

PUBLIC WELFARE

CHAPTER 314

H. B. No. 20

(Langley and Legislative Research Committee at the request of Public Welfare Board)

DEFINITIONS AND ELIGIBILITY FOR AID TO DEPENDENT CHILDREN

AN ACT

To amend and reenact Sections 50-0901 and 50-0905 of the North Dakota Revised Code of 1943 as amended by chapter 278, Session Laws of 1945, pertaining to definitions and eligibility for assistance for aid to dependent children.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 50-0901 of the North Dakota Revised Code of 1943 as amended by Chapter 278, Session Laws of 1945, be hereby amended and reenacted to read as follows:

50-0901. DEFINITIONS.] In this Chapter, unless the context or subject matter otherwise requires:

1. "State agency" shall mean the public welfare board of North Dakota;
2. "County agency" shall mean the county welfare board in each of the counties of the state;
3. "Private agency" shall mean a private child-caring or child-placing agency duly licensed under the laws of North Dakota, or a private maternity home providing special care exclusively for unmarried expectant mothers or mothers and their infants, and duly licensed under the laws of North Dakota;
4. "Assistance" shall mean money payments with respect to, or goods and services provided for dependent children, including payments for the care of unmarried mothers and their infants;
5. "Applicant" shall mean a person or agency having the custody of a dependent child making application for aid for such child under the provisions of this Chapter;

6. "Dependent child" shall mean any needy child:
- a. Under the age of eighteen years, or under the age of twenty-one if mentally or physically incapacitated, who is living in the home of a relative by birth, marriage, or adoption, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent;
 - o. Under the the age of twenty-one years, who is living in a licensed foster home or in a licensed child-caring or child-placing institution;
 1. Who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of the parent; or
 2. Who is abandoned by his parent, guardian or custodian; or
 3. Whose parent, guardian or custodian is unable, neglects or refuses to provide proper or necessary subsistence, education, medical or surgical care, or other care necessary for his health, morals, or well being; or
 4. Who is in need of special care as provided by a private agency for which his parent, guardian, or custodian is unable, neglects, or refuses to provide.

§ 2. AMENDMENT.] That Section 50-0905 of the North Dakota Revised Code of 1943 as amended by Chapter 278 of the Session Laws of North Dakota for the year 1945 be hereby amended and reenacted to read as follows:

50-0905. ELIGIBILITY FOR ASSISTANCE. Aid shall be granted under this Chapter to any needy dependent child as defined in Section 50-0901 as amended by Chapter 278 of the Session Laws of 1945;

1. Who has resided in the state for one year immediately preceding the date of application; or
2. If under the age of one year at the time of application:
 - a. Whose mother has resided in the state one year immediately preceding the birth of the child, or
 - b. Who has resided in the state during his lifetime and whose mother has resided in the state for so

many months, immediately preceding his birth as added to the age of the child, aggregate one year immediately preceding the date of application; or

3. If unborn, whose mother has resided in the state for one year immediately preceding the date of application; or
4. Who is living in a boarding home licensed under the laws of North Dakota or, if in another state, meeting standards determined by the state agency to be comparable to those required for licensing in North Dakota; or in a home or institution maintained and operated or selected by a private agency.

Approved March 1, 1947.

CHAPTER 315

H. B. No. 24

(Langley and Legislative Research Committee through the Public Welfare Board at request of State Health Planning Committee)

REPORT OF BIRTHS OUT OF WEDLOCK AND BIRTHS WITH CONGENITAL DEFORMITIES: PENALTY

AN ACT

To provide for the reporting of births out of wedlock and births with congenital deformities to the division of child welfare of the public welfare board; fixing responsibility for reporting; providing for forms for reporting; providing that nothing in Act affects registration of vital statistics; providing for a penalty and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. REPORT OF BIRTHS OUT OF WEDLOCK TO DIVISION OF CHILD WELFARE OF THE PUBLIC WELFARE BOARD.] All births out of wedlock in the state of North Dakota shall be reported to the division of child welfare of the public welfare board within twenty-four hours after the birth occurs. Such report shall include the date and place of birth; the sex of the child, the name of the mother, the name of the attending physician and such other information as the division of child welfare may require.

§ 2. REPORT OF BIRTHS WITH CONGENITAL DEFORMITIES TO THE DIVISION OF CHILD WELFARE OF THE PUBLIC WELFARE

BOARD.] All births in North Dakota of children with a visible congenital deformity shall be reported to the division of child welfare within three days after such birth occurs. Such report shall include the date and place of birth; the sex of the child, the names of the parents, the name of the physician or other person attending birth, a diagnosis and description of the deformity and such other information as the division may require.

§ 3. RESPONSIBILITY FOR REPORTING.] Births out of wedlock or with congenital deformities which occur in a licensed maternity home or hospital shall be reported by the licensee of such home or hospital. All such births occurring outside of maternity homes or hospitals shall be reported by the legally qualified physician in attendance, or in the event of absence of a physician, by the registered nurse or other attendant.

§ 4. REPORT FORMS PREPARED BY THE DIVISION OF CHILD WELFARE OF THE PUBLIC WELFARE BOARD.] The division of child welfare shall prepare forms for reporting the information necessary to promote the best interest of a child born out of wedlock or with a congenital deformity. A supply of such forms is to be made available to maternity homes or hospitals and legally qualified physicians and others regularly attending births.

§ 5. NOTHING IN ACT AFFECTING REGISTRATION OF VITAL STATISTICS.] Nothing in this Act shall be construed as superceding or affecting the requirements of registering births with the state registrar of vital statistics as set forth in Chapter 23-02 of the North Dakota Revised Code of 1943.

§ 6. PENALTY.] Every person who violates any of the provisions of this Act, or who makes any false statements on reports to the division of child welfare or its agent, or to the state department of health, is guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

§ 7. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its approval.

Approved March 14, 1947.

CHAPTER 316

H. B. No. 23

(Langley and Legislative Research Committee through the Public Welfare Board at request of State Health Planning Committee)

LICENSING AND SUPERVISION OF MATERNITY HOMES FOR
UNMARRIED MOTHERS

AN ACT

To provide for the licensing and supervision of maternity homes for unmarried mothers by the division of child welfare of the public welfare board; defining maternity home for unmarried mothers providing that an annual license be required; providing for the requirements for license; providing for inspection and report by the state department of health; providing for contents of license; providing for regulation by the division of child welfare; providing for inspection of maternity home and records; providing for every birth being attended by qualified physicians; providing for reporting of births; providing that records of maternity home are confidential; prohibiting offering or advertising to dispose of infants; providing for revocation of license; providing for hearing on denial or revocation of license; providing for cooperation of interested persons and agencies; providing for penalty; and repealing Sections 50-1301 to 50-1313, both inclusive of the North Dakota Revised Code of 1943 and all statutes in conflict with the provisions hereof, and declaring an emergency.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. DEFINITIONS.] In this Act, unless the context or subject matter otherwise requires:

1. "Maternity home for unmarried mothers" shall mean any hospital, home or other premises, operating especially to provide social services and maternity care to unmarried mothers and their infants, which receives more than one unmarried woman during any period of six months for shelter, care or treatment during pregnancy, or delivery, or within sixty days after delivery. It shall not apply to any hospital, home, or other premises owned or operated by state or federal governments; and
2. "Division" shall mean the division of child welfare of the public welfare board.

§ 2. LICENSE REQUIRED.] Any person, partnership, voluntary association or corporation, which operates a maternity home for unmarried mothers shall secure annually from the division a license as required in this Act.

§ 3. REQUIREMENTS FOR LICENSE.] A license for the operation of a maternity home for unmarried mothers shall be issued by the division to a reputable and responsible person, partnership, voluntary association or corporation, upon showing that:

1. The premises to be used are in fit sanitary condition and properly equipped to provide good care and treatment;
2. The persons in active charge of the home and their assistants are qualified by training and experience to carry on efficiently the duties required of them;
3. The home is to be conducted for the public good and in accordance with sound social policy; and
4. The health and well-being of the infants born therein and the health, morality, and well-being of the parties treated therein will be properly safeguarded.

§ 4. INSPECTION AND REPORT BY STATE DEPARTMENT OF HEALTH.] The division shall give notice to state department of health of all applications for license to operate a maternity home for unmarried mothers. Upon receipt of such notice, the state department of health shall inspect the facilities and premises of the applicant to determine sanitary conditions and the adequacy of medical and nursing services, and shall report its findings to the division.

§ 5. CONTENTS OF LICENSE.] The license to operate a maternity home for unmarried mothers issued under the provisions of this Act shall set forth:

1. The name of the licensee;
2. The premises to which the license is applicable;
3. The number of patients who may be received in such premises at any one time; and
4. The date of expiration of the license.

§ 6. REGULATION BY DIVISION OF CHILD WELFARE OF THE PUBLIC WELFARE BOARD.] The division may prescribe forms for the registration and record of persons cared for in maternity homes for unmarried mothers and shall make such reasonable rules and regulations for the conduct of such homes as are necessary to carry out the purposes of this Act. The division shall require reports from the licensee which shall include a statement of plans made for the unmarried mother and her child.

§ 7. **INSPECTION OF MATERNITY HOME FOR UNMARRIED MOTHERS AND THE RECORDS THEREOF.]** The division and its authorized agents may inspect any maternity home for unmarried mothers licensed under the provisions of this Act at any time. The division and its agents shall have free access to every part of such home and to the records thereof, and they may see and interview the patients therein.

§ 8. **EVERY BIRTH ATTENDED BY QUALIFIED PHYSICIAN.]** Every birth occurring in a maternity home for unmarried mothers shall be attended by a legally qualified physician. If none is available a registered nurse shall attend such birth and direct delivery services until the services of a legally qualified physician may be obtained.

§ 9. **REPORTING BIRTHS.]** The licensee of a maternity home for unmarried mothers shall report each birth occurring within the home to the state department of health in accordance with the provisions of Chapter 23-02 of the North Dakota Revised Code of 1943, and to the division as may be provided by law.

§ 10. **RECORDS OF MATERNITY HOME CONFIDENTIAL.]** No agent of the state department of health or the division, or the licensee, under the provisions of this Act, shall disclose the contents of the records of a maternity home for unmarried mothers nor of the reports received therefrom, except:

1. In a judicial proceeding when ordered by the presiding judge; or
2. To officers of the law or other legally constituted boards or agencies serving the interests of the patients or her infant.

§ 11. **OFFER OR ADVERTISE TO DISPOSE OF INFANTS PROHIBITED.]** No maternity home for unmarried mothers licensed under the provisions of this Act shall in any way offer to dispose of any child, or advertise that it will give children for adoption, or hold itself out, directly or indirectly, as being able to dispose of children; but may inform an unmarried mother of licensed child placing agencies.

§ 12. **REVOCAION OF LICENSE.]** The division may revoke a license of any maternity home for unmarried mothers upon a proper showing that:

1. Any of the conditions set forth in Section 3 hereof as requirements for the issuance of the license no longer exists;
2. The license was issued upon fraudulent or untrue representations;

3. The owner or operator has violated any of the rules and regulations of the division; or
4. The owner or operator of the maternity home has been guilty of the violation of any law of this state disclosing moral turpitude.

§ 13. HEARING ON DENIAL OR REVOCATION OF LICENSE.] Before any application for a license to conduct a maternity home for unmarried mothers shall be denied or before the revocation of any such license by the division, written charges as to the reasons therefor shall be served upon the applicant or licensee, who shall have the right to a hearing before the public welfare board, if such hearing is requested within ten days, after service of the written charges.

§ 14. COOPERATION OF INTERESTED PERSONS AND AGENCIES.] The licensee of a maternity home for unmarried mothers, the physician, or other responsible person in attendance at birth, the state department of health and its agents, and the division and its agents shall cooperate in all measures and services for improving and safeguarding the health and social wellbeing of maternity patients and their infants cared for in a maternity home for unmarried mothers.

§ 15. PENALTY.] Every person who violates any of the provisions of this Act, or who makes any false statements on reports to the division or its agent, or to the state department of health, is guilty of a misdemeanor, punishable by a fine of not more than one hundred dollars or by imprisonment in the county jail for not more than thirty days or by both such fine and imprisonment.

§ 16. REPEAL.] Sections 50-1301 to 50-1313, both inclusive, of the North Dakota Revised Code of 1943, and all statutes in conflict herewith, are hereby repealed.

§ 17. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 14, 1947.

CHAPTER 317**H. B. No. 18****(Langley and Legislative Research Committee at the request of Public Welfare Board)****RECOVERY OF OLD AGE ASSISTANCE FROM PERSON LIABLE FOR SUPPORT****AN ACT**

To amend and reenact Section 50-0732 of the North Dakota Revised Code of 1943 pertaining to recovery of assistance from person liable for support.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 50-0732 of the North Dakota Revised Code of 1943 be hereby amended and reenacted to read as follows:

50-0732. RECOVERY OF ASSISTANCE FROM PERSON LIABLE FOR SUPPORT; HOW DIVIDED.] The money recovered by any county under the provisions of Section 50-0731, from the person liable for the support of the recipient of assistance, shall be divided as provided by Section 50-0735 of the North Dakota Revised Code of 1943.

Approved March 1, 1947.

CHAPTER 318

H. B. No. 16

(Langley and Legislative Research Committee at the request of Public Welfare Board)

**RECOVERY FROM ESTATE OF RECIPIENT OF OLD AGE ASSISTANCE—
ALLOWING FOR PAYMENTS OF LAST ILLNESS AND FUNERAL
EXPENSES OF SPOUSE OF RECIPIENT**

AN ACT

To amend and reenact Section 50-0734 of the North Dakota Revised Code of 1943 pertaining to recovery from the estate of recipient of assistance and allowing for payments of last illness and funeral expenses of spouse of recipient of old age assistance.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That Section 50-0734 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

50-0734. RECOVERY FROM THE ESTATE OF RECIPIENT OF ASSISTANCE.] On the death of any recipient of old age assistance under the provisions of this chapter, the total amount of assistance paid under this chapter shall be allowed as a preferred claim against the estate of such person in favor of the estate, after funeral expenses for recipient and his or her spouse, not to exceed in each individual case one hundred fifty dollars, and such expenses of the last illness of recipient and spouse as are authorized or paid by the county agency, have been paid, and after the expenses of administering the estate, including the attorney's fees approved by the court, has been paid. No claim shall be enforced against the following:

1. Real estate of a recipient for the support, maintenance, or comfort of the surviving spouse or a dependent;
2. Personal property necessary for the support, maintenance, or comfort of the surviving spouse or a dependent;
3. Personal effects, ornaments, or keepsakes of the deceased, not exceeding in value two hundred dollars.

Approved March 1, 1947.