

[CHAPTER 309]

AN ACT

June 1, 1938

[H. R. 4276]

[Public, No. 571]

To amend an Act entitled "An Act to create a juvenile court in and for the District of Columbia", and for other purposes.

Juvenile Court Act
 of the District of Co-
 lumbia, amendments.
 34 Stat. 73.
 18 D. C. Code, ch. 6.

Purpose and basic
 principle.

Construction of the
 Act.

A court of record;
 seal; oaths.

Terms.

Application of Act.

Definitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act entitled "An Act to create a juvenile court in and for the District of Columbia", approved March 19, 1906, as amended, is, with the exception of section 1 of said Act, hereby further amended so as to read as follows:

"PURPOSE AND BASIC PRINCIPLE.—The purpose of this Act is to secure for each child under its jurisdiction such care and guidance, preferably in his own home, as will serve the child's welfare and the best interests of the State; to conserve and strengthen the child's family ties whenever possible, removing him from the custody of his parents only when his welfare or the safety and protection of the public cannot be adequately safeguarded without such removal; and, when such child is removed from his own family, to secure for him custody, care, and discipline as nearly as possible equivalent to that which should have been given by his parents.

"SEC. 2. CONSTRUCTION OF THE ACT.—This Act shall be liberally construed to accomplish the purpose herein sought.

"SEC. 3. A COURT OF RECORDS; SEAL; OATHS.—Said court shall be a court of record. The court shall have a seal, and the judge or acting judge thereof shall have power to administer oaths and affirmations.

"SEC. 4. TERMS.—The said court shall hold a term on the first Monday of every month and continue the same from day to day as long as it may be necessary for the transaction of its business.

"SEC. 5. APPLICATION OF ACT AND DEFINITIONS.—

"(a) This Act shall apply to any person under the age of eighteen years—

"(1) Who has violated any law; or who has violated any ordinance or regulation of the District of Columbia; or

"(2) Who is habitually beyond the control of his parent, custodian, or guardian; or

"(3) Who is habitually truant from school or home; or

"(4) Who habitually so deports himself as to injure or endanger himself or the morals or safety of himself or others; or

"(5) Who is abandoned by his parent, guardian, or custodian; or

"(6) Who is homeless or without adequate parental support or care, or whose parent, guardian, or custodian neglects or refuses to provide support and care necessary for his health or welfare; or

"(7) Whose parent, guardian, or custodian neglects or refuses to provide or avail himself of the special care made necessary by his mental condition; or

"(8) Who associates with vagrants, vicious, or immoral persons; or

"(9) 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; or

"(b) When used in this Act—

"(1) The words 'the court' means the juvenile court of the District of Columbia;

"(2) The word 'judge' means the judge of the juvenile court;

"(3) The word 'child' means a person under the age of eighteen years;

"(4) The word 'adult' means a person eighteen years of age or older.

"SEC. 6. JURISDICTION.—1. CHILDREN.—Except as herein otherwise provided, the court shall have original and exclusive jurisdiction of all cases and in proceedings:

"(a) Concerning any child coming within the terms and provisions of this Act.

"(b) Concerning any person under twenty-one years of age charged with having violated any law, or violated any ordinance or regulation of the District of Columbia, prior to having become eighteen years of age, subject to appropriate statutes of limitation.

"(c) To determine the paternity of any child alleged to have been born out of wedlock and to provide for his support in accordance with the provisions of an Act providing for the support and maintenance of children born out of wedlock, approved June 18, 1912 (D. C. Code, title 18, secs. 281-287); in which cases the respondent shall be entitled to jury trial unless he shall voluntarily waive such right and request trial by the court.

"(d) To determine the custody or guardianship of the person of any child coming within the provisions of this Act.

"Nothing contained herein shall deprive other courts of the right to determine the custody of children upon writs of habeas corpus, or when such custody is incidental to the determination of causes pending in such courts.

"When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes twenty-one years of age unless discharged prior thereto: *Provided, however,* That nothing herein contained shall affect the jurisdiction of other courts over offenses committed by such child after he reaches the age of eighteen.

"2. ADULTS.—The court shall have original and exclusive jurisdiction to determine cases of adults charged with willfully contributing to, encouraging, or tending to cause by any act or omission any condition which would bring a child within the provisions of this Act.

"The court shall have concurrent jurisdiction with the District Court of the United States for the District of Columbia in all cases involving children arising under the Act entitled 'An Act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances', approved March 23, 1906 (D. C. Code, title 6, secs. 270-273).

"SEC. 7. INFORMATION; INVESTIGATION; PETITION.—Whenever any person shall give to the director of social work of the court, or other officer of the court duly designated as his representative, information in his possession that a child is within the provisions of this Act, it shall be the duty of a duly designated officer of the court to make preliminary investigation to determine whether the interests of the public or of the child require that further action be taken and report his finding, together with a statement of the facts, to the director of social work. Whenever practicable such inquiry shall include a preliminary investigation of the home and environmental situation of the child, his previous history, and the circumstances which were the subject of the information. If the director of social work finds that jurisdiction should be acquired, he shall, after consultation with and approval by the corporation counsel or assistant corporation counsel assigned to the court, authorize a petition to be filed. In any case in which said director fails to so find, the person giving information to the director may present the facts to the corporation counsel or his assistant, who, after investigation by an officer

Jurisdiction.
Children.

General provisions.

Offenders, under 21
years.

Children born out
of wedlock; determi-
nation of paternity,
support.

37 Stat. 134.
18 D. C. Code §§ 281-
287.

Custody or guard-
ianship.

Right of other courts
to determine custody
upon writs of habeas
corpus, etc.

Continuation of ju-
risdiction when once
obtained until age of
21; exception.

Proviso.
Jurisdiction over
offenses committed
after age of 18.

Adults.
Contributing to de-
linquency, etc., of
children.

Concurrent jurisdic-
tion in abandonment,
etc., cases.

34 Stat. 86.
6 D. C. Code §§ 270-
273.

Information.

Investigation.

Filing of petition.

of the court as herein provided, may authorize a petition to be filed. The proceedings shall be entitled, 'In the matter of _____, a child under eighteen years of age'.

Verification.

"The petition shall be verified by the officer making the investigation, or some other person having personal knowledge of the case, and shall allege briefly the facts which bring said child within the provisions of this Act, and stating the name, age, and residence (1) of the child; (2) of his parents; (3) of his legal guardian, if there be one; (4) of the person or persons having custody or control of the child; and (5) of the nearest known relative, if no parent or guardian can be found. If any of the facts herein required are not known by the petitioner the petition shall so state.

Summons; notice; custody of the child.

"SEC. 8. SUMMONS; NOTICE; CUSTODY OF THE CHILD.—After a petition shall have been filed, unless the parties hereinafter named shall voluntarily appear, the court shall issue a summons reciting briefly the substance of the petition, and requiring the person or persons who have the custody or control of the child to appear personally and bring the child before the court at a time and place stated. If the person so summoned shall be other than the parent or guardian of the child, then the parent or guardian or both shall also be notified of the pendency of the case and of the time and place appointed, by personal service before the hearing, except as hereinafter provided: *Provided*, That if the child is married then the other spouse shall also be so notified. Summons may be issued requiring the appearance of any other person whose presence is necessary.

If other than parent or guardian.

Proviso.
Notification to other spouse if child is married.

Custody of child by court.

"If it appears that the child is in such condition or surroundings that his welfare requires that his custody be immediately assumed by the court, the judge may cause to be endorsed upon the summons an order that the officer serving the same shall at once take the child into custody.

Service of summons.

Provisos.
Service by registered mail or by publication.

"SEC. 9. SERVICE OF SUMMONS.—Service of summons shall be made personally by the delivery of a true and attested copy to the person summoned: *Provided*, That where reasonable but unsuccessful efforts have been made to make personal service of summons or notice and if it shall appear that it is impracticable to do so, the court may make an order providing for service of summons or notice by registered mail to the last known address or by publication, or both, as may be deemed necessary. It shall be sufficient to confer jurisdiction if service is effected at any time before the date fixed in the summons for the return thereof: *Provided*, That on request of the parent or guardian or person having custody of the child, the hearing on the petition shall not take place until three days subsequent to service of said summons.

Deferring hearing on request of child's custodian.

Execution of orders and processes of court.

"The United States marshal for the District of Columbia or his deputy shall execute the orders and processes of the court in the same manner as he executes those of the District Court of the United States for the District of Columbia, and shall designate at least one of his deputies to serve at the court, where he shall perform such services as are required by the judge.

Failure to obey summons; warrant.

"SEC. 10. FAILURE TO OBEY SUMMONS; WARRANT.—If any person summoned as herein provided shall, without reasonable cause, fail to appear, he may be proceeded against for contempt of court. In case the summons cannot be served, or the parties served fail to obey the same, or the welfare of the child requires that he shall be brought forthwith into the custody of the court, a warrant may be issued against the parent or guardian or against the child himself.

Release of children taken into custody.

"SEC. 11. RELEASE OF CHILDREN TAKEN INTO CUSTODY.—Whenever any officer takes a child into custody, he shall, unless it is imprac-

licable or has been otherwise ordered by the court, accept the written promise of the parent, guardian, or custodian to bring the child to the court at the time fixed. Thereupon such child may be released in the custody of a parent, guardian, or custodian. If not so released, such child shall be placed in the custody of a probation officer or other person designated by the court, or taken immediately to the court or to a place of detention provided by the Board of Public Welfare, and the officer taking him shall immediately notify the court and shall file a petition when directed to do so by the court.

"In the case of any child whose custody has been assumed by the court and pending the final disposition of the case, the child may be released in the custody of a parent, guardian, or custodian, or of a probation officer or other person appointed by the court, to be brought before the court at the time designated. When not released as herein provided, such child, pending the hearing of the case, shall be detained in such place of detention as shall be provided by the Board of Public Welfare, subject to further order of the court.

"Nothing in this Act shall be construed as forbidding any peace officer, police officer, or probation officer from immediately taking into custody any child who is found violating any law or ordinance, or who is reasonably believed to be a fugitive from his parents or from justice, or whose surroundings are such as to endanger his health, morals, or safety, unless immediate action is taken. In every such case the officer taking the child into custody shall immediately report the fact to the court and the case shall then be proceeded with as provided in this Act.

"SEC. 12. TRANSFER FROM OTHER COURTS.—If during the pendency of a criminal or quasi-criminal charge against any person under twenty-one years of age, in any other court, it shall be ascertained that said person was under the age of eighteen years at the time of committing the alleged offense, it shall be the duty of such court to transfer such other case immediately, together with all the papers, documents, and testimony connected therewith, to the juvenile court. Such other court making such transfer shall order the child to be taken forthwith to the place of detention designated by the court or to that court itself, or release such child in the custody of some suitable person to appear before the juvenile court at a time designated. The court shall thereupon proceed to hear and dispose of such case in the same manner as if it had been instituted in that court in the first instance.

"SEC. 13. WAIVER OF JURISDICTION.—If a child sixteen years of age or older is charged with an offense which would amount to a felony in the case of an adult, the judge, after full investigation, may waive jurisdiction and order such child held for trial under the regular procedure of the court which would have jurisdiction of such offense if committed by an adult; or such other court may exercise the powers conferred upon the juvenile court in this Act in conducting and disposing of such case.

"SEC. 14. HEARING; JUDGMENT.—The court may conduct the hearing in an informal manner, and may adjourn the hearing from time to time. In the hearing of any case the general public shall be excluded and only such persons as have a direct interest in the case and their representatives admitted. All cases involving children may be heard separately and apart from the trial of cases against adults. The court shall hear and determine all cases of children without a jury unless a jury be demanded by the child, his parent, or guardian or the court.

Taking children into custody.

Report to court.

Transfer from other courts.

Waiver of jurisdiction.

Hearing; judgment.

Court orders.	"If the court shall find that the child comes within the provisions of this Act, it may by order duly entered proceed as follows:
Probation, etc.	"(1) Place the child on probation or under supervision in his own home or in the custody of a relative or other fit person, upon such terms as the court shall determine.
Commitments.	"(2) Commit the child to the Board of Public Welfare; or to the National Training School for Girls or the National Training School for Boys if in need of such care as is given in such schools; or to a qualified suitable private institution or agency willing and able to assume the education, care, and maintenance of such child without expense to the public.
Further disposition.	"(3) Make such further disposition of the child as may be provided by law and as the court may deem to be best for the best interests of the child: <i>Provided</i> , That nothing herein shall be construed as authorizing the removal of the child from the custody of his parents unless his welfare and the safety and protection of the public cannot be adequately safeguarded without such removal.
<i>Proviso.</i> Removal of child from parents only when conditions demand it.	
Support of child.	"Whenever a child is committed by the court to custody other than that of its parent, the court may, after giving the parent a reasonable opportunity to be heard, adjudge that such parent shall pay in such manner as the court may direct such sum as will cover in whole or in part the support of such child, and if such parent shall willfully fail or refuse to pay such sum, he may be proceeded against as provided by law for cases of desertion or failure to provide subsistence.
Refusal to provide.	
Information to accompany order of commitment.	"Whenever the court shall commit a child to any institution or agency it shall transmit with the order of commitment a summary of its information concerning such child.
Imposition of civil disabilities, etc.	"No adjudication upon the status of any child in the jurisdiction of the court shall operate to impose any of the civil disabilities ordinarily imposed by conviction, nor shall any child be deemed a criminal by reason of such adjudication, nor shall such adjudication be deemed a conviction of a crime, nor shall any child be charged with or convicted of a crime in any court, except as provided in section 13 of this Act. The disposition of a child or any evidence given in the court shall not be admissible as evidence against the child in any case or proceeding in any other court, nor shall such disposition, or evidence or adjudication operate to disqualify a child in any future civil-service examination, appointment, or application for public service under either the Government of the United States or of the District of Columbia.
Admissibility of evidence in any other court.	
Use of, to disqualify in public employment.	
Modification of judgment.	"SEC. 15. MODIFICATION OF JUDGMENT; RETURN OF CHILD TO PARENTS.—An order of commitment or probation made by the court in the case of a child shall be subject to modification or revocation from time to time.
Return of child to parents, etc.	"A parent, guardian, or next friend of a child who has been committed by the court to the custody of an institution, agency, or person, may at any time file with the court a verified petition, making application for modification or revocation of an order of commitment or probation, stating that such institution, agency, or person has denied application for the release of the child or has failed to act upon such application within a reasonable time. If the court is of the opinion that an investigation should be had, it may, upon due notice to all concerned, proceed to hear and determine the question at issue. It may thereupon order that such child be restored to the custody of its parent or guardian or be retained in the custody of the institution, agency, or person; and may direct such institution, agency, or person to make such other arrangements for the child's care and welfare as the circumstances of the case may require; or the court may make a further order or commitment.

"SEC. 16. APPOINTMENT OF GUARDIAN.—Whenever in the course of a proceeding instituted under this Act it shall appear to the court that the welfare of a child will be promoted by the appointment of a relative or other suitable individual as guardian of its person, when such child is not committed to an institution or to the custody of an incorporated society, the court shall have jurisdiction to make such appointment either upon the application of the child or some relative or next friend or upon the court's own motion, and in that event an order to show cause may be made by the court to be served upon the parent or parents or custodian of said child in such manner and for such time prior to the hearing as the court may deem reasonable. In a case arising under this Act the court may also determine as between parents whether the father or the mother shall have the custody and control of said child.

Appointment of guardian.

"SEC. 17. SELECTION OF CUSTODIAL AGENCY.—In placing a child under any guardianship or custody other than that of its parent, the court shall, when practicable, select a person, or an institution or agency governed by persons of like religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then of the religious faith of the child, or if the religious faith of the child is not ascertained, then of either of the parents.

Selection of custodial agency.

"SEC. 18. PROCEDURE IN ADULT CASES.—All provisions of this Act relative to procedure in cases of children so far as practicable shall be construed as applying also to cases against adults arising under section 6 of this Act with the consent of the defendant or when not inconsistent with other provisions of law relating to the conduct of adult cases. Proceedings may be instituted upon complaint of an interested party or upon the court's own motion, and a reasonable opportunity to appear shall be afforded the respondent. The court may issue a summons, a warrant of arrest, or other process in order to secure or to compel the attendance of any necessary person. Any person who by act or omission willfully causes, encourages, or contributes to any condition which would bring a child within the provisions of this Act, or who by such act or omission tends to cause such a condition, shall be guilty of a misdemeanor and punished by a fine not exceeding \$200 or imprisoned not exceeding twelve months, or by both fine and imprisonment. Upon the trial of such cases the court shall have power to impose such sentence as the law provides, or may suspend sentence and place on probation, and by order impose upon such adult such duty as shall be deemed to be for the best interests of the child or other persons concerned. If an adult is charged with an offense for which he is entitled to a trial by jury, he shall be so tried unless he shall expressly waive his right to such a trial.

Procedure in adult cases.

Ante, p. 597.

Penalty.

Jury trials.

"SEC. 19. APPOINTMENT AND QUALIFICATIONS OF JUDGE.—The judge of the court shall be appointed by the President of the United States, by and with the consent of the Senate, for a term of six years, or until his successor is appointed and confirmed. To be eligible for appointment as judge a person must be a member of the bar, preferably of the District of Columbia, and have a knowledge of social problems and procedure and an understanding of child psychology. The judge shall, before entering upon the duties of his office, take the oath prescribed for judges of courts of the United States. The salary of the judge shall be fixed in accordance with the Classification Act of 1923, as amended.

Judge, appointment and qualifications.

Oath.

Salary.

5 U. S. C. §§ 661-674; Supp. III, §§ 673, 673c.

"SEC. 20. FILLING VACANCY IN JUDGESHIP IN CASES OF SICKNESS, AND SO FORTH.—In cases of sickness, absence, disability, or death of the judge of the juvenile court, the chief justice or acting chief justice of

Filling vacancy in case of sickness, etc.

the District Court of the United States for the District of Columbia shall designate one of the judges of the municipal court of said District to discharge the duties of said judge of the juvenile court until such disability be removed or vacancy filled.

Director of social
work, etc.
Appointments.

5 U. S. C. §§ 661-674;
Supp. III, §§ 673, 673c.

Duties and powers
of director of social
work.

Duties and powers
of department of pro-
bation.

Clerk, duties.

Physical and mental
examinations and
treatment.

Place of detention.

Proviso.
Segregation.

"SEC. 21. APPOINTMENT OF DIRECTOR OF SOCIAL WORK, SUPERVISOR OF PROBATION, PROBATION OFFICERS AND OTHER EMPLOYEES.—The judge shall appoint from eligible lists of the Civil Service Commission a director of social work, a supervisor of probation, probation officers, a clerk, a deputy clerk, and such other employees as may be necessary, at such salaries as may be fixed in accordance with the Classification Act of 1923, as amended, and with such qualifications as may be prescribed by the Civil Service Commission pursuant to said Act or Acts.

"SEC. 22. DUTIES AND POWERS OF THE DIRECTOR OF SOCIAL WORK.—Under the administrative direction of the judge, the director of social work shall have charge of all the social work of the court; and shall, in association with other social agencies of the District of Columbia, study sources and causes of delinquency and assist in developing and correlating community-wide plans for the prevention and treatment of delinquency.

"SEC. 23. DUTIES AND POWERS OF THE DEPARTMENT OF PROBATION.—The supervisor of probation, under the direction of the director of social work, shall organize, direct, and develop the work of the probation department of the court.

"The probation department of the court shall make such investigations as the court may direct, keep a written record of such investigations and submit the same to the judge or deal with them as he may direct. The probation department shall use all suitable methods to aid persons on probation and bring about improvement in their conduct and condition; keep informed concerning the conduct and condition of each person under its supervision and report thereon to the judge as he may direct and keep full records of its work. The probation officers shall have such duties as may be assigned to them in the course of performing the functions of the probation department. Probation officers for the purpose of this Act shall have the power of police officers.

"SEC. 24. DUTIES OF THE CLERK.—The clerk shall give bond, with surety, and take the oath of office prescribed by law for clerks of District Courts of the United States. He shall have power to administer oaths and affirmations; shall keep accurate and complete accounts of money collected from persons under the supervision of the probation department, give receipts therefor, and make reports thereon as the judge may direct; and shall perform such duties and keep such records as may be prescribed by the judge of said court.

"SEC. 25. PHYSICAL AND MENTAL EXAMINATIONS AND TREATMENT.—The court may cause any child coming under its jurisdiction to be examined by a physician, psychiatrist, or psychologist appointed by the court.

"SEC. 26. PLACE OF DETENTION.—No child under eighteen years of age shall be placed in or committed to any prison, jail, or lock-up, nor shall such child be taken into custody, detained, or transferred from place to place, where he may be brought in contact or communication with any adult convicted of crime or under arrest and charged with crime: *Provided*, That a child sixteen years of age or older, whose habits or conduct are deemed such as to constitute a menace to other children, may, with the consent of the judge or director of social work, be placed in a jail or other place of detention for adults, but in a room or ward separate from adults.

"The Board of Public Welfare of the District of Columbia shall make adequate provision for the temporary detention of children within its jurisdiction in a detention home or in boarding homes selected for purposes of such detention.

Provision for temporary detention by Board of Public Welfare.

"SEC. 27. COURT QUARTERS.—Suitable quarters shall be provided by the Commissioners for the District of Columbia for the hearing of cases and for the use of the judge and the probation department and employees of the court.

Court quarters.

"SEC. 28. RECORDS; FORMS.—The court shall maintain records of all cases brought before it. Such records shall be open to inspection by respondents, their parents or guardians, or their duly authorized attorneys, but otherwise only by order of the District Court of the United States for the District of Columbia. The court shall devise and cause to be printed such forms for records and such other papers as may be required.

Records; forms.

"SEC. 29. RULES.—The court shall have power to issue all necessary orders and writs in aid of the jurisdiction hereby vested in it; and to frame and publish rules and regulate the procedure for cases arising within the provisions of this Act and for the conduct of its officers and employees and such rules shall be enforced and construed beneficially for the remedial purposes embraced herein.

Rules.

"SEC. 30. COOPERATION.—It is hereby made the duty of every official of the District of Columbia or department thereof to render all assistance and cooperation within his or its jurisdictional power which may further the objects of this Act. All institutions or agencies to which the court sends any child are hereby required to give to the court or to any officer appointed by it such information or reports concerning such child as said court or officer may require. The court is authorized to seek the cooperation of all societies or organizations having for their object the protection or aid of children.

Cooperation of officials, departments, etc.

"SEC. 31. COOPERATION BY CORPORATION COUNSEL.—The corporation counsel of the District of Columbia or his assistant shall assist the court upon request in hearings to determine delinquency, dependency, or neglect, and shall prosecute all cases within the jurisdiction of the court in which an adult is charged with crime.

Cooperation by corporation counsel.

"SEC. 32. CONTEMPT.—Any person who willfully violates, neglects, or refuses to obey or perform any order of the court may be declared in contempt and be punished by a fine not exceeding \$200 or imprisonment for not more than six months, or both.

Contempt.
Penalty.

"SEC. 33. APPEAL.—Any interested party aggrieved by any final order or judgment of the juvenile court may apply to the United States Court of Appeals for the District of Columbia or to one of the justices thereof for the allowance of an appeal, and the said court or justice may allow such appeal whenever in the opinion of said court or justice the order or judgment ought to be reviewed upon any matter of law. The application for said appeal shall be in writing, shall be verified, and shall state fully the grounds on which the same is asked, and shall include the petition and a narrative statement of the evidence authenticated by the judge of the juvenile court and the assignment or assignments of error relied on, and shall be presented to said Court of Appeals, or one of the justices thereof, within such time as that court may by rule prescribe. If an appeal is allowed, the same shall be placed upon the special calendar and shall be heard by the court as soon thereafter as is convenient to the court and as counsel may be heard. Any party desiring the benefit of the provisions of this section shall give notice in open court

Appeal.

Provido.
Appeal not to suspend juvenile court order, etc.

Appellate court order; effect, etc.

Fees prohibited.

Jury; term of service.

Impanelling the jury.

Judgments to be final.

Fines to be paid to clerk.

Deposit of receipts.

of his intention to apply for an appeal: *Provided*, That the appeal or application for the allowance of such appeal shall not suspend the order of the juvenile court, nor shall it discharge the child from the custody of that court or of the person, institution, or agency to whose care such child shall have been committed, unless the court of appeals shall so order. If the United States Court of Appeals for the District of Columbia does not dismiss the proceedings and discharge the child, it shall affirm or modify the order of the juvenile court and remand the child to the jurisdiction of the juvenile court for supervision and care, and thereafter the child shall be and remain under the jurisdiction of the juvenile court in the same manner as if such court had made said order without an appeal having been taken.

"SEC. 34. FEES PROHIBITED.—No fee shall be charged for any service rendered by the clerk or by any officers of the court.

"SEC. 35. JURY; TERM OF SERVICE.—The jury for service in said court shall consist of twelve persons, who shall have the legal qualifications necessary for jurors in the District Court of the United States for the District of Columbia, and shall receive a like compensation for their services, and such jurors shall be drawn and selected under and in pursuance of the laws concerning the drawing and selection of jurors for service in said court. The term of service of jurors drawn for service in said juvenile court shall be for three successive monthly terms of said court, and in any case on trial at the expiration of such time until a verdict shall have been rendered or the jury shall be discharged. The said jury terms shall begin on the first Monday in January, the first Monday in April, the first Monday in July, and the first Monday in October of each year, and shall terminate, subject to the foregoing provisions, on the Saturday prior to the beginning of the following term. When at any term of said court it shall happen that in a pending trial no verdict shall be found, nor the jury otherwise discharged before the next succeeding term of the court, the court shall proceed with the trial by the same jury as if said term had not commenced.

"SEC. 36. IMPANELING THE JURY.—At least ten days before the term of service of said jurors shall begin, as herein provided for, such jurors shall be drawn as hereinbefore directed, and at least twenty-six names so drawn shall be certified by the clerk of the District Court of the United States for the District of Columbia to the said juvenile court for service as jurors for the then ensuing term. Deficiencies in any panel of any such jury may be filled according to the law applicable to jurors in said supreme court, and for this purpose the judge of said juvenile court shall possess all the powers of a judge of said supreme court and of said court sitting as a special term. No person shall be eligible for service on a jury in said juvenile court for more than one jury term in any period of twelve consecutive months, but no verdict shall be set aside on such ground unless objection shall be made before the trial begins. The marshal of said District, by himself or deputy, shall have charge of said jury, and may appoint a deputy for that purpose.

"SEC. 37. JUDGMENTS TO BE FINAL.—In all cases tried before said court the judgment of the court shall be final, except as provided in section 33 of this Act.

"SEC. 39. FINES TO BE PAID TO CLERK; DEPOSIT OF RECEIPTS; STATEMENTS.—All fines, penalties, costs, and forfeitures imposed or taxed by the said juvenile court shall be paid to the clerk of said court, either with or without process, or on process ordered by said court. The clerk of said court shall, on the first secular day of each week, deposit with the collector of taxes the total amount of all fines,

penalties, costs, and forfeitures collected by him during the week next preceding the date of such deposit, to be covered into the Treasury to the credit of the District of Columbia. The said clerk shall render an itemized statement of each deposit aforesaid to the auditor of the District of Columbia.

"SEC. 40. AUDIT OF ACCOUNTS.—It shall be the duty of the auditor of the District of Columbia, and he is hereby required, to audit the accounts of the clerk of the juvenile court at the end of every quarter and to make prompt report thereof in writing to the Commissioners of the District of Columbia. The auditor of the District shall have free access to all books, papers, and records of the said court.

"SEC. 41. SEPARABILITY OF PROVISIONS.—If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act, and the application of such provision to other persons or circumstances, shall not be affected thereby.

"SEC. 42. CONTINUANCE IN OFFICE.—The judge and other officers holding office at the date of the passage of this Act shall continue in office until the terms for which they were appointed shall expire and until their successors are duly appointed and qualified.

"SEC. 43. TITLE OF STATUTE.—This Act may be cited as the 'Juvenile Court Act of the District of Columbia'.

"SEC. 44. REPEAL.—All Acts or parts of Acts inconsistent with this Act are hereby repealed."

Approved, June 1, 1938.

Itemized statements.

Audit of accounts.

Separability of provisions.

Continuance in office of present judge and other officers.

Short title.

Repeal of inconsistent laws.

[CHAPTER 310]

AN ACT

To authorize payments in lieu of allotments to certain Indians of the Klamath Indian Reservation in the State of Oregon, and to regulate inheritance of restricted property within the Klamath Reservation.

June 1, 1938

[H. R. 5974]

[Public, No. 572]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act the term "Klamath Tribe" includes the members of the Klamath and Modoc Tribes and the Yahooskin Band of Snakes and all other Indians having rights on the Klamath Indian Reservation in the State of Oregon.

SEC. 2. Each enrolled member of the Klamath Tribe living on the date of the enactment of this Act who has not received an allotment of land shall be paid the sum of \$1,500 from unobligated Klamath tribal funds on deposit in the Treasury of the United States, under such rules and regulations as the Secretary of the Interior shall prescribe, in installments of not to exceed \$300 per annum: *Provided*, That no member of the Klamath Tribe who shall not be enrolled within one year from the date of the enactment of this Act shall receive a payment in lieu of allotment. No member of the Klamath Tribe born after the date of the enactment of this Act shall be entitled to receive any allotment of land or money payment in lieu thereof.

SEC. 3. The payments herein authorized shall be deposited to the credit of the individual Indian money accounts of such Indians subject to expenditure by such Indians, under such rules and regulations as the Secretary of the Interior may prescribe for (1) industrial and agricultural assistance, and the construction and improvement of homes, including the purchase of land and interests in land, building material, farming equipment, industrial equipment, trucks, livestock, feed, food, seed, tools, machinery, implements, household goods, bedding, clothing, and any other equipment or supplies necessary to enable the Indians to fit themselves for or to engage in the farming,

Klamath Indians, Oreg.
"Klamath Tribe" construed.

Payment to each enrolled member who has not received allotment of land.

Annual installments.

Proviso.
Enrollment requirements.

Members born hereafter.

Deposit of payments to credit of individual Indian money accounts.

Authorized expenditures.