

MAINE STATE LEGISLATURE

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N I N E T Y - S E C O N D L E G I S L A T U R E

Legislative Document

No. 25

S. P. 56

In Senate, January 17, 1945.

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Clough of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

AN ACT Relating to Complaint in Cases of Neglect of Children.

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

R. S., c. 22, § 238, amended. Section 238 of chapter 22 of the revised statutes is hereby amended to read as follows :

‘Sec. 238. **Warrants to be issued on complaint of cases of neglect to children; child may be given into custody of individual or child welfare institution; court may direct municipal board to care for child pending hearing.** When complaint in writing signed by an agent of the department, sheriff, county probation officer, police officer, member of a municipal board, or by three or more citizens of any town or city is made under oath to the probate court of the county or the municipal court having jurisdiction in said city or town, alleging that such child in such city or town is cruelly treated or wilfully neglected by its parents or parent or by the wilful failure of such parents or parent is not provided with suitable food, clothing, or privileges of education, or is kept at or allowed to frequent any disorderly house, house of ill fame, gambling place, or place where intoxicating liquors are sold, or other places injurious to the health and morals, or that such child is an orphan, or is a child whose mother is an inmate of a state institution, without means of support or kindred of sufficient ability who will furnish such support, and praying that suitable and proper provi-

sion be made for the care, custody, support, and education of the child named in such complaint, ~~the court to whom such complaint is made shall~~. **The court in term time or vacation may fix a time for hearing upon said complaint to be held in term time or vacation, and may issue a warrant causing the parents or other persons having custody or control of such child, if any, and the child, if necessary, to be brought before it, said court forthwith in term time or vacation, or shall cause may order** notice to be given to said parents or said other persons in such manner or in such length of time as the court deems proper. The court shall ~~cause order~~ notice in writing to be given by mail or otherwise to the department, to the municipal board of the town, and to the county attorney of the county where the child is residing at least 10 days before the date set for ~~the~~ hearing, provided, however, that the department and the municipal board and the county attorney may waive such notice. It shall be the duty of the county attorney to represent the interests of the department at the hearing. If, ~~upon~~ **after** hearing, it ~~shall appear~~ **appears** that any ~~material of the~~ allegations of said complaint are true, the court may order said child committed into the custody of the department itself or into the custody of any suitable person or duly incorporated children's institution or child welfare organization, whose standards of care and maintenance are approved by the department, and who consent to receive said child, at their own expense, unless the payment of such expense by the state shall be approved by the department which approval and payment may at any time be withdrawn. The court shall cause a copy of the order of commitment and of any subsequent modifications thereof to be sent forthwith to the department. The court ~~may in~~ **term time or vacation may order said child, pending hearing upon said complaint, committed into the custody of the department or into the custody of any suitable person approved by the court, or duly incorporated children's institution or child welfare organization approved as aforesaid, and** direct the municipal board where the child is residing to make such provision for its care as may be necessary pending hearing, and the expense, if any, of such care shall be paid by the town or city in which the child has a lawful settlement. When any child has been committed to the custody of the department, **or into the custody of any suitable person or duly incorporated children's institution or child welfare organization** under the provisions of this section, the court may order the parent of such child to contribute to the support of his minor child or children such sums payable weekly, monthly, or quarterly, as deemed reasonable and just, and may enforce obedience by appropriate decrees. Execution may ~~also~~ issue for said sums, when payable, and for costs as in actions of tort. Whoever, being a parent of any child committed under the provisions of this section,

shall be found guilty of having without just and sufficient cause failed or neglected to support said child, shall be punished by a fine of not more than \$1,000, or by imprisonment for not more than 11 months, or by both such fine and imprisonment. It shall be the duty of the county attorneys in their respective counties to prosecute all violations of this section that are brought to their attention.'