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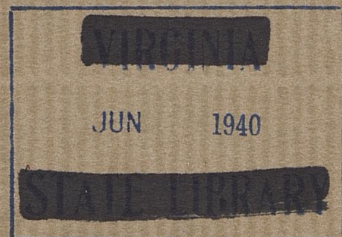


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DIGEST OF PUBLIC WELFARE PROVISIONS
UNDER THE LAWS OF THE STATE OF
NORTH DAKOTA



JUN 1940

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LEGAL RESEARCH UNIT

UNDER THE SUPERVISION OF
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Preface

This bulletin is one of a series intended to present in abstract form the public welfare provisions of the laws of each of the States.

The purpose of these bulletins is to give a brief review of the provisions for public assistance under the laws of the several jurisdictions, and of the administrative agencies set up by law with reference thereto. A chart showing the organizational relationships of the administrative agencies is included.

The possibility of error in attempting with a limited staff and in a limited time to assemble and digest the formidable mass of material incident to such a study is frankly recognized. The cooperation of those who have occasion to use these digests in reporting any errors of omission or commission noted, or in suggesting improvement in form or content, is invited and will be greatly appreciated.

Meanwhile it is hoped that those interested in considering the reorganization or strengthening of public welfare services in the several States may find the digests of practical value.

June 1940. Va. Div. of Statutory Research & Drafting

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ABSTRACT OF PUBLIC WELFARE PROVISIONS1. GENERAL POOR RELIEF(a) Description of class

Poor person 1/ who is a public charge. 2/

(b) Procedure for determining eligibility

Application to Board of County Commissioners 3/;
subsequent investigation by chairman of Board of Supervisors of
the township or county overseer of the poor. 4/

(c) Measure of responsibility

Temporary aid, not to exceed \$25 per month with-
out approval of Board of County Commissioners 5/; medical and surgi-
cal care for all who are not provided for in public institutions 2/;
permanent care in county poor asylum 6/; burial expenses not to ex-
ceed \$50. 7/

(d) Qualifications imposed

Continuous residence in county for 1 year. (Con-
tinuous residence in State, but not in any one county constitutes
settlement in the county in which person has longest resided within
such year.) Settlement of minor child follows that of parents and
settlement of married woman follows that of husband. Time during
which person is inmate of a public institution or receives relief
from county and/or State and/or Federal Government is excluded in
determining residence. 8/

Relatives must maintain pauper, if able.

Able-bodied paupers required to endeavor to find
work. 1/

(e) Incidence of financial responsibility

On the County 9/. Obligation mandatory. 10/

-
1. Laws (1933), Ch. 97, Sec. 8.
 2. Ibid, Sec. 5.
 3. Ibid, Sec. 3.
 4. Ibid, Sec. 6.
 5. Ibid, Sec. 11.
 6. Compiled Laws (1913), Sec. 2534.
 7. Laws (1933), Sec. 17.
 8. Laws (1935), Ch. 119, Sec. 1.
 9. Ibid, Ch. 98, 120.
 10. Laws (1933), Ch. 98, Sec. 5 and Compiled Laws (1913), Sec. 2534.

1. GENERAL POOR RELIEF (Cont'd)(f) Taxes

Board of County Commissioners may levy taxes annually. 11/ If the County Poor Relief Fund is insufficient, the County Commissioners may borrow from any other county fund, and if no funds are sufficient, they may, by resolution, issue "Warrants for Emergency Poor Relief". 12/

(g) Administrative agencies

County Board of Commissioners. 13/

County Welfare Boards administer State or Federal funds. 14/

(h) Supervisory controls

The State Board of Public Welfare supervises administration of State and Federal funds. 15/

County welfare board supervises and directs all relief and welfare activities conducted by the county. 14/

-
11. Compiled Laws (1913), Sec. 2539.
 12. Laws (1935), Ch. 120.
 13. Laws (1933), Ch. 97, Sec. 3.
 14. Laws (1935), Ch. 123, Sec. 1.
 15. Ibid, Ch. 221, Sec. 6.

ABSTRACT OF PUBLIC WELFARE PROVISIONS2. CARE OF DEPENDENT CHILDREN IN THEIR OWN HOMES(a) Description of class

Mother of a dependent child under 15, which dependency is caused by death of father or his physical or mental inability to support or confinement in penal institution. 1/

(b) Procedure for determining eligibility

Application to county commissioners; notice to county child welfare board, if there be one 2/; and to township supervisors, or to village trustees or to the city council where applicant resides who send statement or representative in support or protest; hearing before county commissioners. 3/

(c) Measure of responsibility

Allowance not to exceed \$15 per month for each child. 1/

(d) Qualifications imposed

Mother must be citizen of United States or have legally declared intention to become citizen, and must have resided in county one year previous to making application; must be proper person morally, physically and mentally for bringing up children; unable to maintain suitable home without allowance; in cases of non-support, abandonment or desertion, for 6 months or longer, must have made criminal complaint against husband and must have made all reasonable efforts to locate and prosecute him; must have made full disclosure of all real and personal property. 4/

Child must be living with mother. Allowance must be necessary to save child from neglect, and child must be dependent upon its mother for support. 4/

If father of dependent children is physically or mentally unable or unfit to support them, he must be under proper and reasonable treatment for the possible removal of such defect. 4/

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1. 1913-1925 Supplement, Sec. 2546a-1
 2. No provision for county child welfare board in Statutes or Constitution.
 3. Laws (1927), Ch. 176, Sec. 1
 4. Ibid, Sec. 2546a-2

2. CARE OF DEPENDENT CHILDREN IN THEIR OWN HOMES (Cont'd)

(e) Incidence of financial responsibility

On the county. Obligation mandatory. 5/

(f) Taxes

No provision.
(Pensions paid from county treasury.)

(g) Administrative agencies

County Commissioners 6/, County Welfare Boards supervise and direct all county relief and welfare activities and administers State and Federal funds. 7/ Appeal to District Court. 8/

(h) Supervisory controls

The Board of Administration promotes efficiency and uniformity in the administration of the act. 9/

If State or Federal funds are made available, the State Board of Public Welfare supervises administration. 10/

-
5. 1913-1925 Supplement, Sec. 2546a-1
6. Laws (1927), Ch. 176, Sec. 1.
7. Laws (1935), Ch. 123, Sec. 1.
8. Laws (1927), Ch. 176, Sec. 1.
9. 1913-1925 Supp. Sec. 2546a-7.
10. Laws (1935), Ch. 221, Sec. 6

ABSTRACT OF PUBLIC WELFARE PROVISIONS3. DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONAL)(a) Description of class

Any dependent, delinquent or neglected child under the age of 18 years is a ward of the State and is subject to the guardianship of the Juvenile Court. At the discretion of the court, guardianship may be continued until the ward reaches the age of 21 years. 1/

(b) Procedure for determining eligibility

Any person having information that a child is dependent, neglected or delinquent, may give such information to the district judge or the Juvenile Commissioner and thereupon a preliminary investigation is made by the Judge or Commissioner. Subsequently, any person, including the Juvenile Commissioner, may petition the court to assume formal jurisdiction. 2/

(c) Measure of responsibility

Commitment to the State Training School, an industrial or reform school, or an accredited children's home-finding society. 3/

The Court may allow the child to remain in its own home, subject to the friendly visitation of a Juvenile Officer, or may appoint a reputable citizen guardian of the child. 4/

Feeble-minded dependents and delinquents are committed to Grafton State School. 5/

(d) Qualifications imposed

If the parents or persons liable in law for the support of the child are able to contribute to the support, the court may order such persons to pay a reasonable sum to the guardian or institution for such support. 6/

-
1. Definitions: For definitions of "Dependent child", "neglected child", and "delinquent child" see abstract of provisions regarding Juvenile Court. Laws of North Dakota (1929), Ch. 113, Sec. 1.
 2. Laws of North Dakota (1929), Ch. 113, Sec. 3.
 3. Compiled Laws (1913), Sec. 11409.
 4. Ibid, Sec. 11409, 11411.
 5. Laws (1931), Ch. 123.
 6. Compiled Laws (1913), Sec. 11424.

3. DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONAL) (Cont'd)(e) Incidence of financial responsibility

The State supports the State Training School, Grafton State School and certain private institutions receiving dependent children, i.e. St. John's Orphanage 7/ and makes an appropriation to the Child Welfare Division of the Board of Administration for physically handicapped children 8/, but the parents of the child must pay for its support, if so ordered by the court, and, in case they are unable, the court may order the county to contribute. 6/ Dependent children not committed to institutions are cared for by the county. 9/

(f) Taxes

General fund. 10/

(g) Administrative agencies

Child Welfare Division, Board of Administration 11/,
Juvenile Court 12/, County Welfare Boards. 13/

(h) Supervisory controls

If State or Federal funds made available, the State Board of Public Welfare supervises administration. 14/

-
7. Laws (1935), Ch. 47, 50, 62.
 8. Ibid, Ch. 8.
 9. 1913-1925 Supp., Sec. 5109, 5110.
 10. Ibid, Ch. 8, 47, 50, 62.
 11. 1913-1925 Supp., Sec. 283b-6.
 12. Definitions: For definitions of "dependent child", "neglected child", and "delinquent child" see abstract of provisions regarding Juvenile Court. Laws of North Dakota (1929), Ch. 113, Sec. 1.
 13. Laws (1935), Ch. 123.
 14. Ibid, Ch. 221.

ABSTRACT OF PUBLIC WELFARE PROVISIONS

4. OLD AGE ASSISTANCE

(a) Description of class

Any person of 68 years and over, regardless of age, who is without adequate means of support. 1/

(b) Procedure to determine eligibility

Claim delivered by applicant to county welfare boards; subsequent investigation made and hearing had by boards. Claim sent to State Public Welfare Board for approval or rejection. 2/

(c) Measure of responsibility

Pension must not exceed \$150.00 per year. 3/

(d) Qualifications imposed

Must be citizen of United States; resided in State 20 years immediately preceding application (absence not exceeding 1 year or temporary absence in service of State or United States not deemed to interrupt continuous residence, if new domicile not acquired). 4/

Must not have habitually failed to work according to his ability, opportunity, or need, for the maintenance of himself or those legally dependent upon him; must not have been a professional tramp, beggar or vagrant; must have no children of sufficient ability and who are liable and responsible, under the law, for his support; must not have deprived himself of property for the purpose of qualifying; must not be an inmate of any municipal, State or national institution. 5/

Annual income from all sources including pension must not exceed \$150.00 per year. 5/

(Income of non-revenue producing property computed at 5%.) 6/

The county boards may require an assignment of property bearing 3% interest as a condition to granting aid. 7/

-
1. Laws (1933), Ch. 254, Sec. 2
 2. Ibid, Sec. 5, 6, as amended by Laws (1935), Ch. 221, 123
 3. Laws (1933), Ch. 254, Sec. 3
 4. Ibid, Ch. 254, Sec. 2
 5. Ibid, Sec. 3
 6. Ibid, Sec. 4
 7. Ibid, Sec. 18

4. OLD AGE ASSISTANCE (Cont'd)

(e) Incidence of financial responsibility

State (obligation mandatory). 8/

(f) Taxes

State annual tax of 1/10 mill on all property.
Receipts covered into the Old Age Pension Fund. 8/

(g) Administrative agencies

County Welfare Boards. 9/

(h) Supervisory controls

State Department of Public Welfare. 10/

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8. Laws (1933), Ch. 254, Sec. 1
9. Laws (1935), Ch. 123, Sec. 1
10. Ibid, Ch. 221, Sec. 6

ABSTRACT OF PUBLIC WELFARE PROVISIONS

5. SOLDIERS' AND SAILORS' RELIEF

(a) Description of class

Pensions:

Member of militia wounded or disabled while in State service, or widow or minor children of such militia member. 1/

Soldiers' Home:

Honorably discharged, disabled soldiers, sailors or marines, who served in United States army or navy and their wives and widows. 2/

Burial:

Honorably discharged United States soldiers, sailors or marines who served in army, navy or marine corps during war of the Rebellion. 3/

(b) Procedure for determining eligibility

Pensions:

Adjutant General prescribes regulations for granting of pension (increases, decreases, or withdraws pension with Governor's approval). 4/

Soldiers' Home:

No statutory provision.

Burial:

Notice to county judge who appoints suitable person to conduct burial. 5/

(c) Measure of responsibility

Like pension or reward that persons under similar circumstances receive from United States 1/; care in Soldiers' Home 2/; burial expenses not to exceed \$50 3/; (not to be made in cemetery or plot used exclusively for burial of pauper dead 6/).

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1. Compiled Laws (1913), Sec. 2423.
 2. Ibid, Sec. 1776.
 3. Ibid, Sec. 3181.
 4. Ibid, Sec. 2424.
 5. Ibid, Sec. 3183
 6. 1913-1925 Supp., Sec. 3182

5. SOLDIERS' AND SAILORS' RELIEF (Cont'd)(d) Qualifications imposed

Medical examination of pension claimant 7/; no applicant admitted to Soldiers' Home who has not been a State resident at least 1 year next preceeding application date, unless he served in a Dakota regiment or was accredited to the Dakota territory 8/; relatives or friends unable or unwilling to defray expenses of funeral. 9/

(e) Incidence of financial responsibility

Pension- State - Mandatory. 10/
 Home - State - Optional. 11/
 Burial - State - Mandatory. 9/

(f) Taxes

State Treasury.

(g) Administrative agenciesPensions:

Adjutant General and Governor. 12/
 Board of Trustees of Soldiers' Home. 13/
 Burial by person designated by county judge. 14/

(h) Supervisory controls

No provision.

-
7. Compiled Laws (1913), Sec. 2425.
 8. Ibid, Sec. 1777.
 9. Ibid, Sec. 3181.
 10. Ibid, Sec. 2423.
 11. Ibid, Sec. 1783.
 12. Ibid, Sec. 2424.
 13. Laws (1933), Ch. 200, Sec. 1.
 14. Compiled Laws (1913), Sec. 3183.

PUBLIC WELFARE BOARD OF NORTH DAKOTA

(Statutory Body)

1. General Powers and Duties

The Board has the following powers and duties:

(1) To act as the official agency of the State in any social welfare activity initiated by the Federal Government and to administer, allocate and distribute any State and Federal funds that may be made available for the following purposes: 1/

- (a) The relief of destitute or necessitous persons;
- (b) Mother's aid;
- (c) Old age assistance;
- (d) Aid to dependent children;
- (e) Maternal and child health;
- (f) Care of crippled children;
- (g) Aid to child welfare service; and
- (h) Public health service. 1/

(2) To study the subjects of non-employment, poverty, vagrancy, housing conditions, crime, juvenile delinquency, public amusements, care and treatment of prisoners, divorce and wife desertion, child welfare, the social and kindred subjects and their causes, treatment and prevention of any hurtful conditions. 1/

(3) To provide for the study and promote the welfare of the dependent, delinquent, and neglected children, and to provide for the placing and supervision of dependent, delinquent, and defective children, subject to the control of any court having jurisdiction and control of any such child. 1/

(4) To recommend to the Legislature social legislation and the creation of necessary institutions. 1/

(5) To cooperate with and advise and assist the various county welfare boards in every way possible. 1/

(6) To issue printed bulletins and in other ways to inform the public as to social conditions and the proper remedy of social life. 1/

(7) To secure, hold and administer for the purpose for which it is organized, any property and any funds donated to it. 1/

(8) To issue subpoenas and compel the attendance of witnesses, etc. in connection with investigations. The Board can not compel production of records of the institution, however, except upon order of the judge of the district court. 1/

North Dakota - Abstract of
Administrative Provisions -
Public Welfare Board

2. Composition and Appointment of Governing Body

The Public Welfare Board of North Dakota is appointed by the Governor, Attorney General, and Commissioner of Agriculture and Labor, and consists of 7 members, at least one of whom must be a World War Veteran. The members serve rotating terms of 6 years. 2/

The Board elects a president, vice-president, secretary and such other officers as it may determine. It must hold meetings at least quarterly and whenever called in session by the president or a majority of the board. 3/

The Board members receive no compensation other than actual expenses. 4/

3. Reports

The Board must report to the Governor and the Legislature biennially. 5/

The Board makes reports on institutions for child caring and placing, homes for the aged, maternity homes etc. and requires annual reports from said institutions. 6/

4. Executive

The Board appoints an executive director who must devote his entire time to his office and must be a person who has professional qualifications, wide experience, education and training, in the administration of public and/or private welfare institutions, agencies or activities. The director must have been a resident of North Dakota for 5 years preceding his appointment. He holds office at the pleasure of the Board and must give bond in the sum of \$10,000. 7/

5. Staff

The Board elects clerks, stenographers, and other necessary employees and fixes their compensation. 8/

2. Laws, (1935), Ch. 221, Sec. 1

3. Ibid, Sec. 2

4. Ibid, Sec. 3

5. Ibid, Sec. 7

6. Ibid, Sec. 6

7. Ibid, Sec. 3

8. Ibid, Sec. 2 and 3

6. Financial Provisions

The Board is financed by appropriations from the general fund of the State. 9/

All moneys appropriated for the purposes of the Board are paid into the State Treasury and credited to the State Welfare Fund. Any funds received from Federal Agencies are deposited and disbursed as provided by Congress or by the regulations of the Federal Agencies from whom the funds were received. 10/

Amount of Appropriation:

There is appropriated out of the State Treasury \$25,000 or so much thereof as may be necessary to carry out the purposes of the act establishing the Board of Public Welfare. 11/

9. Laws, (1935), Ch. 221, Sec. 8
10. Ibid, Sec. 5
11. Ibid, Sec. 8

BOARD OF ADMINISTRATION

(Statutory Body)

1. General Powers and Duties

(1) The State Board of Administration has general supervision and administration of all penal, charitable, and educational institutions of the State. 1/

(2) The Board of Administration has all the powers and duties of the State Board of Education, State Board of Regents, and State Board of Control. 2/

(3) The Board of Administration has full power to manage, control and govern:

(a) The State Hospital for the Insane.

(b) The State Penitentiary.

(c) The North Dakota Blind Asylum.

(d) The School for the Deaf and Dumb.

(e) The School for the Feeble-minded, (Grafton).

(f) The State Reform School (Training School).

(g) The North Dakota State Tuberculosis Sanitarium and such other charitable and reformatory and penal institutions as are established. 2/

(4) The Board of Administration has the power to appoint a child welfare executive officer and such agents as are necessary. 3/

(5) The Board has supervision of the administration of educational aid to war orphans. 4/

(6) The Board must establish an educational Commission. 5/

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1. Laws (1931), Ch. 265.
 2. Compiled Laws Ann. (1913-1925 Supp.), Sec. 283 b 5; Compiled Laws Ann. (1913), Sec. 243.
 3. Compiled Laws Ann. (1913-1925 Supp.), Sec. 283 b 7.
 4. Laws (1933), Ch. 238.
 5. Compiled Laws Ann. (1913-1925 Supp.), Sec. 283 b 12

1. General Powers and Duties (Cont'd)

(7) The Board has the following powers and duties in relation to child welfare:

(a) to license, supervise, and regulate maternity hospitals, lying-in institutions, and all institutions caring for or placing children; 6/

(b) to investigate homes in which children are placed, to withdraw children from undesirable homes; 6/

(c) to accept guardianship of children committed to its care by the court; 6/

(d) to investigate petitions for adoption as such petitioners are referred by courts of competent jurisdiction to the Board; 6/

(e) to cooperate with county commissioners and county courts in administering the mothers' pension law, by investigating applications for allowances and by supervision after allowances have been granted; 6/

(f) to cooperate with the juvenile court in the investigation of all cases; 6/

(g) to secure enforcement of laws relating to the establishment of paternity of illegitimate children; and to assist unmarried pregnant women and unmarried mothers; 6/

(h) to secure enforcement of child labor laws, laws relating to sex offenses involving children, cruelty to children, and laws relating to non-support of children; 6/

(i) to receive and provide for feeble-minded persons committed to the Board by the Courts; 6/

(j) to cooperate with Boards of county commissioners in selecting child welfare workers and boards; 6/

(k) to act as parole officer of juveniles upon the request of courts or superintendents of institutions; 6/

(l) to secure the enforcement of all laws for the protection of neglected, dependent, delinquent, illegitimate and defective children; 6/

(m) to cooperate with the superintendent of public instruction and county superintendent of schools in the enforcement of the compulsory education law. 6/

North Dakota - Abstract of
Administrative Provisions -
Board of Administration

2. Composition and Appointment of Governing Body

The Board of Administration consists of three members appointed by the Governor, who hold office for six year rotating terms. The members must give all their time to their duties and receive a salary of \$3000 per annum and expenses. A Chairman is elected by the Board from its membership. 7/

3. Reports

The Board must make an annual report to the Governor. 8/

4. Executive

A Secretary, who receives a salary not to exceed \$3000 per annum, is employed by the Board. 9/

5. Staff

Such administrative officer and assistants, agents, directors of vocational training, accountants, and employees as may be necessary are employed and their salaries fixed by the Board of Administration. 9/

A state transportation officer to transport to the penitentiary, the reform school and the asylum for the insane, persons committed thereto, is appointed by the Board. He acts under the direction of the Board and may be removed by the Board for cause. He receives \$2400 per annum and actual expenses. 10/

The Educational Commission to consist of the State Superintendent of Public Instruction (ex officio chairman) and four other members appointed by the Board for periods of two years as follows:

1 county superintendent, 1 city superintendent, 1 representative of the normal schools and 1 representative of the university and agricultural college, alternating. The said Commission has supervision of the certification of teachers, standardization of schools, and such other work as the Board assigns. The commission meets quarterly and receives a salary determined by the Board. 11/

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7. Laws (1931), Ch. 265, and Compiled Laws Ann. (1913-1925 Supp.) Sec. 283 b 2 and b 3.
8. Compiled Laws Ann. (1913-1925 Supp.), Sec. 283 b 15.
9. Ibid, Sec. 283 b 4
10. Laws (1931), Ch. 275.
11. Compiled Laws Ann. (1913-1925 Supp.), Sec. 283 b 12.

6. Financial Provisions

The Board is financed by appropriations
from the general fund of the State. 12/

Amount of Appropriation:

The sum of \$100,152.80 is appropriated to
the Board for the period from July 1, 1935 to June 30, 1937. 12/

Limitation of Funds:

(1) For Administrative Purposes.

Salaries	\$32,272.80
Postage	1,000.00
Office Supplies	700.00
Furniture and Fixtures	400.00
Printing	1,500.00
Miscellaneous	2,000.00
Travel Expense	7,000.00
Emergency Fund for State institutions	<u>40,000.00</u>
Total	84,872.80

(2) For Administration of child welfare laws. 12/

Salaries	\$ 6,480.00
Postage	400.00
Office Supplies	300.00
Furniture and Fixtures	250.00
Printing	200.00
Miscellaneous	650.00
Travel Expenses	2,000.00
For physically handicapped children	<u>5,000.00</u>
Total	\$15,280.00

SUPERINTENDENT OF STATE HOSPITAL FOR THE INSANE(Constitutional Body) 1/1. General Powers and Duties(a) Superintendent:

(1) The Superintendent must discharge any patient who is cured. 2/

(2) The Superintendent must report to the Board of examiners all feeble-minded, insane and epileptic, moral degenerates and sexual perverts potential to producing offspring, so that such persons may be sterilized. 3/

(3) The Superintendent is chief executive officer and has entire control of the medical, moral, and dietetic treatment of the patients. 4/

1. Constitution of North Dakota, Sec. 215.

Commitments: A person of unsound mind may be placed in an asylum for such persons upon the order of the county court of the county in which he resides when the court is satisfied by the oath of 2 reputable physicians that such person is of unsound mind and unfit to be at large. After such order the husband or wife or relative to the 3rd degree of such alleged insane person may appeal to the district court and demand therein an investigation before a jury. Compiled Laws Ann. (1913), Sec. 4474.

Upon the filing of an application for admission to the hospital, in the form of an information verified by affidavit, the County Commissioners of Insanity must appoint a physician to examine the alleged insane person and themselves investigate the grounds of such information. If, as a result of these investigations, it is found that the alleged insane person is insane, and a fit subject for treatment and custody in the hospital, they must issue a warrant for his commitment. Ibid, Sec. 2550, 2551, 2552, 2553.

If there is no room in the said hospital for the person committed, the Commissioners must require that patients be suitably provided for otherwise, until such admission can be had, or until the occasion therefor no longer exists. If suitable place cannot be found, the Commissioners may require such persons to be taken to the asylum of any State designated by the Governor, who is authorized and empowered to make the best terms he can with the authorities in any State for the admission of such patients. Ibid. Sec. 2554.

2. Constitution of North Dakota, Sec. 1766.

3. Laws (1927), Ch. 263.

4. Compiled Laws Ann. (1913). Sec. 1757.

1. General Powers and Duties (Cont'd)

(b) Board of Administration

(1) The Board of Administration has general management of the hospital; and must make all rules and regulations necessary for the government of the hospital. 5/

(2) The Board of Administration must fix the amount to be paid for board, care and treatment of the patients, which must not exceed \$30 per month for residents of the State provided that all non-residents must pay the actual cost of care and treatment. 6/

(3) The Board of Administration has the power to discharge patients and refuse additional applications when in its judgment the interest of the patients demands such discharge and refusal. 7/

(4) The Board of Administration may, in the name of the State, take and hold in trust for the hospital, any property given, devised or bequeathed to said hospital but it may not convey such property without the consent of the legislature. 8/

2. Composition and Appointment of Governing Body

The Superintendent, who must be a physician of acknowledged skill and ability and a graduate of a reputable medical college, is appointed by the Board of Administration, and his salary fixed, at a sum not to exceed \$4000 per annum, by the Board of Administration with the approval of the Governor. 9/

3. Reports

The Superintendent must make a biennial report to the Board, showing annual cost per capita of the inmates, the percent of discharges and recoveries, together with all moneys received and paid out. 10/

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5. Laws (1931) Ch. 263.
 6. Compiled Laws Ann. (1913-1925 Supp.), Sec. 1762 and Laws (1931) Ch. 264.
 7. Compiled Laws Ann. (1913) Sec. 1751, and Laws (1931) Ch. 264.
 8. Compiled Laws Ann. (1913) Sec. 1752, and Laws (1931) Ch. 264
 9. Laws (1931), Ch. 264.
 10. Compiled Laws Ann. (1913) Sec. 1753

North Dakota - Abstract of
Administrative Provisions -
State Hospital for the Insane

4. Executive

See "Superintendent" under "Composition and Appointment of Governing Body"

5. Staff

An assistant superintendent, who must possess the same skill and ability as the superintendent, is appointed by the Superintendent; and his salary is fixed by the Board of Administration at not exceeding \$3,600 per annum. 11/

Other assistant physicians, with like qualifications, may be employed by the Superintendent and their salaries fixed by the Board of Administration. 11/

The superintendent, assistant physicians and assistant superintendent are styled "resident officers" of the institution. 11/

6. Financial Provisions

The institution is financed by direct appropriation from the general fund of the State. 12/

Amount of Appropriation:

The sum of \$289,000 is appropriated to the State Hospital for the Insane for the period beginning July 1, 1935 and ending June 30, 1937. 12/

Limitation of Funds: 12/

Salaries and Wages	\$206,938
Operating Expenses	<u>537,100</u>
Total Maintenance	744,038
Less estimated income, all sources	<u>744,038</u> <u>13/</u>

New buildings and Equipment	
(Men's Ward Building and Equipment)	200,000
Care of Insane (undetermined residence).	<u>89,000</u>
	<u>\$289,000</u>

11. Laws (1931) Ch. 264

12. Laws (1935) Ch. 52 and 35.

13. The expense for the care, board and treatment of all patients in the State hospital for the insane must be paid by the county sending such patients to the hospital; and the amount of expenses incurred by any county for the treatment and maintenance of any insane person in the State Hospital must be charged against the estate of such insane person. Compiled Laws Ann. (1913) Sec. 2568 and 2579

WARDEN OF STATE PENITENTIARY

(Statutory Body)

1. General Powers and Duties(a) The Warden

(1) The Warden has charge and control of the Penitentiary and persons committed thereto, together with all lands, buildings, implements, stock, etc. He must superintend the police of the Penitentiary and the discipline of the inmates; and must make rules and regulations for the admission of visitors, including a gate fee for their admission as may be deemed necessary, subject to the approval of the Board of Administration. 1/

(2) The Warden must make rules and regulations for the government of the officers, employees and inmates of the Penitentiary subject to the approval of the Board of Administration. 2/

(3) The Warden must keep a record of all convicts and their history and their conduct, said record to be open to the inspection of the Board of Administration at all times. 3/

(4) The Warden must report all moral degenerates, sexual perverts, feeble-minded, insane, epileptics and habitual criminals who are potential to producing offspring, to the Board of Examiners in order that such persons may be sterilized. 4/

(5) The Warden must maintain order in the Penitentiary, enforce obedience, suppress insurrections and effectually prevent escapes, even at the hazard of life, for which purpose he may at all times command the aid of officers of the Penitentiary and of the citizens outside of the precincts thereof. 5/

(6) The Warden and all officers of the Penitentiary must uniformly treat the inmates thereof with kindness; and there must be no painful or unusual punishment inflicted upon the inmates of the Penitentiary for violation of the rules and regulations thereof. 6/

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1. Compiled Laws Ann. (1913) Sec. 11208
 2. Ibid, Sec. 11209 and 11214
 3. Ibid, Sec. 11213 and 11216
 4. Laws (1927) Ch. 263
 5. Ibid, Sec. 11223
 6. Ibid, Sec. 11225

North Dakota - Abstract of Administrative Provisions - Warden of Penitentiary

1. General Powers and Duties (Cont'd)

(7) If the Warden at any time deems it for the best interest of the State, he may employ the inmates of the Penitentiary outside the yard thereof in cultivating and improving any grounds or buildings thereto or in doing any work necessary to be done in the prosecution of the business of the Penitentiary, or in the erection there or improvement of any or all the State buildings at Bismarck. 7/

(8) When any inmate escapes from the Penitentiary the Warden must use every means at his command for the apprehension of such person, and for that purpose he may offer a reward not to exceed \$100, and not less than \$25. The Warden may adopt such other measures as he deems proper, with the approval of the Board of Administration, to aid in detection and capture of persons escaping from the Penitentiary. 8/

(9) It is the duty of the Warden to discharge any person from the Penitentiary when he has served the term of his sentence less the time he may be entitled to have deducted therefrom for good behavior; and the Board of Administration or the Warden are empowered to deprive any person guilty of the violation of any of the rules and regulations of the Penitentiary of the diminution of the term of his sentence according to the flagrancy of his infraction of the rules and regulations. 9/

(10) The Warden must establish a merit system in such Penitentiary, said merit system to be approved by the Board of Administration; and, with the approval of the Board of Administration, he must institute and maintain a uniform system of fines and penalties to be deducted from the compensation and good time credited to any prisoner for misconduct or refusal to perform the daily task assigned him. 10/

(11) In the case of the death of any person confined in the Penitentiary, it is the duty of the Warden immediately to notify the coroner of the county, who must remove the body of the deceased from the Penitentiary, hold an inquest and cause the body to be decently buried or delivered to relatives or friends for burial. 11/

7. Compiled Laws Ann. (1913) Sec. 11227

8. Ibid, Sec. 11228

9. (1913-1925 Supp.) Sec. 11215

Every person committed to the Penitentiary under sentence other than for life, who has no infraction of the rules and regulations of the prison or laws of the State recorded against him, is entitled to a deduction from the term of his sentence for each year, or pro rata for any part of a year as provided by Statute. Ibid

10. (1913-1925 Supp.) Sec. 11268 and 11266

11. Compiled Laws Ann. (1913), Sec. 11298.

1. General Powers and Duties (Cont'd)

(12) It is the duty of the Warden within 10 days after the decease of any person confined in the Penitentiary to report in writing to the State Treasurer the money and effects in his hands belonging to the deceased, and with said report to transmit to the State Treasurer such money and effects. 12/

(13) The Warden may assign or cause to be assigned a reasonable daily task to be performed by each convict, and the compensation of such convict must be in proportion to the amount of work he performs. In case he performs the daily task assigned him, he must receive the maximum compensation herein provided for. 13/

(14) The Warden is Superintendent of Criminal Identification and as such he must cooperate with and assist the Criminal Bureau at Washington, and the law enforcement officers of the State and all other states and of the Federal Government in the establishment of a complete system of criminal identification. He must cooperate with proper officials in the apprehension and conviction of prisoners within and without the State believed to be guilty of felonies within the State; and he is authorized and empowered to make arrests for all violations of law he may witness and to serve and execute criminal warrants issued by proper authorities. With the approval of the Attorney General, he must make and promulgate rules and regulations necessary to the efficient performance of his duties in this capacity. 14/

12. (1913-1925 Supp.) Sec. 11303

13. Ibid, Sec. 11264

All prisoners when employed either laboring inside or outside the Penitentiary, must receive not less than 10¢ nor more than 25¢ per day for work actually performed, as may be awarded by the Warden according to the services rendered. Ibid.

The money so earned must be placed to the credit of such prisoner and sent monthly to anyone who may be dependent upon him for support, excepting that a fund of \$50 must be accumulated during his term of confinement and retained to be given the prisoner when his term expires or he is discharged. \$25 must be given him when he leaves the Penitentiary, and the Warden must send him the remaining \$25 when he is in need or at the end of 3 months after leaving the Penitentiary should he conduct himself properly. If he does not conduct himself properly, the remainder must be sent to those dependent on him. Ibid, Sec. 11265.

Every person committed to the Penitentiary must, when discharged, be provided with a decent suit of clothes and a sum of money, not to exceed five dollars, and also transportation to the place where he received sentence. He may also be allowed employment at or in the Penitentiary, under the rules and regulations established for the government of the inmates, for such period of time and at such rate of compensation as the Warden deems proper and equitable. Ibid, Sec. 11226.

14. Laws (1933) Ch. 102.

North Dakota - Abstract of Administrative Provisions - Warden of State Penitentiary

1. General Powers and Duties (Cont'd)

(b) Board of Administration

(1) The Board of Administration may recommit a paroled convict, at any time prior to the expiration of the term for which he was originally sentenced. 15/

(2) The Board of Administration has the power to establish a twine and cordage plant at the Penitentiary, which must be operated for the benefit of the State; and has the power to make rules and regulations for the payment of wages and the working hours of the inmates of such plant. 16/

(3) The Board of Administration and the Warden must employ all prisoners sentenced to the State Penitentiary in all necessary work within and around the Penitentiary in maintaining the institution, or in carrying on the work in the industries established at the Penitentiary, or at other State institutions or on the public highways of the State. The Board must establish rules and regulations relating to care, treatment and management of all prisoners wherever they may be employed. Prisoners must be employed insofar as practicable on the work to which they are best adapted, and which will make it possible for them to improve and acquire greater skill that they may earn a livelihood when paroled or discharged from the institution. 17/

(4) Upon recommendation of the Warden the Board of Administration may allow extra good time to prisoners in addition to the good time now granted by law. 18/

(5) The Board of Administration is hereby authorized and empowered to employ the labor of the prisoners of the State Penitentiary or so much thereof as not otherwise employed, in the manufacture of brick, which may be sold at a price fixed by said Board of Administration. 19/

15. Compiled Laws Ann. (1913) Sec. 11233

16. Ibid, Sec. 11235 to 11245, and 11247 to 11252

17. (1913-1925 Supp.) Sec. 11261

All persons sentenced to the punishment of imprisonment in the penitentiary and committed thereto must be constantly employed for the benefit of the State. Compiled Laws Ann. (1913) Sec. 11219

18. Ibid, Sec. 11267

19. Ibid, Sec. 11270 and 11273

1. General Powers and Duties (Cont'd)

(6) The Board of Administration is authorized to employ, under the supervision of proper guards, all such convicts as it may deem practicable, not required in the twine plant or other departments of the Penitentiary, in and upon the construction and improvement of public highways, and convicts may be employed by any county of the State on the public roads thereof when it is mutually agreed to by the Board of Administration and the County Commissioners of such County, the County to pay all salaries and expenses in connection with the conduct of such road work. No prisoner may be employed more than 10 hours of any one day. 20/

(7) In 1933, the Board of Administration was authorized, empowered and directed to establish at the Penitentiary a tannery, and factories for the manufacture of coffins, auto license plates and road signs. 21/

2. Composition and Appointment of Governing Body

The Warden, who is general superintendent of the Penitentiary, is appointed and his salary, not to exceed \$2000 per annum, is fixed by the Board of Administration. His term of office is two years and he may be removed by the Board at anytime. 22/

The Warden is allowed actual and necessary traveling expenses in visiting State prisons elsewhere for the purpose of inspecting their method in carrying on industrial enterprises of the kind mentioned in this article. 23/

3. Reports

The Warden must keep a complete account of the doings of his office and must present such account to the Board of Administration at every meeting. 24/

The Board of Administration must report annually to the Governor. 25/

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20. (1913-1925 Supp.), Sec. 11262, Compiled Laws Ann. (1913) Sec. 11272
21. Laws (1933), Chapters 51, 242 and 243
22. Compiled Laws Ann. (1913), Sec. 11205, 11207 and 243, as amended by (1913-1925 Supp.), Sec. 283 b 5
23. Compiled Laws Ann. (1913), Sec. 11260
24. Ibid, Sec. 11208
25. (1913-1925 Supp.), Sec. 283 b 15

North Dakota - Abstract of Administrative Provisions - Warden of State Penitentiary

4. Executive

See "Warden" under "Composition and Appointment of Governing Body".

5. Staff

A deputy warden, who resides at the Penitentiary and is chief turnkey, must be appointed by the Warden, with the approval of the Board, at a salary fixed by the Board. Whenever the Warden is absent, all his duties devolve upon the deputy warden. 26/

A bookkeeper, who is assistant gatekeeper, and other necessary officers, guards, overseers, agents and employees are appointed by the Warden with the approval of the Board, which also fixes their compensation. 26/

6. Financial Provisions

The Penitentiary is financed by appropriations from the general fund of the State. 27/

Amount of Appropriation: The sum of \$260,681.20 was appropriated to the Penitentiary for the period from July 1, 1935 to June 30, 1937. 27/

Limitation of Funds 27/

Salaries and Wages	\$ 75,081.20
Operating Expenses	208,500.00
Total Maintenance	283,581.20
Less estimated income, all sources	42,000.00
Net Maintenance	<u>\$241,581.20</u>
Improvements and repairs	\$ 7,500.00
Equipment	4,600.00
Miscellaneous Items (rent of land)	2,000.00
	<u>\$255,681.20</u>

26. Compiled Laws Ann. (1913), Sec. 243, 11207, 11204, 11210 and 11205, as amended by (1913-1925 Supp.), Sec. 283 b 5.

27. Laws (1935), Ch. 58.

SUPERINTENDENT OF THE BLIND ASYLUM

(Constitutional Body) 1/

1. General Powers and Duties

(a) Board of Administration:

(1) The Board of Administration has general supervision of the Blind Asylum. 2/

(2) The Board of Administration has power to enact by-laws and rules for the regulation of the institution 3/; to provide employment and instruction for the inmates of the institution 3/; to exercise general supervision of officers and inmates of the Blind Asylum 3/; and to prescribe the duties of the Superintendent. 3/

2. Composition and Appointment of Governing Body

The Superintendent is appointed, his salary fixed and his duties prescribed by the Board of Administration which may remove said Superintendent for cause. 3/

3. Reports

The Board of Administration must make a report to the Governor on or before the last Monday in December next preceding each biennial session of the legislature, containing a financial statement showing the condition of funds appropriated, monies expended, and condition of the institution generally. 4/

4. Executive

See "Superintendent" under "Composition and Appointment of Governing Body"

5. Staff

A steward, matron, teachers and such other officers as are necessary are appointed and their salaries fixed and their duties prescribed by the Board of Administration which also has the power to remove such employees for cause. 5/

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1. Constitution of North Dakota, Sec. 216
 2. Compiled Laws Ann. (1913), Sec. 243 and 1699, as amended by (1913-1925 Supp.), Sec. 283 b 5; and Laws (1931) Ch. 265.
 3. Compiled Laws Ann. (1913), Sec. 243 and 1704 as amended by (1913-1925 Supp.) Sec. 283 b 5.
 4. Compiled Laws Ann. (1913), Sec. 243 and 1705 as amended by (1913-1925 Supp.), Sec. 283 b 5.
 5. Compiled Laws Ann. (1913), Sec. 243 and 1704 as amended by (1913-1925 Supp.), Sec. 283 b 5.

North Dakota - Abstract of
Administrative Provisions -
Superintendent of the Blind
Asylum

6. Financial Provisions

The institution is financed by appropriations from the general fund of the State. 6/

Amount of Appropriations:

The sum of \$31,686 is appropriated to the institution for the period from July 1, 1935 to June 30, 1937. 6/

Limitation of Funds:

Salaries	\$ 22,436
Operating Expenses	<u>19,150</u>
Total Maintenance	41,586
Less estimated income, all sources	<u>3,000</u>
Net Maintenance	28,586
Improvements and repairs	1,000
Equipment	1,400
Miscellaneous Expense	
Care of Blind children	500
Auto cost	<u>200</u>
	\$ 31,686 <u>6/</u>

PRINCIPAL OF SCHOOL FOR DEAF AND DUMB(Constitutional Body) 1/1. General Powers and Duties(a) Principal:

The principal has special charge of male pupils out of school hours and must furnish them with employment about the premises or in some trade to which they are adapted. He has supervision of teachers, pupils and servants. 2/

(b) Matron:

The matron has control of the internal arrangement and management of the institution and the female pupils out of school hours. Under the direction of the Principal, she must instruct them in the domestic arts or in some trade to which they are adapted. 3/

(c) Board of Administration:

The Board of Administration has general supervision of the institution. It must adopt rules for the government of the institution, employ and fix salaries of all employees, provide necessaries for the institution and perform other duties, not devolving upon the principal, necessary to render the institution efficient. 4/

2. Composition and Appointment of Governing Body

The principal, who must be a capable person skilled in the sign language and all the methods used in educating the deaf, is appointed by and his salary, which may not be less than \$1500 per year, is fixed by the Board of Administration. He must reside at the institution. 2/

3. Reports

The principal must make an annual written report to the Board of Administration, stating in full the true condition of the educational, industrial and domestic departments of the institution, which must be embraced in the report of the Board to the Governor. 5/

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1. Constitution of North Dakota, Sec. 215.
Deaf and dumb children residents of the State, of suitable age and capacity, are entitled to receive education at the institution at the expense of the State. Non-residents of the State must pay the State \$180 per year. Compiled Laws Ann. (1913) Sec. 1688 and 1689.
 2. Compiled Laws Ann. (1913) Sec. 1692.
 3. Ibid, Sec. 1693.
 4. Ibid, Sec. 243 and 1685, and (1913-1925 Supp.) Sec. 283 b 5.
 5. Compiled Laws Ann. (1913), Sec. 1692

North Dakota - Abstract of
Administrative Provisions -
Superintendent of School for
Deaf and Dumb

4. Executive

See "Principal" under "Composition and Ap-
pointment of Governing Body".

5. Staff

All assistants needed at the institution may
be employed by the principal with the approval of the Board. 6/

The matron is appointed and her salary fixed
by the State Board of Administration. 6/

6. Financial Provisions

The school is financed by appropriations from
the general fund of the State. 7/

Amount of Appropriation:

The sum of \$142,155.36 is appropriated for the
biennium beginning July 1, 1935 and ending June 30, 1937. 7/

Limitation of Funds:

Salary and Wages	\$ 83,837.58	
Operating Expense	<u>58,997.78</u>	
Total Maintenance	\$142,835.36	
Less estimated income, all sources . .	<u>20,000.00</u>	8/
Net Maintenance.	122,835.36	
Improvements and Repairs	7,345.00	
Equipment.	<u>11,975.00</u>	
Total	\$142,155.36	

6. Compiled Laws Ann. (1913), Sec. 1692.

7. Laws (1935), Ch. 48.

8. The proceeds and products arising from the labor and employ-
ment of the pupils inures to the benefit of the institution.
Ibid, Sec. 1692.

The expense of transportation to and from the institution of
any indigent deaf and dumb children entitled to admission
thereto, must be paid by the county and the county commission-
ers must include the necessary sums in their general tax levy.
Ibid, Sec. 1691.

SUPERINTENDENT OF GRAFTON STATE SCHOOL

(Statutory Body)

1. General Powers and Duties

State Board of Administration:

(1) The Board of Administration has general management and supervision of the Grafton State School. 1/

(2) The Board of Administration makes rules and regulations regulating admission to the institution and no inmate can be released without the approval of the Board and Superintendent. 1/

(3) The Board of Administration must hold in trust for the institution all property given, granted, devised or conveyed to the institution. 2/

(4) The Board must prescribe rules and regulations for the government of the institution and perform all acts necessary to render the institution efficient for the purposes for which it was established. 3/

(5) The Board may establish such trades and manual industries as will train pupils for self-support. 4/

(6) The Board of Administration may enter into any agreement relative to obtaining funds from the Federal Government for assistance in the construction of new buildings. 5/

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1. Compiled Laws Ann. (1913), Sec. 243, 1710 and 1712, as amended by (1913-1925 Supp.), Sec. 283 b 5 and Laws (1913) Ch. 265. This institution located at Grafton was originally known as the "Institution for Feeble-minded". The name was changed in 1933 to "Grafton State School" by Laws (1933), Ch. 240. Feeble-minded, idiotic, and epileptic adults and children who are residents of the State may be admitted to said institution. Commitments are made in the same manner as commitments to the Insane Hospital. Compiled Laws Ann. (1913-1925 Supp.) Sec. 1714; Laws (1931) Ch. 146. The Juvenile Court has the authority to commit feeble-minded, dependent, neglected and/or delinquent children to the institution and may direct that the County Commissioners of Insanity determine whether or not such child is feeble-minded. Laws (1931), Ch. 123.
 2. Compiled Laws Ann. (1913), Sec. 1720
 3. Ibid, Sec. 1712.
 4. Compiled Laws Ann. (1913), Sec. 243 and 1712 as amended by (1913-1925 Supp.), Sec. 283 b 5 and Laws (1931) Ch. 265.
 5. Laws (1935), Ch. 50.

North Dakota - Abstract of Administrative Provisions -
Superintendent of Grafton State School

2. Composition and Appointment of Governing Body

The Superintendent, who must be a physician skilled in caring for and instructing the feeble-minded, is appointed by the Board of Administration. 6/

3. Reports

The Superintendent must report biennially to the Board of Administration with recommendations. 7/

4. Executive

See "Superintendent" under "Composition and Appointment of Governing Body".

5. Staff

All subordinate officers are appointed by the Superintendent subject to the approval of the State Board of Administration. 6/

6. Financial Provisions

This institution is financed by appropriations from the general fund of the State. 8/

Amount of Appropriations:

The sum of \$192,538 is appropriated for the period from July 1, 1935 to June 30, 1937. 8/

Limitations of Funds:

Salaries and wages	\$120,960	
Operating expenses	177,200	
Total Maintenance	\$298,160	
Less estimated income, all sources	252,700	<u>9/</u>
Net Maintenance	\$ 45,460	
Improvements and repairs	9,800	
New buildings (girls' dormitory)	85,000	
Equipment	35,000	
Land rental	6 198	
Care of feeble-minded, whose residence cannot be determined	1,080	<u>10/</u>
Total	\$192,538	

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6. Compiled Laws Ann. (1913), Sec. 243 and 1713 as amended by (1913-1925 Supp.), Sec. 283 b-5 and Laws (1931), Ch. 265.
7. Compiled Laws Ann. (1913), Sec. 243 and 1721 as amended by (1913-1925 Supp.), Sec. 283 b 5 and Laws (1931), Ch. 265.
8. Laws (1935), Ch. 50
9. The County from which a patient is sent pays the institution \$15 per month for treatment. Compiled Laws Ann. (1913-1925 Supp.) Sec. 1716 a 1.
The person legally responsible for the support of any inmate reimburses the county \$15 per month. Ibid, Sec. 1717.
10. Laws (1935), Ch. 22

SUPERINTENDENT OF STATE TRAINING SCHOOL

(Constitutional Body) 1/

1. General Powers and Duties

(a) Superintendent:

(1) The Superintendent has charge and control of the school, the persons committed thereto and the property thereof, under the direction of the Board of Administration. He is responsible for the discipline and instruction of the inmates, makes rules and regulations subject to the approval of the Board of Administration, and must cause to be kept a correct record of all transactions of his office. 2/

(2) The Superintendent must distribute to each inmate 10% of the earnings of said inmate and must retain 90% to be paid to the inmate upon his discharge. 3/

(3) In case of the death of any inmate the Superintendent must immediately notify the coroner or some justice of the peace of the county, so that an inquest may be had; and he must turn over to the State treasurer any property of the deceased. 4/

(4) The Superintendent must report to the Board of Examiners all insane, epileptic, habitual criminals, moral degenerates and sexual perverts who are potential to producing off-spring, so that such persons may be sterilized. 5/

1. Constitution of North Dakota, Sec. 215

2. Compiled Laws Ann. (1913-1925 Supp.), Sec. 11279

Commitments: Any person under the age of 21 who is found guilty of any crime other than murder may, in the discretion of the court, be committed to the State Training School until he or she attains the age of 21 years. Compiled Laws Ann. (1913-1925 Supp.), Sec. 11281, and Compiled Laws Ann. (1913), Sec. 11283.

Any parent or guardian of an habitually vagrant, disorderly or incorrigible child under 18 may, by written complaint to the Judge of the District Court, petition the court to commit said child to the Training School. If the Judge upon a hearing, so orders, said child is committed to the School. Compiled Laws Ann. (1913), Sec. 11284.

3. Compiled Laws Ann. (1913-1925 Supp.), Sec. 11269a-2

4. Compiled Laws Ann. (1913), Sec. 11298, 11303

If the property of the deceased is not claimed by dependent relatives of the deceased within 6 years the same is credited to the School after deducting the cost of the inquest and burial of deceased. Ibid, Sec. 11303.

Inmates must be buried at the expense of the State. Ibid, Sec. 11302.

5. Laws (1927), Ch. 263

North Dakota - Abstract of Administrative Provisions -
Superintendent of State Training School

1. General Powers and Duties (Cont'd)

(b) Board of Administration:

(1) The Board of Administration has general supervision of the State Training School. 6/

(2) The Board of Administration may at any time discharge a patient for good conduct. 7/

(3) If an inmate convicted of a felony becomes so incorrigible as to be dangerous to the good government and welfare of the School, the Board of Administration must order such person returned to his parents or to the jailer of the county of commitment. 7/

(4) The Board of Administration is empowered to grant paroles upon recommendation of the Superintendent, and may order commitments and makes rules and regulations therefor. 8/

(5) The State Board of Administration must determine the amount to be paid inmates for work actually performed which shall not be less than 5¢ or more than 15¢ per day. 9/

(c) The Governor:

If it appears to the Governor by the representations of the Superintendent and Board of Administration that any inmate has become insane during confinement, the Governor must order such person confined in the State Hospital for the Insane, and, if he recovers from such insanity before the expiration of his term of commitment, he must be ordered returned to the Training School. 10/

2. Composition and Appointment of Governing Body

The Superintendent is appointed for a term of 4 years by the Board of Administration; and his salary is fixed by the Board, subject to the approval of the Governor. He is subject to removal by the Board for cause. 11/

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- 6. Compiled Laws Ann. (1913), Sec. 243, and 11295 as amended by (1913-1925 Supp.), Sec. 283b-5 and Laws (1931), Ch. 265.
 - 7. Compiled Laws Ann. (1913-1925 Supp.), Sec. 11288
 - 8. Ibid, Sec. 11291, and Compiled Laws Ann. (1913), Sec. 11292, 11293
 - 9. Compiled Laws Ann. (1913-1925 Supp.), Sec. 11269a-1
 - 10. Compiled Laws Ann. (1913), Sec. 11296 and 11297 as amended by Laws (1931), Ch. 265
 - 11. Compiled Laws Ann. (1913-1925 Supp.), Sec. 11276, 11278

3. Reports

The Superintendent must keep a record of all transactions of his office including a memorandum of every complaint made by those in the institution and infractions of rules by inmates and said record and memoranda must be laid before the Board of Administration from time to time as requested. 12/

4. Executive

See "Superintendent" under "Composition and Appointment of Governing Body".

5. Staff

Necessary teachers and assistants are appointed by the Superintendent with the approval of the Board of Administration at a salary fixed by the Board, subject to the approval of the Governor and hold office during the pleasure of the Superintendent. 13/

6. Financial Provisions

The Institution is financed by appropriation from the general fund of the State. 14/

Amount of Appropriation:

The sum of \$206,345 is appropriated to the institution for the biennium beginning July 1, 1935 and ending June 30, 1937. 14/

Limitation of Funds 15/

Salaries	\$ 69,595
Operating Expenses	133,850
Total Maintenance.	205,445
Less estimated income, all sources	15,500
Net Maintenance.	189,945
Improvements and repairs	6,600
Equipment.	5,800
Miscellaneous items:	
Burial expenses and rewards	1,000
Land Rental	3,000
	<u>\$ 206,345</u>

12. Compiled Laws Ann. (1913-1925 Supp.), Sec. 11279

13. Ibid, Sec. 11275, 11276, 11278

14. Laws (1935), Ch. 62

15. Ibid, There was appropriated out of the State treasury for the biennium beginning July 1, 1935 and ending June 30, 1937 the sum of \$300 for the burial of inmates of the penitentiary and of the Training School as prescribed by Sec. 11302 of the Supplement to the 1913 Compiled Laws of North Dakota. Laws (1935), Ch. 16.

SUPERINTENDENT OF TUBERCULOSIS SANITORIUM

(Statutory Body)

1. General Powers and Duties(a) Superintendent:

(1) The Superintendent has general charge of the institution, and the direction, control and discipline of all persons, employees and patients. He must make all rules and regulations relating to the conduct of all employees and patients including rules for keeping incurable patients separate from curable patients, subject to approval of Board of Administration. 1/

(b) Board of Administration:

(1) The Board of Administration has supervision of the Tuberculosis Sanitorium. 2/

(2) The Board may accept gifts and donations to be placed at the credit of the Tuberculosis fund. 3/

(3) The Board may enter into any agreement relative to obtaining funds from the Federal Government for the erection of new buildings. 4/

2. Composition and Appointment of Governing Body

The Superintendent is appointed and his salary is fixed by the Board of Administration. He is subject to removal by the Board. 1/

3. Reports

The Superintendent must submit a biennial report to the Board of Administration. 1/

1. Compiled Laws Ann. (1913), Sec. 243 and 2586 as amended by (1913-1925 Supp.), Sec. 283b-5.

All persons affected with tuberculosis of any kind or nature, may be admitted to the said hospital, but incurable patients must be kept apart from curable under rules and regulations prescribed by Superintendent and Board of Administration. Laws (1929), Ch. 251, Sec. 2587, 2592.

The admission of every patient is subject to the final approval of the Superintendent and Board of Administration. Laws (1929), Ch. 151, Sec. 2588.

2. Compiled Laws Ann. (1913), Sec. 243 and 2584 as amended by (1913-1925 Supp.), Sec. 283b-1 and 5.
3. Compiled Laws Ann. (1913), Sec. 2589
4. Laws (1935), Ch. 64

4. Executive

See "Superintendent" under "Composition and Appointment of Governing Body".

5. Staff

Medical assistants and other employees are appointed by the Superintendent subject to the approval of the Board of Administration which also fixes the compensation of such employees. 5/

6. Financial Provisions

The institution is financed by appropriations from the general fund of the State. 6/

Amount of Appropriations:

The sum of \$285,106.20 is appropriated to the institution for the period from July 1, 1936 to June 30, 1937. 6/

Limitation of Funds:

Salaries.	\$ 103,961.20
Operating Expenses.	<u>243,150.00</u>
Total Maintenance	338,111.20
Less estimated income, all sources.	<u>242,055.00</u> <u>7/</u>
Net Maintenance	96,056.20
Infirmary and equipment	165,000.00
Improvements and repairs.	13,200.00
Equipment	<u>10,850.00</u>
	\$ 285,106.20

5. Compiled Laws Ann. (1913), Sec. 243 and 2586 as amended by (1913-1925 Supp.), Sec. 283b-5.

6. Laws (1935), Ch. 64.

7. All patients admitted to the sanatorium must pay to the institution the cost of their maintenance. The cost for any patient or patients may, however, be paid by any person or persons or society. The determination of each sum must be made by the Superintendent with the approval of the Board of Trustees. Indigent persons receive treatment gratis, upon presentation of an affidavit of impecuniosity from the judge of the county court wherein he resides. Any person unable to pay the full charge for maintenance may be received upon paying the amount charged for county patients. The County pays up to \$10 per week for the maintenance of such indigent patient during the time he or she remains at the institution. Laws (1929), Ch. 251, Sec. 2588.

Any fraternal corporation or society organized under the laws of the State is authorized and empowered to build a cottage or cottages for the treatment of members of such corporation or societies and their families affected with tuberculosis of any kind or nature, and the Board of Administration may contract with such organization for the furnishing of such cottages and the care of the patients therein. Compiled Laws Ann. (1913), Sec. 2590, 2591 as amended by Laws (1929), Ch. 252, Sec. 2590, 2592.

STATE-AIDED PRIVATE INSTITUTIONS

The following are private institutions, located at Fargo, North Dakota, subject to the supervision and inspection of the Board of Administration, as provided in the Child Welfare Act. 1/

NORTH DAKOTA HOUSE OF MERCY
NORTH DAKOTA CHILDREN'S HOME AND AID SOCIETY
ST. JOHN'S ORPHANAGE
FLORENCE CRITTENDEN HOME 2/

Reports

The superintendents or superiors in charge of the above institutions must make monthly reports to the State Auditor, showing the number and classes of inmates in said institutions and the State Auditor thereupon pays said institutions a sum for each inmate. 3/

Financial Provisions

The money appropriated to the institutions is paid to the Children's Welfare Bureau and is apportioned by said Bureau to the institutions, to be paid toward the support and maintenance of poor and indigent unmarried expectant mothers, mothers, or poor and indigent infants or children while their age or general condition necessitates their remaining charges of the societies, as determined by the superintendent or superior in charge of each. 4/

Limitations of Funds

North Dakota House of Mercy: \$ 10,000

\$15 per month toward the support and maintenance of each poor and indigent unmarried expectant mother, or mother, and \$10 per month for each indigent infant or child. 5/

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1. Laws of North Dakota (1935) Ch. 44, Sec. 3; Ch. 45, Sec. 3; Ch. 46, Sec. 3; Ch. 47, Sec. 3.
 2. This maternity home, in 1909, was declared to be one of the charitable institutions of the State and as such, entitled to aid from the general fund for the support of the poor therein. Compiled Laws (1913) Sec. 1723.
 3. Laws of North Dakota (1935) Ch. 44, Sec. 2; Ch. 45, Sec. 3; Ch. 46, Sec. 2; Ch. 47, Sec. 2.
 4. Ibid, Sec. 1 of each of chapters cited.
 5. Ibid, Ch. 46, Sec. 1.

Limitations of Funds (Cont'd)

North Dakota Children's Home and Aid Society: \$ 10,000

\$10 per month toward the support and maintenance
of each poor and indigent infant or child. 6/

St. John's Orphanage: \$ 10,000

\$10 per month toward the support and maintenance
of each poor and indigent infant or child. 7/

Florence Crittenden Home \$ 10,000

\$15 per month to be paid toward the support and
maintenance of each poor and indigent unmarried expectant mother,
or mother, and \$10 per month toward the support and maintenance
of each poor and indigent infant or child. 8/

6. Laws of North Dakota (1935) Ch. 44, Sec. 1.

7. Ibid, Ch. 47, Sec. 1.

8. Ibid, Ch. 45, Sec. 1.

BOARD OF REPRIEVES, COMMUTATIONS, AND PARDONS

(Constitutional Body)

1. General Powers and Duties

(a) The Governor, in conjunction with the Board of Pardons, of which he is ex officio a member, has the power to remit fines and forfeitures, to grant reprieves, commutations, and pardons after convictions, for all offenses except treason and cases of impeachment. 1/

(b) The Board must hold at least two regular meetings each calendar year, and may hold such other meetings as it deems expedient. The regular meetings must be held on the second of June and the second of December at the Executive Office. All other meetings are held in the Executive Chamber at the State Capitol, or in such other place as the Board orders; provided, that the Board must visit the State Penitentiary at each session and hold at least one meeting there whenever the Board is called to hold either a regular or special meeting. 2/

(c) Every pardon or commutation must be in writing and must be unanimous. A reprieve in a case where capital punishment has been imposed may be granted by the Governor, but for such time only as may be necessary to secure a meeting of said Board of Pardons for the consideration of an application for a reprieve, a pardon, or commutation of the sentence so reprieved. The Board may grant an absolute or conditional pardon, and any conditional pardon must state the terms and conditions on which it was granted. 3/

(d) The Board must preserve a record of every petition received for a pardon, reprieve or commutation and of every pardon, reprieve or commutation granted or refused and the reasons assigned therefor. 4/

1. Constitution of N. D., Sec. 76

2. Compiled Laws of N. D. (1913), Sec. 11103.

3. Ibid, Sec. 11100.

Every application for pardon, reprieve, or commutation must be in writing, addressed to the Board, and must be signed by the convict or someone in his behalf. The clerk of the Board must mail notice of the receipt of the application, and the time and place of hearing to the judge of the court where the applicant was sentenced and to the State's attorney who prosecuted the applicant, or his successor in office; provided, that a reprieve in capital cases may be granted without such notice. Compiled Laws of N. D. (1913), Sec. 11104, 11105.

4. Ibid, Sec. 11106.

1. General Powers and Duties (Cont'd)

(e) The Board may issue process requiring the presence of any officer before it, with or without books and papers, in the matter pending before the Board. 5/

(f) The Board is authorized to reconsider at any time before any convict has been released, its action in recommending the pardon or parole, based on its own motion or the petition of interested parties. 6/

(g) Upon conviction for treason, the Governor has power to suspend sentence until the case can be reported to the Legislature at its next regular session, when it may either pardon or commute the sentence, direct the execution of the sentence, or grant further reprieve. 7/

2. Composition and Appointment of Governing Body

The Board is composed of: the Governor, ex officio, the Attorney General of the State, the Chief Justice of the Supreme Court, and 2 qualified electors appointed by the Governor. 8/

Four of the members constitute a quorum; provided that at special meetings, called in cases of emergency, the Governor, Chief Justice of the Supreme Court, and the Attorney General may constitute a quorum. 9/

The 2 qualified electors receive as compensation \$5 per diem while actually employed in their duties, plus all traveling expenses. 10/

3. Reports

The Governor must communicate to the Legislature at each regular session, each remission of fine, reprieve, commutation or pardon granted by the Board. 11/

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5. Compiled Laws of N. D. (1913), Sec. 11107.
 6. Ibid, Sec. 11102.
 7. Ibid, Sec. 11098; Constitution of N. D., Sec. 76.
 8. Constitution of N. D., Sec. 76; Compiled Laws of N. D. (1913), Sec. 11097.
 9. Compiled Laws of N. D. (1913), Sec. 11100.
 10. North Dakota Supplement (1913-1925), Sec. 11108.
 11. Compiled Laws of N. D. (1913), Sec. 11099; Constitution of N. D., Sec. 76.

NORTH DAKOTA - Abstract of
Administrative Provisions -
Board of Reprieves, Commutations and Pardons

4. Executive

The Governor's private secretary, or in his absence, the executive clerk, is the clerk of the Board. All applications for pardons, reprieves or commutations must be filed with said clerk and he performs such duties as are prescribed by the Board without other or further compensation. 12/

5. Staff

No provision.

6. Financial Provisions

The per diem and traveling expenses of the members are paid from the State general fund. The clerk of the Board receives no compensation. The Secretary of State supplies the Board with such books, blanks, and stationery as are necessary. 13/

Amount of Appropriation: There is appropriated from the State general fund to the State Board of Pardons, for the biennium beginning July 1, 1935, and ending June 30, 1937, the sum of \$1,300 for per diem, travel expenses, clerkhire, and miscellaneous items. 14/

12. Compiled Laws of N. D. (1913), Sec. 11105, 11106.

13. Ibid, Sec. 11106.

14. Laws of N. D. (1935), Ch. 15, Sec. 30.

BOARD OF PARDONS - INDETERMINATE SENTENCES 1/

(Statutory Body)

1. General Powers and Duties

(a) All applications for discharge or parole of the inmates of the Penitentiary who may have been sentenced for crimes except treason, murder in the first degree, rape, or kidnapping, under the indeterminate sentence law must be presented to and passed upon by the Board of Pardons, and no person serving an indeterminate sentence may be released from the Penitentiary merely because the minimum term of his sentence has expired, but his term must continue until the expiration of the maximum term unless sooner discharged or paroled by the Board of Pardons. Applications may be considered at any regular meeting of the Board or at a special meeting called by the Governor. 2/

(b) The Board of Pardons must determine and fix the date when an inmate may be released or paroled or discharged after the expiration of the minimum term of the sentence, and such determination must be made in each particular case. 2/

(c) A complete record must be kept of all the findings and orders of the Board. 2/

(d) The Board must provide books of records and application blanks and must formulate rules and regulations governing the conduct of the inmates and the manner in which they may become eligible for discharge and parole. 2/

2. Composition and Appointment of Governing Body

The Board consists of the Warden of the State Penitentiary, the prison physician, the chaplain of the State Penitentiary, and one other person chosen by the Board of Administration biennially. 3/

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1. This Board was originally the "Board of Experts", the name of said Board being changed in 1923 to "Board of Pardons". This Board must not be confused with the "Board of Pardons" composed of the Governor, Attorney General, and Chief Justice of the State Supreme Court. The latter Board grants reprieves, commutations and pardons.
 2. Compiled Laws of N. D. (1913-1925 Supp.), Sec. 10948.
 3. Compiled Laws of N. D. (1913), Sec. 10948, as amended by 1913-25 Supp., Sec. 10948.

NORTH DAKOTA - Abstract of
Administrative Provisions -
Board of Pardons - Indeterminate Sentences

2. Composition and Appointment of Governing Body (Cont'd)

The term of the appointee is 2 years. 3/ Each member except the Warden of the Penitentiary and the prison physician receives \$5 per day and necessary traveling expenses. 4/

3. Reports

The Board must keep a complete record of all inmates discharged or paroled and must make a biennial report to the Board of Administration of all rules adopted, all inmates paroled and discharged and of all statistics pertaining thereto. 5/

4. Executive

No provision.

5. Staff

No provision.

6. Financial Provisions

The per diem of members, traveling expenses and expenses for books and records, are paid out of the general fund of the State. 6/

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3. Compiled Laws of N. D. (1913) Sec. 10948, as amended by 1913-25 Supp., Sec. 10948.
4. Compiled Laws of N. D. (1913-1925 Supp.), Sec. 10949.
5. Ibid, Sec. 10948.
6. Ibid, Sec. 10949.

BOARD OF TRUSTEES OF SOLDIERS' HOME 1/

(Constitutional Body)

1. General Powers and Duties

(a) The general supervision of the Home is vested in a Board of 5 trustees styled the "Board of Trustees of the Soldiers' Home". 2/

(b) The Board must meet annually on the 1st Tuesday in June, and must hold 4 regular meetings each year. 3/

2. Composition and Appointment of Governing Body

The Board consists of 5 members, 2 of whom have served in the Spanish-American War and 2 of whom have served in the World War. These 4 members are appointed by the Governor, by and with the consent of the Senate, for a term of 5 years. One member, who must be a veteran of the army, navy, or marines, honorably discharged, is appointed by the Department Commander of the G. A. R. and holds office for a term of 5 years. 2/

The Board elects a chairman. 3/

All appointees must be citizens of the United States and residents of North Dakota. The compensation of the trustees is \$5 per day for not exceeding 24 days in any 1 year, plus necessary expenses. 2/

1. Constitution of North Dakota, Sec. 216.

This Home is located at Lisbon to provide a home for all honorably discharged soldiers, sailors, and marines who have served in the army or navy of the United States and who are disabled by disease, wounds, old age, or otherwise, and for their wives and widows. (Compiled Laws of North Dakota (1913), Sec. 1775, 1776.) No applicant is admitted who has not been a resident of the State for at least 1 year preceding application. (Ibid, Sec. 1777.)

2. Laws of North Dakota (1933), Ch. 200.

3. Compiled Laws of North Dakota (1913), Sec. 1781.

NORTH DAKOTA - Abstract of
Administrative Provisions -
Board of Trustees of
Commandant of Soldiers' Home

3. Reports

The Board must make an annual report to the Governor. 4/

The Commandant of the Home must make semi-annual reports to the State Auditor, showing the amount of money remaining unexpended, and estimating the amount of money required for the succeeding 6 months. 5/

4. Executive

The Board must appoint a Commandant for said Home, who serves during the pleasure of the Board and serves as secretary thereof. 4/ Said Commandant must be a veteran of the Spanish-American War or the War of the Rebellion and must receive a salary of not more than \$1,200 per annum. 6/

5. Staff

The Commandant nominates, subject to the approval of the Board, all necessary subordinate officers, who must be veterans or widows of veterans. Subordinates may be removed by the Commandant for inefficiency or misconduct, but may be reinstated by the Board. The compensation of subordinates is fixed by the Board. 6/

6. Financial Provisions

The Home is financed by appropriations from the State general fund. 5/

Amount of Appropriation: There was appropriated out of the State Treasury, the sum of \$15,000 for the biennium beginning July 1, 1935, and ending June 30, 1937, for the maintenance and support of the Soldiers' Home. 7/

Limitation of Funds: \$7,000 of the above appropriation was available March 13, 1935 (date of approval of act) \$2,000 on July 1, 1935, and each succeeding 6 months thereafter, the remainder to be paid in 3 equal payments. 7/

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4. Compiled Laws of N. D. (1913), Sec. 1781.
 5. Ibid, Sec. 1783.
 6. Compiled Laws of N. D. (1913-1925 Supp.), Sec. 1782.
 7. Laws of N. D. (1935), Ch. 61, Sec. 1

JUVENILE COURT 1/

(Statutory Body)

1. General Powers and Duties

The Juvenile Court has the guardianship and control of all dependent neglected and delinquent children under the age of 18 who are considered wards of the State. At the discretion of the court, such care, guardianship, and control may be continued until the child reaches the age of 21 years. 2/

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1. The District Court is a constitutional body (N. D. Constitution, Sec. 103) but juvenile jurisdiction is conferred by statute. (Compiled Laws, 1913, Sec. 11404.)

2. Laws of N. D. (1929), Ch. 113, Sec. 11402.

"Dependent child" and "neglected child" mean any child who, while under the age of 18 years, for any reason is destitute, homeless, or abandoned; or dependent upon the public for support; or has not proper parental control 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 the child. Also any child who while under the age of 18 years is found begging any articles or singing or playing any musical instrument or giving any public entertainment for gain upon the street or accompanies or is used in the aid of any person so doing. (Compiled Laws, 1913, Sec. 11403.)

"Delinquent child" means any child who, while under the age of 18 years, violates any law of the State or any ordinance or regulation of any subdivision thereof or who is guilty of conduct not befitting a child of his years. (Compiled Laws, 1913, Sec. 11403.)

Any person having information that a child is dependent, neglected or delinquent may give such information to the district judge or to the juvenile commissioner, and the judge or the commissioner must make a preliminary inquiry into the environmental conditions of the child's life to determine whether the interests of the child or the public would be benefited by the child's being taken from its parents or guardian and placed under the guardianship of a suitable person appointed by the court. If it is for the best interests of the State or child that formal jurisdiction be acquired, any person including the commissioner may file a petition to the court. (Laws, 1929, Ch. 113, Sec. 11406.)

If any child under 18 is arrested, he may, instead of being taken before a justice of the peace or police magistrate, be taken before the Juvenile Court and in any case the county court may hear and dispose of the case in the same manner as if the child has been brought before the court upon petition. (Compiled Laws, 1913, Sec. 11416.)

1. General Powers and Duties (Cont'd)

When it appears to the Juvenile Court that any child who is dependent, neglected or delinquent is also feeble-minded, the court has authority to make an order committing such child to the Institution for the Feeble-minded (Grafton State School). Instead of determining whether such child is feeble-minded the Juvenile Court may direct that proceedings be had before the county commissioners of insanity. 3/

If the court finds any child under the age of 18 to be dependent or neglected, it may allow the child to remain in its own home, subject to the friendly visitation of a juvenile officer, or to report to the court or juvenile officer from its home or school at such times as the court may require. If the parents or guardians are unfit, the court may make an order appointing as guardian some reputable citizen of good moral character, and order such guardian to place the child in some family home or other suitable place, or the court may enter an order committing the child to some suitable organization maintained for the care of dependent or neglected children or to some training school or industrial school or to the reform school of the State or a children's home-finding society, which association must be accredited. 4/

In every case where the child is committed to an institution, the court must appoint the president, secretary or superintendent of such institution guardian over the person of such child, and such child is cared for, trained and educated subject to the rules governing such institution and to the supervision of the Juvenile Court. 5/

If the court finds any child under the age of 18 to be delinquent, the court may allow the child to remain at home subject to the friendly visitation of a juvenile officer, such child to report to the court or the juvenile officer as the court may require, and if the parents or guardian consent thereto, or if they are unfit or unwilling guardians, the court may appoint some proper person or juvenile officer guardian of the child and permit it to remain at home or order the guardian to place the child in a suitable family home or the court may commit such child to any institution incorporated under the laws of the 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, including a detention home or school, or to some association that will receive it which has been duly accredited. 6/

3. Laws of N. D. (1933), Ch. 124.

4. Compiled Laws of N. D. (1913), Sec. 11409.

5. Ibid, Sec. 11410.

6. Ibid, Sec. 11411.

1. General Powers and Duties (Cont'd)

The court may, in its discretion, in any case of a delinquent child, permit said child to be proceeded against in accordance with the laws of the State governing the commission of crimes or violation of city, village, or town ordinances and in such case, the petition filed in the Juvenile Court is dismissed. 7/

The court may, when the health of the delinquent, dependent, or neglected child requires it, order the child to be placed in a public hospital or institution, subject to the supervision of the court. 8/

If the parents or person liable in law for the support of the child are able to contribute to the support, the court must order such persons to pay a reasonable sum to the guardian or institution for such support. If such persons are unable to support, the court orders the county to contribute to such support. 9/

The court must find from evidence, before entering an order for adoption that:

1. The parents or surviving parent of a legitimate child or the mother of any illegitimate child, or, if the child has no parents living and the child has no guardian, then a known near relative of the child, if there be one, consents to such order.

2. That one parent consents and the other is unfit to have the child, or that both parents are unfit or that the surviving parent or mother of an illegitimate child is unfit due to depravity, open and notorious adultery or fornication, habitual drunkenness for one year prior to the filing of the petition, extreme and repeated cruelty to the child, abandonment of the child, desertion of the child for more than 6 months next preceding the filing of the petition, and that the child, if of the age of 14 years or over consents to such order. 10/

7. Compiled Laws of N. D. (1913), Sec. 11412.

8. Ibid, Sec. 11413.

9. Ibid, Sec. 11423.

10. Ibid, Sec. 11418.

North Dakota - Abstract of Administrative Provisions -
Juvenile Court

1. General Powers and Duties (Cont'd)

Juvenile Commissioners:

Juvenile Commissioners have power to administer oaths, take acknowledgments, receive complaints and issue warrants for the arrest of persons, to examine fully into the merits of each case, to issue subpoenas, compel the attendance of witnesses before them and to report them to the district judge for contempt proceedings, to make temporary orders for the custody of children, except that no child under the age of 6 months shall be separated from its mother. 11/

Juvenile Commissioners must make findings and report same and their recommendations to the district judge, whenever it becomes necessary to send a child to the State Training School or other State institution, thereby depriving the parents of their custody by either temporary control or permanent adoption. The judge must fix a reasonable time and place of hearing and thereafter make a final judgment or order in the case. 11/

Juvenile Officers:

Juvenile officers must make investigations for the courts, must be present to represent the interests of the child when the case is heard, and must take charge of the child before and after the trial. 12/

County Boards of Visitors and Children's Guardians:

The duty of the said board is to visit as often as once a year all institutions, societies, and associations and all persons receiving children under the juvenile act, said visits to be made by not less than 2 of the members of the Board. It must also act as the Board of Children's Guardians and must investigate into the conditions and nature and number of dependent and neglected children in their counties, and it is their duty when no other steps have been taken to present the petition for guardianship to the court. Where children have been committed to the State Home for the Feeble-minded (Grafton State School) and are sought to be released therefrom, or where illegitimate or dependent children are sought to be released from guardianship or apprenticeship, such Board must investigate the case and advise the court re the wisdom of such action, and no action may take place without the consent of the district judge. 13/

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11. Laws of North Dakota (1929), Ch. 113, Sec. 11428 a-1.
 12. Compiled Laws of North Dakota (1913), Sec. 11408.
 13. Ibid, Sec. 11420.

1. General Powers and Duties (Cont'd)

Clerk:

The clerk of the district court is designated the clerk of the Juvenile Court. Said clerk must file all papers, including the findings and final orders in juvenile proceedings, noting the date of filing in the "Juvenile Court Record". Such records are subject to examination by the clerk, the district judge and the juvenile commissioners and by others upon the written order of the district judge. 14/

2. Composition and Appointment of Governing Body

The State is divided into 6 judicial districts in each of which there is elected at general elections, by the electors thereof, one judge of the District Court therein, whose term of office is 4 years from the first Monday in January succeeding his election. 15/

No person is eligible to the office of District Court Judge unless he is learned in the law, at least 25 years of age, a citizen of the United States, and has resided in the State at least 2 years next preceding his election. Said judge must, at the time of his election, also be an elector within the judicial district for which he is elected. 16/

In districts having more than 1 judge, the one longest in continued service, or, if 2 or more be equally in service, the one senior in age, is the presiding judge thereof. 17/

The district judges receive an annual salary of \$4000 and actual traveling expenses, which includes subsistence while holding court inside his own district but outside the county in which he resides. 18/

3. Reports

Each juvenile commissioner must from time to time, furnish reports of the administration of his office to the district judge and to the Board of Administration. 19/

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14. Laws of N. D. (1929), Ch. 113, Sec. 11405.
 15. Constitution of N. D., Sec. 104; (1913-1925 Supp.), Secs. 769 a-1, 769 a-3.
 16. Constitution of N. D., Sec. 107.
 17. 1913-1925 Supplement, Sec. 769 a-5.
 18. Ibid, Sec. 769 a-9.
 19. Laws of N. D. (1929), Ch. 113, Sec. 11428 a-1.

NORTH DAKOTA - Abstract of
Administrative Provisions -
Juvenile Court

3. Reports (Cont'd)

The guardian, institution or association caring for a child must furnish such report of his doings on behalf of such child as the court may require. 20/

The Board of Visitors must report to the court the condition of children entrusted to institutions or guardians, from time to time, and must make an annual report to the district judge in such form as the judge prescribes. 21/

4. Executives

The district court judge.

5. Staff

There is a clerk of the district court in each organized county in which a court is held who is elected by the qualified electors of the county. He holds his office for the same term as other county officers. 22/ The clerk of the district court must be the clerk of the juvenile court. 23/

Each district judge appoints 2 persons, 1 of each sex, of good moral character, as juvenile commissioners. 24/ The commissioners are subject to removal by the district judge. 25/ Each male juvenile commissioner has jurisdiction of boys over 10 years of age and the female juvenile commissioner has jurisdiction over girls over 10 years of age and both have concurrent jurisdiction over children of 10 or under. 26/

The district courts have authority to appoint any number of discreet persons of good, moral character for each of the counties in their said districts to serve as juvenile officers during the pleasure of the court; the said juvenile officers to receive no compensation except their necessary expenses, which expenses shall be allowed in the discretion of the district judge and paid by the counties for which said persons are appointed. Such officers may be of either sex. 27/

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20. Compiled Laws of N. D. (1913), Sec. 11415
Upon the hearing of the report of the guardian, institution or association the court may, in its discretion, remove such guardian. (Compiled Laws, 1913, Sec. 11415.)
21. Ibid, Sec. 11420.
22. Constitution of North Dakota, Sec. 108.
23. Laws of N. D. (1929), Ch. 113, Sec. 11405.
24. Ibid, Sec. 11428 a-1.
25. Ibid, Sec. 11428 a-5.
26. Ibid, Sec. 11428 a-1.
27. Compiled Laws of N. D. (1913), Sec. 11408.

5. Staff (Cont'd)

The district judge of each district may appoint a Board of 6 reputable inhabitants in each of the counties of his district. Three of the members must be women. They serve without compensation, except their necessary traveling expenses which are allowed in the discretion of the district judge and must be paid by the counties for which persons are appointed. 28/

6. Financial Provisions

1935-1936 appropriation: There was appropriated out of the State general fund to the district court judges for the biennium commencing July 1, 1935 and ending June 30, 1937 the following sums: 29/

Salary - - 15 judges \$105,000

Miscellaneous expenses while holding
court outside of the county in which
the judges reside and while serving
on the Supreme Bench 20,000

Juvenile Commissioners: The juvenile commissioners receive as compensation such an amount per diem as is approved by the district judge for time actually spent in the duties of their offices, not to exceed \$6.00 per day. Such per diem and expenses are apportioned by the judge between the several counties where the work originates or is done. No per diem may exceed \$150 per month. 30/

Salaries of clerks of the District Court range from \$1500 to \$2000, which amount they must not exceed. The amount is determined by the population of the counties and is fixed by the county commissioners. 29/

28. Compiled Laws of N. D. (1913), Sec. 11420.

29. Ibid, Sec. 3551 a-2.

30. 1913-1925 Supplement, Sec. 11428 a-4.

COUNTY WELFARE BOARD

(Statutory Body)

1. General Powers and Duties

(a) It is the duty of the County Welfare Boards to supervise and direct all relief and welfare activities conducted by the counties. 1/

(b) It is their duty under the supervision of the State Board of Public Welfare to supervise and administer such county relief and welfare activities as may be financed in whole or in part by funds allocated by said State Board. 1/

(c) It is their duty to coordinate and bring about an efficient operation of all relief and welfare activities within the counties by private as well as public organizations engaged in relief and for welfare work. 1/

2. Composition and Appointment of Governing Body

The County Welfare Board is composed of 5, 7, or 9 members. Not less than 1 or more than 2 members are County Commissioners, and the remaining members are appointed by the County Commissioners, with the consent of the State Public Welfare Board. The members are chosen without regard to political affiliation and must be of both sexes. They serve rotating terms of 3 years without compensation, but may in the discretion of the County Board of Commissioners receive actual expenses incurred. Any member may be removed without cause by the County Commissioners and the State Board of Public Welfare. 1/

3. Reports

No provision.

4. Executive

No provision.

1. Laws of N. D. (1935), Chap. 123

Before 1935, the administration of the county relief was vested in the County Commissioners, which commissioners might designate one of their members as county overseer of the poor. See: Laws of N. D. (1933), Ch. 97.

NORTH DAKOTA - Abstract of
Administrative Provisions -
County Welfare Board

5. Staff

No provision.

6. Financial Provisions

All expenditures for the relief of the poor are paid out of the County Poor Relief Fund. 2/

If the appropriation for poor relief purposes is not sufficient to meet the expenditures required by law, the County Auditor may, on order of the Board of County Commissioners, make a transfer to the County Poor Relief Fund from any other fund, except sinking and interest funds set aside to pay the principal or interest on outstanding bond issues. If there is not a sufficient balance in any fund to meet an emergency, the Board of County Commissioners may, by resolution, obligate the county in excess of budget appropriations for the purpose of replenishing said County Poor Relief Fund. 2/

2. Laws of N. D. (1933), Chap. 98.

BOARD OF COUNTY COMMISSIONERS OF INSANITY 1/

(Statutory Body)

1. General Powers and Duties

(a) The Commissioners must have cognizance of all applications for admission to the hospital for the insane. 2/ They must at once investigate grounds for such application and require the applicant to be brought before them for examination, hearing testimony for and against admission by any interested citizen of the county, or any relative of the person alleged to be insane, and the parties may appear by counsel if they elect. The Commissioners must appoint some regular practicing physician of the county to visit such person and make a personal examination. Such physician must certify that on examination he has found the person insane, or not insane. 3/

(b) If the patient is found to be insane, the Commissioners send the superintendent of the hospital a history of the case, and send the patient, in the custody of the sheriff or some other appointed custodian (a female in case the patient is a woman) to the hospital. 4/

(c) If the hospital accommodations are insufficient, the patient may be cared for as a private patient by a custodian appointed by the Commissioners or as a public patient by the Overseers of the Poor, at the expense of the county. If there is no county poorhouse, the patient may be confined in the county jail in charge of the sheriff, or the County Commissioners in their discretion, may require that the patient be taken to the asylum of any State that is designated by the Governor, and the Governor is authorized to make the best terms he can with the authorities of any asylum in any State for the admission of such patients. 5/

(d) If the patient is found not to be insane, the Commissioners must order his discharge, if in custody. 4/

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1. "Insane" includes any species of insanity or mental derangement. The term "idiot" is restricted to persons supposed to be naturally without mind. (C. L. 1913, Sec. 2567) The term "feeble-minded" means any person, minor or adult, other than an insane person, who is so mentally defective as to be incapable of managing himself and his affairs and to require supervision, control and care for his own or the public's welfare. Laws (1931), Ch. 146.
 2. Compiled Laws (1913), Sec. 2550
 3. Ibid, Sec. 2552
 4. Ibid, Sec. 2553
 5. Ibid, Sec. 2554

1. General Powers and Duties (Cont'd)

(e) The Commissioners may upon application provide for care of a patient as a public or private patient within the county, where admission to the hospital is not sought. 6/ Such patients may be transferred upon application to the hospital at any time, without further inquest at any time within 6 months of the inquest already had. 7/

(f) Whenever any insane person has no legal residence in the State, the Commissioners must send such person, at the expense of the State and in the custody of the county sheriff, to the place where he belongs. 8/

(g) On a statement in writing, verified by affidavit, addressed to the county judge of the county in which the hospital is situated or the county of which the patient is a resident, alleging that such person is unjustly confined in the hospital, the county judge must appoint a commission of not more than 3 persons, one a physician and one a lawyer, to visit said patient and report the result of their examination. The judge then summons all witnesses who appeared at the patient's commitment, and if, upon their testimony and the report of the Commission, he finds that patient sane, he orders the discharge of such patient. The findings and order of the court, together with the report, are entered upon the records, and the superintendent of the hospital is given notice of the order. 9/

(h) Whenever the Commissioners of Insanity find a person to be feeble-minded, and such person has no legal residence in the State, such person is sent by the Commissioners of Insanity, at the expense of the State and in the custody of the county sheriff, to the place where such person belongs. 10/

(i) The Commissioners may in conjunction with the Juvenile Court, commit any delinquent, dependent or neglected child who is brought before the Juvenile Court to the Institution for the Feeble-minded. (Grafton State School) 11/

(j) The County Judge, is Chairman of the Board of County Commissioners of Insanity, draws all necessary pleadings and makes all records in each case. 12/

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6. Compiled Laws (1913), Sec. 2555, 2556
 7. Ibid, Sec. 2559
 8. Ibid, Sec. 2561
 9. Ibid, Sec. 2562
 10. Laws (1931), Ch. 146
 11. Ibid, (1933), Ch. 124
 12. Ibid, (1929), Ch. 109

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Board of County Commissioners of Insanity

2. Composition and Appointment of Governing Body

The Board is composed of 3 members. The County judge is chairman of the Board. The other 2 members are appointed by the Board of County Commissioners; one member must be a reputable practicing attorney and the other must be a reputable practicing physician. The members hold office for terms of 2 years. In case of temporary incapacity of the county judge, the State's Attorney acts in his stead. 13/ The Commissioners, except the county judge, are each paid out of the county general fund, \$5 per day for the time actually employed in the duties of their office. The examining physician receives \$5 for each case examined and members receive mileage at the rate of 10 cents per mile each way. 14/

The meetings of the Board are held in the office of county judge at such regular times as the Board may fix. 15/

3. Reports

No provision.

4. Executive

The County judge is chairman of the Board. 16/

5. Staff

The Board chooses one of its members clerk of the Board. 17/

6. Financial Provisions

The sheriff is allowed for services (other than conveying a patient to and from the hospital) the same fees as for like services in other cases, such fees being paid from the county general fund. The fee for conveying a patient to the State hospital for the insane is paid from the State Treasury. 18/

Witnesses are paid from the county treasury the same fees as witnesses in the district court. 18/

The Commissioners appointed in actions to release insane patients are paid from State funds, and there was appropriated, for the biennium beginning July 1, 1935 and ending June 30, 1937, the sum of \$100 to pay the expenses and reasonable compensation of said Commissioners. 19/

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13. Compiled Laws (1913), Sec. 2547
 14. Laws (1929), Ch. 109
 15. Compiled Laws (1913), Sec. 2548
 16. Ibid, Sec. 2547
 17. Ibid, Sec. 2548
 18. Laws (1929), Ch. 109
 19. Ibid, (1935), Ch. 36

BOARD OF COUNTY COMMISSIONERS(Constitutional Body) 1/1. General Powers and Duties

Note: Only those duties dealing with welfare are listed.

(a) The County Commissioners are ex officio the Overseers of the Poor 2/, within their respective districts. When the Board of County Commissioners of any county determines the same to be necessary it may designate one of the members thereof as County Overseer of the Poor and the other members of the Board of County Commissioners no longer continue to act as Overseers of the Poor. 3/ The County Commissioners of each county have exclusive jurisdiction and control of the administration of poor relief within each county. Every application for relief must be made to the Board of County Commissioners. 4/

(b) The Overseers of the Poor bind out such poor children as fall under their care and charge from time to time; and the Overseer must see that the children so bound out are properly treated by the persons to whom they are bound and take legal means of redress in case of maltreatment. 5/

(c) Application for mothers' pensions are made to the County Commissioners 2/, who hear and act on the application. 6/

(d) The Board of County Commissioners may appropriate money out of the general fund of the county for the purpose of paying for the services of visiting nurses or other necessary medical attention or advice in preventing the spread of tuberculosis in such county. 7/ The Board of County Commissioners have authority to cooperate with neighboring counties to establish homes or hospitals for incurable tuberculosis patients. 8/

2. Composition and Appointment of Governing Body

The Board of County Commissioners consists of not less than 3 nor more than 5 County Commissioners 9/, who are chosen by the qualified electors of their respective counties at the general election. 10/

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1. Constitution of North Dakota, Sec. 172.
 2. County Welfare Board supervises and directs all relief and welfare activities conducted by the county; supervises and administers if State or Federal funds are granted.
 3. Laws (1933), Ch. 97, Sec. 1.
 4. Ibid, Sec. 3.
 5. Compiled Laws (1913), Sec. 2532.
 6. Laws (1927), Ch. 176, Sec. 1.
 7. Compiled Laws (1913), Sec. 2267.
 8. Ibid, Sec. 2268.
 9. Constitution of North Dakota, Sec. 172.
 10. Compiled Laws (1913), Sec. 3257.

2. Composition and Appointment of Governing Body (Cont'd)

The Commissioners serve rotating terms of 4 years. 11/

The Commissioners elect one of their number as chairman who acts as such during the year in which he is elected or until his successor is elected. 12/

County Commissioners must be allowed for the time necessarily employed in the duties of their office, the sum of \$6 per day 13/, and their actual traveling expenses not to exceed 10¢ per mile. 14/

Every County Commissioner must give bond in the sum of \$2,000. 15/

3. Reports

The Overseers of the Poor must annually at the 1st session of the Board of County Commissioners in each year submit an annual report for the year past covering all poor relief expenditures authorized by them during the year, which report is presented to the county auditor on the 1st day of the session of the Board. 16/

The Overseer and every person who administers relief from the public funds must file a report with the County Auditor every 3 months. 17/

The Board of Visitors for the asylum and poor farm must report to the Commissioners at least quarterly the condition of the asylum and poor farm and the treatment, management and the condition of the inmates and make such recommendation in connection with the government of the asylum; which report must be considered by the Board of County Commissioners and must be published in the official newspapers of the county within 2 weeks after the regular meetings of the board. 18/

4. Executive

See "Composition and Appointment of Governing Body".

11. Compiled Laws (1913), Sec. 3264.

12. Ibid, Sec. 3267.

13. Overseers of the Poor receive \$2 per day for each day during which they are necessarily employed in the discharge of their duties as such Overseers. Each township supervisor who makes investigations of poor relief applications and makes reports thereon receives \$2 per day. Laws (1933), Ch. 97, Sec. 18.

14. Laws (1913), Ch. 117, Sec. 1.

15. Compiled Laws (1913), 1925 Supp. Sec. 667.

16. Laws (1933), Ch. 97, Sec. 19.

17. Ibid, Sec. 22.

18. Compiled Laws (1913), Sec. 2540

5. Staff

The Board of County Commissioners may, in its discretion, in behalf of the county or in conjunction with other adjacent counties, employ an experienced social worker or poor commissioner who must perform duties respecting the administration of the poor laws in such county or counties as the Board of County Commissioners require under the supervision of such board or boards and may fix his compensation and allow and pay his necessary expenses from the general funds of the county. 19/

It is lawful for the Board of County Commissioners in counties in which a majority of the voters have voted in favor of establishing and organizing a poor asylum, to employ some humane and responsible person, a resident of the county, to take charge of the asylum and under such restrictions as the Board considers most advantageous for the interest of the county, who is called Superintendent of the county asylum. The Superintendent must receive into his care and custody all persons who may become a county charge as paupers and take such measures for the employment and support of such paupers, and perform such other duties as the Board of County Commissioners shall from time to time direct. 20/

The Board of County Commissioners must annually appoint a well qualified physician to attend the county asylum and allow him a reasonable compensation for his services. 21/

The Board of County Commissioners must annually appoint a Board of Visitors consisting of 3 residents of the county, 1 of whom must be a Minister of the Gospel whose duty it is to visit at least quarterly each year the poor asylum in such county. 22/

The Board of Visitors receive such compensation as the Board adjudges reasonable. 23/

6. Financial Provisions

The per diem payments of the Overseers of the Poor and township supervisors who make investigations of poor relief application are paid out of the general fund of the county. 24/ The social worker or poor commissioner is also paid out of the county general fund. 25/

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19. Laws (1933), Ch. 97, Sec. 24.
 20. Compiled Laws (1913-1925 Supp.), Sec. 2529.
 21. Compiled Laws (1913), Sec. 2531.
 22. Ibid, Sec. 2540.
 23. Ibid, Sec. 2541.
 24. Laws (1933), Ch. 97, Sec. 18.
 25. Ibid, Sec. 24.

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Board of County Commissioners

6. Financial Provisions (Cont'd)

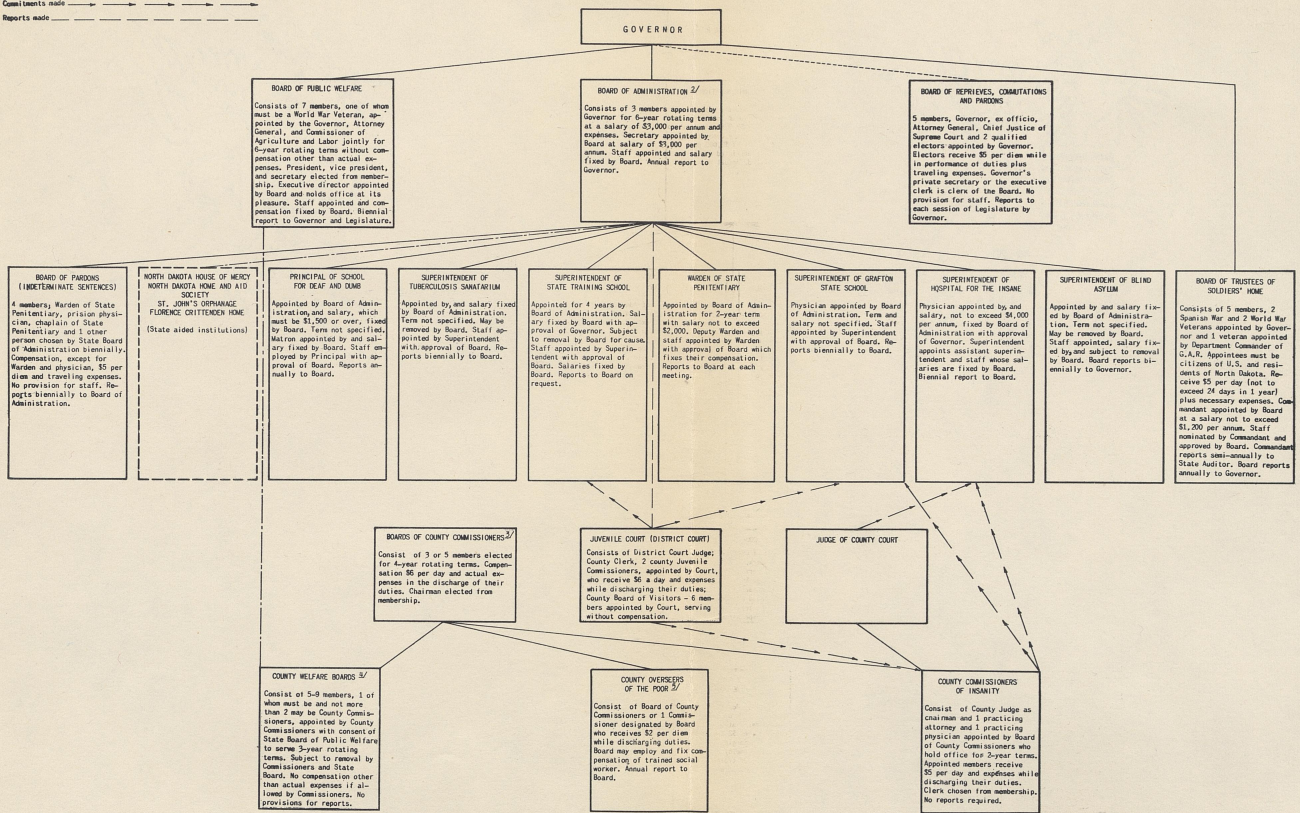
The Board of County Commissioners may, if it deems it expedient, annually, at its session at which the county tax is ordered to be levied and assessed, levy and assess a tax for the support of the poor of its county. 26/

In the case of asylums and poor farms maintaining a hospital and having hospital facilities, the County Commissioner furnishing an order for admission of a patient may arrange with such patient that such patient must pay a reasonable sum for care at the hospital, provided such patient or the parent or guardian of such patient has ability to pay therefor, and in case of a patient admitted to such hospital as a pauper, if it develops that such patient owned property or otherwise had the ability to pay for his care in such hospital, the county has the right to recover from such patient the reasonable value of his care in such hospital. 27/

26. Compiled Laws (1913), Sec. 2539.
27. 1913-1925 Supp., Sec. 2530.

Actual Control _____
 Governor, ex officio member _____
 Supervision _____
 Comments made _____
 Reports made _____

NORTH DAKOTA PUBLIC WELFARE AGENCIES, JANUARY 1935^{1/}



^{1/} Statutory and Constitutional Organization
^{2/} Administrator aid to dependent and neglected children
^{3/} Administrator aid to dependent children in their own homes
^{4/} Administrator old age assistance, aid to dependent children in their own homes, aid to dependent and neglected children, and relief, when funds are supplied by State or Federal Government
^{5/} Administrator Poor Relief

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