

MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

HOUSE

NO. 1

January 11, 1911.

Pending reference to Committee, ordered to be printed.

C. C. HARVEY, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND ELEVEN.

To the Legislature of the State of Maine:

Report of "Special Joint Committee of two on the part of the House and with such as the Senate may join, appointed to inquire into the laws controlling the most successful juvenile courts, especially the system outlined by the Hall bill, so called; to draft such laws for the establishment and government of such a court in Maine, with such necessary laws to go with same best suited to our needs and condition."

Your committee has made much effort, although handicapped by the Senate amendment, to thoroughly and impartially investigate the matter of juvenile courts and the law, now receiving much attention throughout the civilized world, and begs leave to report as follows:

We find that the tender point put forth by all objectors to the law, is the separation of the child from its parent, but in every instance where this question has come to the attention of the Supreme Courts, the Juvenile Court has been upheld. These decisions were rested upon the broad principle that the court is

simply exercising a power used from the earliest times by the English Chancellors. In the old cases the Chancellors went so far as to hold that the right to take the child from its parent existed where the parent ill-treats or shows cruelty to his infant children, or is in constant habits of drunkenness, or professes irreligious or atheistical principles, or, where living in debauchery, the domestic relations and associations are such as to tend to the corruption and contamination of the children.

Vide *Creuze vs. Hunter*, 1790,

(2 Bro. C. C., 449.)

Vide *Wellesley vs. Wellesley*, 1828,

(2 Russ. 1 Bligh., N. S., 124.)

The principle is that the State is the ultimate parent of the child and where the parent by nature, has, by misconduct, forfeited his right to have the custody of his child, the State, through the proper tribunal, the Juvenile Court, will step in and protect the child by removing it from the environment that must make for its undoing.

We also find that the so-called unfortunate class, those cared for at State expense, is increasing at a rate vastly in excess of the rate of increase of the general population of the State, to wit, about as 28 is to 4. This shows that we are paying out large sums of money to care for the ever increasing product of an ill condition and are doing absolutely nothing to ameliorate the condition.

We believe, from our researches, that the Juvenile Court is the institution by which the power of the State may more properly be exercised, to the end that the aforesaid "ill condition" may be helped and its product lessened, thus saving untold money to the State.

We find in the record of the Juvenile Court of Denver, one of the many instances of the saving of this institution over the old method and we state it as simply one example. In eighteen months in this court there were 454 boy cases disposed of.

Under the old system, as now prevailing in Maine, the cost of these cases would have been \$227.92 per capita, a total of \$103,475.68. The actual cost, under the Juvenile Court and Probation systems, was \$14,648.00, or a saving to the state of Colorado of \$88,827.68.

Again, in the city of Buffalo, one result of the working of the Juvenile Court was to enable the Judge at the end of the seventh year to incorporate in his report, substantiated by the Chief of Police, the amazing statement that the city "now has no professional criminal class." This shows one of the wonderful results of the more enlightened method of handling the child.

We further find in many states where such courts are established, that money is being saved in ever increasing ratio and vastly in excess of the cost of the institution, and, best of all, the *greatest natural resource of the state*—the most important—*our boys and girls*—is being conserved in a most wonderful measure.

Therefore, believing this to be the greatest desideratum, and also that actual dollars may be saved in expense, we most respectfully call your attention to the Children Act hereto attached, which we believe to be more complete and specific than any system extant in any state, and request that it be given a fair hearing and an early passage.

SPECIAL JOINT COMMITTEE,

WILLIS B. HALL,

LEWIS A. BURLEIGH,

On the part of the House.

WILLIAM H. LOONEY,

On the part of the Senate.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND
ELEVEN.

AN ACT to be known as Children Act, relating to children who are now or may hereafter become dependent, neglected or delinquent, to establish a special equity Juvenile Court to provide for the treatment, control, maintenance, adoption and guardianship of the person of said children.

Be it enacted by the People of the State of Maine, as follows:

Section 1. (A) All persons under the age of twenty-one years shall, for the purposes of this act only, be considered wards of this State, and their persons shall be subject to the care, guardianship and control of the Juvenile Court as hereinafter provided.

(B) For the purpose of this Act the words "dependent child" and "neglected child" shall mean any male child who, while under the age of 16 years, or any female child who, while under the age of 17 years, for any reason, is destitute, homeless or abandoned, or dependent upon the public for support, or has not the proper parental care or guardianship; or habitually begs or receives alms; or is found living in any house of ill fame, or with any vicious or disreputable person; or has a home which, by reason of neglect, cruelty or depravity on the part of its parents, guardian, or any other person in whose care it may be, is an unfit place for such a child, and any child, who, while under the age of ten years is found begging, selling or peddling any articles, or singing or playing any musical instrument for gain upon the street, or is used in aid of any person so doing.

(C) The words "delinquent child" shall mean any male child who, while under the age of 16 years, or any female child,

who, while under the age of 17 years, violates any law of this State; or is incorrigible, or knowingly associates with thieves, vicious or immoral persons; or without just cause, and without the consent of its parents, guardian or custodian, absents itself from its home or place of abode, or is growing up in idleness, or crime; or knowingly frequents a house of ill repute; or knowingly frequents any policy shop or place where any gaming device is operated; or frequents any saloon or dram shop where intoxicating liquors are sold; or patronizes or visits any public pool room or bucket shop; or wanders about the street in the night time without being on any lawful business or lawful occupation, or habitually wanders about any railroad yard or tracks; or jumps or attempts to jump into any moving train; or enters any care or engine without lawful authority; or uses vile, obscene, vulgar, profane or indecent language in any public place or about any schoolhouse; or is guilty of indecent, lascivious conduct. Any child committing any of these acts herein mentioned shall be deemed a delinquent child and shall be cared for in the manner hereinafter provided.

(D) A disposition of any child under this Act, or the evidence given in such cause, shall not in any civil, criminal, or other cause or proceeding whatsoever in any court, be lawful or proper evidence against such child for any purpose whatever, except in subsequent case against the same child under this Act. The word "child" or "children" may be held to mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents when consistent with the intent of this Act. The word "Association" shall include any association, institution or corporation which includes in its purposes the care or disposition of children coming within the meaning of this Act.

Section 2. (A) There is hereby created a Special Equity Court to be known as the Juvenile Court of the State of Maine. This court shall have jurisdiction relating to the custody, deten-

tion, treatment, control, guardianship, maintenance of the person, and care of all dependent, neglected, or delinquent children, such dependent, neglected or delinquent children being such by their own acts or by the acts or the omission of acts by others.

(B) The Probate Courts of the several counties in this State shall have original and exclusive jurisdiction in all cases coming within the terms of this Act, except in those counties where special Juvenile Courts are or shall be established, in which case said special Juvenile Court shall have original and exclusive jurisdiction in all cases in that county.

(C) In any county of fifty thousand inhabitants or more there may be a special Juvenile Court.

(D) Such probate courts acting as Juvenile Courts and such special Juvenile Courts shall be the special Equity Juvenile Court and be known as the Juvenile Court of the State of Maine.

(E) The Registers of the Probate Court for the several counties, and the county clerks of each county where a special Juvenile Court may be established, shall be, ex-officio, clerks of the Juvenile Court of each county, and shall keep a register of the proceedings of said Court in a book to be known as the Juvenile Court Register. All petitions bringing infants before the Juvenile Court shall be filed by the chief deputy guardian, or any other person, with the register or clerk in the county in which the child petitioned for resides.

Section 3. (A) The Governor, by and with the consent of his Council, shall appoint a Juvenile or Court Judge on petition of the County Commissioners of any county of fifty thousand or more inhabitants, in like manner and for the same term as the Supreme Court Justices are appointed. Said Judge shall preside over the said Juvenile Court for said county and hold office until his successor is appointed and qualified.

(B) There shall be appointed an assistant Judge for every county where a judge of said court is appointed, for the same

term, who shall serve when called upon without pay from the State.

(C) Vacancies in the office of Judge and assistant Judge of said Juvenile Court shall be filled as in cases of vacancies of office of Justices of the Supreme Court of Maine. No person shall be appointed Judge of the Juvenile Court holding any other public office excepting that of Justice of the Peace or Notary Public.

Section 4. The Judge of said Juvenile Court shall receive a salary of three thousand dollars per annum, to be paid by the State in like manner as Supreme Court Justices' salaries are now paid, and he shall receive no other compensation whatsoever for his services as said Judge, save the salary herein provided, except in case of necessary travel and expense for the proper discharge of his duties; his bill therefor, not exceeding five hundred dollars in any one year, authenticated and approved as expense accounts of Justices of the Supreme Court are authenticated and approved, shall be paid from the State treasury.

Section 5. If any person appointed Judge of said Juvenile Court shall fail to qualify within thirty days after his appointment, the office shall be deemed vacant and a successor shall be appointed by the Governor as stated in Section 3. A Judge of said Juvenile Court may be removed from office for the same causes and in the same manner as Justices of the Supreme Judicial Court may be removed. Before the Judge or assistant Judge shall enter upon the duties of his office he shall qualify by taking the official oath prescribed for Supreme Court Justices of the State of Maine.

Section 6. In all proceedings before the Juvenile Court where the rights of the parents, parent, guardian or custodian are asserted for determination, a stenographic report of the proceedings shall be kept and preserved. The Judge of said Court shall appoint a reporter for said Court, who shall be paid at the rate of four dollars per day while actually on duty. The

provisions of law relating to stenographers in the Superior and Supreme Court in Maine shall govern stenographers in the Juvenile Court.

Section 7. County attorneys of the various counties where the special Juvenile Court is held, shall be attorneys in the Juvenile Court, when called upon by the Judge thereof.

Section 8. In every county of the State, where there is or may be appointed a probation officer, the said probation officer, for the purposes of this act, shall be known as a Chief Guardian. The Judge of the Juvenile Court may appoint any discreet person of good moral character to serve as deputy guardian without pay from county or State. In cities of from four to twenty thousand inhabitants there may be one deputy guardian, who shall be appointed by the Judge of the Juvenile Court. In cities of over twenty thousand inhabitants there may be appointed by said Judge a deputy guardian for every additional twenty thousand inhabitants or fraction thereof. Provided, however, that if the municipalities prefer, they may appoint their own deputy guardian, on recommendation of the said Judge, and the salary of the said deputy guardian shall be fixed and allowed by said municipalities.

The duties of said Chief Guardian, or any deputy guardian, in his stead, shall be as follows:

(a) He shall investigate all cases of alleged juvenile dependency or delinquency coming to his knowledge, or in any way brought to his attention in the county or city for which he is appointed or elected;

(b) To make petition before the Juvenile Court of any case of juvenile distress coming to his knowledge;

(c) To bring before the Court, at the time fixed for hearing, any juvenile, the parent, parents, guardian or next friends in whose behalf the petition has been filed;

(d) To serve notices hereinafter provided to be served, or which may be issued by the Court;

(e) To make investigation of every case coming before the Court and to report to the Court whenever required the result of such investigation;

(f) To be present in Court to represent the interests of the child when the same is heard;

(g) To furnish information and assistance to the Court whenever required, and to take charge of any child, both before and after the hearing, as may be directed by the Court;

(h) To exercise a friendly supervision over the child in accordance with the direction of the Court;

(i) To act for the State in the filing of complaints and conducting proceedings against persons guilty of contributing to the distress of infants, and for these purposes the Chief Guardians and their deputies are empowered to approve the issuance of warrants on any complaints filed in the Juvenile Court;

(j) To have charge of any child in whose behalf a petition has been filed pending examination in the Juvenile Court. Provided, however, that no child coming under the meaning of this Act, shall be incarcerated in any common jail or lock-up, except that said child may be placed in detention in a suitable room or rooms which may be provided by the county or municipality.

Section 9. Such Court, or the Judge thereof, shall have full power and authority to maintain order and decorum in his Court, and the said Juvenile Court shall have a seal, bearing on the face thereof, "Juvenile Court of the State of Maine, 1911."

Section 10. (A) The Juvenile Court is hereby given concurrent jurisdiction with trial justices, municipal and superior courts, to hear under common law all cases of misdemeanor of adults where the charge is for the contributing to the dependency or delinquency of infants.

(B) In all cases where the delinquency of the child would otherwise constitute a felony, the Juvenile Court Judge, where he deems necessary, may certify the case to any court of proper jurisdiction.

(C) Any parent, legal guardian or person having the custody of any child, or any other person responsible for, or by any act encouraging, causing or contributing to the delinquency of said child, shall be deemed a contributory delinquent, and any person guilty thereof, shall be deemed guilty of a misdemeanor, and upon conviction may be fined a sum not to exceed one thousand dollars or imprisonment in the county jail for a period not exceeding one year, or by both said fine and imprisonment.

(D) The Court shall convene at such places and at such times as may be determined by the Judge. It shall be the duty of the Board of Commissioners to provide a suitable place in their several counties for holding the terms of said Court, and such necessary supplies for the conduct and maintenance of such Court as may be required; the blanks and printing for said Court shall be supplied at State expense.

Section 11. An appeal may be taken from the final decision or judgment of the Juvenile Court by the parents, parent, guardian, or custodian of said infant who has been deprived of its custody, to the Supreme Court of the State of Maine, in the same manner as is now provided by law for the taking of appeals from judgments in the municipal and superior courts. Provided, however, that notice of appeal shall be served upon the county attorney in the county in which the court was held, and upon the Judge of the Juvenile Court.

Section 12. On or before the 15th day of December of each year, the Judges of the Juvenile Court shall, with the assistance of the Chief Guardians and their deputies, make a written report to the Governor and Council, showing the number and disposition of children brought before the Court during the year ending November 30th of that year. And such report shall contain such other useful information regarding the cases as may be deemed important or of value, including the facts in connection with the parentage of such children, providing the identity of any child or parent shall not be disclosed, and that said report shall be published at the State expense.

Section 13. (A) Any reputable person being a resident of the county, may file with the register or county clerk a petition in writing setting forth that a certain child, naming it, within the county, not then an inmate of a State institution incorporated under the laws of this State, is either dependent, neglected or delinquent, as defined in Section 1 hereof; and that it is for the interest of the child and this State that the child be taken from its parents, parent, guardian or custodian and placed under the guardianship of some suitable person, to be appointed by the Court, and that the parents, parent, guardian or custodian are unfit or improper or unable or unwilling to care for, protect, train, educate, control or discipline such child, or that the parents, parent, guardian or custodian consents that such child be taken from them.

(B) The petition shall set forth either the name, or that the name is unknown to the petitioner—(a) of the person having the custody of such child; and (b) of each of the parents, or the surviving parent of a legitimate child; or of the mother of an illegitimate child; or (c) if it allege that both such parents are, or said mother is, dead, then of the guardian, if any, of such child; (d) if it allege that both such parents are, or if such mother is, dead, and that no guardian is known for such child, then of a near relative, or that none such is known to the petitioner. The petition shall also state the residences of such parties so far as the same are known to such petitioner.

(C) All persons thus named in such petition shall be made defendants by name and shall be notified of such proceedings by summons, if residents of this State, in the same manner as is now or may be hereafter required in equity proceedings by the laws of this State, except as herein otherwise provided.

(D) All persons, if any, who are named in such petition, or whose names are stated in the petition to be unknown to the petitioner, shall be deemed and taken as defendants by the name or designation of "All whom it may concern." The petition

shall be verified by affidavit, which affidavit shall be sufficient upon information and belief. Processes shall be issued against all persons made parties by the designation of "All whom it may concern," by such description, and notice given by publication, as is required in this Act, shall be sufficient to authorize the Court to hear and determine the cause as though the parties had been sued by their proper names.

Section 14. (A) The summons shall require the person alleged to have the custody of such child, to appear with the child at the time and place stated in the summons; and shall also require all defendants to be and appear and answer the petition on the return day of the summons. The summons shall be made returnable at any time within twenty days after the date thereof, and may be served by the sheriff, deputy sheriff, or by any duly appointed probation officer, even though such officer be the petitioner. The return of such summons with endorsement of service in accordance herewith shall be sufficient proof thereof.

(B) Whenever it shall appear from the petition or from affidavit filed in a cause that any named defendant resides, or hath gone out of the State, or on due inquiry cannot be found, or is concealed within this State, or that his place of residence is unknown, so that process cannot be served upon him, or whenever any person is made defendant under the name or designation of "All whom it may concern," the clerk shall cause publication to be made once in some paper of general circulation published in his county, and if there be none published in his county, then in a newspaper published in the nearest place to his county in this State, which shall be substantially as follows:

A, B, C, D, etc., (here giving the names of such defendants if any), and to "All whom it may concern," (if there be any defendant under such designation).

Take notice that on the _____ day of _____ A. D. 19 __, a petition was filed by _____ in the Juvenile Court of _____

county to have a certain child named _____ declared a (dependent or delinquent) and to take from you the custody and guardianship of said child (and if the petitioner prays for the appointment of a guardian with power to consent to adoption, add "and to give said child out for adoption").

Now unless you appear within twenty days after the date of this notice and show cause against such application, the petition shall be taken for confessed and a decree granted.

(Signed) E. F. _____ Clerk.

Dated (date of publication).

(C) And he shall also within ten days after the publication of such notice, send a copy thereof by mail, addressed to such defendants whose place of residence is stated in the petition and who shall not have been served with summons. Notice given by publication, as is required in this Act, shall be the only publication notice required either in the case of the residents, non-residents or otherwise. The certificate of the clerk that he has sent such notice in pursuance of this section shall be evidence thereof. Every defendant who shall be duly summoned shall be held to appear and answer either orally in open court on the return day of the summons, or if such summons shall be served less than one day prior to the return day, then on the following day. Every defendant who shall be notified by publication, as herein provided, shall be held to appear and answer either in writing or orally in open court, within twenty days after the date of the publication notice. The answer shall have no greater weight as evidence than the petition. In default of an answer at the time or times herein specified, or at such further time as by order of Court may be granted to a defendant, the petition may be taken as confessed.

(D) If the person having the custody or control of the child shall fail without reasonable cause to bring the child into Court, he may be proceeded against as in case of contempt of court. In case the summons shall be returned and not served upon the

person having the custody or control of such child, or such person fails to obey the same and in any case when it shall be made to appear to the Court by affidavit, which may be on information and belief, that such summons will be ineffectual to secure the presence of the child, a warrant may be issued on the order of the Court, either against the parents or either of them, the guardian, or the person having the custody or control of the child, or with whom the child may be, or against the child itself, to bring such person into Court.

(E) On default of the custodian of the child or on his appearance or answer, or on the appearance of the child in person in court, with or without the summons or other process, and on the answer, default or appearance or written consent to the proceedings of the other defendants thereto, or as soon thereafter as may be, the Court shall proceed to hear evidence. At any time after the filing of the petition and pending the final disposition of the case, the Court may continue the hearing from time to time and may allow such child to remain in the possession of its custodian or in its own home subject to the friendly visitation of a Chief or Deputy Guardian or of any other suitable person appointed by the Court, or to be kept in some suitable place provided by the city or county authorities.

Section 15. (A) If the Court shall find any male child under the age of 16 years, or any female child under the age of 17 years, to be dependent or neglected within the meaning of this Act, the Court may allow the child to remain at its own home subject to the friendly visitation of a Chief or Deputy Guardian. And if parents, parent, guardian or custodian consent thereto, or if the Court shall further find the parents, parent, guardian or custodian of such child to be unfit or improper guardians or to be unable or unwilling to care for, protect, train, educate or discipline such child, and that it is for the interest of such child and of the people of this State that such child be taken from the custody of such unfit or improper

parents, parent, guardian or custodian, the Court may make an order appointing as guardian of the person of such child some reputable citizen of good moral character and order such guardian to place such child in some suitable family home or other suitable place, which such guardian may provide for such child, or the Court may enter an order committing such child to some suitable State institution, organized for the care of dependent or neglected children, or to some training school or to some association embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children.

(B) When a child within the jurisdiction of said Court and under the provisions of this Act, appears to the Court to be in need of medical care, the Court may cause said child to be examined by any health officer within the jurisdiction of the Court, or by any duly licensed physician, and if it be found necessary a suitable order may be made for the treatment of said child in a hospital, and the expense thereof, together with said examination, shall be a county charge and the county may recover the said expense in an action of debt from the person or persons liable for the furnishing of necessities of said child.

Section 16. (A) In every case where such child is committed to an institution or association, the Court shall appoint the president, secretary or superintendent of such institution or association, deputy guardian over the person of such child, and shall order such guardian to place such child in such institution or with such association, whereof he is such an officer, and to hold such child, care for, train and educate it subject to the rules and laws that may be in force from time to time governing such institution or association.

(B) If the Court shall find any male child under the age of sixteen years or any female child under the age of seventeen years to be delinquent within the meaning of this Act, the Court may allow such child to remain at its own home subject to the friendly visitation of a Chief or Deputy Guardian, such child to

report to such officer as often as may be required, and if the parents, parent, guardian or custodian are unfit or improper guardians or are unable or unwilling to care for, protect, educate or discipline such child, and shall further find that it is for the interest of such child and of the people of this State that such child be taken from the custody of its parents, parent, guardian or custodian, the Court may appoint some proper person or probation officer, guardian over the person of such child and permit it to remain at its home, or order such guardian to cause such child to be placed in a suitable family home, or cause it to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board; or the Court may commit such child to some training school for boys, if a male child, or to an industrial school for girls, if a female child, or to any institution incorporated under the laws of this State to care for delinquent children, or to any institution that has been or may be provided by the State, county, city, town or village suitable for the care of delinquent children, or to some association that will receive it, embracing in its objects the care of neglected, dependent or delinquent children. In every case where a child is committed to an institution or association, the Court shall appoint the president, secretary or superintendent of such institution or association, deputy guardian over the person of such child in such institution or with such association, whereof he is such officer, and to hold such child, care for, train and educate it subject to the rules and laws that may be in force, from time to time, governing such institution or association.

(C) The Court may, in its discretion, in any case of a delinquent child, permit such child to be proceeded against in accordance with the laws that may be in force in this State governing the commission of crimes or violations of city or town or village ordinance. In such case the petition filed under this Act shall be dismissed.

Section 17. (A) Any child found to be dependent, neglected or delinquent as defined in this Act, and awarded by the Court to a guardian, institution or association, shall be held by such guardian, institution or association, as the case may be, by virtue of the order entered of record in such case, and the clerk of the Court shall issue and cause to be delivered to such guardian, institution or association, a certified copy of such order of the Court, which certified copy of such order shall be proof of the authority of such guardian, institution or association, in behalf of such child, and no other process need issue to warrant the keeping of such child. The guardianship under this Act shall continue until the Court shall by further order otherwise direct, but not after the child shall have reached the age of twenty-one (21) years. Such child or any person interested in such child, may, from time to time, upon a proper showing, apply to the Court for the appointment of a new guardian or the restoration of such child to the custody of its parents or for the discharge of the guardian so appointed.

(B) Whenever it shall appear to the Court, before or after the appointment of a deputy guardian under this Act, that the home of the child or of its parents, former guardian or custodian, is a suitable place for such child and that such child could be permitted to remain or ordered to be returned to said home, consistent with the public good and the good of such child, the Court may enter an order to that effect, returning such child to its home under probation, parole or otherwise; it being the intention of this Act that no child shall be taken away or kept out of his home or away from his parents or guardian any longer than is reasonably necessary to preserve the welfare of such child and the interest of this State. Provided, however, that no such order shall be entered without first giving ten days' notice to the deputy guardian, institution or association to whose care such child has been committed, unless such guardian, institution or association consents to such order.

(C) The Court may, from time to time, cite into Court the Chief or Deputy Guardian, institution or association, to whose care any dependent, neglected or delinquent child has been awarded, and require him or it to make a full, true and perfect report as to his, or its, doings in behalf of such child, and it shall be the duty of such Chief or Deputy Guardian, institution or association, within ten days after such citation, to make such report, either in writing verified by affidavit, or verbally under oath in open court, or otherwise as the Court shall direct; and upon the hearing of such report, with or without further evidence, the Court may, if it sees fit, remove such deputy guardian and appoint another in his stead, or take such child away from such institution or association and place it in another, or restore such child to the custody of its parents, parent, former guardian or custodian.

Section 18. When, in any county, where a child is held, as provided in Section 3 of this Act, a male child under the age of 16 years, or a female child under the age of 17 years, is arrested with or without warrant, such child may, instead of being taken before a trial justice or police magistrate, be taken directly before such Juvenile Court, or if the child is taken before a trial justice, municipal court or police magistrate, it shall be the duty of that officer to transfer the case to such Juvenile Court, and the officer having the child in charge to take the child before such Juvenile Court, and in any case the Juvenile Court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the Juvenile Court upon petition as herein provided. In any case the Juvenile Court will 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 that purpose.

Section 19. (A) No court or police magistrate shall commit a child under fourteen years of age to a jail or police station, but if such child is unable to give bail, it may be committed

to the care of the sheriff, deputy sheriff, police officer, chief guardian or deputy guardian, or probation officer, who shall keep such child in some suitable place provided by the city or county outside of the enclosure of any jail or police station.

(B) 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 bring such child into any yard or building in which adult convicts may be present.

(C) Any person placing such child in any jail or police station or institution where adult convicts may be present, shall be deemed guilty of contributory delinquency.

Section 20. Whenever the petition filed, as is provided in Section 13 hereof, or a supplemental petition filed at any time after the appointment of the guardian, shall pray that the guardian to be appointed shall be authorized to consent to the legal adoption of the child, and the Court, upon the hearing, shall find that it is to the best interest of the child that the guardian be given such authority, the Court may, in its order, appointing such guardian, empower him to appear in Court where any proceedings for the adoption of such child may be pending, and to consent to such adoption; and such consent shall be sufficient to authorize the Court where the adoption proceedings are pending, to enter a proper order or decree of adoption without further notice to, or consent by, the parents, or relatives of such child. Provided, however, that before entering such order, the Court shall find from the evidence that (1) the parents or surviving parent of a legitimate child, or the mother of an illegitimate child, or if the child has no parents living, the guardian of the child, if any, or if there is no parent living and the child has no guardian, or the guardian is not known to the petitioner, then a near relative of the child, if any there be, consents to such order; or (2) that one parent consents and the other is unfit for any of the reasons hereinafter specified, to have the

child, or that both parents are, or that the surviving parent, or the mother of an illegitimate child, is so unfit for any such reasons—the grounds of unfitness being (a) depravity, (b) open and notorious adultery or fornication, (c) habitual drunkenness for the space of one year prior to the filing of the petition, (d) extreme and repeated cruelty to the child, (e) abandonment of the child or (f) desertion of the child for more than six (6) months next preceding the filing of the petition.

Section 21. No association which is incorporated under the laws of any other state than the State of Maine, shall place any child in any family home within the boundaries of the State of Maine, either with or without indenture or for adoption, unless the said association shall have furnished the Judge of the Juvenile Court with such guaranty as he shall require that no child shall be brought into the State of Maine 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 Maine by its agent which shall become a public charge within the period of five years after being brought into this State. Any person who shall receive to be placed in a home, or shall place in a home, any child in behalf of any association, incorporated in any other state than the State of Maine, which shall not have complied with the requirements of this Act, shall be imprisoned in the county jail not more than thirty days, or fined not less than twenty (20) dollars or more than one hundred (100) dollars, or both, in the discretion of the Court.

Section 22. The Court, 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 the child.

Section 23. If it shall appear, upon the hearing of the cause,

that the parents, parent, or any persons or person named in such petition, who are now by law liable for the support of such child, are able to contribute to the support of such child, the Court shall enter an order requiring such parent, parents, or other persons to pay the guardian so appointed or to the institution to which said child may be committed, a reasonable sum from time to time for the support, maintenance or education of such child, and the Court may order such parents, parent or other person to give reasonable security for the payment of such sum or sums, and upon failure to pay, the Court may enforce obedience to such order by a proceeding as for contempt of court. The Court may, on application and on such notice as the Court may direct from time to time, make such alterations in the allowance as shall appear reasonable and proper.

Section 24. If the person so ordered to pay for the support, maintenance or education of a dependent, neglected or delinquent child shall be employed for wages, salary or commission, the Court may also order that the sum to be paid by him shall be paid to the guardian or institution out of his wages, salary or commission, and that he shall execute an assignment thereof pro tanto. The Court may also order the parent or the person so ordered to pay the sum of money for the support, maintenance or education of a child, from time to time, to make discovery to the Court as to his place of employment and amount earned by him. Upon his failure to obey the order of Court he may be punished as for contempt of court.

Section 25. Nothing in this Act shall be construed to give the guardian appointed under this Act the guardianship of the estate of the child or to change the age of minority for any other purpose than the custody of the child.

Section 26. The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

Section 27. Cases under this Act may be reviewed by writ of error.

Section 28. The blanks for use in said Juvenile Court shall be made up by the first Judge to be appointed by the Governor, to the end that the practice throughout the State may become uniform. The copy for said blanks shall then be turned over to the State Auditor's department and be distributed, when printed, to the different Juvenile Courts throughout the State.

Section 29. The provisions of this Act shall be liberally construed, to wit: That the care, custody and discipline of all children brought before the Juvenile Court of the State of Maine shall approximate as nearly as may be that which should be given by natural parents, and that all children in delinquency, dependency or neglected, shall be treated only as unfortunate children needing care, nurture and education, as wards of the State of Maine to be cared for by it, and not as enemies to be punished; that the Court itself shall be a part of the educational system of the State and not an institution of punishment except insofar as said Court may be a court of law to administer punishment to adult offenders.

Section 30. All Acts or parts of Acts inconsistent with the provisions and spirit of this Act are hereby repealed.

Section 31. This Children Act shall take effect January 1st, 1912.