



May 28, 2023

Juvenile Court

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Juvenile Court

Private Acts of 1953 Chapter 390

COMPILER'S NOTE: Private Acts of 1953, Chapter 390, should be read in conjunction with the general law on Juvenile Courts, T.C.A. 37-1-101, et seq. T.C.A. 37-1-101(c) declares that private acts relating to juvenile courts are not invalidated by the general law on juvenile courts and proceedings unless the private acts are inconsistent or in conflict with the provisions of such general law.

SECTION 1. That there is hereby created and established in and for Davidson County, Tennessee, a Court with the title and style of JUVENILE COURT OF DAVIDSON COUNTY, TENNESSEE. Such Court shall be a Court of record, presided over by a Judge who shall have the qualifications hereinafter provided, and whose salary shall be provided and paid as hereinafter provided. Such Judge shall be known and have the title of Judge of the Juvenile Court of Davidson County, and shall devote his full time to the duties of such office of Judge, and shall have no other professional activity; and there is hereby created the office of Clerk of said Court; that said Court shall have a Seal, and that the Judge and Clerk, within their respective functions as such officers of said court, shall have the power and authority to administer oaths and affirmations whenever the same are required by law in connection with any case, procedure, process or otherwise in such Court.

SECTION 2. That when used in this Act, unless the context otherwise requires:

- (a) "The Court" shall mean the Juvenile Court of Davidson County.
- (b) "The Judge" shall mean the Judge of the Juvenile Court of said county.
- (c) "The Clerk" shall mean the Clerk of the Juvenile Court of said county, or Deputy Clerk.
- (d) "Child" shall mean any person who is under the age of seventeen years.
- (e) "Adult" shall mean a person who is seventeen years of age or older.
- (f) "County" shall mean Davidson County in the State of Tennessee.
- (g) "Peace Officer" shall mean the Sheriff of Davidson County or any of his Deputies, any Constable of said County, and any Police or Truant Officer of said County or of any Municipal Corporation in said County.
- (h) The singular shall include the plural, the plural the singular, and the masculine the feminine, when not inconsistent with the intent of the Act.

SECTION 3. That the Court shall have exclusive original jurisdiction in said County of all cases arising in or triable in said County of any person under the age of seventeen (17) years, who may be charged with the violation of any city ordinance, or who may be charged with the commission of an offense against the State except wherein the offense is rape, murder in the first degree or murder in the second degree, or where such person has been found to be incorrigible by the Court, but in any such case which may come before the Court wherein any person under seventeen years of age is charged with rape, murder in the first degree or murder in the second degree, or where such person has been found to be incorrigible by the Court and the Judge of the Court shall conclude that there is probably cause to believe that the child has been guilty of the crime of rape, murder in the first degree or murder in the second degree, or has been found to be incorrigible, the Court shall at once dismiss said cause and assume no further jurisdiction thereof, and then at once remand said child to the Sheriff of the County to be dealt with for his alleged offense as provided by criminal laws.

It is the purpose of this Section of this Act to give such Juvenile Court all the jurisdiction of a Juvenile Court in Davidson County as contemplated by the laws of Tennessee, and the Court shall have all the jurisdiction, powers and authority of a Juvenile Court in said County contemplated in the laws of Tennessee as stated in Sections 10269 to and including 10309 of the Code of Tennessee and any other general laws of the State of Tennessee now in force and effect or hereinafter to become of force and effect; and said Court shall have exclusive original jurisdiction of all non-support, failure to provide, abandonment or desertion cases wherein any person is charged with the non-support or failure to provide for any child under sixteen (16) years of age, or of his wife, or is charged with the abandonment or desertion of such child or wife as provided by the laws of the State of Tennessee, except where such charge shall be made as an incident to bill filed in a Court of competent jurisdiction wherein a prayer is contained for a divorce or a decree awarding separate support and maintenance. The Court shall have exclusive original jurisdiction:

- (a) Concerning any child within said County, or any case arising or triable in said County concerning any

child:

- (1) Whose parent or other person legally chargeable with the care, support and maintenance of such child neglects or refuses, according to his means or ability, to provide proper or necessary support, maintenance, education, medical or surgical or other necessary care as contemplated by the general laws of the State, or who is abandoned or deserted by his parent or other person having the legal charge and care of such child;
- (2) Whose occupation, behavior, environment or associations injurious to the welfare of the child;
- (3) Who deserts his home or is habitually disobedient or beyond control of parent or teacher of other lawful custodian;
- (4) Who, being required by law to attend school, wilfully violates the rules of school or absents himself therefrom, or who in any other manner shall be charged with being or designated as a delinquent, as delinquent is defined, contemplated or included in the laws of the State of Tennessee.

(b) To determine the custody or control of the person of any child in said County or in connection with whom any question, case or controversy may arise in said County, or any such questions, case or controversy which by the general law, is triable in said county; except that this Act shall not interfere with the right of a Circuit Judge or a Chancellor to award custody of minor children as a part of a decree of divorce or separate support and maintenance.

(c) That in the event a petition to determine custody or support of any minor child is pending or has been filed, the subsequent filing of a petition for a divorce or for separate support and maintenance in either the Circuit or Chancery Courts of Davidson County, Tennessee, will not effect (sic) the jurisdiction of the Juvenile Court of Davidson County, to the extent that such jurisdiction may already have attached. Likewise, the Juvenile Court shall not entertain any petition filed with respect to support or custody of children where a petition for divorce or for separate support and maintenance between the parents of such child or children is pending.

SECTION 4. That the Court shall have original jurisdiction concurrent with other Courts having such jurisdiction for granting judicial consent to the marriage of any child when such consent would be to the interest or welfare of such child or is required by law.

SECTION 5. That nothing contained in this Act is in any wise intended to attempt to deprive any other Court, such as the Circuit, Criminal or Chancery Court, of any right by habeas corpus to determine the custody or guardianship of children as is now provided by law and practiced by such Courts.

SECTION 7. That whenever it shall be determined by the Judge of the Juvenile Court that a child is so mentally defective or mentally disordered that such child should be committed to an institution for such cases, the Court may commit such child to such institution as is fitted to care for such cases wherein the Court is authorized to so do by provisions of the general laws, or to such institution otherwise made available to the Court through arrangements with the County or State authorities; and where no such institution is made available to the Court, the Judge shall certify the facts and the needs of the child to a Court of competent jurisdiction, and said Judge shall take such action as appears in his opinion is for the best interest of said child.

SECTION 8. That the Court shall have jurisdiction to try cases involving the wilful failure or (sic) any husband, without good cause, to neglect or fail to provide for his wife according to his means, leaving her destitute or in danger of becoming a public charge as set forth in Section 11370 of the Code in which case the procedure shall be as provided in Section 11371, et seq., of the Code of Tennessee; and the Court also have jurisdiction to try causes involving the wilful failure to provide for his child under sixteen years of age, leaving such child destitute, as set forth in Section 11379 of the Code, in which case the procedure shall be as provided in Section 11380, et seq., of the Code of Tennessee.

The Court shall further have jurisdiction to try a person charged with violating Section 11370 and/or 11379 of the Code of Tennessee, where the person charged with said offense enters a plea of not guilty; and, after being advised by the Court of his Constitutional right to aid of counsel, the right to be tried upon presentment or indictment by a Grand Jury, the right of trial by jury, and his other Constitutional rights, the defendant agrees to waive presentment or indictment by a Grand Jury and the right of trial by jury of his peers, the Court may proceed to hear and determine said cause.

Said Waiver shall be written and attached to the warrant substantially in words and figures as follows:

"The defendant, _____, pleads not guilty and waives his right to be tried only by indictment or presentment preferred by a Grand Jury and likewise waives trial by a jury of his peers."

The Court thereupon shall proceed to hear said cause and determine it as provided for the determination

of such causes in Article XXIX of Chapter 10 of the Code of Tennessee.

Any monies paid into Court under this Section shall be disbursed as the Court may direct.

SECTION 9. That the person who has held, in January, 1953, the position of Judge of the Juvenile and Domestic Relations Court, established under authority of the Private Acts of 1947, Chapter 246, as amended, same being the Charter of the City of Nashville, shall be the Judge of the Juvenile Court of Davidson County and shall serve until the next general election at which time the Judge of the Juvenile Court of Davidson County shall be elected by the people of said County to serve until the next general judicial election, the Judge shall then be elected by the people of the County and shall serve for a term of 8 years and until his successor is elected and qualified (sic). The Judge of said Juvenile Court of Davidson County shall receive a salary of Seven Thousand Five Hundred Dollars (\$7,500.00) per annum. Said Judge shall not be less than thirty (30) years of age and a resident of Davidson County for not less than one (1) year. Said Judge shall take and subscribe to the same oath of office as that prescribed for all judges in the State. Provided, however, that from and after September 1, 1958, the said Judge of said Juvenile Court of Davidson County shall receive a salary of Ten Thousand (\$10,000) dollars per annum. Provided, however, that from and after September 1, 1966, the Judge of said Juvenile Court of Davidson County shall receive the same salary as Circuit Judges and Chancellors under the general laws of this State.

The Judge is hereby authorized and empowered to make and promulgate rules and regulations for the administration of the Juvenile Court, to fix the times and places at which said Court shall meet and prescribe the sessions at which all persons in the jurisdiction of the said Juvenile Court shall have their cause set for trial.

All monies derived from fees and fines assessed upon conviction of any persons by the Judge shall be paid into the County Treasury of said County.

As amended by: Private Acts of 1957, Chapter 399
Private Acts of 1963, Chapter 285

SECTION 10. That the Clerk of the Court shall, under the supervision of the Judge, keep all the records of the Court, and shall have all the duties, authorities and obligations as provided by Sections 10050, through and including 10081 of the Code of Tennessee as applicable to the office. Said Clerk shall give a surety bond for the faithful performance of his duties and the amount to be fixed by the County Judge of Davidson County.

SECTION 11. That the Judge shall appoint, pursuant to Civil Service Provisions applicable to Davidson County Civil Service Employees, and shall designate a Clerk, a Chief Probation Officer, and a stenographer, and such other Clerks, probation officers, matrons, attendants and other employees as may be necessary to carry on efficiently the work of said Juvenile Court, and as may be authorized by the Quarterly Court of Davidson County and as provided herein.

All personnel of the Juvenile and Domestic Relations Court established by the Charter of the City of Nashville, same being of the Private Acts of 1947, Chapter 246, as amended, who held such positions during the month of January, 1953, shall be employees of the Court and hold positions of the same or other comparable to their present positions and at salaries not less than that paid to them during said month.

All personnel or employees employed by the Juvenile and Domestic Relations Court, established as set out in the preceding paragraph, who, during January 1953, were contributing and paying into the Civil Service Employees Pension Fund of the City of Nashville, may continue making such contributions based on the salary received by them during January 1953, plus any increases in compensation which have been or may be received by them from time to time, with all the benefits and rights of disability and retirement as provided by the Charter of the City of Nashville or the Metropolitan Charter of Nashville and Davidson County. Any such employees shall be permitted to pay retroactively into the Civil Service Employees Pension Fund contributions based upon the difference between their compensation as of January 1953 and increases in compensation received after that date. The amount of retirement benefits of said employees shall be computed accordingly. Such employees shall not be subject to the requirements nor have the benefits as provided by the Private Acts of 1943, Chapter 274, as amended, provided such persons accept employment with Davidson County and continue in said employment in the Juvenile Court of Davidson County. In the event any employee or employees shall fail to contribute or pay into the said pension fund, then said employee or employees shall become subject to all the provisions and requirements of Chapter 274, Private Acts of 1943, as to contributions and pensions and disability rights.

Anything hereinabove notwithstanding to the contrary, all personnel and employees of the Juvenile and Domestic Relations Court Established under the Charter of the City of Nashville, and holding positions in January, 1953, who were under City Civil Service, if and when they accept the same position or a comparable position with the Court herein created, shall be brought with the civil service provisions

heretofore made respecting employees of Davidson County and they shall be designated civil service employees and accorded full civil service status as such employees.

An employee of the Court may be removed, discharged or reduced in pay or position only after he has been given the reasons therefor in writing and afforded an opportunity to be heard in accordance with such civil service provisions, rules and regulations.

All officers of the Court shall have the power of peace officers except that they shall not serve process in civil cases unless arising in this Court.

As amended by: Private Acts of 1963, Chapter 2

SECTION 12. That the Chief Probation Officer, under the general supervision of the Judge, shall organize, direct and develop the administrative work of the Court, including the social, financial and clerical work, assign cases for investigation or treatment to the technical and professional employees, and shall perform all such other duties as the Judge shall direct.

SECTION 13. That whenever any person informs the Court that a child is within the purview of this Act, the Court may make a preliminary inquiry to determine whether the interests of the public or of the child require that further action be taken. Thereupon the Court may make such informal adjustment as is practicable without a petition, or a petition may be filed by any person.

The petition shall be verified and may be upon information and belief. It shall set forth plainly the facts which allegedly bring the child within the purview of this Act; and in addition the following facts, if known: (1) name, age, and residence of the child; (2) the names and residence of his parents; (3) the name and residence of his legal guardian, if there be one; (4) names and residences of the person or persons having custody or control of the child, and (5) names and residences of the nearest known relative if no parents or guardian can be found. If any of the facts herein required are not known by the petitioner, the petition shall so state.

SECTION 14. That after a petition shall have been filed and after such further investigation as the Court may or shall direct, a copy of said petition, together with the summons issued by the Clerk, shall be served upon the person or persons having the custody or control of the child, requiring such person or persons to appear personally and bring the child before the Court at the time and place stated. If the person so summoned shall be other than a parent or guardian of the child, the parent or guardian or both shall 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. Summons may be issued requiring the appearance of any other person whose presence, in the opinion of the Judge, is necessary.

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 order, by endorsement upon the summons, that the Officer serving the same shall at once take the child into custody.

SECTION 15. That summonses and other process issued in connection with any proceeding in the Court shall be served by an officer of the Court or by any other officer authorized by law to serve process in the County to which the process is directed. Service shall be had in the manner provided by the general laws of Tennessee.

SECTION 16. That the Court shall have all the powers of a Court to cause to be brought before it by proper process and to punish those who refuse to obey its lawful orders and to punish by summary procedure those who are guilty of contempt as the same is defined by law, when such contempt is in the presence of the Court, by a fine or not more than Fifty (\$50.00) Dollars, or by imprisonment of not more than ten (10) days, or both; and that for the purpose of compelling the attendance of witnesses and others whose presence in Court is necessary, and to enforce its lawful orders, judgments and decrees, the Court shall have all the power and authority to issue attachments and other processes to bring such person before the Court.

SECTION 17. That whenever a child is taken into custody, unless it is impracticable or inadvisable or has been otherwise ordered by the Court, he may be released to the custody of a parent, guardian or custodian, upon the written promise of such parent, guardian or custodian to bring the child to the Court at the time fixed. If such person shall fail to produce the child as agreed or upon notice from the Court, a summons or a warrant may be issued for the apprehension of such person or of the child. If not so released, such child shall be taken immediately to the Court or the place of detention designated by the Court. Pending further disposition of the case, a child whose custody has been assumed by the Court may be released to the custody of a parent or other persons appointed by the Court, or be detained in such place as shall be directed by the Court, subject to further orders.

Nothing in this Act shall be construed as forbidding any Peace Officer from immediately taking into custody any child who is found violating any law or ordinance. In every case the Officer taking the child into custody shall immediately bring into the Court said Child, making proper charge against him, and

relinquishing custody to the Court, and the case shall then be proceeded with as provided in this Act.

No child shall be confined in any Police Station, Prison or Jail, or be transported or detained in association with criminal, vicious or dissolute persons; except that a child fifteen (15) years of age or older whose conduct or condition is such as to endanger his safety or welfare or that of others in the detention facilities for children may, with the consent of the Judge or Chief Probation Officer, be placed in a jail or other place of detention for adults, but in a room or ward entirely separate from adults.

Neither the fingerprints nor a photograph shall be taken of any child taken into custody for any purpose, without the consent of the Judge.

SECTION 18. That the Quarterly Court of Davidson County shall provide adequate quarters to meet the needs for care of children in custody of the court pending an investigation or hearing and disposition of their case. Such facilities, together with any and all other facilities that may be provided or afforded for the detention, care or custody of children, shall be under the supervision of the Court. The Court may also arrange with any licensed institution, agency or the State Department of Public Welfare to receive for temporary care and custody children within the jurisdiction of the Court.

SECTION 19. That all cases of children shall be heard separately from the trial of cases against adults. The hearing shall be conducted in an informal manner, and may be adjourned from time to time. Stenographic notes or other transcript of the hearing shall be required only if the Court so orders. The general public shall be excluded and only such persons admitted as to have a direct interest in the case. The presence of the child in Court may be waived by the Court at any stage of the proceedings.

SECTION 20. That if the Court shall find that the child is within the purview of this Act, it shall so decree and may by order duly entered proceed as follows:

(a) Whenever in the courts of a proceeding instituted it shall appear to the Court that the parents or the surviving parent of a child, or the mother of a child born out of wedlock, have abandoned such child or have substantially and continuously or repeatedly refused, being financially able, have neglected to give such child parental care and protection; or that such parent or parents are unfit by reason of their conduct or condition which is seriously detrimental to the said child, the Court shall have jurisdiction to transfer the care, custody and control of such child to some other person, agency, institution of the State Department of Public Welfare, and may terminate in so far as may be necessary the rights of such parent or parents with reference to such child, provided that the cause shall be retained in Court as provided in Section 21 herein, and the parent or parents may later be granted the right to file a petition seeking the modification of the former order, unless some other Court shall have taken jurisdiction of the matter upon a petition for adoption.

Such transfer or termination shall be made only after a hearing before the Court, and the Court shall cause notice of the time, place and purpose of such hearing to be served on such parent or parents personally at least twenty-four (24) hours before the time fixed for hearing; or if the Court is satisfied that personal service cannot be effected, then such notice may be given by publication thereof in a newspaper in the county once a week for four consecutive weeks prior to the date of hearing.

(b) If a child is abandoned or neglected by one parent the rights of only such parent with reference to such child may be terminated as provided in subsection (a) of this Section, without affecting the rights of the other parent.

(c) Upon the application of the parents or the surviving parent, or the mother of a child born out of wedlock, the Court may order the transfer of the permanent care, control and custody of such child, and if it appears wise, the termination of all the rights of a parent or the parents with reference to such child, provided the Court after a hearing finds such transfer or termination to be in the best interest of the child.

(d) Place the child on probation or under supervision in his home or in the custody of a suitable person elsewhere, upon such conditions as the Court shall determine.

(e) Commit the child to the custody or to the guardianship of a public or private institution, agency, or the State Department of Public Welfare authorized to care for children or to place them in family homes.

(f) Order such other care and treatment as the Court may deem to be for the best interests of the child, except as herein otherwise provided. The Court may dismiss the petition or otherwise terminate its jurisdiction at any time for good cause shown.

(g) Whenever the Court shall commit a child to any institution, agency, or the State Department of Public Welfare, it shall transmit with the order of commitment a summary of its information concerning the child, and such institution, agency, or the State Department of Public Welfare shall give to the Court such information concerning such child as the Court may at any time require.

SECTION 21. That any decree or order of the Court may be modified at any time upon notice to any

person adversely affected.

A parent, guardian, or next friend of a child who has been committed by the Court to a public or private institution or agency, or the State Department of Public Welfare, or placed in the care or guardianship of any person, may at any time file with the Court a verified petition for the release of the child. The Court, upon due notice to all concerning, shall proceed to hear and determine the question at issue. It may thereupon order that such child be restored to the custody of its parents or guardian or be retained in the custody of the institution, agency or person, or may make any further order.

SECTION 22. That in placing a child under the guardianship or custody of an individual, the Court shall, whenever practicable, select a person or agency or institution governed by persons of the same religious faith as that of the parents of such child, or in case of a difference in the religious faith of the parents, then the religious faith of the child, or, if the religious faith of the child is not ascertainable, then of the faith of either of the parents.

SECTION 23. That the Court may cause any person adjudged to be within its jurisdiction to be examined by a physician, psychiatrist or psychologist.

Whenever a child concerning whom a petition has been filed appears to be in need of nursing, medical or surgical care, the Court may order the parent or other person responsible for the care and support of such child to provide such care in a hospital or otherwise. If such parent or other person fails to provide such care, the Court may, after due notice, enter an order therefor, and the expense thereof shall be paid from the appropriation provided when certified by the Judge. But if the Court is of the opinion that the parent or other person liable therefor is able to bear such expense and fails or refuses to do so, such person shall be tried as in other non-support cases.

SECTION 24. That in all failures to provide, non-support, abandonment and desertion cases the Court shall have the jurisdiction to make an order of protection and assistance or as a condition of an order for support and maintenance setting forth reasonable conditions of behavior to be observed for a specified time which shall be binding upon husband or wife, or both. Such orders may require either spouse to: (a) stay away from the home or other spouse or children, (b) permit the other to visit the children at reasonable or stated periods, (c) abstain from offensive conduct against the other or against the children, (d) give proper attention to the care of the home, (e) refrain from acts or commissions that tend to make the home an unfit place for the children or the other spouse.

SECTION 25. That in proceedings under this Act court costs or witness fees may be taxed against any party to a proceeding, or against the County, within the judicial discretion of the Judge, but no salaried officer of the County including the Sheriff and his salaries deputies and no salaried officers of any municipality therein shall be entitled to receive any fee for the service of process or for attendance in Court in such proceedings, but all other persons acting under orders of the Court may be allowed and paid for services or service of process and attendance or serving as witnesses the fee provided by law for like services in cases before the Circuit Court, the same to be paid from the appropriation provided when certified by the Judge.

SECTION 26. That all salaries and other expenses incurred in complying with the provisions of this Act shall be a County charge. The Judge of the Court shall present to the Quarterly Court of Davidson County each year, a proposed budget for the operation of the Court for the next fiscal year in accordance with the law, practice, rules and procedure of said Quarterly Court; that after the passage of this Act, and before funds are made available in said budget, all salaries, charges and expenses necessary and incident to the establishment, organization and operation of the Court shall be paid out of the general funds of the County. The Quarterly Court of Davidson County shall each year appropriate funds sufficient for the efficient operation of said Court, within the intent and purpose of this Act.

SECTION 27. That the Court shall make and keep records of all cases brought before it, and shall devise and cause to be printed such forms for social and legal records and such other papers as may be required. The court's official records shall be open to inspection only consent of the Judge to persons having legitimate interest therein. All information obtained and social records prepared in the discharge of official duty by any employee of the Court shall be privileged and shall not be disclosed directly or indirectly to anyone other than the Judge or other persons entitled to receive such information under this Act, unless and until otherwise ordered by the Judge.

The name or picture of any child under the jurisdiction of the Court shall not be made public by any newspaper, radio, or television station except as authorized by order of the Court. Any person who violates this provisions shall be guilty of a misdemeanor and subject to prosecution in the Criminal Court of this County. The Judge of the Juvenile Court of Davidson County shall exclude photographers and reporters from all hearings and prohibit any publicity respecting any child under the jurisdiction of the court which may be injurious to the interest or reputation or welfare of such child.

SECTION 28. That no appeal from a decree or order of the Court shall be granted or allowed; provided however that a trial de novo may be had by an interested party aggrieved by decree or order by Petition for a writ of certiorari showing merit, and properly sworn to, filed with the Circuit Courts of Davidson County within ten (10) days from the date of entry of the decree or order complained of, and the writ be granted; and provided further that for the purpose of consolidating with any separate maintenance or divorce cause pending in the Chancery Courts of Davidson County issued involved in proceedings determined by said Juvenile Court, petition for certiorari may likewise be filed and the writ ordered issued by any Chancellor presiding over such Chancery Courts.

But in no case shall a writ of supersedeas be issued by any Judge or Chancellor to modify or vacate any order of said Juvenile Court respecting custody or support of any child without a hearing and without at least forty-eight (48) hours prior notice thereof to all interested parties, including the Chief Probation Officer of said Court.

SECTION 29. That it is hereby made the duty of every public official or department to render all assistance and cooperation within his or its jurisdictional power which may further the objects of this Act. The Court is authorized to seek the cooperation of all societies or organizations having for their object the protection or aid of children.

SECTION 30. That this Act shall be construed as remedial in character and shall be liberally construed to an end that each child coming within the jurisdiction of the Court shall receive such care, guidance and control, preferably in his own home, as will conduce to the child's welfare and the best interest of the State and that when such child is removed from the control of his parents, the Court shall secure for him care as nearly as possible equivalent to that which would have been given by them.

SECTION 31. That if for any reason any word, clause, paragraph or section of this Act shall be held unconstitutional, it shall not invalidate or affect the remainder of said Act.

SECTION 32. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1953.

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