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Wage deductions for employee trust funds.

"(g) The provisions of this section shall not apply to, or render unlawful, deductions made by an employer from the wages of a seaman, pursuant to the written consent of the seaman, if (1) such deductions are paid into a trust fund established for the sole and exclusive benefit of seamen employed by such employer, and their families and dependents (or of such seamen, families, and dependents jointly with seamen employed by other employers and their families and dependents); and (2) such payments are held in trust for the purpose of providing, either from principal or income or both, for the benefit of such seamen, their families, and dependents, medical and/or hospital care, pensions on retirement or death of the seamen, life insurance, unemployment benefits, compensation for illness or injuries resulting from occupational activity, sickness, accident, and disability compensation, or any one or more of the foregoing benefits, or for the purpose of purchasing insurance to provide any one or more of such benefits."

Approved January 10, 1951.

[CHAPTER 1225]

AN ACT

Relating to children born out of wedlock.

January 11, 1951
[S. 1122]
[Public Law 917]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for the support and maintenance of bastards in the District of Columbia", approved June 18, 1912 (37 Stat. 134), as amended February 22, 1921 (41 Stat. 1144), and March 16, 1926 (44 Stat. 208), be, and the same is hereby, repealed.

D. C. Code §§ 11-943 to 11-950, 22-903.

Short title.

SEC. 2. TITLE.—This Act may be cited as "An Act Relating to Children Born Out of Wedlock".

SEC. 3. JURISDICTION.—The juvenile court of the District of Columbia is hereby given jurisdiction of all cases arising under this Act. Proceedings shall be instituted in the name of the District of Columbia and prosecution upon information shall be by the Corporation Counsel for the District of Columbia or any of his assistants.

SEC. 4. TIME OF BRINGING COMPLAINT.—Proceedings to establish paternity and provide for the support of a child born out of wedlock may be instituted after four months of pregnancy or within two years after the birth of the child, or within one year after the putative father has ceased making contributions for the support of such child: *Provided, however*, That the time during which the defendant shall be absent from the jurisdiction shall be excluded from the computation of the time within which complaint may be filed.

SEC. 5. COMPLAINT.—Any unmarried woman who is at least four months pregnant or who has been delivered of a child born out of wedlock, or any married woman who is at least four months pregnant with a child, which if born alive, may be born out of wedlock, or who has been delivered of a child born out of wedlock and who was not living with nor cohabiting with her husband during the period of time in which such child could have been conceived, may go before an Assistant Corporation Counsel for the District of Columbia at the juvenile court and accuse any man of being the father of her child and request his arrest. In case of death, disability, or incompetence of the mother, the complaint may be made by the custodian, guardian, or next friend of the child. The complainant shall be examined under oath by an Assistant Corporation Counsel to determine the validity of the accusation. If, upon examination, there appears reasonable cause to believe that the accused person is the father of the child in question, the complaint shall be reduced to writing, verified by the complainant, and filed with the clerk of the court; and such verified

complaint may be introduced in evidence to impeach the complaining witness in any subsequent proceedings therein.

SEC. 6. APPREHENSION OF ACCUSED.—Upon the filing of the complaint, the case shall be calendared forthwith for preliminary hearing. The clerk of the court shall issue a summons requiring the accused to appear in court on a day certain for such purpose, or, if deemed necessary by the court, a warrant for the arrest of the defendant shall be issued, directed to the United States marshal or the Major and Superintendent or any member of the Metropolitan Police Department of the District of Columbia, requiring the accused to be arrested and brought before the court.

SEC. 7. BOND; COMMITMENT ON FAILURE TO GIVE BOND; JURY TRIAL.—The court may require the accused to enter into bond with surety in a sum not to exceed $2,500, guaranteeing his appearance on the date set for hearing or trial. If the defendant shall fail to appear, the security for his appearance shall be forfeited and shall be applied toward the support of the child if so ordered by the court. If the defendant shall fail to post bond fixed by the court he shall forthwith be committed to the District Jail, there to remain until the date set for hearing, or until he enter into the required bond or otherwise be discharged by due process of law. In all prosecutions under this Act the defendant shall be entitled to, but may waive, trial by jury. In no event, however, shall final hearing take place until after the birth of the child.

SEC. 8. BLOOD TESTS.—Whenever it is relevant to the prosecution or defense of an illegitimacy action, the court may, in its discretion, direct that the mother, child, and the defendant submit to one or more blood tests to determine whether or not the defendant can be excluded as being the father of the child, but the results of the test shall be admissible as evidence only in cases where defendant does not object to its admissibility.

SEC. 9. EXCLUSION OF PUBLIC.—Upon trial of proceedings under this Act, the court may exclude the general public, and shall do so at the request of either party.

SEC. 10. (a) JUDGMENT; PRENATAL AND CONFINEMENT EXPENSES; MAINTENANCE.—If the defendant, in open court, shall acknowledge the paternity of a child born out of wedlock, or if at the trial the finding of the court or jury be against the defendant, the court in rendering judgment thereon may enter an order for the payment of the prenatal medical care and costs of the mother's confinement and expenses of childbirth in such amount or amounts as it may deem reasonable, commensurate with defendant's ability to pay. The court may also order payments for the maintenance and education of the child, commensurate with defendant's ability to pay, such payments to be made at such periods or intervals as the court directs. The court, in its discretion, may order payments to be made by the defendant at a precinct of the Metropolitan Police Department of the District of Columbia. Payments shall continue until the child reaches the age of sixteen years unless the child prior thereto be legally adopted.

(b) PETITION FOR MODIFICATION OF JUDGMENT; HEARING.—The court may from time to time change or modify its order directing the amount that defendant shall pay for the maintenance and support of the child: *Provided, however*, That a hearing shall be held not less than ten days following notice in writing by the clerk of the court to the parties in interest, mailed to or left at their last known place of residence.

(c) DEATH OF CHILD.—In case of the death of the child before reaching the age of sixteen years, the court, upon proof thereof, may order the payment of reasonable funeral expenses, and shall terminate

the order for maintenance; and any arrears which may be owing at the time of death may, in the discretion of the court, be canceled.

SEC. 11. (a) PERFORMANCE BOND; COMMITMENT; PROBATION.—The court shall require the defendant to give security not to exceed $2,500 guaranteeing payments ordered by the court. The court may, however, in its discretion, suspend the requirement of security and place the defendant on probation to the court on condition that payments be made as ordered. In default of any payments as ordered, the court may revoke probation and commit the defendant to jail for a period of not more than one year at any one time. At the expiration of a term of commitment the defendant may be discharged, but his liability to make subsequent payments or any payments in arrears in accordance with the judgment or for commitment for further default shall not thereby be affected. In lieu of commitment or as a condition of his release from jail, the court may set aside commitment and again place the defendant on probation upon such terms as the court may direct. The amount of security, if forfeited, shall be disbursed as the court in its discretion may direct.

(b) JUDGMENT; EXECUTION.—In event of default of payments as ordered, the court may, in its discretion, after notice by registered mail to the defendant at his last-known address, and after hearing, reduce the amount of arrears to judgment. The juvenile court of the District of Columbia is hereby empowered after such notice and hearing to reduce to judgment the arrears under any order hereafter entered for the support and maintenance of a child born out of wedlock, or any amounts ordered to be paid by the defendant under any section or sections of this Act, and when docketed in the clerk's office of the United States District Court for the District of Columbia such judgment shall have the same force and effect as judgments of the United States District Court for the District of Columbia, and execution thereon may be effected in the same manner as upon judgments of the said district court.

SEC. 12. VOLUNTARY ACKNOWLEDGMENT OF PATERNITY BY FATHER.—The putative father of a child born out of wedlock may enter into an agreement with the mother of the child, or with some other person on behalf of the child, for the support and maintenance of said child, and said agreement may be submitted to the court for ratification and approval. When said agreement is ratified and approved, the court shall issue an order incorporating the terms thereof, and payments thereunder may be received and disbursed by the court in the same manner as provided in section 13 of this Act. The faithful performance under the terms of said agreement shall bar other remedies of the mother or any other person on behalf of the child for the support of the child, subject to the provisions of section 10 (b) of this Act.

SEC. 13. (a) CONCURRENT JURISDICTION IN NONSUPPORT CASES.—The juvenile court of the District of Columbia is hereby given concurrent jurisdiction with the United States District Court for the District of Columbia in all cases arising under the Act of Congress of March 23, 1906 (34 Stat. 86), as amended June 18, 1912 (37 Stat. 136), and June 10, 1926 (44 Stat. 716) (title 22, sec. 903, of the D. C. Code, 1940 edition), and the court, in its discretion, may order payments to be made by the defendant at a precinct of the Metropolitan Police Department of the District of Columbia.

D. C. Code §§ 11-943 to 11-950.

(b) FAILURE TO SUPPORT ILLEGITIMATE CHILD; MISDEMEANOR.—The provisions of the said Act of Congress of March 23, 1906 (34 Stat. 86), as amended, making it a misdemeanor to abandon or willfully neglect to provide for the support and maintenance of minor children in destitute or necessitous circumstances, shall also apply to any person who abandons or fails to support his illegitimate child when paternity

D. C. Code § 22-903.

has been established judicially or when paternity has been directly acknowledged by the putative father under oath, or indirectly acknowledged by voluntarily making contributions to the support of such child.

(c) VOLUNTARY CONTRIBUTIONS FOR SUPPORT.—The juvenile court of the District of Columbia is hereby authorized to accept voluntary payments for the support and maintenance of wife or minor children and to disburse the same to the person or persons for whom such contributions are paid, in the same manner as payments are accepted and disbursed under the provisions of the Act of Congress of March 23, 1906 (34 Stat. 86), as amended. D. C. Code § 22-903.

SEC. 14. LIABILITY OF THE FATHER'S ESTATE.—In the event of the death of the defendant after paternity has been established and prior to the time the child reaches the age of sixteen years, any sum or sums due and unpaid under any order of the court at the time of defendant's death shall be a valid claim against the defendant's estate.

SEC. 15. NEW BIRTH RECORD UPON MARRIAGE OF NATURAL PARENTS.—Whenever a certified copy of a marriage certificate is submitted to the Health Officer of the District of Columbia establishing that the previously unwed parents of an illegitimate child have intermarried subsequent to the birth of said child and paternity of the child has been judicially determined or acknowledged by the husband before the Health Officer of the District of Columbia, a new certificate of birth, bearing the original date of birth and the names of both parents, shall be issued and substituted for the certificate of birth then on file. The original certificate of birth and all papers pertaining to the issuance of the new certificate shall be placed under seal, and opened for inspection only upon order of the United States District Court for the District of Columbia.

SEC. 16. (a) REPORTS TO BUREAU OF VITAL STATISTICS.—Upon entry of a final judgment determining the paternity of a child born out of wedlock, the clerk of the court shall forward a certificate to the bureau of vital statistics of the jurisdiction in which the child was born, giving the name of the person adjudged to be the father of said child.

(b) Upon receipt of the certificate as provided in section 16 (a) hereof, the Health Officer of the District of Columbia shall file said certificate with the original birth record, and thereafter may issue a certificate of birth registration including thereon the name of the person adjudged to be the father of said child.

SEC. 17. RECORDS.—None of the records or proceedings in any case arising under this Act shall be open to inspection by anyone other than defendant or counsel of record except upon order of the court. The court, upon proper showing may, in its discretion, authorize the clerk to furnish certified copies of any such records or portions thereof to the defendant, the mother, or custodian of the child, any party in interest, or their duly authorized attorneys. The clerk is hereby authorized to furnish certified copies of such records or portions thereof upon request to the United States attorney for the District of Columbia for use as evidence in nonsupport proceedings as provided in section 13 of this Act, and to the Bureau of Vital Statistics as provided in section 16 (a) hereof.

SEC. 18. CONSTRUCTION OF STATUTE; APPROPRIATIONS.—This Act shall be so interpreted as to effectuate the protection and welfare of the child involved in any proceedings hereunder, and appropriations to carry out the purposes of this Act are hereby authorized. Appropriation authorized.

SEC. 19. CONSTITUTIONALITY.—If any section, subdivision, or clause of this Act shall be held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Act.

Approved January 11, 1951.