be and the same is hereby repealed, and the following enacted in lieu thereof.

SEC. 2. Powers of societies. Any society legally incorporated under the laws of the state of Iowa for the purpose of receiving, caring for, placing out for adoption, or in any way improving the condition of abandoned, abused, ill-treated, friendless, or orphan children, may receive, control and dispose of such minor children under the provisions of this act; and such corporations shall be the legal guardian of the persons of all children so surrendered to it, and may exercise all the rights and authority of the parents of such children in regulating the apprenticing and adoption thereof.

SEC. 3. Surrender of children. Children may be surrendered to such society by the father and mother jointly; by either father or mother, when the other is dead, or hopelessly insane, an habitual drunkard, has abandoned his family, is in prison for crime, or is an inmate or keeper of a house of ill-fame; by the mother alone if the child is illegitimate and in her care and custody; by any court of record or judge thereof, or any mayor, or justice of the peace in the county of the residence of such children or their parents, upon complaint made and proceedings had thereon as hereinafter provided.

SEC. 4. Commitment. Whenever it shall be made to appear to any court, judge, mayor, or justice of the peace, as above provided, that any child within his jurisdiction, by reason of orphanage, or neglect, abuse, crime, drunkenness, or gross immorality of one or both of the parents, or other persons having custody of such child, is abandoned [,] ill-treated, or friendless, or in circumstances tending to induce such child to lead a dissolute, immoral or vicious life, then it shall be the duty of such court or magistrate to take such child away from its parents or those having control thereof, and commit it to some society incorporated for that purpose, or to some other person or guardian, as may seem to be for the best interests of such child, and the society or person so adopting shall be required to keep such child if over seven (7) years of age and under fourteen (14) years of age in school during the school sessions of the school district in which said child is kept or in some parochial school for like period.

SEC. 5. Written complaint—appeal. All proceedings under section four (4) of this chapter shall be by written complaint duly verified, which complaint shall state the cause of action and the relief asked. If it shall appear that such child is in the custody and control of parents, guardians, or other persons, such parents, guardians, or other persons shall be served with a copy of said complaint, and such notice of the time and place of the hearing thereof as may be ordered by the court or magistrate by whom the case is to be tried; which notice and copy shall be served in the same manner as is provided in the service of original notices. An appeal may be taken to the district court from the order of a magistrate at any time within twenty (20) days thereafter, in the same manner as appeals are taken from judgments in justice courts, except that no bond shall be required to stay proceedings.

SEC. 6. Custody of child during trial. Upon filing of proper complaint, the magistrate may, if thought best, issue a warrant directed to the sheriff or other peace officer, requiring such peace officer forthwith to take into his custody the child described in such complaint, and to retain possession of it subject to the order and direction of the court.

SEC. 7. Religious faith. The court or magistrate in committing children, shall place them as far as practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith as the parents of said child; and when any home or society shall dispose of the custody of any child, it shall be, as far as practicable, to some person of the same religious faith as its parents, unless the parents or former guardian otherwise consent.

SEC. 8. Habeas corpus. Upon the hearing of any habeas corpus proceedings for the custody of any such child, if it appears that it has been surrendered to the home under the provisions of this chapter, such fact shall be presumptive evidence that it was done properly and that said home was entitled to the custody and guardianship thereof.

SEC. 9. Proceedings—county attorney to prosecute—court costs. Proceedings under this act may be brought by any citizen of the state, acting by himself or his attorney. It shall be the duty of the county attorney, when requested, to prepare complaints and prosecute all such cases in behalf of the complainants. Court costs shall be taxed the same as in criminal actions.

SEC. 10. Board of control to have supervision—annual reports—financial statements. All associations or societies receiving children under this act shall be under the supervision of the board of control of state institutions and shall be subject to visitation by the board of control, its members, or agents, which may require such information and statistics from such associations as the board shall deem necessary, in order to enable it to exercise proper supervision over them. Every such association shall file with the state board of control, during the month of January of each year, an annual written or printed report, which shall include a statement of the number of children cared for during the preceding year, the number of children received for the first time and the number returned from families, the number placed in homes, the number deceased, the number returned to friends, and the number placed in state institutions, the number and names and number of months of each of those attending school; also a financial statement showing the receipts and disbursements of such association. The statement of disbursements shall show the amount expended for salaries and other expenses, specifying the same, and the amount expended for lands, buildings, and investments. And no child shall be committed to the care of any association which shall not have filed a satisfactory report for the calendar year last preceding with the state board of control, unless it be a society organized within the current year.

SEC. 11. Jurisdiction to revoke. The district court of any county in which any society or home may be located shall have jurisdiction to revoke the powers herein granted upon a showing that any such society or person has

abused the trust imposed in such society or person, or that the welfare of its wards demands that they be taken from the control of such society or person. It shall be the duty of the state board of control to institute such proceedings whenever, in its judgment, they are advisable.

SEC. 12. Associations of other states. No association which is incorporated under the laws of any other state than the state of Iowa shall place any children in any family home within the boundaries of the state of Iowa, either with or without indentures, or for adoption, unless the said association shall have furnished the state board of control with such guarantee as it may require, including an indemnity bond in favor of the state of Iowa in the penal sum of one thousand (1,000) dollars, that no child shall be brought into the state of Iowa by such society or its agents, having any contagious or incurable disease, or having any deformity, or being of feeble mind, or of vicious character, and that said association will promptly receive and remove from the state any child brought into the state of Iowa by its agents, which shall become a public charge within the period of five (5) years after being brought into this state. Provided, that this act shall not be construed as prohibiting any person residing in Iowa from receiving and adopting into his family any child or children from another state.

SEC. 13. Appropriation. To provide for the expenses of the inspection herein required, there is hereby appropriated the sum of one thousand dollars (\$1,000.00) or so much thereof as may be necessary, from any funds of the state treasury not otherwise appropriated.

Approved April 10, 1902.

CHAPTER 134.

RELATING TO THE RECORDING OF WILLS.

S. F. 95.

AN ACT to amend section thirty-two hundred and eighty-seven (3287) of the code, relating to the recording of wills.

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

SECTION 1. Transcript filed and recorded—where—costs. That section thirty-two hundred and eighty-seven (3287) of the code be and the same is hereby amended by adding thereto the following:

"And whenever it shall appear that the testator died seized of real estate located in a county of this state other than that in which probate is granted, a complete transcript, properly authenticated, and of the record entry of the order of court admitting the will to probate and if a copy of such will is not contained therein a certified copy of such will shall be attached thereto and the same shall be filed by the clerk in the office of the clerk of the district court in such other county, who shall cause the same to be entered in the probate docket, and said transcript shall be recorded in full in the book kept for the recording of wills in such county and when so recorded such record may be read in evidence in all courts without further proof. The cost of such transcript and of the recording thereof shall be taxed against the estate of the decedent unless administration thereof be closed, in which event it shall be paid by the owner of the real estate involved."

Approved April 8, 1902.

CHAPTER 135.

PROPERTY RIGHTS OF PERSONS WHO FELONEOUSLY TAKE THE LIFE OF ANOTHER.

S. F. 178.

AN ACT to amend section three thousand three hundred and eighty-six (3386) of the code, relating to the property rights of persons who feloniously take the life of another.