

Y 3.  
W 89/2:

35  
Ut 1



WORKS PROGRESS ADMINISTRATION  
HARRY L. HOPKINS, ADMINISTRATOR

CORRINGTON GILL  
ASSISTANT ADMINISTRATOR

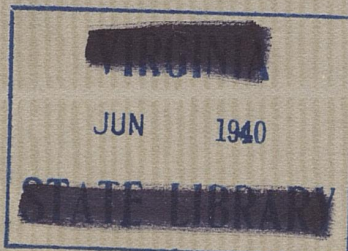
HOWARD B. MYERS, DIRECTOR  
SOCIAL RESEARCH DIVISION

DIGEST OF PUBLIC WELFARE PROVISIONS  
UNDER THE LAWS OF THE STATE OF  
UTAH

GOVERNMENT PUBLICATIONS

UNIVERSITY OF KENTUCKY  
LIBRARIES

MAY 1, 1936



HV  
A  
A  
A





PREPARED BY ROBERT C. LOWE AND DONNA SEARE  
LEGAL RESEARCH SECTION

UNDER THE SUPERVISION OF  
A. ROSS ECKLER  
COORDINATOR OF SPECIAL INQUIRIES



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. 9

Transferred to UK from LVA  
5/23/2012

HV  
75  
A.  
Utah



INDEX TO

ABSTRACT OF WELFARE LAWS OF STATE OF UTAH

<u>Public Welfare Provisions</u>	<u>Page</u>
General Poor Relief . . . . .	4201
Aid to Dependent Children in Their Own Homes. . . . .	4202
Care of Dependent and Neglected Children (Institutions and Agencies). . . . .	4204
Blind Assistance. . . . .	4206
Old Age Assistance. . . . .	4208
Veterans' Relief. . . . .	4210
 <u>Administrative Provisions</u>	
State Department of Public Welfare. . . . .	4211
Board of Corrections (State Prison) . . . . .	4214
Board of Pardons. . . . .	4220
State Hospital. . . . .	4223
State Training School . . . . .	4228
State Industrial School . . . . .	4232
Juvenile Court. . . . .	4236
Juvenile Court and Probation Commission . . . . .	4240
Board of County Commissioners . . . . .	4242
County Poor Commissioner . . . . .	4243
County Detention Schools . . . . .	4245
County Department of Public Welfare. . . . .	4247
Note on School for Deaf and Blind . . . . .	4248
Note on State-Aided Societies . . . . .	4249
Chart Showing Public Welfare Agencies	



DIGEST OF PUBLIC WELFARE PROVISIONSGENERAL POOR RELIEF(a) Description of class

Indigent sick or otherwise dependent poor persons. 1/

(b) Procedure for determining eligibility

Upon complaint made to the County Commissioners that any person is in distress, the Commissioners must make an examination into the facts of the case. 2/

No person may be received into any hospital or infirmary maintained by the county without an order of the County Commissioners or of the Commissioner of the Poor. 2/

(c) Measure of responsibility

Care in poorhouse 1/, medical care by county physician 1/, hospitalization in the county hospital or infirmary 1/, burial 3/, temporary relief and burial for non-residents. 3/

(d) Qualifications imposed

Residence in State one year and acquisition of legal settlement (residence in county 4 months during the year). No lawful settlement can be acquired by any indigent person while a recipient of charity. 4/ County Commissioners may compel support of poor by relatives. 5/

(e) Incidence of financial responsibility

On the county. 6/ (Obligation mandatory. 1/)

(f) Taxes

County Commissioners may levy an annual tax not exceeding one mill on the dollar. 7/

(g) Administrative agencies

County Boards of Commissioners or County Commissioners of the Poor. 8/ County Welfare Departments (when and if established) administer State and Federal funds. 9/

(h) Supervisory controls

The State Department of Public Welfare supervises administration of State and Federal funds. 10/

- 
- |  |                                    |
|--|------------------------------------|
| 1. Revised Statutes Ann. (1933), Sec. 19-5-55. | 6. Ibid, Sec. 19-5-62-55.          |
| 2. Ibid, Sec. 19-5-65.                         | 7. Ibid, Sec. 19-5-63-62.          |
| 3. Ibid, Sec. 19-5-57.                         | 8. Ibid, Sec. 19-5-64-55.          |
| 4. Ibid, Sec. 19-5-60.                         | 9. Laws (1935), Ch. 69,<br>Sec. 7. |
| 5. Ibid, Sec. 19-0-1.                          | 10. Ibid, Sec. 6.                  |



AID TO DEPENDENT CHILDREN IN THEIR OWN HOMES(a) Description of class

Widowed and dependent mother of child under 16. 1/  
 The term "widowed" is construed to include a mother whose husband is dead or permanently incapacitated for work by reason of mental or physical infirmities or confinement in a penal institution, or whose husband has been divorced from, or has deserted her, and an unmarried woman who is the mother of a child or children born out of wedlock. 2/

(b) Procedure for determining eligibility

Application to County Commissioners. The Commissioners may require more complete information from the applicant. 3/ (If State and Federal funds are made available application must be made to the County Departments of Public Welfare, if and when established. 4/)

(c) Measure of responsibility

Not to exceed \$40 per month. 5/

(d) Qualifications imposed

(a) Mother: Widowed and dependent on own efforts for maintenance of children 6/; husband dead, permanently incapacitated or confined in penal institution; divorced; deserted 2/; allowance necessary to enable her to remain home; proper person morally, physically, and mentally for bringing up children; may not receive allowance if support received from public funds within one year before taking up residence in county of application 7/; must make monthly report to County Commissioners. 3/

(b) Child: Must be living with mother; allowance necessary to save child from neglect. Children over 16 or any adult member of household must contribute proportionate share of household expenses. 7/

(e) Incidence of financial responsibility

On the county. 8/ (Obligation mandatory. 8/)

- 
1. Revised Statutes Ann. (1933), Sec. 14-5-2-6.
  2. Ibid, Sec. 14-5-11.
  3. Ibid, Sec. 14-5-3 (8).
  4. Laws (1935), Ch. 69.
  5. Revised Statutes Ann. (1933), Sec. 14-5-2.
  6. Ibid, Sec. 14-5-6.
  7. Ibid, Sec. 14-5-3.
  8. Revised Statutes Ann. (1933), Sec. 14-5-1.



AID TO DEPENDENT CHILDREN IN THEIR OWN HOMES (Cont'd)

(f) Taxes

No specific provision. County general fund. 9/

(g) Administrative agencies

County Board of Commissioners. 9/ (County Departments of Public Welfare, if State and Federal funds are made available. 10/)

(h) Supervisory controls

No provision. (State Department of Public Welfare if State and Federal funds are made available. 10/)

---

9. Revised Statutes Ann. (1933), Sec. 14-5-2.  
10. Laws (1935), Ch. 69.



CARE OF DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES)(a) Description of class

Dependent or neglected children who are under the age of 18 years. (Care may be continued until child becomes 21 years of age, in the discretion of the juvenile court. 1/)

(b) Procedure for determining eligibility

Any person may, and any peace officer must, give to the court information that a child is dependent or neglected; thereupon preliminary inquiries must be made under the direction of the Probation Department 2/, and subsequently a petition may be filed 3/ and summons served upon the parents, guardians or custodian of the child. 4/ The hearing may be conducted in an informal manner and must be regarded as an equity proceeding. 5/ At the conclusion of the hearing the court may:

(1) Commit the child to any suitable institution, Children's Aid Society or any other agency incorporated under the laws of the State and authorized to care for children or to place them in family homes;

(2) Place the child under such guardianship or custody as may be warranted by the evidence in the case and for the best interests of the child. 6/

(c) Measure of responsibility

Commitment to any suitable institution or Children's Aid Society or any other agency incorporated under the laws of the State and authorized to care for children or to place them in family homes; placement of children under such guardianship or custody as may be warranted by the evidence in the juvenile court hearing. 7/

(d) Qualifications imposed

None.

(e) Incidence of financial responsibility

The State contributes to certain private institutions caring for children, such as, the Children's Aid Society 8/, but the county of which the child is a resident is liable for the support of the child and the court may order the payment of a reasonable sum per day covering the actual number of days the child is cared for by the person, society, agency or institution. 9/ (Obligation for support mandatory on counties. 9/)

- 
1. Revised Statutes Ann. (1933), Sec. 14-7-4.  
For definitions of "dependent child" and "neglected child" see abstract of provisions regarding Juvenile Court, infra.
  2. Revised Statutes Ann. (1933), Sec. 14-7-12.  
Probation Department consists of probation officers. See "Juvenile Court".
  3. Revised Statutes Ann. (1933), Sec. 14-7-13.
  4. Ibid, Sec. 14-7-14, 14-7-15.
  5. Ibid, Sec. 14-7-25.
  6. Ibid, Sec. 14-7-42, 14-7-43, 14-7-29.
  7. Ibid, Sec. 14-7-29.
  8. Laws (1935), Ch. 138.
  9. Revised Statutes Ann. (1933), Sec. 14-7-47.



CARE OF DEPENDENT AND NEGLECTED CHILDREN (INSTITUTIONS AND AGENCIES) (Cont'd)

(f) Taxes

No specific provisions. (County general fund. 10/)

(g) Administrative agencies

Juvenile Courts. 11/ Probation Departments. 12/

(h) Supervisory controls

No provision.

---

10. Revised Statutes Ann. (1933), Sec. 14-7-47.  
11. Ibid, Sec. 14-7-29.  
12. Ibid, Sec. 14-7-11.



BLIND ASSISTANCE

(a) Description of class

Any person 16 years of age or over who by reason of loss or impairment of sight is in such condition that he cannot be rehabilitated for self-support through facilities offered by the Department of Education or the School for the Deaf 1/ or who is unable to provide himself with the necessities of life and has not sufficient means to maintain himself. 2/

(b) Procedure for determining eligibility

Application filed with the county clerk of the county in which applicant resides, accompanied by an affidavit signed by applicant stating his age, sex, places of residence during the preceding 7 years, his financial resources and income and such other data as the Board of County Commissioners may require. The clerk presents such application to the Board of County Commissioners 3/; subsequent hearings before County Commissioners at which 2 reputable citizens and a licensed physician must testify that they know applicant to be blind. 4/ The Board of Commissioners must investigate annually or oftener the qualifications of the blind pensioners. 5/

(c) Measure of responsibility

Cash pension not to exceed \$600 per year. 4/

(d) Qualifications imposed

Applicant must have resided in the State 7 years and in county one year preceding application. Applicant must have lost sight while a bona fide resident of the State and must have been a continuous resident during that time, and a resident in the county one year prior to making application. 6/

Applicant must not be an inmate of an institution supported in whole or in part by the State or any of its political divisions. No person may receive aid who is suffering from a mental or physical infirmity which in itself would make him a charge upon any other institution or agency of the State, where such infirmity is the primary cause of the need for aid requested. Applicant must not have relatives responsible for his support and financially able to support him. Applicant may not publicly solicit alms. 5/

Father, mother, child, grandchild, brother, sister, husband, or wife are responsible for the support of blind persons. 5/

- 
1. All laws governing the School for the Deaf as far as applicable must apply to the School for the Blind. Revised Statutes Ann. (1933), Sec. 85-3-16. It is assumed that School for the Blind is meant here.
  2. Revised Statutes Ann. (1933), Sec. 19-5-69.
  3. Ibid, Sec. 19-5-71.
  4. Ibid, Sec. 19-5-72.
  5. Ibid, Sec. 19-5-73.
  6. Ibid, Sec. 19-5-70.



BLIND ASSISTANCE (Cont'd)

(e) Incidence of financial responsibility

On the county. 7/ (Obligation mandatory. 8/)

(f) Taxes

The Boards of County Commissioners may levy a tax not to exceed one-tenth of a mill per dollar on the assessed value of the property of their respective counties. 9/

(g) Administrative agencies

Board of County Commissioners. 10/ (County Department of Public Welfare, if and when established, administers State and Federal funds. 11/)

(h) Supervisory controls

None. (State Department of Public Welfare administers State and Federal funds, if and when available. 11/)

- 
7. Revised Statutes Ann. (1933), Sec. 19-5-68, 74.
  8. Ibid, Sec. 19-5-73.
  9. Ibid, Sec. 19-5-68.
  10. Ibid, Sec. 19-5-71.
  11. Laws (1935), Ch. 69.



OLD AGE ASSISTANCE(a) Description of class

Any person over 65 who is incapacitated to gain a livelihood. 1/

(b) Procedure for determining eligibility

Application in writing supported by affidavit of 2 reputable citizens of the county 2/ to the Clerk of the Board of County Commissioners; subsequent hearing before the Board 3/, upon the conclusion of which the Board may grant or deny the relief. 4/

(c) Measure of responsibility

Not to exceed \$25 per month. 1/

Burial not to exceed \$100. 5/

(d) Qualifications imposed

Applicant must have been a United States citizen for 15 years last past 2/; must have resided in State for 15 years last past (absence not exceeding 3 years or absences in services of State or United States not deemed to interrupt continuous residence) or have resided in the State for 25 years and have resided therein continuously for 5 years last past. Applicant must have resided in county 5 years immediately preceding application. 2/

Applicant has not, during 10 years last past been imprisoned upon conviction of a felony or indictable misdemeanor; if a husband, has not, during 15 years last past deserted, or without just cause failed to provide adequate means for the support of his wife, or neglected to maintain and provide for the support of such of his children as were under 15 for a period of 6 months; if a wife, has not during 15 years last past without just cause deserted her husband or such of her children as were under 15; has not within one year last past been a vagrant or beggar; has no relative legally responsible for and able to support him 2/; is not receiving other aid from the State or any political subdivision thereof except for medical and surgical assistance 6/; imprisonment suspends pension during such imprisonment. 7/

Annual income must not exceed \$300 computed by adding to earned income 5% of market value of property. 2/ Board may require assignment of property as condition to granting aid. 4/ Applicant must not have directly or indirectly disposed or deprived himself of any property for the purpose of qualifying for aid. 2/

- 
1. Revised Statutes Ann. (1933), Sec. 19-12-2.
  2. Ibid, Sec. 19-12-3.
  3. Ibid, Sec. 19-12-5.
  4. Ibid, Sec. 19-12-6.
  5. Ibid, Sec. 19-12-11.
  6. Ibid, Sec. 19-12-13.
  7. Ibid, Sec. 19-12-16.



OLD AGE ASSISTANCE (Cont'd)

(e) Incidence of financial responsibility

On the county. 8/ (Obligation optional. 9/)

(f) Taxes

No specific provision. County general fund. 8/

(g) Administrative agencies

Board of County Commissioners. 10/ (County Departments of Public Welfare (if and when established) administer State and Federal funds if and when available. 11/)

(h) Supervisory controls

None.

(State Department of Public Welfare administers State and Federal funds if and when available. 11/)

---

8. Revised Statutes Ann. (1933), Sec. 19-12-1.  
9. Ibid, Sec. 19-12-2.  
10. Ibid, Sec. 19-12-6.  
11. Laws (1935), Ch. 69.



VETERANS' RELIEF(a) Description of class

Veterans of the Civil War, their widows, and army nurses, who are heads of families who by reason of sickness or other disability are in need. 1/

(b) Procedure for determining eligibility

Application to the Department Commander of the Grand Army of the Republic, which Department Commander presents his written request in behalf of the beneficiary, approved by the Attorney General, to the State Auditor who must draw his warrant on the State Treasurer for the amount specified. 2/

(c) Measure of responsibility

Cash pension not to exceed \$15 per month. 3/

Burial expenses of Civil War Veterans not to exceed \$100. 3/  
Burial may not be made in cemetery or burial ground used for the burial of paupers. 4/

(d) Qualifications imposed

(1) Pension: Applicant must have been actual and bona fide resident of the State of Utah for not less than 2 years. 1/

(2) Burial: Must have died a resident of the State. 5/

(e) Incidence of financial responsibility

On the county. 4/ (Obligation mandatory. 1/)

(f) Taxes

No specific provision.

Annual appropriation of \$6,000 from the State general fund. 6/

(g) Administrative agencies

Attorney General of the State and the Department Commander of the Grand Army of the Republic, Department of Utah. 7/

(h) Supervisory controls

None.

- 
1. Revised Statutes Ann. (1933), Sec. 98-2-1.
  2. Ibid, Sec. 98-2-3, 4.
  3. Ibid, Sec. 98-2-3.
  4. Ibid, Sec. 98-2-2.
  5. Ibid, Sec. 98-2-4.
  6. Ibid, Sec. 98-2-1; Laws (1935), Ch. 138.
  7. Ibid, Sec. 98-2-5.



ABSTRACT OF ADMINISTRATIVE PROVISIONSBOARD OF STATE DEPARTMENT OF PUBLIC WELFARE

(Statutory Body)

I. General Powers and Duties(a) Board of Public Welfare:

(1) After the Governor has made acceptance of executive and legislative provisions of the Federal Government, the State Department of Public Welfare is authorized and empowered to act as the sole agency of the State in administering and giving full force and effect to the provision promulgated or enacted and the Department may by rules and regulations adopted by it provide, in compliance with the Federal provisions, or independently, and in cooperation with the counties or other local districts, for the administration of any State or Federal funds for relief and welfare purposes. 1/

(2) The Department, by and with the consent of the Governor, is authorized to provide emergency relief to residents of the State who have been such continuously for at least one year preceding the date of this Act and who are in destitute and in necessitous circumstances. For this purpose the Department may cooperate, in its discretion, with counties, towns, or with private charity or relief organizations. It may adopt and enforce such rules and regulations as it may deem necessary or expedient for the administration of such emergency relief and it is authorized to do all things reasonable and necessary to prevent suffering and sickness amongst destitute residents of the State. 2/

(3) The Board must determine the policies of the Department. 3/

(4) The Board must adopt and enforce all of the rules and regulations it may deem necessary or advisable to manage, operate and control the Department and its functions, to comply with the rules and regulations and requirements of the Federal Government applicable to welfare matters. 3/

(5) The Board may create such divisions and bureaus within the Department as it may deem desirable and necessary to secure adequate functioning and administration of the Department and from the funds provided therefor it is authorized to expend such amount as may be necessary to cover its expenses and the administration and enforcement of the provisions of the Welfare Act. 3/

- 
1. Laws (1935), Ch. 69, Sec. 6.
  2. Ibid, Ch. 70.
  3. Ibid, Ch. 69, Sec. 4.



I. General Powers and Duties (Cont'd)(a) Board of Public Welfare (Cont'd)

(6) The State Department may establish county departments of public welfare in all counties or districts applying for State or Federal funds or where the Boards of County Commissioners request aid in the establishment of such departments. The State Board must fix standards governing the selection of directors or managers of county or district departments of public welfare which are to be charged with the administration of Federal, State, or local funds and all appointments to such positions may be made only after approval by the State Department. 4/

(7) If any executive or legislative Federal act which is accepted by the Governor requires as a condition to the participation of Federal funds that the State must contribute amounts of money, the Department is authorized to supply such funds and to distribute the funds provided by the Federal Government. 5/

(b) Governor:

The Governor is authorized in his discretion to accept in behalf of the State any executive or legislative provisions that may be enacted by the Federal Government whereby the State is permitted to participate in the distribution of any Federal funds. 5/

(c) Director:

The Director is responsible to the Board for the administration of the duties with which the Board or the Department is charged. He must establish offices in the State Capitol, appoint all necessary assistants and personnel to fill such positions as the Board may create from time to time and fix their compensation. 5/

II. Composition and Appointment of Governing Body

The Board consists of the Governor as Chairman of the Board and 6 other members appointed by him with the consent of the Senate for 4-year terms; no more than 3 of the appointees may be members of the same political party. The Governor may remove any member for any cause. All members of the Board must serve without pay save for actual traveling expenses. 7/

III. Reports

No provision.

---

4. Laws (1935), Ch. 69, Sec. 7.

5. Ibid, Sec. 5.

6. Ibid, Sec. 3.

7. Ibid, Sec. 2.



IV. Executive

The Director of Public Welfare is appointed by the Governor with the consent of the Senate for a 4-year term. 8/

V. Staff

The Director must appoint all necessary assistants and fill such positions as the Board may create, and fix their compensation. All appointments and compensation of employees are subject to approval by the Board, which may remove officers or employees at any time. 8/

VI. Financial Provisions

The Department is financed by appropriation from the Emergency Relief Fund of the State. 9/

Amount of Appropriation and Limitation of Funds:

The sum of \$2,000,000 is appropriated annually by the Governor from the Emergency Relief Fund of the State for the direct relief of the destitute and needy of the State. 9/

Administrative expenses are paid by appropriations from the Emergency Relief Fund. 9/

---

8. Laws (1935), Ch. 69, Sec. 3.

9. Ibid, Sec. 92.

A 2 percent sales tax was enacted in 1933, the proceeds of which are deposited to the Emergency Relief Fund.



BOARD OF CORRECTIONS 1/

(State Prison)

(Statutory Body)

I. General Powers and Duties(a) Warden:

(1) The Warden must exercise general superintendence of the Prison and superintend the business affairs thereof. 2/

(2) The Warden must give necessary directions to all inferior officers, keepers and guards and to ascertain whether they have been careful and vigilant in their respective duties. 2/

(3) The Warden must examine daily into the state of the Prison and the health, conduct and safe-keeping of the prisoners. 2/

(4) The Warden must use every proper means to furnish employment to the prisoners most beneficial to the State and best suited to their several capacities. 2/

(5) The Warden must superintend any manufacturing and mechanical business that may be carried on by the State within the Prison; receive the articles manufactured and dispose and sell them for the benefit of the State. 2/

(6) The Warden must take charge of the realty attached to and all of the personalty belonging to the Prison. 2/

(7) The Warden must inquire into the justice of any complaint made by any of the convicts relative to their food, clothing or treatment. 2/

(8) The Warden must under the direction of the Board, be the custodian of appropriations made by the Legislature and drawn from the State Treasury and of all funds belonging to the Prison and arising from the labor of convicts or the sales of manufactured articles. 2/

(9) The Warden must generally have charge of all departments of the Prison and its officers. 2/

(10) The Warden must cause to be posted in a conspicuous place outside of and within the buildings and upon the grounds of the Prison and at and near any camp where convicts are at work, notice of punishment for escape and assault upon inmates and guards. 3/

---

1. The Legislature must prohibit the contracting of prison labor and the labor of convicts outside prison grounds except for public works under the direct control of the State. Constitution, Art. XVI, Sec. 3 (2, 3).

2. Revised Statutes Ann. (1933), Sec. 85-9-13.

3. Ibid, Sec. 85-9-14.



I. General Powers and Duties (Cont'd)(a) Warden: (Cont'd)

(11) At the end of each month, the Warden must cover into the Treasury all moneys received by him from every source by virtue of his office, which money must be placed by the State Treasurer to the credit of the maintenance account of the Prison. 4/

(12) The Warden may employ, under such regulations as the Board adopts, convicts in the erection or repair of the buildings or walls of the Prison and in the operation and maintenance of the Prison. 5/

(13) The Warden or deputy may punish convicts for misconduct in the same manner and under such regulations as are adopted by the Board. A record must be kept by the Warden of punishments inflicted, and punishments may in no case be brutal or inhuman. No corporal punishment may be inflicted without the presence of the Prison physician. 6/

(14) When a convict is discharged from Prison, the Warden must furnish him with clothing not exceeding \$10 in value, as the Warden deems necessary and proper, provided the prisoner has less than \$10 of earnings to his credit. The Board may furnish such convict with cash not to exceed \$15. Instead of paying the discharged convict cash, the Warden may, in his discretion, expend the money and allowance or such portion thereof as may be necessary in paying the fare of the convict to his home or place of destination. 7/

(15) Whenever any convict escapes from the Prison, the Warden must take all proper measures for his apprehension and for that purpose he may offer an award not exceeding \$50 for the return of the convict. 8/

(b) Board of Corrections:

(1) It is the duty of the Board to adopt such rules and regulations for classification as will be conducive to reformation of the prisoners, and to classify the prisoners into 3 grades as follows: 8/

(a) Those prisoners appearing to be corrigible or less vicious than the others and likely to obey the laws and maintain themselves by honest industry after their discharge; 8/

(b) Those appearing to be incorrigible or more vicious but competent in their work and so reasonably obedient to discipline as not to seriously interfere with the productiveness of their labor; 8/

(c) Those who are incorrigible and incompetent otherwise than from ill health. 8/

---

4. Revised Statutes Ann. (1933), Sec. 85-9-15.

5. Ibid, Sec. 85-9-29.

6. Ibid, Sec. 85-9-39.

7. Ibid, Sec. 85-9-58.

8. Ibid, Sec. 85-9-57.



I. General Powers and Duties (Cont'd)(b) Board of Corrections: (Cont'd)

(2) The Board at its regular meetings must examine all of the different departments of the Prison and inquire into all matters connected with the government, discipline and policy thereof and the punishment and employment of the convicts therein confined. 9/

(3) The Board must examine the books, accounts, and vouchers of the Warden and clerk, the money, the purchases and sales of articles provided for the Prison or sold on account thereof, and ascertain whether or not the convicts are properly fed, clothed and governed. 9/

(4) The Board must inquire into any improper acts which may be alleged to have been committed by the Warden or any other officer or employee of the Prison. 9/

(5) The Board must have entered such facts respecting each person received into the Prison as can be ascertained, plus observed improvement or deterioration of character and notes as to methods of treatment employed. 10/

(6) The Board may make such regulations in respect to the food, rations, clothing and bedding of the convicts as the health, well-being and circumstances of each may require; but all diet, rations, clothing and beds and bedding must be plain, of good quality and in sufficient quantity for the sustenance and comfort of the convicts. 11/

(7) The Board must meet at least once in 6 months to determine what lines of productive labor are to be pursued in the Prison and in so determining the Board must select diversified lines of industry so as to interfere as little as possible with the same lines of industry carried on by the citizens of the State. No contract may be made for the labor of prisoners but they must be employed by the Warden under rules and regulations established by the Board. 12/

(8) The Board must examine and audit, before payment, all bills and accounts of the Prison at least monthly and enter a strict account of same in the books. After the accounts have been examined, entered and audited they must be transmitted by the Board to the State Auditor. 13/

---

9. Revised Statutes Ann. (1933), Sec. 85-9-25.

10. Ibid, Sec. 85-9-28.

11. Ibid, Sec. 85-9-26.

12. Ibid, Sec. 85-9-32 to 85-9-35.

13. Ibid, Sec. 85-9-44.



I. General Powers and Duties (Cont'd)

(b) Board of Corrections: (Cont'd)

(9) The Board may establish rules for the admission of visitors within the Prison and it may prescribe a reasonable sum, not more than 25¢ to be charged each individual for one admission. It is the duty of the Board to appropriate annually, out of the fees received from visitors, such sums as it may determine, for the purchase of books to be kept in the Prison for the use of convicts. 14/

(10) A school may be maintained in the Prison for the instruction of convicts confined there, and conducted under such regulations as may be made by the Board. 15/

(11) The Prison library for the use of convicts must be maintained under regulations made by the Board. 16/

(12) In case any pestilence or contagious disease breaks out among the prisoners in the Prison or in the vicinity thereof, the Board may cause the convicts to be removed to some suitable place of security. 17/

(c) Staff:

The guards, keepers and employees of the Prison must be ready at all times to attend to any duty required of them by the Warden. The keepers and guards are especially charged with the duties and responsibilities of a jailer. Any guard, keeper, or other employee who knowingly violates any rule or regulation adopted by the Board or who neglects to perform the duty required of him by the rules and regulations of the Prison is guilty of a felony. 18/

II. Composition and Appointment of Governing Body

The government and control of the State Prison are vested in a Board of Corrections which consists of the Governor ex officio, and 2 resident citizens of the State appointed by the Governor, by and with the consent of the Senate 19/, who may not be of the same political party. Each appointive member of the Board holds office for 4 years and until his successor is appointed and qualified. 20/ Each appointive member must give bond in the penal sum of \$1,000. 21/ They serve without compensation except actual expenses incurred. 19/

---

14. Revised Statutes Ann. (1933), Sec. 85-9-50.

15. Ibid, Sec. 85-9-51.

16. Ibid, Sec. 85-9-52.

17. Ibid, Sec. 85-9-53.

18. Ibid, Sec. 85-9-38.

19. Ibid, Sec. 85-9-5.

20. Ibid, Sec. 85-9-2.

21. Ibid, Sec. 85-9-3.



### III. Reports

The Board must require reports from the Warden and other officers of the Prison annually, and oftener if it deems it necessary, in relation to all matters connected with the management, business, discipline, money and property thereof and the conduct, condition and employment of the convicts confined therein. The biennial reports of the Board to the Governor and Legislature must show the whole number of convicts in the Prison, the whole number received during each of the 2 years, with the names of counties where they were received, and the crimes of which they were convicted, together with the number of those who have died or escaped, been discharged or pardoned. 22/

### IV. Executive

A Warden is appointed by the Board, to hold office during its pleasure. He must possess the ability and qualifications necessary to carry on successfully the industry of the Prison and must be a person who has the executive ability essential to the proper management of the officers and employees under his jurisdiction and to the maintenance of discipline in every department. 23/

In addition to his salary, the Warden is allowed the use of his house, fuel, lights and provisions for his family and for guests who visit him on business connected with the Prison. 24/

### V. Staff

The officers of the State Prison consist of one deputy Warden, one clerk, who is also a keeper, one physician and surgeon, a matron and as many keepers and guards as the Warden and the Board deems necessary. Each of the officers before entering on the duties of his office must take and subscribe the constitutional oath and file the same with the Secretary of the State. 25/ The clerk executes a bond to the State in the penal sum of \$5,000. 23/

Some suitable and discreet person is appointed as a parole agent by the Board to serve at its pleasure and his duties are prescribed by the Board. The parole agent has all the powers that guards, police officers and sheriffs possess, to be exercised within the State. 26/

The Board may appoint persons having the necessary practical knowledge to be overseers of such work as may be established, when in its judgment such appointments will promote the efficiency of such labor. 27/

---

22. Revised Statutes Ann. (1933), Sec. 85-1-2, 85-9-27.

23. Ibid, Sec. 85-9-7.

24. Ibid, Sec. 85-9-22.

25. Ibid, Sec. 85-9-6.

26. Ibid, Sec. 85-9-8.

27. Ibid, Sec. 85-9-9.



V. Staff (Cont'd)

The salaries of all officers and employees of the Prison are fixed by the Board of Corrections and paid monthly at the office of the Prison. Any officer of the Prison may, in the discretion of the Board, be allowed the use of a house or an apartment free of rent. No officer may receive perquisites, emoluments or supplies for himself or family other than the compensation allowed by the Board. The Board may require the keepers, guards, and such of the employees as it may designate to be lodged, messed, or boarded at the Prison. 28/

VI. Financial Provisions

This institution is financed by appropriations from the general revenue fund of the State. 29/

Amount of Appropriation:

The sum of \$172,000 is appropriated for the period beginning July 1, 1935 and ending June 30, 1937. 29/

Limitation of Funds:

Of the amount appropriated \$170,000 is for the support of the Prison and \$2,000 is for the Sheriff's expenses. 29/

---

28. Revised Statutes Ann. (1933), Sec. 85-9-22.  
29. Laws (1935), Ch. 138.



BOARD OF PARDONS 1/

(Constitutional Body)

I. General Powers and Duties(a) Governor:

The Governor has power to grant respites or reprieves in all cases of conviction for offenses against the State, except treason or conviction on impeachment, but such respites and reprieves may not extend beyond the next session of the Board of Pardons and the Board at such session must continue or determine such respites or reprieves or may continue the punishment or pardon the offense. 2/

(b) Board:

(1) The Board may adopt rules and regulations, not inconsistent with law, for its government, its meetings and hearings, the conduct of proceedings before it, provide for the parole of prisoners, for the reduction of sentences for good behavior and for the forfeiture of such reductions and especially provide for the granting of additional reduction of sentence conditioned upon a prisoner's good behavior and efficient work while employed on State roads, public buildings and public roads. 3/

(2) Except in cases of treason or impeachment, the Board may in its discretion remove the disabilities of any person who has lost his civil rights by reason of conviction of a public offense. 4/

(3) The Board may permit any prisoner of the State Prison or any county jail to go on parole outside of the prison building or other enclosure, provided that a prisoner who is imprisoned for murder in the first degree may not be permitted to go on parole until he has served at least 15 years' actual time in the State Prison. The concurrence of at least 4 members of the Board is necessary for the parole of a prisoner. 5/

---

1. Applications: Any person sentenced to the State prison may at any time after sentence, at any regular or special meeting of the Board of Pardons, apply to the Board to have the sentence terminated or commuted. All persons who desire may be heard either in favor of or in opposition to the application. The Board may obtain information from any and all available sources respecting such matters. In case an application is denied, a new application may be made within such time as the Board may fix, but every person so sentenced has the right to apply for termination or commutation of sentence at least once in each year during the imprisonment. Revised Statutes Ann. (1933), Sec. 67-0-5.

Indeterminate Sentences: The courts may not fix a definite term of imprisonment; the sentence and judgment of imprisonment must be for a period of time not less than the minimum and not to exceed the maximum term provided for the particular crime. Revised Statutes Ann. (1933), Sec. 105-36-20.

2. Constitution, Art. XVI, Sec. 12, Revised Statutes Ann. (1933), Sec. 67-0-2.  
 3. Revised Statutes Ann. (1933), Sec. 67-0-4.  
 4. Ibid, Sec. 67-0-6.  
 5. Ibid, Sec. 67-0-7.



I. General Powers and Duties (Cont'd)

(b) Board: (Cont'd)

(4) The Board has full power to retake and re-imprison any convict upon parole. The Board's written order, certified by the Secretary, is a sufficient warrant for all officers authorized to make arrests. 6/

(5) The Board may extend to each convict sentenced for any period less than life, who may not have been guilty of a breach of the laws of the prison, a reduction of sentence as provided by statute. 7/

(6) Prisoners forfeit their reduction time for violation of rules but any prisoner who feels himself aggrieved by the action of the Warden in depriving him of such time may appeal in writing to the Board. The Board may grant back to the prisoner the deduction forfeited. 8/

(c) Warden of the State Prison:

Board of Corrections:

The Board of Corrections and the Warden of the State Prison, upon the request of the Board of Pardons, must furnish the Board with a statement of the prisoner's deportment during his imprisonment. All information thus received must be treated as confidential. The Board of Corrections and the Warden may recommend to the Board of Pardons the parole of any prisoner confined in the prison and subject to parole. 9/

II. Composition and Appointment of Governing Body

The Governor, the 6 Justices of the Supreme Court and the Attorney General constitute the Board of Pardons. The hearings of the Board are conducted in open session after previous notice of the time and place of the hearing has been given. 10/ The Governor is Chairman of the Board. 11/

III. Reports

The proceedings and decision of the Board, with the reasons therefor in each case, together with the dissent of any member who may disagree must be reduced to writing and filed in the office of the Secretary of the State with all papers used in the hearing. 10/

IV. Executive

The Board may appoint and remove a secretary, define his duties and fix his salary. 11/

- 
6. Revised Statutes Ann. (1933), Sec. 67-0-8.
  7. Ibid, Sec. 67-0-10.
  8. Ibid, Sec. 67-0-12.
  9. Ibid, Sec. 67-0-9.
  10. Ibid, Sec. 67-0-1, 67-0-5, 105-36-20.
  11. Ibid, Sec. 67-0-3.



V. Staff

No provision.

VI. Financial Provisions

There is appropriated from the general fund of the State, for the administrative expenses of the Board, the sum of \$500 for the period July 1, 1935 to June 30, 1937. 12/

---

12. Laws (1935), Ch. 138.



BOARD OF TRUSTEES OF STATE HOSPITAL 1/

(Constitutional Body)

I. General Powers and Duties

(a) Board of Trustees:

(1) The government and control of the Hospital is vested in the Board of Trustees. 2/ The Board may make by-laws for its own government and government of the Hospital. 3/

(2) The Board may contract and be contracted with, and may sue and be sued in all matters pertaining to the Hospital. It may take and hold real and personal property required for its use and it may convert property so received and not suitable for its own use into money or property which is suitable for its use. 4/

---

1. The State Hospital is permanently located at Provo City in the County of Utah. Constitution, Art. 19, Sec. 3.

The object of this institution is to care for all insane persons residing within the State, also non-insane epileptics capable of mental improvement residing within the State, and to furnish them proper attendance, medical treatment, seclusion, rest, restraint, amusement, occupation, and support conducive to their physical and mental well-being. Laws (1935), Ch. 95, Sec. 85-7-10.

Admission: Application for admission must be made to the Superintendent of the Hospital, who must examine the patient and submit the evidence to the State Board of Trustees. The Board has authority to admit or reject the patient. In such cases, the patient must make application by his or her guardian, parent or friend, or by any member of the Board of County Commissioners of any county. Laws (1935), Ch. 95, Sec. 85-7-38.

The judges of the District Courts must have cognizance of all applications for admission to the Hospital and for the safe-keeping of insane persons within their respective districts. Revised Statutes Ann. (1933), Sec. 85-7-15. Application for admission must be made in the form of information. Ibid, Sec. 85-7-18.

The judge may require the alleged insane to appear before him. The District Attorney must represent the State at the hearing and any relative or friend of the applicant may be heard. The court must require the certificate of 2 physicians that applicant is insane before ordering commitment. Ibid, Sec. 85-7-19 through 23.

Non-residents of the State coming into the State while insane may, upon written recommendation of the Board of County Commissioners of the county in which such insane person is found, be returned by the Board of Trustees to the home or friends of such insane person, if known, and may not be permitted to be supported in the Hospital. This prohibition may not prevent the commitment to, and temporary care in, the Hospital of persons stricken with insanity while traveling through or temporarily sojourning in this State. The Board, upon recommendation of the Superintendent of the Hospital, may admit non-resident patients provided they pay, monthly in advance, the sum charged voluntary patients. Laws (1935), Ch. 95, Sec. 85-7-27.

2. Laws (1935), Ch. 94, Sec. 85-7-2.
3. Revised Statutes Ann. (1933), Sec. 85-7-5.
4. Ibid, Sec. 85-7-4.



I. General Powers and Duties (Cont'd)(a) Board of Trustees: (Cont'd)

(3) The Board must cause to be kept by its Secretary, a full and correct report of its proceedings, which record must be open at all reasonable times to the inspection of any citizen. It holds stated meetings monthly at the Hospital. 5/

(4) The Board must make a thorough inquiry into all departments of labor and expense and a careful examination of the property and general condition of the Hospital, at least once every 3 months. 5/

(5) The Board has the supervision and control of all insane persons in the State, whether residing in the Hospital or elsewhere. 6/

(6) The Board must ascertain and determine after a conference with the parents or guardians, the actual expense of caring for a patient and must assess the parents or guardians for that amount. 7/

(7) The Board, upon recommendation of the Superintendent, may place at board in any suitable family in this State any patient in the Hospital who has been regularly committed and is quiet and not dangerous. The support of the person must be paid monthly by the Hospital. The Superintendent, or his duly appointed assistant, must visit each such person at least every 3 months. 8/

(b) Superintendent:

(1) The Superintendent has general superintendence of the buildings, grounds and property of the Hospital, subject to the by-laws and regulations of the Board. 6/

(2) The Superintendent has control of the patients, prescribes and directs their treatment, adopts sanitary measures for their welfare, and may discharge such of them as, in his judgment, have recovered their reason. He must immediately certify to the Judge of the District from which such patient was committed, the fact of his recovery and discharge. 9/

(3) The Superintendent must have, with the approval of the Board, as many attendants or employees as he may deem necessary for the efficient and economical care and management of the Hospital, and with the consent of the Board he may fix their compensation and discharge any of them. He prescribes the duties of subordinate officers and employees, maintains discipline among them and enforces obedience to all regulations of the Institution. 9/

---

5. Revised Statutes Ann. (1933), Sec. 85-7-6.

6. Ibid, Sec. 85-7-7.

7. Laws (1935), Ch. 94, Sec. 85-7-2.

8. Laws (1935), Ch. 95, Sec. 2.

9. Laws (1935), Ch. 94, Sec. 85-7-11.



I. General Powers and Duties (Cont'd)

(b) Superintendent: (Cont'd)

(4) The Superintendent may, without the order of a Judge, receive any violent or dangerously insane person into the Hospital for temporary care. He may receive alcoholics, drug addicts, and cases of incipient insanity in the same manner. 10/

(5) The Superintendent may discharge a voluntary patient upon recovery or because further treatment in the Hospital may be unnecessary or undesirable. 11/

(c) Judge of the District Court:

(1) The Judges of the District Court must have cognizance of all applications for admission to the Hospital and for the safe-keeping of insane persons within their respective districts. 12/ The Judge may examine the informant under oath and must investigate the grounds for application. 13/ If the Judge finds the alleged insane to be insane he orders such person committed to the Hospital. 14/

(2) Upon notification from the Superintendent that a patient has recovered and is discharged, the Judge must immediately enter an order restoring the patient to competency. 15/

(3) If, after discharge, the person discharged is not cared for properly or is dangerous to persons or property, the Judge may order such person to be returned to the Hospital. 16/

(d) Steward:

The Steward, under the direction of the Superintendent, has general oversight of the farm, stock, garden, grounds, fences, buildings, furniture and apparatus of the Hospital, receives all personal property belonging thereto and must be responsible for the safe-keeping and economical disposition of same. He has charge of books and accounts of the Board of Trustees and, acting as the Secretary, must keep a record of its proceedings at all meetings. 17/

---

10. Revised Statutes Ann. (1933), Sec. 85-7-31 to 85-7-34.

11. Ibid, Sec. 85-7-36.

12. Ibid, Sec. 85-7-15.

13. Ibid, Sec. 85-7-19.

14. Ibid, Sec. 85-7-23.

15. Laws (1935), Ch. 94, Sec. 85-7-11.

16. Revised Statutes Ann. (1933), Sec. 85-7-29.

17. Laws (1935), Ch. 95, Sec. 85-7-14.



II. Composition and Appointment of Governing Body

The Board of Trustees consists of 7 persons appointed by the Governor, by and with the consent of the Senate. It must be non-partisan, serve without compensation and there must be at least 2 women and 2 regularly licensed physicians on the Board. The members serve 7-year terms and must subscribe to the official oath required by law. They elect a president who is one of their number, which president presides at meetings and signs all contracts. The State Treasurer is ex officio Treasurer of the Board. A majority of the Board constitutes a quorum for the transaction of business. No member of the Board may participate in the proceedings in which he or she has a personal interest. 18/

III. Reports

The Superintendent must report monthly to the Board and must submit an annual report to the Board, including accounts up to and including the last day of June of each year. 19/

IV. Executive

The Board appoints a competent Superintendent, who must reside in or near the Hospital and who holds his office during the pleasure of the Board. He receives an annual salary, payable monthly, to be fixed by the Board. He must be a well-educated, experienced physician, a graduate in medicine and must have practiced his profession at least 5 years since the date of his diploma. He is the chief executive officer of the Hospital. 20/

V. Staff

The Superintendent, with the approval of the Board, appoints as many attendants or employees as he may deem necessary for the efficient and economical care and management of the Hospital and, with the consent of the Board, may fix their compensation and discharge any of them. He prescribes the duties of subordinate officers and employees, maintains discipline among them and enforces obedience to all regulations of the institution. 20/

The Board, upon recommendation of the Superintendent, appoints a Steward who must give bond to the State with good and sufficient sureties in the penal sum of not less than \$5,000. 21/

VI. Financial Provisions

This institution is maintained by appropriations from the State general fund. 22/ The costs of examination, commitment and suitable clothing must be paid by the county from which the patient is committed. 23/

- 
18. Laws (1935), Ch. 94, Sec. 85-7-2.
  19. Revised Statutes Ann. (1933), Sec. 85-7-12.
  20. Laws (1935), Ch. 94, Sec. 85-7-11.
  21. Ibid, Ch. 95, Sec. 85-7-14.
  22. Ibid, Ch. 138.
  23. Revised Statutes Ann. (1933), Sec. 85-7-41.



VI. Financial Provisions (Cont'd)

The Board of County Commissioners may allow the examining physician \$5.00 for such examination unless the physician is otherwise paid. 24/

The expenses for the care and treatment of voluntary patients must be borne by the patient or by his relatives or friends or must be authorized by the Board of County Commissioners of the county in which he resides. 25/ The estate of the insane person is liable for the support paid by the State and the Board of Trustees is authorized to collect such sums from the estate. 26/ The State may pay persons caring for boarding patients not to exceed \$4.00 per week for the board of such persons. 27/ In case there is inadequate room in the Hospital for the patient committed to it, the Board of County Commissioners must require the person to be suitably provided for until his admission can be had. If such person is indigent, the county is entitled to receive from the State a sum equal to the amount allowed by the State for the cost of caring for indigent patients in the Hospital. 28/

Amount of Appropriation:

There was appropriated from the State general fund for a period beginning July 1, 1935 and ending June 30, 1937, \$435,000. 29/

Limitation of Funds:

No provision.

- 
24. Revised Statutes Ann. (1933), Sec. 85-7-39.  
25. Ibid, Sec. 85-7-35.  
26. Ibid, Sec. 85-7-43.  
27. Laws (1935), Ch. 95, Sec. 2.  
28. Revised Statutes Ann. (1933), Sec. 85-7-45.  
29. Laws (1935), Ch. 138.



BOARD OF TRUSTEES OF STATE TRAINING SCHOOL 1/

(Statutory Body)

I. General Powers and Duties

(a) Board of Trustees:

(1) The Board must make by-laws, not inconsistent with law, for its own government and the government of the School. 2/

(2) The Board must hold monthly meetings at the School for the transaction of business and provide in the by-laws for calling special meetings when necessary. 3/

(3) The Board must keep a record of its proceedings open at all times, during office hours, for the investigation of any citizen. 2/

(4) The Board must appoint a medical superintendent to hold his office during its pleasure. 2/

(5) The Board may receive, take, and hold property, both real and personal, in trust for the State for the use and benefit of the School. 2/

(6) The Board must visit the School and keep constantly advised of all items of labor and expense and of the condition of the School and its buildings and property, and make such improvements as in its judgment are necessary for the care of the inmates and in cases of absolute necessity, to remove them to the nearest possible safe and appropriate place. 2/

(7) The Board must cause the accounts of the School to be so kept and reported as to show the quantity and quality, cost, and vendor of every article purchased. 2/

---

1. Admission: All feeble-minded persons who are residents of the State, whose defects prevent them from receiving proper instruction and training in the public schools, or whose defects prevent them from properly taking care of themselves, or who are a social menace, may be admitted to the School. Revised Statutes Ann. (1933), Sec. 85-8-16. No feeble-minded convict or defective delinquent may be received into the School except such as in the judgment of the Superintendent may be benefited by training therein. Ibid, Sec. 85-8-15.

Application for Admission: Application is made to the district court on a form set out by statute. Witnesses must be summoned and a physician must make a personal examination of the patient, the physician must make an affidavit to the court regarding the patient's condition and the court may then make an order of commitment to the School. Ibid, Sec. 85-8-17, 19 through 23.

2. Revised Statutes Ann. (1933), Sec. 85-8-9.

3. Ibid, Sec. 85-8-6, 9.



I. General Powers and Duties (Cont'd)

(a) Board of Trustees: (Cont'd)

(8) The Board must examine and audit the accounts for all expenditures of the Superintendent, for salaries of employees and all other expenses incident to the conduct of the School and care and maintenance of the inmates, and, if approved, certify the same to the State Auditor. 4/

(9) The Board must make regulations and fix the terms for the admission of feeble-minded persons. 4/

(10) The Board must make requisition upon the Warden of the State Prison for prisoners to labor upon grounds of the School and the Warden must furnish as many prisoners as may be necessary. 5/

(11) The Board must maintain a school department for the instruction and training of feeble-minded persons who are within school age or who are capable of being benefited by school instruction and a custodial department for the care and custody of feeble-minded persons beyond the school age and not capable of being so benefited and must cause to be given to them instruction and training in unskilled labor and trades and in such arts, crafts, manual training, kindergarten, and occupations as may be appropriate for such persons to undertake. 6/

(b) Medical Superintendent:

The Medical Superintendent is the chief executive officer of the School. 6/

(1) He must manage the Training School, determine the treatment of inmates and prescribe and enforce the sanitary regulations. 7/

(2) He must ascertain and timely report to the Board of Trustees, the amount, character and quantity of provisions, fuel and clothing required for each 6 months ending on the first day of June and December. 7/

(3) He may, with the approval of the Board of Trustees make any expenditures necessary in the performance of his duties except for provisions, fuel and clothing. 7/

(4) He may take charge of all monies found upon any feeble-minded person admitted to the School, and, with the approval of the Board of Trustees, make fair and equitable charges and collect them from all patients who are able to pay, and account for all monies so received to the Board of Trustees. 7/

(5) He must keep a daily record of his official accounts in the manner prescribed by the by-laws. 7/

---

4. Revised Statutes Ann. (1933), Sec. 85-8-9.

5. Ibid, Sec. 85-8-5.

6. Ibid, Sec. 85-8-8.

7. Ibid, Sec. 85-8-12.



I. General Powers and Duties (Cont'd)(b) Medical Superintendent: (Cont'd)

(6) He must estimate quarterly, in advance, the probable expenses of the School and submit such estimate to the Trustees at a regular meeting for its consideration and approval. 8/

II. Composition and Appointment of Governing Body

The government and control of the School is vested in a Board of Trustees consisting of 7 members. 8/ Such members are appointed by the Governor, with the consent of the Senate. 9/ At least 2 must be women and 2 regularly licensed physicians. Not more than 4 members of the Board at any one time may be of the same political party. The term of office is 7 years. The members of the Board serve without compensation. Before entering upon their official duties the Trustees must each take and subscribe to the Constitutional oath. 10/

The Board elects a president, from one of its own number, and a secretary. The president presides at meetings and signs all contracts. The State Treasurer is ex officio treasurer of the Board. A majority of the Board constitutes a quorum for the transaction of business but a smaller number may adjourn from time to time. 11/ Each Trustee is reimbursed for all the necessary expenses incurred in the performance of his official duties; such accounts to be allowed paid as all other accounts against the School. 12/

III. Reports

The Board must make a biennial report to the Governor on or before the first day of October preceding each regular session of the Legislature and the Governor transmits the same to the Legislature. 13/ The Superintendent of the School must report to the Board of Trustees annually. 8/

IV. Executive

The Board of Trustees appoints a Medical Superintendent who holds his office during the pleasure of the Board. 14/ He must be a graduate in medicine, trained in psychiatry, with special training and institutional experience in the care and training of feeble-minded persons. 15/ The Superintendent must reside at or near the School and give his entire attention to promoting the best interests of the institution. His salary is fixed by the Board of Trustees. 15/ He must execute an official bond to the State in the sum of \$5,000. 16/

---

8. Revised Statutes Ann. (1933), Sec. 85-8-12.

9. Ibid, Sec. 85-1-1.

10. Ibid, Sec. 85-8-2.

11. Ibid, Sec. 85-8-3.

12. Ibid, Sec. 85-8-10.

13. Ibid, Sec. 85-8-4.

14. Ibid, Sec. 85-8-9.

15. Ibid, Sec. 85-8-11.

16. Ibid, Sec. 85-8-14.



V. Staff

The Superintendent may with the approval of the Board of Trustees, appoint, control, and remove attendants, assistants, teachers and all other employees and fix their compensation. He must also prescribe and enforce the duties of the employees. 17/

VI. Financial Provisions

This institution is supported by appropriations from the State general fund. 18/

Amount of Appropriation:

There was appropriated to the School out of the State general fund for the period beginning July 1, 1935 and ending June 30, 1937 the sum of \$145,000. 18/

Limitation of Funds:

No provision.

---

17. Revised Statutes Ann. (1933), Sec. 85-8-12.

18. Laws (1935), Ch. 138.



BOARD OF TRUSTEES OF STATE INDUSTRIAL SCHOOL 1/

(Statutory Body)

I. General Powers and Duties(a) Board of Trustees:

(1) The government, management, operation, and control of the School are vested in the Board of Trustees. 2/

(2) The Board may contract and be contracted with, sue and be sued in all matters concerning the School. 3/

(3) The Board may take in the name of the State and hold in trust for the School, realty and personalty and may convert property not suitable for the use of the School into property which is suitable. 3/

(4) The Board may enact by-laws and rules for the regulation of all concerns of the institution. 3/

(5) The Board must see that the affairs of the institution are conducted in accordance with the requirements of law and that strict discipline is maintained. 3/

(6) The Board must provide employment and instruction for the inmates and exercise vigilant supervision of the institution, its officers and inmates. 3/

(7) The Board must visit the Industrial School as often as it deems necessary to inquire into all matters connected with the government and discipline thereof; and one or more of the Trustees must visit the School once a month. 4/

1. Purpose: This School, located in Ogden City, is for the confinement, discipline, education, employment and reformation of the juvenile offenders committed to it by law. Revised Statutes Ann. (1933), Sec. 86-6-1.

Location: The State Reform School is located at Ogden City in the County of Weber. Constitution, Art. XIX, Sec. 3 (2).

Commitments: Commitments are made by juvenile courts of the State. Revised Statutes Ann. (1933), Sec. 14-7-29.

An inmate must remain in the School until he arrives at the age of 21 years or is legally discharged. No person may be committed to the School for a term to extend beyond the time when he becomes 21 and the Board by its order may, at any time after 6 months served, upon satisfactory evidence of reformation, discharge any inmate. If any inmate proves unruly or incorrigible the Board has power to order his removal to the county from which he came and he must be dealt with as if no order committing him to the School has been made. Revised Statutes Ann. (1933), Sec. 85-6-14 through 16.

2. Revised Statutes Ann. (1933), Sec. 85-6-2.

3. Ibid, Sec. 85-6-5.

4. Ibid, Sec. 85-6-8.



I. General Powers and Duties (Cont'd)

(a) Board of Trustees: (Cont'd)

(8) The Board must cause the inmates to be instructed in correct principals of morality and in such branches of useful knowledge as is adapted to their ages and capacities. 5/

(9) The Board may establish rules and regulations under which any inmate may be allowed to go on parole outside the building, but the inmate must remain in the legal custody and under the control of the Board and is subject to be returned within the enclosure of the institution at any time. 6/

(10) The Board may at its discretion bind out inmates, with their consent or the consent of their parents or guardians, as apprentices or servants during their minority. Such inmates must remain in the legal custody and under the supervision of the Board and are subject at any time to be returned to the institution. 7/

(11) The Board may in its discretion contract with any institution organized in the State for the reformation of females for the care of any girl who is committed to the State Industrial School and may pay for such care out of the funds appropriated to the State Industrial School. Such girl shall remain in the legal custody and under the supervision of the Board and is subject to return at any time. 8/

(b) Superintendent:

Whenever any inmate of the Industrial School is about to become a mother, the Superintendent of the School must at once notify the County Commissioners of the county from which she was committed. If the County Commissioners fail, within 10 days after such notice, to provide a suitable place for her confinement she may be placed by the Board of Trustees in some suitable place for her welfare until after her child is born. As soon after the child is born as the condition of the mother permits, she may be returned to the School. 9/

II. Composition and Appointment of Governing Body

The Board of Trustees consists of the Attorney General, the State Superintendent of Public Instruction and 5 resident citizens of the State 10/, appointed by the Governor, with the consent of the Senate. 11/ Not more than 3 members appointed may be of the same political party and they are appointed for 4-year terms. 10/ Each trustee, except the State Superintendent of Public Instruction, must qualify by taking the Constitutional oath of office

- 
5. Revised Statutes Ann. (1933), Sec. 85-6-9.
  6. Ibid, Sec. 85-6-10.
  7. Ibid, Sec. 85-6-11.
  8. Ibid, Sec. 85-6-12.
  9. Ibid, Sec. 85-6-18.
  10. Ibid, Sec. 85-6-2.
  11. Ibid, Sec. 85-1-1.



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

and giving a bond to the State in the penal sum of \$1,000. 12/ The members of the Board receive no compensation for their time or service, except their actual and reasonable expenses incurred in the performance of their duties. 13/

The Board elects from its number a president and treasurer and appoints a secretary who may not be a member of the Board. The treasurer, under the direction of the Board is custodian of all funds belonging to the School. 14/ The secretary and treasurer must each give bond to the State in such penal sum as the Board may determine. 15/

III. Reports

The Board must make a detailed report to the Governor biennially on the first day of October preceding each regular session of the Legislature. 16/

IV. Executive

The Board must appoint a Superintendent who may not be a member of the Board. 14/ The Superintendent must give bond to the State in such penal sum as the Board may determine. 15/

V. Staff

The Board appoints a steward and teachers and such other officers as in its judgment the wants of the institution may require and prescribes their duties; it may remove any officer at its pleasure and determine the salaries to be paid officers. 17/

VI. Financial Provisions

The institution is financed by direct appropriation from the State general fund. 18/ The county from which any pregnant girl is committed, is liable for the expnses of her confinement and her maintenance while away from the School for the purpose of her confinement. 19/

Amount of Appropriation:

The sum of \$150,000 was appropriated to the School out of the State Treasury for the period beginning July 1, 1935 and ending June 30, 1937, for administration of the School and the heating plant. 18/

- 
12. Revised Statutes Ann. (1933), Sec. 85-6-3.
  13. Ibid, Sec. 85-6-4.
  14. Ibid, Sec. 85-6-6.
  15. Ibid, Sec. 85-6-7.
  16. Ibid, Sec. 85-6-5.
  17. Ibid, Sec. 85-6-2.
  18. Laws (1935), Ch. 138.
  19. Revised Statutes Ann. (1933), Sec. 85-6-19.



JUVENILE COURT 1/

(Statutory Body)

I. General Powers and Duties

(a) Judge:

(1) The Court has exclusive jurisdiction of all cases relating to the neglect, dependency, and delinquency of children who are under 18 years of age, except in felony cases, and the custody, and guardianship of the person, trial and care of such neglected, dependent, and delinquent children and the employment of children as provided by law; and also has jurisdiction over adult persons for all misdemeanors committed by them relating to the custody, abuse, guardianship, employment, neglect, dependency, delinquency, and care of children who are under 18 years of age. 2/

---

1. The Juvenile Court is a special court of record existing in every judicial district of the State, or in such juvenile court districts as the Juvenile Court and Probation Commission may establish. Revised Statutes Ann. (1933), Sec. 14-7-2.

Definitions: (a) Delinquent child: A child who has violated any State law or any ordinance or regulation of a subdivision of the State; by reason of being wayward or habitually disobedient is uncontrolled by his parent, guardian or custodian; is habitually truant from school or home; so deports himself as to injure or endanger the morals or health of himself or others.

(b) Neglected child: A child who is abandoned by his parent, guardian or custodian; who lacks proper parental care by reason of the fault or habits of the parent, guardian or custodian; whose parent, guardian or custodian 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; whose parent, guardian or custodian neglects or refuses to provide the special care made necessary by his mental condition; who is found in a disreputable place; or who associates with vagrant, vicious or immoral persons; who engages in an occupation or is in a situation dangerous to life or limb or injurious to the health or morals of himself or others.

(c) Dependent child: A child who is homeless or destitute or without proper support or care through no fault of his parent or guardian; who lacks proper care by reason of the mental or physical condition of the parent, guardian or custodian; whose custody is in question or dispute. Revised Statutes Ann. (1933), Sec. 14-7-5.

The jurisdiction of the Juvenile Court, once acquired, must continue until the child becomes 21 years of age, unless discharged prior thereto or unless committed to the State Industrial School or the District Court. Revised Statutes Ann. (1933), Sec. 14-7-4 (37).

An appeal may be taken to the Supreme Court of Utah. Revised Statutes Ann. (1933), Sec. 14-7-33.

2. Revised Statutes Ann. (1933), Sec. 14-7-4 (2).



I. General Powers and Duties (Cont'd)(a) Judge: (Cont'd)

(2) In any case in which the Court finds a child neglected, dependent, or delinquent, it may at the same, or in any subsequent proceedings inquire into the ability of the parents of the child to support the child, or contribute thereto, or into the fitness of such parents to continue in the custody and control of the child. The Court may enter an order or decree that is just, according to the evidence. 3/

(3) In any case where a juvenile 14 years of age or over is charged with an offense which, if committed by an adult, would be a felony, the Juvenile Court has concurrent jurisdiction with the District Court. In such cases the Juvenile Court either makes a determination of the case or binds the child over to the District Court. 4/

(4) If during the pendency of a criminal or quasi-criminal charge against a person in any other court, it is ascertained that the person was under the age of 18 at the time of committing the alleged offense, the Court must transfer the case immediately to the Juvenile Court, which must dispose of the case as if it were originally instituted in the Juvenile Court. 5/

(5) Any person may, and any peace officer must, give to the Court information that a child is delinquent, dependent or neglected. Thereupon preliminary inquiries must be made under the direction of the Probation Department 6/, and subsequently a petition may be filed 7/ and summons served upon the parents, guardians, or custodian of the children 8/. A hearing may be conducted in an informal manner and must be regarded as an equity proceeding. 9/ At the conclusion of the hearing the Court may dismiss the case or may render a decree and judgment that the child is delinquent, dependent, or neglected and may: (a) Place the child on probation or under supervision in its own home or in the custody of relatives or other fit person under such terms as the Court determines; 10/ (b) Commit the child to the State Industrial School or to any suitable institution or children's aid society or other agency incorporated under the laws of the State and authorized to care for children or to place them in family homes or any institution or agency provided by the State or county; 10/ (c) Require a child to make restitution for the damage or loss caused by his wrongful acts; 10/ (d) Place a child under such guardianship or custody as may be warranted by the evidence and for the best interest of the child; 10/ (e) Dispose of the child in any other way, except to commit the child to jail or prison, that may in the discretion and judgment of the court under all circumstances be for the best interests of the child. 10/

- 
3. Revised Statutes Ann. (1933), Sec. 14-7-4 (2).
  4. Ibid, Sec. 14-7-4 (2), 14-7-28.
  5. Ibid, Sec. 14-7-6.
  6. Ibid, Sec. 14-7-12.
  7. Ibid, Sec. 14-7-13.
  8. Ibid, Sec. 14-7-14, 14-7-15.
  9. Ibid, Sec. 14-7-25.
  10. Ibid, Sec. 14-7-29.



I. General Powers and Duties (Cont'd)

(a) Judge: (Cont'd)

(6) No judgment or decree of the Juvenile Court may operate after the child becomes 21 years of age and all orders, judgments, and decrees, except commitments to the District Court or to the State Industrial School may be modified or revoked by the Court at any time before the child becomes 21 years of age. 11/

(7) No adjudication upon the status of any child by the Juvenile Court may operate or impose any of the civil disabilities ordinarily imposed by conviction in a criminal case. Neither the record of the disposition of a child nor any evidence given in the Juvenile Court is admissible as evidence against the child in any case or proceedings in any other court. 12/

(8) Any person over 18 years of age who by act, words, or conduct, or by an omission to do something required by law to be done, induces any juvenile to do or perform any act or to follow any course of conduct or to deport himself in any manner that would cause such juvenile to become or to remain delinquent, is guilty of a misdemeanor, and the Juvenile Court of the county wherein such offense is committed has jurisdiction to administer such penalty or punishment as is prescribed by law for misdemeanors. 13/

(9) Any person over 18 years of age who, having the employment, care, custody, control, or charge, of a child under 18, wilfully neglects, ill-treats, or abuses such child is guilty of a misdemeanor and the Juvenile Court where the offense is committed has jurisdiction to administer any penalty as is prescribed by law for misdemeanors. 14/

(10) The local Board of Health and the Juvenile Court judge must inspect the premises of maternity hospitals and infant homes at least once every 6 months and must keep on file a report of such inspection. 15/

(b) Probation Department:

(1) The Probation Department must make and keep written records of such investigation as the Court may decree, and submit same to the judge to deal with them as he may desire. 16/

(2) The Department must keep informed concerning the conduct and condition of each person on probation and report thereon to the judge as he may desire. 16/

(3) Probation officers have the power of police officers and act for the State in the filing of complaints and conducting proceedings against any person guilty of contributing to the delinquency, dependency, or neglect of children. 16/

- 
11. Revised Statutes Ann. (1933), Sec. 14-7-30.
  12. Ibid, Sec. 14-7-32.
  13. Ibid, Sec. 14-7-50.
  14. Ibid, Sec. 14-7-51.
  15. Ibid, Sec. 35-6-13.
  16. Ibid, Sec. 14-7-11.



II. Composition and Appointment of Governing Body

Juvenile Court and Probation Commission appoints and may remove Juvenile Court judges.

See abstract of "Juvenile Court and Probation Commission".

III. Reports

No provision.

IV. Executive

In each judicial district of the State, or in such Juvenile Court district as the Juvenile Court and Probation Commission may establish, the Commission must appoint for each district a judge of the Juvenile Court. The judge must be chosen in accordance with such tests as the Commission may devise in order to determine his special qualifications for Juvenile Court work. Each judge holds office for a term of 4 years and may be removed by the Commission at its discretion. The salary of the judges is fixed and paid by the Commission with a maximum of \$3,600 and not less than \$300 annually. 17/

V. Staff

The judge of the Juvenile Court in each district, must, with the consent of the Commission, appoint a clerk of the Juvenile Court who must keep a record of the proceedings of the Court and perform all clerical work and discharge such duties as the judge may assign to him. In addition thereto, the clerk may be a Probation Officer. He receives a salary to be fixed and paid by the Commission not to exceed \$1,800 per annum. 18/

In each Juvenile district the judge of the Juvenile Court, with the advice and consent of the Commission, must appoint a Chief Probation Officer and as many assistants as may be necessary who serve during the pleasure of the Court; All Probation Officers who are to receive salaries must be appointed from eligible lists established through competitive examination conducted by the Commission. Such examination must have reference to education, training, previous experience, health, ability, personality, character, and special aptitude for the work. 19/ Such officers receive as compensation not more than \$2,400 and not less than \$60 per year as is determined by the Commission, payable out of any fund available. The judge may appoint an Assistant Probation Officer to serve without pay. 20/

---

17. Revised Statutes Ann. (1933), Sec. 14-7-2.

18. Ibid, Sec. 14-7-3.

19. Ibid, Sec. 14-7-7.

20. Ibid, Sec. 14-7-8.



V. Staff (Cont'd)

The judge may appoint a Probation Officer or any other suitable person as Referee to hold office during the pleasure of the judge. The hearing of any case may be referred to such Referee by order of the Court, or the judge may direct that all cases of a certain class or within a certain area to be designated by him, must be heard in the first instance by the Referee. Upon the conclusion of the hearing, in each case, the Referee must transmit to the Court all papers relating to the case, together with his conclusions and recommendations in writing. 21/

VI. Financial Provisions

The costs of maintaining Juvenile Courts are paid from the general fund of the State. 22/

The salaries of Probation Officers are payable out of any fund available, provided that any city or county, upon recommendation of the judge of the Juvenile Court, may provide for the payment of the salary and expenses of any Assistant Probation Officer to serve within the area of such city or county. 20/

Amount of Appropriation:

See "Financial Provisions" under "Juvenile Court and Probation Commission".

---

21. Revised Statutes Ann. (1933), Sec. 14-7-9.

22. Ibid, Sec. 14-7-1.



JUVENILE COURT AND PROBATION COMMISSION

(Statutory Body)

I. General Powers and Duties

(1) The Commission has general control and supervision over the Juvenile Courts and Probation Officers of the Courts, including the power to fix the salaries of the officers, provide Court rooms and necessary equipment, supplies and other incidentals. 1/

(2) The Commission may establish Juvenile Court districts in the State. 2/

(3) The Commission must appoint for each judicial district or each Juvenile Court district a Judge of the Juvenile Court. The Judge must be chosen in accordance with such tests as the Commission may devise in order to determine the Judge's special qualifications for Juvenile Court work. 2/

(4) The Commission must approve the appointment, made by the Judge of the Juvenile Court, of the Clerk of the Juvenile Court. 6/

(5) The Commission may advise the Judges of the Juvenile Courts in the appointment of Probation Officers and must consent to the appointment made by the Judges. 7/

(6) The Commission determines the salaries to be paid the Probation Officers, such compensation not to be more than \$2,400 nor less than \$60 per year. 8/

II. Composition and Appointment of Governing Body

The Juvenile Court and Probation Commission consists of the Governor, Attorney General and the State Superintendent of Public Instruction. 1/

- 
1. Revised Statutes Ann. (1933), Sec. 14-7-1.
  2. Ibid, Sec. 14-7-2.
  3. Ibid, Sec. 14-7-46.
  4. Ibid, Sec. 14-7-37.
  5. Ibid, Sec. 14-7-38.
  6. Ibid, Sec. 14-7-3.
  7. Ibid, Sec. 14-7-7.
  8. Ibid, Sec. 14-7-8.



