

1879

**Authorizing the binding out of indigent children by County Commissioners and relative thereto; to adopt children, and Jurisdiction of District and County Courts regarding the same.**

Colorado General Assembly

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## AN ACT

✓ Authorizing the binding out of indigent children by County Commissioners and relative thereto; to adopt children, and Jurisdiction of District and County Courts regarding the same.

*Be it enacted by the General Assembly of the State of Colorado:*

County superintendents may bind out indigent children.

SECTION 1. The county superintendents of the poor in the several counties of this state, may bind out to service to such person as the county commissioners shall choose, any child under the age of fourteen years, who is, or shall become chargeable to such county, and so continue for six months, until such child shall be eighteen years old; which binding shall be as effectual as if such child had bound himself, with consent of his parents.

Age.

SEC. 2. The age of any such child so bound shall be ascertained and inserted in the indentures, and shall be taken to be the true age of such child without further proof thereof.

What indenture shall contain.

SEC. 3. Whenever any child shall be bound out by the county superintendent of the poor of any county, the indenture shall contain an agreement on the part of the person to whom such child shall be bound that he will provide for such child in sickness and in health, with food and clothing and necessary medical attendance, and cause such child to be instructed to read and write, and in the common English branches of education, either in the public or other school in which the same branches are taught, at least three months in each and every year. All such indentures shall be executed in duplicate, one of which, delivered to the county superintendent of the poor, shall be by him deposited in the office of the county clerk and recorder of the county for safe keeping.

Superintendents to be guardians of persons bound.

SEC. 4. The county superintendents of the poor of the several counties shall be the guardians of every person bound or held in service in their respective counties, to take care that the terms of the contract of service shall be ful-

filled, and that the person so bound is properly used. And said board of county commissioners shall at all times have power, with or without complaint being made to them, to examine into the manner in which any such bounden child may be treated by the person to whom the same may be bound, and in their discretion, for any cause, to revoke any such indenture as above mentioned, and either to order such child to be bound to some other person, or be returned to its friends, or make such other disposition as they may see fit, consistent with the provisions hereinafter contained. Said superintendent shall inform the board of county commissioners of all complaints made to him of improper treatment of any such bounden child, and of any facts which in any way come to his knowledge of neglect or abuse on the part of any person having custody or control of any such child.

May revoke  
indenture for  
cause.

Shall inform  
county commis-  
sioners of all  
complaints.

SEC. 5. The person to whom any such child shall be bound shall be entitled to the services of such child, and shall have his sole and exclusive care and control during the time such indenture may continue in force; and no parent who shall suffer or permit his child to become a county charge, shall, after such child has been bound to service, have any right or authority to the custody or control of such child during the time for which such child is bound, except upon sufficient cause shown to the board of county commissioners, upon reasonable notice to the party to whom such child is bound, or cause shown why such notice cannot be given; and said commissioners shall have power to make such [an] order requiring, in proper cases, just compensation to be made by such parent to the party to whom such child may then be bound, before such parent shall be entitled to the benefit of any order of said commissioners in his or her behalf.

Person to whom  
child is bound to  
have exclusive  
control of same.

SEC. 6. It shall be the duty of the county commissioners to fully investigate the character and responsibility of every person to whom it may be proposed to bind any such child, and no such child shall be bound to any person unless the commissioners are fully satisfied of such person's

County commis-  
sioners to inves-  
tigate character  
of person to  
whom it is pro-  
posed to bind a  
child.

capacity, financially and morally, to comply with the true intent of the requirements of this act.

Adoption of  
indigent or-  
phans.

SEC. 7. The said county commissioners (and superintendent of the poor), shall have the same power and discretion to consent to the adoption of any orphan child who may have become a county charge, as the guardian or parent might have under any former law of this state; and said commissioners shall exercise the same care in ascertaining the character and capacity of the person proposing to adopt, as of a person proposing to take a child by binding; and shall have power to cancel any contract of adoption in case it shall appear that the same is abused, to the injury of the child thereby adopted.

Powers of dis-  
trict and county  
courts and  
judges thereof.

SEC. 8. Nothing herein contained shall in any way hinder, impede or limit the district court of the proper county, in the exercise of all powers at any time heretofore exercised by courts of chancery, in caring for and protecting the rights of infant orphans; but said district court, or the judge thereof in vacation, shall at all times, as well as the county court, and the judge thereof in vacation, have power to inquire into any grievance committed or suffered to exist against any such bound or adopted child, whether orphan or not; and to make any and every order in the matter touching its welfare as justice may require, and for that purpose to order issued every writ such court or judge may deem necessary and appropriate.

Chairman board  
of county com-  
missioners to  
be ex-officio  
superintendent  
of poor.

SEC. 9. That for the purposes of this act, the chairman of the board of county commissioners shall be *ex-officio* superintendent of the poor, in counties where there are no superintendents of the poor otherwise provided for.

Approved February 5, 1879.