

REPORT
ON
CHILD WELFARE LAWS,
JUVENILE DELINQUENCY,
AND INSTITUTIONS

By the

JOINT STATE GOVERNMENT COMMISSION



To the

GENERAL ASSEMBLY OF THE
COMMONWEALTH OF PENNSYLVANIA

JOINT STATE GOVERNMENT
COMMISSION

450 CAPITOL BUILDING
HARRISBURG, PA.

APRIL 3, 1947

JOINT STATE GOVERNMENT COMMISSION
OF
THE GENERAL ASSEMBLY

(Created in 1937, P. L. 2460, as last amended 1943, P. L. 13)

"A continuing agency of the General Assembly to undertake studies and develop facts, information and data on all phases of government for the use of the General Assembly and departments and agencies of the State Government."

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LETTER OF TRANSMITTAL

To the General Assembly of Pennsylvania:

Under authority of the Act of July 1, 1937, P. L. 2460, as last amended by Act of March 8, 1943, P. L. 13, and pursuant to House Resolution No. 63 (1945) and Senate Resolution Serial No. 51 (1945), I have the honor to present herewith a report on child welfare, juvenile delinquency, and institutions.

IRA T. FISS, *Chairman,*
Joint State Government Commission.

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REPORT OF COMMITTEE ON CHILD WELFARE LAWS, JUVENILE DELINQUENCY AND INSTITUTIONS

This committee was created by the Joint State Government Commission to carry out the studies outlined in House Resolution No. 63 (1945), and in Senate Resolution Serial No. 51 (1945) directing the Joint State Government Commission to study the conditions, practices and laws of this Commonwealth relating to child welfare and to children, especially to those which relate to the dependent, defective, delinquent, neglected, incorrigible, or illegitimate children or to their treatment, care, maintenance, custody, control, protection and reformation, and to make a thorough study of the whole question of crime prevention, incarceration, reform, probation, parole and pardon, as administered in this Commonwealth.

At its meeting on January 15 and 16, 1946, the committee directed its chairman to appoint an advisory committee composed of citizens and officials conversant with children's services and needs. Such a committee was appointed in February, 1946.

The advisory committee held its first meeting with the Commission's committee on February 28, 1946, in Harrisburg. The field of study was divided into five subjects: dependent and neglected children; delinquent children; handicapped children; adoptions, illegitimacy, non-support, custody and guardianship, and child marriages; and supervision of institutions, private schools and camps. Subcommittees of the advisory committee were appointed to deal with each of these problems, and members of the Commission's committee were assigned by the chairman of the committee to sit with these subcommittees in the course of their study.

On February 18, 1947, the Summary Report of the Advisory Committee (which is contained in the Appendix to this Report, see pages 21 to 62) was submitted to the Commission's committee for consideration and action.

It is apparent from the extensive report that the members of the advisory committee expended much time and effort in their desire to be of assistance to this committee. In receiving the material gathered together for its consideration, this committee wishes to express its appreciation to the members of the advisory committee.

The Commission's committee has carefully studied and reviewed the recommendations submitted by the advisory committee and while it is of the opinion that all of the recommendations are worthy of consideration, as a practical matter, it would be impossible to carry out the entire program at this session. It has, therefore, accepted those recommendations which it feels are possible of enactment at this session and has authorized the printing of the report, containing all of the recommendations, as an Appendix to this report, in order that the advantage of the extensive study made by the advisory committee might be of practical use to legislators and others studying this problem in the future.

The following statements will reveal the committee's action on the recommendations of the advisory committee:

A. GENERAL RECOMMENDATIONS

In its general recommendations, the advisory committee recommended the creation of a new Department of Mental Health, a new Department of Corrections, the transferring of certain functions from the Department of Welfare to the Department of Health, the merging of all functions of the Department of Public Assistance and certain functions of the Department of Welfare into a new Department of Assistance and Welfare. (See Appendix, page 26.)

The Commission's committee feels that this recommendation goes beyond the scope of the study.

B. RECOMMENDATIONS RELATING TO DEPENDENT AND NEGLECTED CHILDREN

The advisory committee recommended establishment of a state-county child welfare program, providing for the division of administrative and financial responsibility between the state and the counties. (See Appendix, page 29.)

In the consideration of these recommendations, by the Commis-

sion's committee, there is determination to retain what experience in each county has found good and to make progress in a practical way step by step. Drastic, wholesale changes in order to conform to a ready-made master plan are not likely to be well-adapted in the public interest of a great state like Pennsylvania with its widely-varied conditions and needs.

The committee feels that centralization of administration of foster care in Pennsylvania would cause particularly serious and complicated questions and difficulties.

The Commission's committee, therefore, arrived at the conclusion that for the present local administration of foster care should be continued, and that a study of this be continued.

C. RECOMMENDATIONS RELATING TO DELIN- QUENTS AND YOUNG OFFENDERS

Juvenile Court Jurisdiction

The advisory committee recommended that the present jurisdiction of the juvenile court be retained, with the age limit at 18. (See Appendix, page 36.)

The Commission's committee approves this recommendation.

Detention of Children Awaiting Hearing

The Commission's committee recommends that further study be given to this subject and has submitted a request for advice thereon to the Pennsylvania Council of Juvenile Court Judges.

Clinical and Study Facilities

As to the advisory committee's recommendations with respect to this subject (see Appendix, page 38), the committee did not accept these recommendations. In lieu thereof, the Commission's committee recommends the establishment of State clinics for the psychiatric and psychological study of juvenile delinquents for the purpose of making recommendations to the court as to the disposition of such cases and with authority to designate institutions to which such cases should be committed, with a provision compelling State-owned and State-aided institutions to accept children recommended by the court for commitment.

Probation

The recommendations of the advisory committee relating to probation (see Appendix, page 38), are not approved.

Parole

The Commission's committee approves the recommendation of the advisory committee that the Parole Act be amended to permit the Parole Board to supervise released youthful offenders committed to State industrial schools by juvenile court judges when the juvenile court requests it. (See Appendix, page 39.)

The Commission's committee is of the opinion that the advisory committee's recommendations with respect to increased appropriations for supervision of children on parole and the resumption of civil service appointments by the Parole Board (see Appendix, page 40), are administrative functions to be determined by the Parole Board and require no action by this committee.

Facilities for Care Away from Home for Children and Young Offenders

The Commission's committee feels that the first recommendation of the advisory committee with respect to legislation authorizing the Joint State Government Commission to make a detailed study of the population of institutions for juvenile delinquents (see Appendix, page 40) is not necessary since the Commission can, on its own motion, initiate such a study. This recommendation is, therefore, referred to the Executive Committee of the Joint State Government Commission for future action.

The recommendation of the advisory committee with respect to admission records (see Appendix, page 40), is not adopted.

The Commission's committee approves the following recommendations of the advisory committee with respect to the care of children and youthful offenders away from home:

1. That legislation¹ permitting justices of the peace, aldermen and mayors to commit minors to the Pennsylvania Training School at Morganza, be repealed.

¹ Act of April 22, 1850, P. L. 538, as amended April 16, 1857, P. L. 219.

2. That legislative action, in the form of appropriations, and administrative action, be taken, designed to increase facilities for the care of delinquent children who cannot be treated on probation, as follows:

a. Greater use of foster homes for the care of delinquent children, and the development by private and public agencies engaged in foster home finding activities of more adequate resources for foster family care of delinquent children.

b. Increased institutional capacity for delinquent children and young offenders.

(1) Provision for problem boys requiring special care and close oversight.

(2) Increased capacity for juvenile delinquents to relieve over-crowding in state institutions, and to assure that adequate facilities will be available for all those to whom few private facilities are open.

(a) Establishment of the Pennsylvania Training School for Delinquent Girls proposed by the Governor's Commission to Study Penal Institutions.

(b) Establishment of a new institution for delinquent boys in the eastern part of the state.

c. Establishment of a new state industrial school in Centre County proposed by the Governor's Commission to Study Penal Institutions, to provide additional capacity for youths now in the Pennsylvania Industrial School at White Hill; and the establishment of a new institution to replace the present school at White Hill.

d. Proper equipment of the State Industrial Home for Women at Muncy with facilities to meet present needs.

3. That the Diagnostic and Classification Center for study of committed youths and young men be opened as soon as possible in order to facilitate the proper assignments of offenders to appropriate institutions for care and treatment.

4. That plans be developed by the Department of Welfare in co-operation with the institutions for juvenile delinquents and young offenders, for classification and transfer of juveniles and youths from one institution to another, such transfer to be based on the type of training needed by the individuals concerned.

Facilities for the Care of Defective Delinquents

The Commission's committee approves the recommendation that the Joint State Government Commission make a study to determine

whether a new institution is necessary for the care of defective delinquent children, as suggested by some administrators or whether it may be possible to provide special facilities for defective delinquent children in state institutions for feeble-minded children, (see Appendix, page 41) and submits this recommendation to the Executive Committee of the Joint State Government Commission for future action.

The Commission's committee approves the following recommendations of the advisory committee (see Appendix, page 41) with respect to facilities for care of defective delinquents:

1. That legislation be enacted to enable a judge of the criminal court, when his court has no access to psychiatric facilities for diagnosing defective delinquents, to send a person of sixteen years, or over, awaiting sentence to the classification center for study and diagnosis, if he is of the opinion that such person may be a defective delinquent; the report of the classification center, to be used by the judge to determine whether the individual is a defective delinquent and committable as such.

2. That legislation be enacted to require the Diagnostic and Classification Center to refer back to the courts any prisoner discovered during his stay at the Center to be a defective delinquent though not committed as such; and to send the court a report of the psychiatrist and a recommendation for an order of commitment, which may then be made if the court approves commitment.

3. That increased institutional facilities be provided for the care of defective delinquents, including prompt erection of the new building already authorized for male defectives in Centre County, and that appropriation be made of whatever funds may be necessary for this purpose, to provide for those defectives now inadequately housed at Huntingdon and for others who may be committed by the courts or transferred from other correctional institutions.

The Commission's committee does not at this time approve the following recommendations of the advisory committee (see Appendix, page 42) with respect to care of defective delinquents:

1. That the act creating the Pennsylvania Institution for Defective Delinquents be amended to clarify the definition of a defective delinquent and to rectify the language to delete certain words and phrases, such as "recover" and "recovery" and "mental

condition improved," which are inconsistent with the conception of the permanent character of feeble-mindedness.

2. That legislation be enacted, requiring the Department of Welfare to set up a separate program for delinquent defectives under eighteen in the Pennsylvania Institution for Defective Delinquents, and that such youthful offenders be segregated from older inmates in the institution.

3. That a qualified psychiatrist be appointed to head the Pennsylvania Institution for Defective Delinquents or to be in charge of the staff which directs the medical and psychiatric program and policy.

4. That complete responsibility be placed on the staff psychiatrist for approval of discharges and paroles from the Pennsylvania Institution for Defective Delinquents; and that a policy be adopted allowing no discharges or paroles other than those for medical reasons.

Prevention of Delinquency and Crime

The recommendations of the advisory committee with respect to prevention of delinquency and crime (see Appendix, page 42) are recommendations with which this committee agrees, but being beyond the scope of its authority, no action is taken thereon.

Statistics

The recommendations of the advisory committee with respect to statistics (see Appendix, page 43) are not adopted. While the collection of statistics would serve a useful purpose, the committee is of the opinion that the development of other fields of crime prevention and control are much more urgent and should be given preference at this time.

In-Service Training

The Commission's committee is of the opinion that in-service training in Pennsylvania has been most effective and valuable and the recommendations of the advisory committee (see Appendix, page 43) that funds be appropriated to continue such training program and that every effort be made to bring about continuance of Federal aid for such programs are approved.

D. RECOMMENDATIONS RELATING TO HANDICAPPED CHILDREN

Mentally Defective and Mentally Ill Children

The recommendations of the advisory committee with respect to mentally defective and mentally ill children (see Appendix, page 50) are approved.

In approving these recommendations, the Commission's committee strenuously urges that immediate action be taken to bring about much-needed building additions, repairs and replacements as well as staff enlargements at the institutions at Polk, Pennhurst, and Laurelton.

Epileptic Children

The Commission's committee approves the recommendation of the advisory committee (see Appendix, page 50) that administrative action be taken to improve the educational and recreational facilities for children at the State Colony for Epileptics at Selinsgrove.

Other Aid to Handicapped Children

The advisory committee has made a great many recommendations with respect to physically handicapped children. (See Appendix, page 50.)

The Commission's committee is in sympathy with all of these recommendations and strongly favors state aid for physically handicapped children. However, these recommendations would entail a greatly expanded program and it is recommended that this particular phase of the problem be given further consideration and study.

E. RECOMMENDATIONS RELATING TO PROBLEMS OF ADOPTION, ILLEGITIMACY, NON-SUPPORT, CUSTODY AND GUARDIANSHIP AND CHILD MARRIAGES

Adoption

The Commission's committee adopts the following recommendations of the advisory committee (see Appendix, page 57) with respect to adoption:

1. That the Adoption Law¹ be amended as follows:

a. Merge the present two similar Sections 1² into one section.

b. Require that, as a rule, adoption be in the county where the adopting parents reside.

c. In addition to the information at present required, provide that petitions for adoption shall state the residence, color and religious affiliation of the person to be adopted, the color, age, occupation and religious affiliation of the adopting parent, and the color and age of the natural parents.

d. Allow for the consent of a minor parent over eighteen years of age without the consent of his or her parents or guardian.

e. Dispense with the requirement of consent of the reputed father of an illegitimate child.

f. Require a six-month period to elapse before a child is determined to be abandoned.

g. Require that the person to be adopted shall reside with the adopting parent for six months before the adoption decree is entered, unless such person is related by blood or marriage to the petitioner.

h. Require adoption hearings to be held in private, except in special cases.

i. Provide for a short decree of adoption and require that the records of the court in adoption cases be withheld from public inspection.

In rejecting the advisory committee's recommendation to permit termination of the rights of natural parents of a child through legal provision for guardianship of the child by an approved child agency, thereby dispensing with the consent of such natural parent to subsequent adoption, the committee feels that the rights of the natural parent should not be so relinquished.

Illegitimacy

The recommendations of the advisory committee with respect to illegitimacy (see Appendix, page 58) are under consideration by the Commission's Committees on Penal Code and Decedents' Estates Laws. The recommendation eliminating use of the term "bastard" has already

¹ Act of April 4, 1925, P. L. 127, as amended.

² As amended by the Act of June 5, 1941, P. L. 93 and July 2, 1941, P. L. 229.

been adopted and the others have been accepted by those committees for future study. Therefore, no further action is required at this time.

Non-Support

The Commission's committee accepts the recommendation of the advisory committee (see Appendix, page 58) that the Desertion and Non-Support Law be amended to provide that proceedings may be initiated either by filing a petition with the court or information proceedings before a justice of the peace or alderman.

Custody and Guardianship

The advisory committee's recommendation for further study of this problem (see Appendix, page 59) is referred to the Executive Committee of the Joint State Government Commission for future action.

Child Marriages

The advisory committee recommended that further study be given to the dissolution of child marriages. (See Appendix, page 59.)

The Commission's committee is of the opinion that legislation now on the statute books with respect to child marriage is adequate.

F. RECOMMENDATIONS RELATING TO INSPECTION OF PRIVATE SCHOOLS AND CAMPS

The Commission's committee agrees with the advisory committee's statement (see Appendix, page 61) that there is a need for further study with respect to the question of inspection of schools, camps and institutions. While there are some unscrupulous and irresponsible operators, this field involves many long-established and highly respected organizations. Therefore, any comprehensive program for increasing the State's protective role in relation to children in schools, camps and institutions must necessarily grow out of a succession of exploratory conferences among the representatives of all of these groups.

It is, therefore, recommended, that action on these recommendations be deferred until such time as a complete study has been made.

At its meeting on March 5, 1947, the Joint State Government Commission approved and adopted the foregoing report.

APPENDIX

REPORT OF THE ADVISORY COMMITTEE TO
THE COMMITTEE ON CHILD WELFARE
LAWS, JUVENILE DELINQUENCY AND
INSTITUTIONS, JOINT STATE
GOVERNMENT COMMISSION

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MARY CLARKE BURNETT
RALPH C. BUSSEY, JR., ESQ.
DR. ISABEL CARTER
DR. HERBERT M. DIAMOND
GERTRUDE DUBINSKY
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ELLA F. HARRIS
DR. MARION HATHWAY
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DR. ARNOLD E. LOOK
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JOHN N. O'NEIL
ANNA R. RAMSEY
DR. JOHN OTTO REINEMANN
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VERNA SMITH
JOHN E. SNEDEKER
LEON T. STERN
WALTER P. TOWNSEND
ELIZABETH TUTTLE
DR. HELEN GLENN TYSON
LEWIS J. VANDUSEN, JR., ESQ.

LETTER OF TRANSMITTAL

February 18, 1947.

TO THE COMMITTEE ON CHILD WELFARE LAWS,
JUVENILE DELINQUENCY AND INSTITUTIONS,
JOINT STATE GOVERNMENT COMMISSION,
Harrisburg, Pennsylvania.

Gentlemen:

There is transmitted herewith the report of your Advisory Committee with respect to problems of child care.

The report is in six parts, as follows:

- Part 1: Summary Report
- Part 2: Report on Dependent and Neglected Children
- Part 3: Report on Juvenile Delinquents and Young Offenders
- Part 4: Report on Handicapped Children
- Part 5: Report on Adoption, Illegitimacy, Non-Support, Custody and Guardianship and Child Marriages
- Part 6: Report on Inspection of Private Schools and Camps

Part 1, the Summary Report, contains a brief statement of the findings of the Advisory Committee, all of its recommendations, and a brief interpretation thereof. The remaining five parts contain a detailed discussion of the findings and recommendations in each of the five fields of inquiry above listed.

The recommendations of the Advisory Committee are not limited only to legislative action. In almost every phase of the services and problems which were studied, the Advisory Committee found that the action required, in order to be effective, must be administrative as well as legislative. Consequently, the report includes recommendations with respect to administration. The Advisory Committee has also recommended further study of particular aspects of the problem.

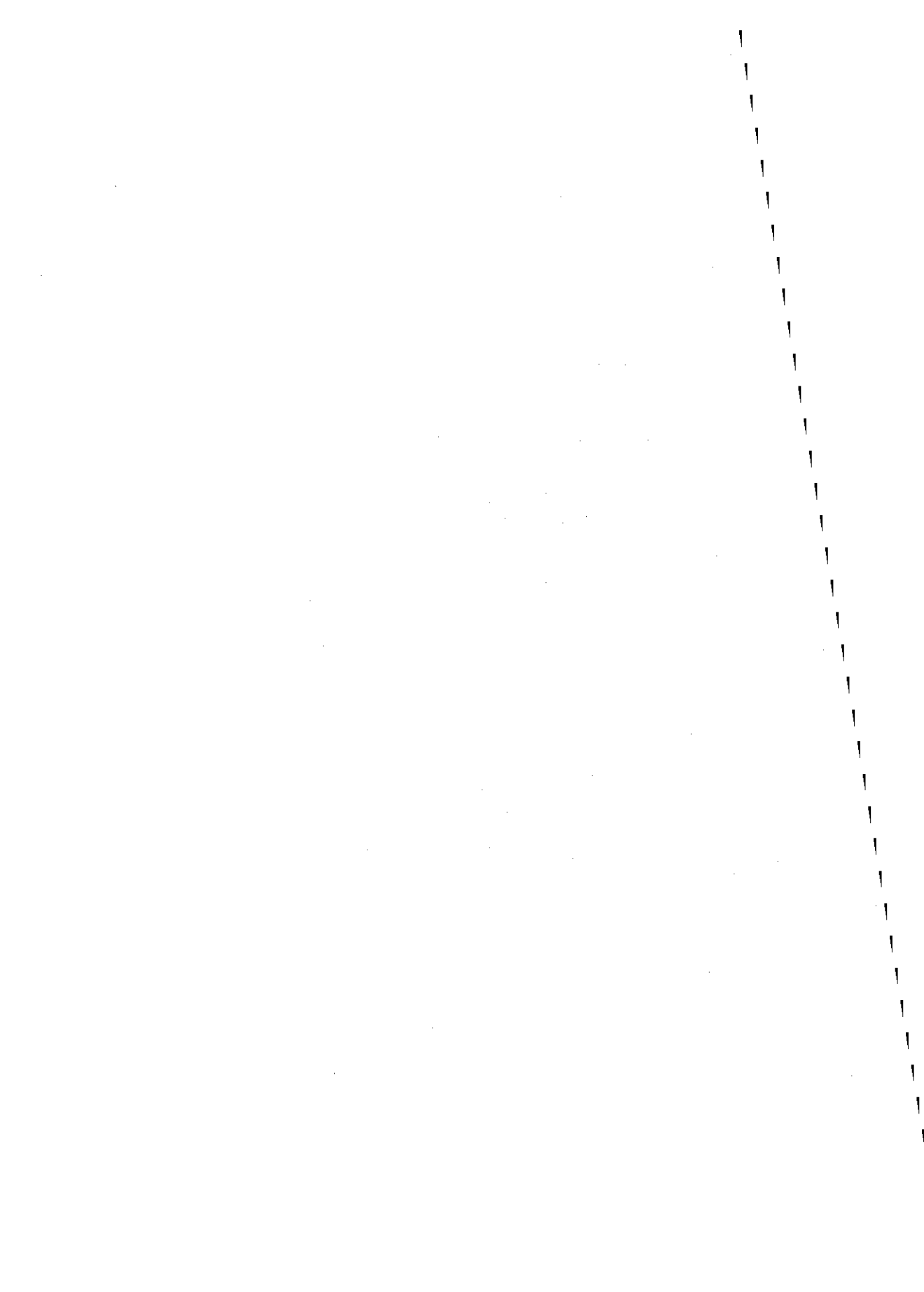
Respectfully submitted,

CHARLES DENBY,
Chairman.

Part 1
SUMMARY REPORT

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I. INTRODUCTION

To an increasing degree for several years members of the legislature, officials and citizens have been aware of the need to remedy inadequacies in Pennsylvania's state and local government programs for providing services to children and adolescents. Despite the need for it, no state-wide planning for child welfare has been undertaken since the Children's Commission did its work in 1927.¹

In the 1945 session of the General Assembly, a bill was introduced for the creation of a new Children's Commission, equipped with staff and funds to study the situation in the state and to recommend a program.

When the bill for a Children's Commission did not receive favorable action, a House Resolution was substituted and passed, asking the Joint State Government Commission:

“. . . to make a thorough investigation and study of the conditions, practice and laws of this Commonwealth, relating to child welfare . . . especially to those which relate to the dependent, defective, delinquent, neglected, incorrigible or illegitimate children . . . and to report to the General Assembly not later than March 1, 1947, the result of such study and investigation, and to accompany such report with its recommendations as to any legislation necessary . . .”

The Joint State Government Commission assigned the duties outlined in this Resolution to its Committee on Child Welfare Laws, Juvenile Delinquency and Institutions (hereinafter called the "Committee").

Just prior to the introduction of the bill for the creation of a new Children's Commission, the Council of Juvenile Court Judges requested the Governor to appoint a commission to study institutional facilities for delinquent, dependent and neglected children. The Governor

¹ See the "Report to the General Assembly of the Commission appointed to Study and Revise the Statutes of Pennsylvania Relating to Children," February 1, 1927.

referred this request to the Joint State Government Commission, suggesting that this study fell within the scope of the House Resolution.

Accordingly, on January 16, 1946, the Committee invited a group of citizens and officials conversant with children's services and needs to meet with it in Harrisburg to discuss questions coming within the purview of the investigation. At that meeting the recommendation was made that the Commission appoint an advisory committee, to be composed of persons informed and active in the field, who would be in a position to make specific recommendations for needed legislation. Acting on this recommendation, the Commission appointed the present Advisory Committee (hereinafter called the "Advisory Committee") in February, 1946.

The Advisory Committee held its first meeting with the Committee on February 28, 1946, in Harrisburg. The field of study was divided into five areas of interest: dependent and neglected children; delinquent children; handicapped children; adoptions, illegitimacy, non-support, custody and guardianship, and child marriages; and supervision of institutions, private schools and camps. Subcommittees of the Advisory Committee were appointed to deal with each of these areas of interest, and members of the Commission's committee were assigned by the chairman of that Committee to sit with these subcommittees in the course of their study.

The members of the several subcommittees are listed in the Appendix to this report.

The Advisory Committee did not have a research staff to make studies, to compile material, and to write reports. However, the members of the subcommittees, many of whom were experts in the problems studied, gave time and service themselves. This made possible the research work which the Advisory Committee found necessary to do despite its lack of staff.

Most of the recommendations of this report grew out of the studies made by the subcommittees and their deliberations at meetings held in Philadelphia, Pittsburgh, and Harrisburg¹ and from a final

¹ The Subcommittee on Dependent and Neglected Children and the Subcommittee on Delinquent Children, because of the extensive nature of their tasks, held meetings in three cities. The Subcommittee on Handicapped Children, the Subcommittee on Adoptions, Illegitimacy, Non-support, Custody and Guardianship, and Child Marriages, and the Subcommittee on Inspection and Regulation of Private Institutions, Schools, and Camps held many meetings in Philadelphia and conducted active correspondence with members through their chairmen.

general meeting held in Harrisburg on September 24, 1946, when the entire Advisory Committee met in joint conference with the Joint State Government Commission's Committee on Child Welfare Laws, Juvenile Delinquency, and Institutions.

In its deliberations, the Advisory Committee also had the benefit of the results of studies of some of the problems before it, which had previously been made by the Joint State Government Commission's Committee on Crime Prevention, Juvenile Delinquency and Institutions. It also reviewed the unfinished institutional programs recommended by the Commission's Committees on Penal and Correctional System and on Mental Institutions, in so far as they concern facilities for children and youths who are delinquent or mentally handicapped.

Finally, the Advisory Committee had the benefit of studies made in its field of inquiry by other official and unofficial bodies or by individuals, as well as several special studies made particularly for the Advisory Committee. These are listed in the Appendix to this report.

In the light of its inquiry, the Advisory Committee makes the following recommendations:

II. RECOMMENDATIONS

A. GENERAL RECOMMENDATIONS

1. That the Administrative Code¹ be amended in the following respects:

a. Create a new department to be known as the Department of Mental Health, and transfer to this department from the present Department of Welfare responsibility for the general supervision of the state program for the treatment of mental disease and defect, and supervision over all mental institutions.

b. Create a new department, to be known as the Department of Corrections, and transfer to this department from the Department of Welfare responsibility for the state program of custodial care and treatment of adult and certain juvenile offenders, including the administration of state penitentiaries, the state industrial schools and industrial homes and state institutions for defective delinquents; the inspection of jails, prison farms, county, borough and city lockups; the manufacture and sale of prison-made goods and the prison labor program in state prisons; the establishment and administration of a classification center for study of prisoners. Transfer to this department from the Parole Board responsibility for supervision of prisoners released on parole.

c. Transfer to the present Department of Health from the present Department of Welfare responsibility for the state-owned and state-aided medical and surgical hospitals.

d. Merge all functions of the present Department of Public Assistance and all remaining functions of the present Department of Welfare into a new Department of Assistance and Welfare.

2. That the Civil Service Act² be amended to embrace all employees of the Department of Health, and of the proposed Departments of Mental Health, Correction, and Assistance and Welfare.

3. That the Joint State Government Commission make a continuing study of child welfare problems and that appropriations be made to the Commission in sums sufficient to employ a small staff for this purpose, and to defray other expenses incident thereto.

¹ Act of April 9, 1929, P. L. 177, as amended.

² Act of August 5, 1941, P. L. 752, as amended.

There has been widespread recognition of the fact that the Department of Welfare has grown too large and unwieldy and has been saddled with many unrelated services and overlapping functions. At the present time this department performs important functions in four unrelated areas: those in the field of mental hygiene, those in the field of corrections, those in the field of family and child welfare and certain functions in the field of health. Each one of these is a field of great and growing importance.

After careful consideration, the Advisory Committee believes, that good administration can be secured only by the transfer of some of these functions to separate departments of the state government. The Advisory Committee realizes that in making such sweeping recommendations, it is going beyond the field of child care. But since improvement in that field will be brought about (along with improvement of services to adults) by such a reorganization, the Advisory Committee desires to join with others who have for some time been advocating a reorganization of the three present Departments of Health, Welfare and Public Assistance, by a redistribution of their functions among four departments; the present Department of Health and new departments of Mental Health, Corrections and Assistance and Welfare.

At present, matters pertaining to mental health in this state are handled by the Bureau of Mental Health in the Department of Welfare. This bureau has a staff of three or four professional workers and a small clerical staff, operating on a budget of less than \$25,000 per year to "further the prevention and cure of mental diseases." The state is now spending approximately 18 million dollars a year for the care of the mentally ill and mentally defective, numbering about forty thousand. There is no likelihood that the magnitude of the problem and the size of the appropriations which will be required to cope with it will be reduced in the near future. On the contrary, a substantial building program will be necessary and the problems of administration will inevitably be increased.

The Advisory Committee believes that to deal properly with the problems of mentally ill and defective children in Pennsylvania, as well as with those of adults, involves an enterprise of such magnitude that it should be handled through a separate department of the state government. This department would administer the state mental hospitals,

the state institutions for the feeble-minded and the colony for epileptics. It should also operate a state-wide system of clinics for treatment of the mentally ill.

At present the administration of Pennsylvania's penal institutions and correctional services is also in a bureau of the Department of Welfare. A program recommended by the Governor's Commission on Penal Institutions and enacted into law by the 1945 Legislature, makes it necessary to provide for more adequate services, independently administered.

The proposed Department of Corrections would administer the state penitentiaries, the Pennsylvania Industrial School at White Hill, the State Industrial Home for Women at Muncy, and the state institutions for defective delinquents; and the inspection of jails and prison farms and of county, borough and city lockups. The new department should administer the following new institutions when they are completed; namely, the new industrial school and the institution for defective delinquents at Rockview, the new maximum security prison at Graterford, and the classification center at White Hill. It should be responsible for administering the manufacture and sale of prison-made goods. It should provide an in-service training program for the staffs of correctional institutions. It should collect and compile statistics on crime and delinquency, and provide information and advisory service to local officials, judges and the public. While the Parole Board should continue as an independent board as at present, the proposed Department of Corrections should supervise all persons paroled by the Board.

The Department of Health should retain its present jurisdiction and responsibilities, but there should be transferred to it from the Department of Welfare responsibility for the operation of all state-owned medical and surgical hospitals, and responsibility for the inspection of all general hospitals which receive state aid.

If the foregoing recommendations are carried out, it will leave in the present Department of Welfare primarily those functions relating to supervision of public and private child welfare services. It is recommended that these services be combined with the services now performed by the Department of Public Assistance, into a new Department of Assistance and Welfare. This department would have responsibility for administering the public assistance program, including the import-

ant program of aid to dependent children. It would have responsibility for inspection of almshouses and of children's institutions, a function with respect to which the Advisory Committee's recommendations appear elsewhere in this report.

In any modern program qualified personnel is essential. Among the departments or services of the state government which are concerned with children, the Advisory Committee found that the merit system is now used only in those which receive federal financial aid. Frequent changes of personnel and uncertainty of tenure have materially reduced the efficiency of the service performed in departments or bureaus in which the merit system does not prevail. In view of the special qualifications required for administering family and child welfare services, corrections and the whole field of mental hygiene, it is important that the merit system be extended to this whole area of governmental activity.

The Advisory Committee recommends that the employees of the proposed Departments of Corrections, Mental Health and Assistance and Welfare, including the staffs of the state penal and correctional institutions, should be under civil service, and that qualifications should be set up by the judges for appointment of probation officers.

B. RECOMMENDATIONS RELATING TO DEPENDENT AND NEGLECTED CHILDREN

1. That legislation be enacted, establishing a state-county child welfare program to include welfare services for children, especially dependent and neglected children; social services to children in their own homes; placement in foster and adoptive homes and in institutions and day-care centers.

2. That adequate appropriation be made to the present Department of Assistance (or to the new Department of Assistance and Welfare) to enable the department to improve and strengthen the program of aid to dependent children through more adequate grants and service and the further development of qualified personnel.

3. That legislation be enacted,

a. Establishing a unified County Board of Assistance and Welfare in each county, to be composed of eleven citizens in first- and second-class counties and of seven citizens in counties of

the other classes, appointed as at present by the Governor, plus the county commissioners in each county.

b. Requiring the county boards to set up special child welfare committees from among their membership, to have supervision of the work of a child welfare division.

c. Authorizing the county boards to set up advisory citizens' committees on child welfare services.

4. That legislation be enacted to provide for division of financial responsibility for this program between state and counties, by:

a. Assumption by the state of costs of service and administration of this program in the county.

b. Reimbursement by the state to the counties for 50 per cent of the expenditures made by the county boards for maintenance of children placed in foster family homes and institutions.

c. Appropriation of \$6,000,000 for the biennium June 30, 1947, to June 30, 1949, to implement the program.

5. That the appointment of county child welfare workers by the proposed County Boards of Assistance and Welfare shall be made from lists of persons certified by the State Civil Service Commission as eligible for appointment, such lists to be established by the Commission as the result of examinations.

6. That legislation be enacted to permit the proposed County Boards of Assistance and Welfare to:

a. Make investigations regarding any child reported to be in need of public care or service, and to provide such service and care as may be needed.

b. Arrange with parents, guardians or custodians of a child in need of care away from his own home for the payment by them of part or all of the cost of such care, according to their ability to pay.

c. Accept custody of children committed to the county board by a court exercising jurisdiction over juveniles.

d. Provide social services to any woman who is pregnant with or has been delivered of an illegitimate child.

7. That legislation be enacted to allow the counties to submit plans for child welfare services to the Department of Assistance (or to the proposed Department of Assistance and Welfare), to become effective January 1, 1948, and to require all counties to submit plans to become effective not later than December 31, 1948.

In some counties public child care services are wholly lacking and in most they are administered in accordance with standards far below those which should prevail. While the Advisory Committee realizes that there is no necessary virtue in uniformity for its own sake, it believes that children's services could be greatly improved throughout the state by the establishment of at least minimum standards on a state-wide basis and by the provision of some degree of financial assistance from the state.

The Advisory Committee fully appreciates the indispensable role of the juvenile court in dealing with problems of child care. It recommends no alteration in the jurisdiction of the court.

The Advisory Committee does, however, believe that in many if not most instances of dependency or neglect court action is neither necessary nor desirable, and that in those cases child care should be provided through a public administrative agency, supplemented by the services of whatever private child care agencies may be furnishing such care, and operating in much the same manner as private agencies, both in the nature of the services furnished and in the reciprocal relations between the agencies and the juvenile court.¹

Accordingly, the Advisory Committee recommends² the establishment of a public child welfare program administered in each county by a unified County Board of Assistance and Welfare,³ operating under state supervision and having the benefit of financial assistance from the state. The enactment of these proposals into law is needed if a modern state and county program of child welfare is to be established in Pennsylvania to assure dependent and neglected children throughout the state the protection and security which is now provided only in some counties.

In 1937 the General Assembly provided⁴ for the establishment

¹ Judge Schramm does not share the view expressed in this paragraph. See footnote 1, page 12a.

² Judge Schramm dissents from the entire recommendation. His views are set forth in full at pages 66-69, etc., of this report.

³ Mr. Denby, Miss Harris, Mr. Kauffman and Dr. Look are not convinced of the soundness of the proposal to combine the administration of the child welfare program and the assistance program in unified County Boards of Assistance and Welfare. They believe that further consideration should be given to this proposal and to the alternative of establishing separate county administrative agencies to administer the child welfare program.

⁴ Act of June 24, 1937, P. L. 2017.

of County Institution Districts, through which each county was to accept responsibility for children by providing for needed care away from their homes. But there has been divergence of interpretation within the counties as to the extent of that responsibility and as to what the act allows. Counties vary widely not only in the ways in which they administer child care services, if any, but also in per capita public expenditures for such services. In Exhibit 1 of Part 2 of this Report there is presented a picture of these patterns, based on a recent survey prepared by the Public Charities Association of Pennsylvania.

This survey shows that Pennsylvania's county patterns of child care tend to fall into three groups: counties in which child welfare services are provided through the county institution district; counties in which dependent children are placed through the juvenile court; and counties in which no consistent pattern appears.

Within the first group is further diversity in pattern. In some counties the commissioners refer children needing placement to private agencies and institutions, paying such organizations from public funds for the children's maintenance. In other counties they have appointed a private agency to act for the county institution district in respect to children needing care. Then there are sixteen counties in which the county institution district operates its own child welfare services under the supervision of the state's Rural Child Welfare Unit. Other counties also employ child welfare workers within the county institution district, but occasionally turn to private agencies for care.

The second group includes a few counties where all children needing care away from home are taken on petition before the juvenile courts. In these counties the children may be placed in foster homes or institutions by probation officers, their maintenance being paid on court order from county funds; or they may be committed to the county institution district which may refer them to private organizations for care. In one county, the court commits the children directly to private agencies and institutions.

In counties with no consistent child care pattern the commissioners may themselves place the child; they may ask an employee of the county institution district, such as the almshouse superintendent, to place him; a private agency may handle the case; or a probation officer

may effect placement under court order. Whose hands a child passes through depends largely on where the individual turns who is first concerned with his need.

In many counties public officials responsible for child care have available for use the privately operated institutions and child placing agencies which have grown up out of community recognition of the fact that many children need care outside their own homes for reasons that are not primarily economic. In some instances these organizations receive remuneration for the child's maintenance from a parent or relative. In most cases, however, the child's keep is paid in full or in part from county funds. While the state, through the Bureau of Community Work, Department of Welfare, inspects all children's institutions and agencies, the only state financial support for children needing services, or needing maintenance outside their homes, is provided in direct appropriations to thirty-eight private institutions and agencies. In most counties, even those where numerous child caring facilities exist, some children are left without care, because of the general inadequacy of public resources and because of the limitations set by private agencies in respect to the types of children they will serve—limitations usually bounded by religious or racial characteristics. Facilities for Negro children are particularly scarce.

The results of this hit-or-miss system in terms of what happens to children can only be surmised. Certainly the effects may prove devastating to the lives of those children threatened with separation from their families, who happen to reside in counties where good child care services and facilities do not exist, or exist only for children of a certain color or religion. As long as care and protection are not available to all children within its borders, the state is neglecting a responsibility. That responsibility can only be fully discharged when the state has adopted a state-wide child welfare program under which services and care are available wherever and to whatever children are in need.

The Advisory Committee's recommendations form the framework for such a program by defining an administrative set-up that could provide the kind of state and county leadership needed to build up child welfare services in every county. The Advisory Committee's decision to urge the combination of the children's services now in the

Department of Welfare and the public assistance programs of the Department of Public Assistance was partly based on the fact that many of the already broken families on the aid-to-dependent-children rolls need the skilled services which can help to prevent further family disintegration. Nevertheless, the committee recognized that the administration of a good child welfare program involves skills and specialized personnel which are not necessarily the same as those demanded by a program in which the primary problem is to determine financial need. Therefore the Advisory Committee reached the conclusion that each of the proposed county combined assistance and welfare boards should appoint a special committee of board members responsible for child welfare.

The Advisory Committee recommends the provision of state financial assistance in order to give some aid to the counties in providing adequate child care. The Advisory Committee recommends that this state aid be in the form of assumption of all administration costs of the county Boards of Assistance and Welfare and reimbursement to the counties for not to exceed one-half of the expenditures made by the county boards for the maintenance of children in foster homes and institutions.

The Advisory Committee is aware of the constitutional problems involved with respect to reimbursement for the cost of services given in sectarian institutions.¹ The Committee believes that this problem can be met by providing that the county shall be reimbursed for the full amount of expenditures made by it for child care services which were arranged for by the county Boards of Assistance and Welfare, except care rendered by denominational or sectarian institutions, provided that the total amount of reimbursement shall not exceed a sum equal to one-half of the entire expenditures of the county for such care, including payments made to denominational or sectarian institutions. Under such a provision, the Advisory Committee is of the opinion that if, for example, one-half of the expenditures in a given county are for institutional care in a sectarian institution, and the other half is represented by expenditures for foster home care, the county would be entitled to be reimbursed for one-half of its entire expenditures. If only a small fraction of the cost represents expenditures for care in

¹ See *Collins v. Martin*, 290 Pa. 388 (1927)

sectarian institutions, the county would still be entitled to reimbursement of one-half of its total expenditures. Only in an extreme case in which expenditures for care in sectarian institutions should exceed fifty per cent of total expenditures for child care would the county be reimbursed for less than one-half of its total expenditures.

While counties which are now spending inadequate sums for child care might in this way be aided in developing more adequate programs, it must be pointed out that no county would be compelled to make expenditures in excess of the amount which the county authorities desire. While the county Boards of Assistance and Welfare would be autonomous agencies acting within the counties, these boards could make expenditures for foster home, institutional or other care only to the extent that funds were in the first instance appropriated by the county commissioners for that purpose. In this way the county authorities will always be able to exercise control over such expenditures.

The cost of such a state-wide program can only be estimated, because of the lack of any reliable figures on the numbers of children receiving or needing care away from their homes at the present time. The \$6,000,000 figure recommended by the Advisory Committee as the state's share of the expenses for the first biennium of operation seems fair in the light of past county and state expenditures.¹ Experience will show in what direction, if any, it errs, and revisions can be made accordingly.

Fundamental to these proposals is the Advisory Committee's recommendation that all employees of the program be paid by the state and selected from lists certified by the Civil Service Commission—the selections in case of county employees to be made by the county boards. Through the Civil Service Act² the state has at hand a proven method of providing itself with personnel best equipped to do the job needing to be done. Pennsylvania is one of the few states that has not seen fit to protect its children's services in this way, except in those operations that have federal support. A study³ of the staff needs of the Division of Family and Child Welfare, Bureau of Community Work, Department of Welfare, made for the Advisory Committee by Dr.

¹ A detailed analysis of this recommendation appears in Part 2 of this Report.

² Act of August 5, 1941, P. L. 752.

³ This study appears as a Supplement to Part 2 of this Report.

Isabel G. Carter, a member of the Advisory Committee, compares the training and experience of the staff members of the Rural and Child Welfare Unit—where the staff is under civil service—with the qualifications of the division's staff. It shows that the civil service employees are in every instance more closely aligned through former experience and training to the field of child welfare than any of the division's employees except the director. Surely services to children who are deprived of normal parental security ought to be supplied through a staff as well equipped as possible with the understanding and delicate skills that good training and experience provide.

Of equal importance to selection of qualified staff is the assurance of sufficient appropriations to carry out the services adequately. Dr. Carter's report shows the handicap under which the present Family and Child Welfare Division is operating because of insufficient staff and equipment. Even a highly qualified staff cannot do the best job of which it is capable without the proper clerical and technical aids. Statistical and stenographic services are particularly important to the functioning of an agency administering child welfare programs, for adequate records and a knowledge of how many and what type of children are receiving care at any one time are essential to proper planning. Therefore, in the allocation of funds under the proposed program, particular attention should be paid to the provision of adequate resources to enable the state agency not only to pay salaries that will attract well qualified people to its services, but also to employ sufficient people for efficient functioning.

C. RECOMMENDATIONS RELATING TO DELINQUENTS AND YOUNG OFFENDERS

Juvenile Court Jurisdiction

1. That the present jurisdiction of the juvenile court be retained, with the upper age limit at 18.

Detention of Children Awaiting Hearing

1. That the present statutory provisions¹ for detention care be amended so as to require juvenile court judges to designate a place of detention or plan for detention care for children under eighteen

¹ Act of June 2, 1933, P. L. 1433, Sec. 7 (Juvenile Court Law).

Act of June 3, 1933, P. L. 1449, Sec. 406 (Juvenile Court Law of Allegheny County).

awaiting hearing in juvenile court, and advise the county commissioners to that effect, to authorize county commissioners to provide a building, a room or rooms for detention with suitable supervision or to provide a subsidized boarding home, including payment for maintenance, overhead, remuneration of caretaker, or to make financial provision for care of individual children in foster homes; and to permit counties to join in the establishment of such facilities in sections of the state where individual counties are not financially able to establish them.

2. That legislation be enacted to provide that no child shall be committed to a detention home directly, but that application for detention care shall be made to the juvenile court and its probation officers responsible for the management and conduct of the home.

3. That legislation be enacted to provide that the general oversight and control of all children awaiting hearing, and all admissions to and discharges from detention, shall be by the juvenile court and its probation department; and to require that caretakers and matrons of detention homes be qualified to care for children.

4. That legislation be enacted, prohibiting the mingling of dependent and neglected children with delinquent children in detention care, and discouraging the admission of such children to detention homes by authorizing county commissioners to establish separate places for their care and to provide for the placement of such children in foster home care.

5. That legislation be enacted, prohibiting the confining in jail of children between the ages of sixteen and eighteen pending juvenile court hearing, except on order of the juvenile court judge hearing the case; and requiring jails to segregate all persons under eighteen from adult offenders.

6. That administrative action be taken by the court, probation officer or superintendent of the detention home, to bring about the following improvements:

a. Limitation of acceptance of children to detention homes to those who cannot be left in their own homes during the period pending hearing.

b. Provision of opportunity for continuous schooling, indoor and outdoor recreation, and religious activities for children in detention.

c. Segregation of children with special behavior problems from other children, and of older boys and girls from smaller children.

Clinical and Study Facilities

1. That legislation be enacted, permitting counties to establish services for the medical and psychiatric examination of children who may be awaiting disposition or be under the care of the juvenile court or child welfare authorities of the county, through:

a. Establishment of court and county child study clinics staffed by physicians and psychiatrists; such services to be made available to the court and its probation officers and to other county officials dealing with children and family problems.

b. Establishment of reception centers to which children may be brought for examination, and having housing facilities where children with special problems may be placed for extended observation and study.

c. Provision for establishment of combined detention homes and reception centers, with facilities for extended observation and study apart from facilities for short term care pending hearing.

2. That Legislation be enacted to require the Department of Welfare (or the proposed Department of Assistance and Welfare) to establish regional clinics for children and reception centers in areas of need where the counties cannot provide such services themselves.

Probation

1. That legislation be enacted to require that all counties provide probation service for delinquent juveniles, with at least one probation officer in each judicial district serving one or more counties in that district, with the provision that counties may be jointly responsible for services in a judicial district in cases where a single county is not able to finance such services alone.

2. That legislation be enacted to specify qualifications of probation officers appointed to deal with children, such qualifications to include training and experience in work with children; and to place the selection of probation officers in the hands of the judges of the court dealing with children, permitting them to set up a voluntary system of examinations for that purpose.

3. That legislation be enacted to require the Department of Welfare (or the proposed Department of Assistance and Welfare) to establish an advisory and educational service to assist juvenile court judges and probation officers in the development of their probation services for children, with the provision that such services shall not involve the exercises of any control over the work of the officers serving the juvenile court, or be directive of the operation of the county probation service.

4. That legislation be enacted to appropriate funds for the development of probation services of the juvenile court by the allocation of such funds to courts in judicial districts where probation officers are insufficient in number or absent because of lack of financial resources; and to require counties to which such funds are allocated to meet standards of qualifications set up by the Department of Welfare (or the proposed Department of Assistance and Welfare) and a committee of judges of the juvenile court, in appointing probation officers to the juvenile courts.

5. That administrative action be taken within each juvenile court to assure that the court will have enough probation officers to carry its caseload with efficiency. Based on the standard used by the leading juvenile courts of the country, this would require one probation officer for every fifty cases being investigated or supervised at any one time.

6. That administrative action be taken within the juvenile courts to provide that when the part-time service of officials is used for probation supervision of children, county officials engaged in welfare work or social work with children should be employed for that purpose, and not officers such as sheriffs, detectives or court clerks.

Parole

1. That the Parole Act¹ be amended to permit the Parole Board (or the proposed Department of Corrections) to supervise released youthful offenders committed to the state industrial schools by juvenile court judges, when the juvenile court requests it.

2. That appropriations be made which are adequate to make possible the appointment of a sufficient number of qualified staff mem-

¹ Act of August 6, 1941, P. L. 861, as amended May 27, 1943, P. L. 767.

bers, either attached to the several institutions, or to the courts as probation officers, to supervise children on parole, so that no single officer shall carry a case load of more than fifty persons; and administrative action to make such appointments.

3. That the Parole Board resume making appointments through the Civil Service Commission on the basis of competitive examination.

Facilities for Care Away from Home for Children and Young Offenders

1. That legislation be enacted to authorize the Joint State Government Commission to make a detailed study of the population of institutions for juvenile delinquents and of the state industrial schools according to age and problem groups.

2. That the statute¹ relating to sentences to the Pennsylvania Industrial School be amended to eliminate antiquated admission records and designation of "sentences" by the school administration.

3. That legislation² permitting justices of the peace, aldermen and mayors, to commit minors to the Pennsylvania Training Schools at Monganza, be repealed.

4. That legislative action, in the form of appropriations, and administrative action, be taken, designed to increase facilities for the care of delinquent children who cannot be treated on probation, as follows:

a. Greater use of foster homes for the care of delinquent children, and the development by private and public agencies engaged in foster home finding activities of more adequate resources for foster family care of delinquent children.

b. Increased institutional capacity for delinquent children and young offenders.

(1) Provision for problem boys requiring special care and close oversight.

(2) Increased capacity for juvenile delinquents to relieve over-crowding in state institutions, and to assure that adequate facilities will be available for Negro children, to whom few private facilities are open.

(a) Establishment of the Pennsylvania Training School for Delinquent Girls proposed by the Governor's Commission to Study Penal Institutions.

¹ Act of April 28, 1887, P. L. 63.

² Act of April 22, 1850, P. L. 538, as amended April 16, 1857, P. L. 219.

(b) Establishment of a new institution for delinquent boys in the eastern part of the state.

c. Establishment of the new state industrial school in Centre County proposed by the Governor's Commission to Study Penal Institutions, to provide additional capacity for youths now in the Pennsylvania Industrial School at White Hill; and the establishment of a new institution to replace the present school at White Hill.

d. Proper equipment of the State Industrial Home for Women at Muncy with facilities to meet present needs.

5. That the Diagnostic and Classification Center¹ for study of committed youths and young men be opened as soon as possible in order to facilitate the proper assignment of offenders to appropriate institutions for care and treatment.

6. That plans be developed by the Department of Welfare (or the proposed Departments of Corrections and Assistance and Welfare), in co-operation with the institutions for juvenile delinquents and young offenders, for classification and transfer of juveniles and youths from one institution to another, such transfer to be based on the type of training needed by the individuals concerned.

Facilities for the Care of Defective Delinquents

1. That legislation be enacted to authorize the Joint State Government Commission to make a study to determine whether a new institution is necessary for the care of defective delinquent children, as suggested by some administrators, or whether it may be possible to provide special facilities for defective delinquent children in state institutions for feebleminded children.

2. That legislation be enacted to enable a judge of the criminal court, when his court has no access to psychiatric facilities for diagnosing defective delinquents, to send a person of sixteen years, or over, awaiting sentence to the classification center for study and diagnosis, if he is of the opinion that such person may be a defective delinquent; the report of the classification center, supported by that of an additional physician not on the staff of the center, to be used by the judge to determine whether the individual is a defective delinquent and committable as such.

¹ Established by the Act of May 15, 1945, P. L. 570.

3. That legislation be enacted to require the Diagnostic and Classification Center to refer back to the courts any prisoner discovered during his stay at the Center to be a defective delinquent though not committed as such; and to send the court a report of the psychiatrist and a recommendation for an order of commitment, which may then be made if another psychiatrist concurs in the findings and the court approves commitment.

4. That the act¹ creating the Pennsylvania Institution for Defective Delinquents be amended to clarify the definition of a defective delinquent; and to rectify the language to delete certain words and phrases, such as "recover" and "recovery" and "mental condition improved," which are inconsistent with the conception of the permanent character of feeble-mindedness.

5. That legislation be enacted, requiring the Department of Welfare (or the proposed Department of Corrections) to set up a separate program for delinquent defectives under eighteen in the Pennsylvania Institution for Defective Delinquents, and that such youthful offenders be segregated from older inmates in the institution.

6. That increased institutional facilities be provided for the care of defective delinquents, including prompt erection of the new building already authorized² for male defectives in Centre County, and that appropriation be made of whatever funds may be necessary for this purpose, to provide for those defectives now inadequately housed at Huntingdon and for others who may be committed by the courts or transferred from other correctional institutions.

7. That a qualified psychiatrist be appointed to head the Pennsylvania Institution for Defective Delinquents or to be in charge of the staff which directs the medical and psychiatric program and policy.

8. That complete responsibility be placed on the staff psychiatrist for approval of discharges and paroles from the Pennsylvania Institution for Defective Delinquents; and that a policy be adopted allowing no discharges or paroles other than those for medical reasons.

Prevention of Delinquency and Crime

1. That appropriation be made to the Department of Welfare (or the proposed Department of Assistance and Welfare) of sufficient

¹ Act of May 25, 1937, P. L. 808.

² Act of May 15, 1945, P. L. 571.

funds to carry the activities in the field of crime prevention entrusted to it under the 1945 Act ¹ and to assume responsibility for the stimulation of local activities for the prevention of delinquency throughout the state.

2. That councils of social agencies and other local welfare and civic groups work for the establishment and development of recreational facilities, community centers, character building agencies and for community support of special police service for protective work with children and youths.

Statistics

1. That legislation be enacted, requiring the collection by the Department of Welfare (or the proposed Department of Corrections) of adequate statistics on juvenile delinquency and crime, based on the model law prepared by the National Conference of Commissioners on Uniform State Laws entitled "Uniform Act for Statistics on Crime and Juvenile Delinquency."

2. That administrative action be taken by the appropriate state departments to bring about the development of an adequate system of statistical records and reports on the part of juvenile courts and crime prevention agencies.

In-Service Training

1. That adequate funds be appropriated to the Department of Public Instruction for the department's Public Service Institute to continue its training program for workers in the field of delinquency and corrections.

2. That officials and interested groups make every effort to bring about the continuance of federal aid to the in-service training program in order to supplement state appropriations.

The constant problem of juvenile delinquency urgently indicates the need both of improved preventive measures and of the improved methods of handling of juvenile delinquents in most counties of the state. Notable throughout most of the state is also the need for suitable probation service for delinquent children, improved correctional services, and the provision of more suitable detention facilities and

¹ Act of May 15, 1945, P. L. 544, amending the Administrative Code.

more adequate child placing and institutional facilities for juveniles who are in difficulty with the law. This is a problem about which community leaders, administrators, judges, and citizens have become increasingly concerned.

During the 1945 session of the Legislature, the problem received the attention of the Governor's Commission on Penal and Correctional Institutions, and of a special committee on juvenile delinquency of the Joint State Government Commission. The Governor's Commission obtained legislation providing for greatly needed new institutional facilities for juvenile delinquents and young offenders.¹ The Joint State Government Commission introduced a number of bills. One of them, that authorizing the establishment of a comprehensive state program for the prevention of crime² was passed. Both the building and the crime prevention programs are still to be implemented through allocations or appropriation of funds.

When in 1939 the Legislature extended the juvenile court's jurisdiction³ to include sixteen and seventeen year old boys and girls, a great step forward was taken. Prior to that time, youths who were merely incorrigible or delinquent were dealt with by the adult court and stigmatized as criminals by the procedure. Under the new act, the juvenile court is permitted to send older juveniles above sixteen to juvenile institutions or to the state industrial schools for youths of age sixteen to twenty-five.

Juveniles under care cover a wide age range from earliest childhood to late adolescence. The treatment given must then necessarily vary from protection of the child in the case of younger children, to protection of society and rehabilitation of the individual for those in the older age bracket. Treatment agencies include juvenile courts, criminal courts, foster home agencies, children's institutions, training schools and, in the case of the older group, industrial schools and even state prisons and, unfortunately, jails in which are found children of

¹ Acts of May 15, 1945, P. L. 571 (New Industrial School at Rockview).

Acts of May 15, 1945, P. L. 573 (authorizing purchase of Kis-Lyn School in Luzerne County).

Acts of May 15, 1945, P. L. 574 (New State Training School for female juvenile delinquents).

² Act of May 15, 1945, P. L. 544.

³ Act of June 15, 1939, P. L. 394.

Act of June 15, 1939, P. L. 397.

all ages. The activities of the state and the community as well as those of the agencies of prevention and treatment, enter into this ramified problem.

The need for prevention is of course primary. The Advisory Committee therefore urges that the provisions of the crime prevention statute recommended by the Joint State Government Commission, and enacted in 1945¹ be carried out. A crime prevention program should include leisure time use of school plants, increased recreation, police crime prevention work, community organization, enlisting the co-operation of churches and character building, community and civic groups.

The recommendation that the Department of Welfare (or the proposed Department of Assistance and Welfare) provide leadership for the stimulation of this program arises out of a belief that the time is ripe for such action. The present widespread interest in juvenile delinquency should be given consideration and skillful direction by qualified personnel.

Moreover, the Advisory Committee believes that crime prevention should not concern itself only with children before they have gotten into difficulty. The delinquent child today may be the adult criminal of tomorrow; and a proper program of crime prevention must concern itself also with children who are already in difficulty with the law and even those who have been adjudged to be delinquent. From this point of view, the juvenile court and its probation staff are essentially concerned with prevention. They should do a preventive job with individual truants and with children in difficulty in the community, at home, or at school. It is preventive work when the probation officer discovers for a family that their child's problem can be solved at home by the family, with the aid of the probation officer and of a community clinic. Factors in the emotional development, family life, physical environment and social opportunity play intermingling roles in causing children to adopt delinquent patterns of behavior.

The training school can be part of a preventive program. The task performed by such an institution in helping a child or youth to make a normal adjustment and acquire new and better patterns of behavior is prevention of further wrong-doing.

¹ Act of May 15, 1945, P. L. 544.

Few counties have satisfactory detention programs for those children who cannot await hearing in their own homes. One reason is the rarity of special detention facilities.¹ But even where facilities exist they are often improperly used, and delinquents are often indiscriminately mixed with dependent and neglected children. Admissions and discharges are not always under the full control of the juvenile court and its probation officers. Detention facilities for girls and boys of sixteen and seventeen are almost completely lacking, jails being used for this purpose in nearly every county and frequently without segregation of juveniles from adults. Legislation now provides for special detention care only for children up to sixteen, although the juvenile court age jurisdiction is up to eighteen.

New legislation is needed, and is recommended, to provide for better detention care and to make it possible for judges to determine the kind of detention program they need and for the county authorities to establish that service which is most suitable and financially possible, whether it be a detention home, subsidized boarding home, or foster home.

Fundamental to any successful or intelligent handling of the individual delinquent child is a diagnosis of his problem to discover what brought about his delinquency; for only when cause is known can proper treatment be determined. Yet few juvenile courts have clinical services at their disposal to help them gain a knowledge of the child. It is only the exceptional detention home that affords any clinical facilities for psychiatric, medical or psychological examinations, while community services available to the courts for diagnostic purposes are few and overburdened. Special study facilities for children requiring observation in the institutional environment of a reception center over an extended period of time are almost completely lacking. For none of these has the General Assembly so far made provision by necessary explicit legislative authority. Legislation to provide such facilities is recommended.

A good probation service is basic, for it gives the judge the advantage of a pre-hearing social study of each child brought before him

¹ Detention facilities are reported in thirty-six counties only; thirty-one counties report none and twenty-four of these use jails for children of all ages. In 1945, 880 teen-age youths were held in jail in Pittsburgh and Philadelphia,—one out of every five juveniles heard in these courts during that year.

and an available method of oversight through which the child may remain in his own home; and it provides for supervision during parole for children released from correctional institutions. This combination of services represents the core of modern programs for delinquent children. Yet twenty-seven counties in Pennsylvania have no probation services at all, except for the occasional part-time or voluntary arrangements made with sheriffs, court clerks, stenographers, librarians or public welfare workers in some of these counties. Of the forty counties that offer probation services only fifteen provide special personnel for delinquent children.

Three counties have established voluntary systems of examination to aid them in selecting officers with the qualifications, delicate skills and understanding required for their work. Statutory provision is needed, and is recommended to require probation service to be provided by qualified personnel in every county, and to extend state financial aid to counties that cannot meet this requirement for the employment of qualified persons.

Because of the state's stake in the work with children, there is need for uniform minimum standards of juvenile court and probation service in the various counties. The Advisory Committee therefore recommends that an advisory service of an educational and informational nature be set up in the Department of Welfare (or the proposed Department of Assistance and Welfare), to aid judges and probation officers.

The state has assumed responsibility for providing or supporting the type of training facilities needed for children and adolescents for whom probation is not the indicated treatment. For this purpose it gives financial aid to private institutions for delinquents and has established two types of institutions, state or semi-state training schools for children committed by the juvenile court, and state industrial schools for youths committed by the juvenile and criminal courts. The age range in the state industrial schools overlaps that of the other institutions and schools for juveniles in the sixteen and seventeen year age groups.

Training schools and homes for delinquents are often overcrowded. The age limit which, with other entry limitations, is set in the case of public institutions by the Legislature, and in the case of private in-

stitutions by institutional policy—is in most instances too wide for good treatment purposes, some institutions admitting children from eight or ten to eighteen or twenty-one years of age.

For the group above fifteen, the Advisory Committee sees the immediate need for the new facilities recommended by the Governor's Commission on Penal Institutions. The new industrial school at Centre County and additions to the State Industrial Home for Women are of prime importance. The State Industrial School has a capacity of 1,441; facilities for 2,100 to 2,400 are needed. The State Industrial Home for Women can only house 330 girls and women committed both as reformatory cases and for penitentiary care.

Sixteen and seventeen year old youths committed to the State Industrial School by the criminal courts are supervised by the Parole Board upon release, but in most counties those in this age group committed by juvenile court judges are often sent back to their communities at the termination of their incarceration with no follow-up.

In spite of the fact that the former state industrial school at Huntingdon has been converted into an institution for male defective delinquents, the plant is not suitable for this purpose. This was recognized by the Legislature of 1945 when it authorized¹ the building of a new institution in Centre County for this dangerous class of offenders. Further appropriations for the institution will be required.

The heart of the program for the proper institutional assignment and planning for treatment of young and old offenders sentenced by the criminal court is the Diagnostic and Classification Center authorized by statute² two years ago. To it when it is opened will be sent for study, diagnosis, and planning for institutional treatment all youths and others who are committed to a "State Institution" and all persons who are determined by the court to be defective delinquents. This Center will be staffed by scientifically trained specialists. The work by the Center will be a safeguard against hit or miss sentencing. This procedure is the hub of the program proposed by the American Law Institute for the Youth Correction Authority, a plan now in successful operation in California and other states.

In any modern program, in-service training for officers in proba-

¹ Act of May 15, 1945, P. L. 571.

² Act of May 15, 1945, P. L. 570.

tion and parole agencies and in correctional institutions and services is a "must" because of the specialized nature of their jobs. The advantage of such training has been demonstrated by the in-service courses conducted so successfully by the Public Service Institute throughout the state for the past eight years with the aid of state and federal funds. This program has reached a stage when the state should take full responsibility for developing and expanding it.

A great lack in the state of Pennsylvania is the absence of factual information about delinquency and crime. No business organization could conduct the vast program operated by the state with so few facts about the questions involved—the number of delinquents and criminals, the number of individuals on probation, on parole, in prison, in reformatories, in industrial schools, etc. There is little comprehensive data on arrests, treatment, trends of crime and delinquency. It is a fundamental matter of common sense, therefore, to set up a state bureau on statistics of crime and delinquency in the proposed Department of Corrections, with authority to collect facts and figures from police, district attorneys, criminal and juvenile courts, penal and correctional institutions, training schools, probation and parole agencies, and crime prevention services.

Most states place the responsibility for the supervision of correctional institutions and agencies for youths and adults, and that for schools and services for the young delinquent children, in two separate departments of state government. Pennsylvania, unfortunately, places both programs in one overburdened Department of Welfare, to their mutual disadvantage.

Since supervision by the state is fundamental in these services, the Advisory Committee recommends that the proposed Department of Assistance and Welfare take over the task of supervising training schools, co-operating with juvenile courts and their officers, preventing delinquency, etc., and that the proposed Department of Corrections manage the prisons, industrial schools, institutions for defective delinquents, the Diagnostic and Classification Center, the collection of statistics on crime and delinquency, and all other correctional services; and that in its work the Department of Corrections lay special stress on programming for the rehabilitation and treatment of the youthful offenders in this group.

D. RECOMMENDATIONS RELATING TO HANDICAPPED CHILDREN

Mentally Defective and Mentally Ill Children

1. That administrative action be taken by the Department of Welfare (or the proposed Department of Mental Health) to establish a registry of all known mentally defective children.

2. That adequate appropriations¹ be made, and administrative action be taken, to increase and improve institutional capacity to deal with mentally defective and mentally ill children, as follows:

a. Make building additions, repairs and replacements as well as staff enlargement at the institutions at Polk, Pennhurst and Laurelton.

b. Immediately equip all state institutions for mentally defective children with small units for low-grade feebleminded children, mongolian idiots and monstrosities, under six years of age.

c. Cause the Bureau of Mental Health (or the proposed Department of Mental Health) to make further inquiry into the needs of mentally defective blind children, to determine whether present facilities are adequate, whether the Royer-Greaves School at Paoli should be encouraged to expand, or whether a similar school should be established in another part of the state.

d. Increase institutional capacity to care for mentally ill children.

3. That the Department of Welfare (or the proposed Department of Mental Health) promote state and local programs for the psychiatric study and treatment of emotionally disturbed children.

Epileptic Children

1. That administrative action be taken to improve the educational and recreational facilities for children at the State Colony for Epileptics at Selinsgrove through addition of qualified staff members.

Blind and Visually Handicapped

1. That legislation be enacted, setting up a budget provision for the purchase and distribution of sight-saving books, the funds to be controlled by the Division of Special Education in the Department of Public Instruction.

¹ The Act of May 18, 1945, P. L. 815 already authorizes the Department of Welfare, with the approval of the Governor, to establish new institutions, relocate old ones, etc.

2. That administrative action be taken to improve reporting procedures in the Council for the Blind (now in the Department of Welfare), to assure registration of all blind children.

3. That further inquiry be made into the institutional needs of mentally defective blind children.

Deaf and Hard of Hearing

1. That an appropriation of \$50,000 for the biennium, June 30, 1947, to June 30, 1949, be made to the Division of Special Education, Department of Public Instruction, for hearing testing and follow-up treatment of school children.

Children with Speech Defects

1. That the Department of Public Instruction give further study to the need for establishing a school for children with severe speech handicaps or additional clinics for speech improvement.

Children Needing Orthopedic Treatment or Surgery

1. That adequate appropriation be made and administrative action be taken to add qualified staff at the State Hospital for Crippled Children at Elizabethtown, to enable all available facilities to be put to use.

Children with Hare-Lip and Cleft Palate

1. That administrative action be taken to expand the state's program for such children along the lines of the present demonstration project at Lancaster, with the use of additional federal funds now available for this purpose.

Children with Cerebral Palsy (Spastic Paralysis)

1. That the Bureau of Crippled Children make a survey of cerebral palsied children, in an effort to determine the extent of the problem, the degree to which it can be met in special classes organized by the Division of Special Education and the need for the establishment of small units in state institutions for the specialized care of cerebral palsied children who cannot be educated and cared for in special classes in the public schools.

Children Suffering from Cardiac Conditions

1. That administrative action be taken to develop the Department of Health's plan for establishment of county heart clinics under standards assuring the securing of federal funds available for such services.

2. That a study be made by the Department of Health to determine whether hospital facilities are adequate for longtime care of children suffering from cardiac conditions.

Tuberculous Children

1. That available federal funds be used for developing the state's program for the tuberculous, such a program to include in addition to the state's present anti-tuberculosis activities the following provisions for the protection of children:

a. Chest X-rays of all women attending prenatal clinics.

b. Examinations of babies to reveal the presence of tuberculous infection. (Tuberculin Tests.)

c. Periodic examinations in state chest clinics of all contacts of known cases of tuberculosis.

d. The provision in general hospitals of adequate hospital facilities for children with tuberculosis.

e. The appointment of a permanent director, especially trained and experienced in the care of the tuberculous, to head the Bureau of Tuberculosis Control.

f. Appointment of a full complement of personnel to the tuberculosis sanatoria at Cresson and Mt. Alto, to make possible the use of all available beds.

2. That the School Health Act¹ be amended to require examination for tuberculosis among certain school groups.

General Recommendations

1. That all the measures recommended by the U. S. Children's Bureau be adopted for the improvement of the program of the Crippled Children's Division, Bureau of Maternal and Child Health, State Department of Health, in respect to the following: (1) appointment of a personnel officer; (2) recruitment of professional personnel; (3) eligibility; (4) co-ordination of services; (5) planning for children with poliomyelitis; (6) locating crippled children; (7) follow-

¹ Act of June 1, 1945, P. L. 1222.

up of physicians' recommendations; (8) professional services; (9) inspection of hospitals and convalescent homes; (10) after care.

2 That a central registry be established in the Department of Health for the collection of information on all children suffering from physical handicaps.

3. That maternal and child health clinics be developed in all the counties to provide diagnostic examinations and treatment for children of pre-school age, and that the work of those centers now in operation be expanded.

a. Provision of an adequate number of nurses and other qualified personnel in the center's staffs.

b. Improvement of the program's statistical procedure, of its case-finding methods and educational work.

4. Provision of appropriations adequate to permit proper administration of the various state services involved.

Any comprehensive study of handicapped children must necessarily fall into two main areas of consideration—the mentally handicapped and the physically handicapped. Both of these groups consist of children who are starting life with "two strikes against them"—who, in order to be included within the scope of the democratic ideal which offers "equal opportunity to all," must be provided with special treatment and care often beyond their parents' economic means. Without such service they face lifelong tragedy, and the certainty of remaining liabilities to their families or to society to the end of their days. But with the proper care received early enough to be effective, most of them can have the chance to lead useful and productive lives. The state, therefore, has a direct stake in seeing that whatever service is indicated by need is made available.

The kinds of programs involved are determined by the various forms of handicaps within each group. Each form arises from a different cause, has a different effect and requires a different method of treatment and care. Excluding the complex handicaps involving a combination of defects the most common types of handicaps affecting children may be summarized as follows:

I. Mental Handicaps:

A. Mental defect

- B. Mental illness
- C. Epilepsy

II Physical Handicaps:

- A. Crippling conditions
 1. Bone or muscular deformities
 2. Harelip or Cleft Palate
 3. Cerebral palsy
 4. Cardiac conditions, such as rheumatic hearts
- B. Tuberculosis
- C. Blindness or defective vision
- D. Deafness or defective hearing
- E. Defective speech

One fact emerged clearly from the Advisory Committee's inquiries: that in Pennsylvania there are children fitting into each of these classifications who are not receiving the care and treatment they need. By and large this neglect can be attributed directly to the state, for it arises from four inadequacies in programs for handicapped children in which the state has a primary responsibility: lack of accurate information on the numbers and needs of children in each category; insufficient institutional capacity, particularly for mentally handicapped children; inadequate staff and equipment; and insufficient funds.

One of the first problems the Advisory Committee ran into in its study of the handicapped was the inability to get accurate information in regard to numbers and types of children needing care, or even in respect to children receiving care. This difficulty arises in the main from the diffusion of responsibility for programs for handicapped children in three departments of the state government and their various

bureaus and divisions, and from the fact that case-finding and follow-up within these administrative agencies are inaccurate and incomplete. The agencies administering services for handicapped children are: the Department of Health, through the Pre-school Nutrition Division, the Dental Division and the Division of Crippled Children of the Bureau of Maternal and Child Health; the Department of Welfare, through the Bureau of Mental Health and the Council for the Blind; the Department of Public Instruction, through the Division of Special Education. No one agency is responsible for inquiring into the total problem represented by handicapped children nor for gathering and compiling continuous statistics on children of all ages within each category.

But even the lack of accurate statistics does not veil the fact that facilities for children needing certain types of institutional care are far from adequate. This is especially true in respect to mentally handicapped children, for whom the state has assumed the full burden of providing institutional care. Reports from all institutions for mentally defective children tell of serious overcrowding and long waiting lists. Institutions specifically for the treatment of mentally ill children are completely lacking, only the Allentown State Hospital has a small unit for mentally ill children.

Except in respect to the tuberculous, the state has left a large portion of responsibility for the institutional care of physically handicapped children in the hands of local communities and philanthropic organizations, sometimes, as with the blind and the deaf, with state financial support. Because institutional care for physically handicapped children is apt to be of shorter duration than with the mentally handicapped, inadequacy of facilities in this area is probably not so acute, except in phases of institutional care just emerging from the experimental stage—such as convalescent homes for cardiac sufferers or training schools for children with cerebral palsy.

Inadequate staff and equipment is apparent in almost every state institution. For example, in spite of the importance of institutional care and isolation of the infectious in an anti-tuberculosis program, all beds in the state sanatoria at Cresson and Mt. Alto cannot be put to use because of a shortage of hospital staff. This is also true of the state hospital for crippled children at Elizabethtown.

Staff shortages, and frequently staff inadequacy in respect to qualifications for specific jobs, run all through the state program for handicapped children, including the supervisory services within the administrative agencies. Unfilled job vacancies in highly responsible positions within the Crippled Children's Division and the Bureau of Tuberculosis Control of the Department of Health tend to weaken the activities of those agencies. At present the Department of Welfare functions without a merit system for staff selection, either within its own bureaus and divisions (except in one unit unrelated to handicapped children) or in the institutions its supervises. The Department of Health uses a merit system only for persons employed in bureaus, divisions or institutions the budgets of which are matched by federal funds.

Basic to every program are the funds necessary to put it into effect. No matter what responsibilities have been laid by law on an administrative department, its framework of activity will necessarily be limited by the financial resources at its disposal. If the legislators, therefore, feel that a program is important enough to be entrusted to an administrative agency, they should make available sufficient means for that program to be carried out. Yet today many state services for handicapped children are providing only "token" care for lack of funds. That this is so is not always the fault of the legislature, which must depend for its determination of what a program should cost on estimates provided by department and bureau heads. Sometimes lethargy within a department results in an inadequate estimate of need, or failure to stress the importance of that need. This can bring about not only inadequacy in appropriation, but also a loss of federal funds available for specific purposes, because federal funds are almost invariably granted on a state matching basis. Today Pennsylvania could be receiving far greater federal aid for its handicapped children if it would itself assume greater responsibility in various areas, among them, services for the tuberculous and for the crippled, especially children with rheumatic hearts, harelip or cleft palate, or cerebral palsy. As long as there are children whose lives are threatened with tragedy because of handicaps that could be alleviated, the state must examine every possible resource to bolster its efforts to bring these children the care and treatment they need.

**E. RECOMMENDATIONS RELATING TO PROBLEMS OF
ADOPTION, ILLEGITIMACY, NON-SUPPORT,
CUSTODY AND GUARDIANSHIP AND
CHILD MARRIAGES**

Adoption

1. That the Adoption Law¹ be amended as follows:
 - a. Merge the present two similar Sections 1² into one section.
 - b. Require that, as a rule, adoption be in the county where the adopting parents reside.
 - c. In addition to the information at present required, provide that petitions for adoption shall state the residence, color and religious affiliation of the person to be adopted, the color, age, occupation and religious affiliation of the adopting parent, and the color and age of the natural parents.
 - d. Allow for the consent of a minor parent over eighteen years of age without the consent of his or her parent or guardian.
 - e. Dispense with the requirement of consent of the reputed father of an illegitimate child.
 - f. Permit termination of the rights of the natural parents of a child through legal provision for guardianship of the child by an approved child caring agency, and thereby dispense with the consent of such natural parents to the subsequent adoption of such child.
 - g. Make more adequate provision for notice of hearings to persons whose consent is required.
 - h. Require a six-month period to elapse before a child is determined to be abandoned.
 - i. Require that the person to be adopted shall reside with the adopting parent for six months before the petition for adoption may be executed, unless such person is related by blood or marriage to the petitioner.
 - j. Require adoption hearings to be held in private, except in special cases.
 - k. Provide for a short decree of adoption and require that the records of the court in adoption cases be withheld from public inspection.

¹ Act of April 4, 1925, P. L. 127, as amended.

² As amended by the Act of June 5, 1941, P. L. 93 and July 2, 1941, P. L. 229.

2. That legislation be enacted to authorize the Department of Welfare (or the proposed Department of Assistance and Welfare) to make investigations in respect to adoptions when requested by the court.

3. That legislation be enacted to make the investigation facilities of the Quarter Sessions Courts available to Orphans' Courts in cases in which the right to consent to adoption is transferred from the parent to a child placing agency.

4. That legislation be enacted to grant authority and funds to the Department of Welfare (or the proposed Department of Assistance and Welfare), to employ trained and skilled staff to investigate and approve child placing agencies.

5. That legislation be enacted to require child placing agencies to which the right to consent to adoption is given, to give bond with the court having jurisdiction over adoption proceedings.

Illegitimacy

1. That the Fornication and Bastardy Act ¹ be amended as follows:

a. To substitute the term "illegitimate child" for the term "bastard."

b. To allow the requirement of a surety bond to be discretionary with the court.

c. To provide that an order for maintenance of a child shall be flexible and subject to change.

2. That the Joint State Government Commission give further study to a proposal that the Decedents' Estates Law be amended to provide that the estate of a person shall be liable for the support of a minor child, whether legitimate or illegitimate, in all situations where the decedent would be personally liable if living.

Non-Support

1. That the Desertion and Non-support Law ² be amended to provide that proceedings may be initiated either by filing a petition with the court or information proceedings before a justice of the peace or alderman.

¹ Act of June 24, 1939, P. L. 872, Sec. 506; as amended by the Act of May 21, 1943, P. L. 306, Sec. 1.

² Act of June 24, 1939, P. L. 872.

Custody and Guardianship

1. That the Joint State Government Commission give further study to the problems of custody and guardianship which are referred to in Part 5 of the Advisory Committee's report.

Child Marriages

1. That the Joint State Government Commission make further inquiry into the social effects of the present possibility that a boy of fourteen may enter into a binding marriage with a girl of twelve; and give consideration to the desirability of various proposed methods for the dissolution of such marriage.

The recommendations pertaining to adoption arises out of needs shown in adoption experience. Including as they do, amendments in respect to technical changes in the law, time requirements, methods for insuring private hearings and confidential records, and an investigating service of the proposed Department of Assistance and Welfare to be made available to the courts, they have as their primary objective greater protection of the child. Their purpose is to make it possible for an adoption to take place smoothly, after the mother has been given opportunity to consider whether or not she really wishes to relinquish the child, and after the child and the adoptive parents have been given time and opportunity to adjust to one another.

The recommendations on illegitimacy are efforts to eliminate difficulties which may stand in the way of a child's receiving support. Under present law a support order terminates on the death of the parent, regardless of the condition of the estate. In urging further consideration of a proposal that a father's estate be made liable, the Advisory Committee wishes to point out that legislation establishing this right to continued support should clearly include legitimate as well as illegitimate minor children.

Because fathers in jail are unlikely to be able to support their children, the Advisory Committee recommends that the present rigid requirements directing that the father of an illegitimate child give security, be relaxed to become discretionary with the court. Similarly, the Advisory Committee believes that there is the need for flexibility in orders for support payments. Under the present law¹ the original

¹ Act of June 24, 1939, P. L. 872, Sec. 506, as amended by the Act of May 21, 1943, P. L. 306, Sec. 1.

sentence stating the monthly or weekly amount ordered by the court, cannot be changed at a later date, even though the man's earnings or the child's needs have changed.

The Advisory Committee's recommendation in respect to family non-support are designed to extend to wives, regardless of their economic status, the opportunity of filing petitions for support in Quarter Sessions Court and thus of saving the expense of a fee to the justice of the peace. Though this method of procedure is recommended as an alternative left to the choice of the individual concerned, it might be pointed out that the petition system offers a possibility of a thorough investigation before the hearing.

The question of guardianship is a subject which the U. S. Children's Bureau has been attempting to have reviewed in the various states, because of its growing importance in respect to children of deceased servicemen and of workers covered by Old Age and Survivors Insurance. The Bureau has pointed to the difficulties faced by federal administrators of veterans' benefits and social security because of lack of uniformity in state guardianship laws. In addition, several social agencies handling adoptions in Pennsylvania have been pressing for consideration of the problem, urging that agencies be given opportunity to become sole guardians of children in instances where it seems desirable for parental rights to be terminated before adoption proceedings are initiated.

In spite of the frequently made statement that Pennsylvania has no law which provides for guardianship of the person, the Advisory Committee believes that the Orphans' Court has ample jurisdiction to grant both guardianship of the estate and of the person of a minor. It concluded therefore, that, with one exception, the problem of guardianship calls for further study of procedures rather than new legislation. That exception is embodied in the recommendation to allow an "approved" social agency to be appointed guardian of a child, after its surrender by the parent, with full power of consent to adoption.

Because of the fact that the common law age of consent applies in Pennsylvania, it is possible for a boy of fourteen to enter into a legally binding marriage with a girl of twelve. In view of the evidence suggesting that marriages of children under sixteen have greatly increased during the past five years, the question of what provision, if any,

should be made for the dissolution of such marriages is pertinent. Its answer should be based on careful inquiry and recognition of all the human and legal factors likely to enter into such situations. Though the Advisory Committee considered this problem, it has made no recommendations in this respect, as sufficient time was not available for a full exploration of the subject.

F. RECOMMENDATIONS RELATING TO INSPECTION OF PRIVATE SCHOOLS AND CAMPS

1. That legislation be enacted to prohibit any one other than public school authorities from establishing or maintaining a children's institution after a specific date without registering with the Department of Welfare (or the proposed Department of Assistance and Welfare). Written notice of establishment or intention to establish such an institution should constitute registration, and no fee should be charged.

2. That the definition of "children's institution" contained in Section 2302 (b) of the Administrative Code¹ be amended by adding thereto a clarifying clause to include specifically camps, day care centers, and boarding schools that do not meet the minimum standards of the State Council of Education or of any other bona fide educational association or system.

3. That legislation be enacted prohibiting any person from publishing advertising with respect to a school which in any misleading manner represents that the school is "approved" or "accredited."

4. That the Administrative Code be amended to require the Department of Public Instruction and the Department of Welfare (or the proposed Department of Assistance and Welfare) to give interested parties an opportunity to be heard before such departments adopt or promulgate any rules or regulations which they may have authority to make with respect to "children's institutions."

A few years ago newspapers throughout the state displayed the story of the arrest of a headmaster of a private academy for impairing the morals of minors. About the same time, in the western part of the state, a private elementary school stumbled into publicity because of its low standards of child care. Such situations might have been dis-

¹ Act of Apr. 9, 1929, P. L. 177.

covered and corrected much sooner had these schools been subject to state inspection, either through the Department of Welfare or the Department of Public Instruction. What deplorable conditions might now be menacing the welfare of children in other schools or camps that operate without the necessity of meeting any minimum standards may never be known unless all such child caring organizations are subject to some sort of state supervision. The Advisory Committee offers its present recommendations as a beginning in this direction.

Under present laws, though all children's institutions are subject to inspection by the Department of Welfare and all secondary and higher schools can request accrediting by the Department of Public Instruction, private camps, private elementary schools and other non-accredited schools are free from any kind of state supervision, except for sanitary and safety inspection by the Department of Health and Department of Labor and Industry.

In no phase of its considerations has the Advisory Committee been more aware of the need of further study than in respect to the question of inspection of schools, camps and institutions. Here is an area in which two departments of state government have major concern. It is also a field involving many long-established and highly respected voluntary organizations. Therefore, any comprehensive program for increasing the state's protective role in relation to children in schools, camps, or institutions must necessarily grow out of a succession of exploratory conferences among the representatives of all these groups. Time and staff were lacking for such an exhaustive inquiry. Nevertheless, because loopholes in present laws invite deplorable and sometimes even scandalous occurrences, the Advisory Committee feels it important to recommend certain legislative action in this area.

January 31, 1947.

III. ADDENDA

A. PERSONNEL OF THE SUB-COMMITTEES OF THE ADVISORY COMMITTEE

Sub-Committee on Dependent and Neglected Children

Mary Clarke Burnett, *Chairman*
Henrietta Jaquette, *Vice-Chairman*
Dr. Isabel Carter
Dr. Marion Hathway
Barton Kauffman
Emilie B. Myers
John N. O'Neil
Judge Gustav L. Schramm
Verna Smith
John E. Snedeker
Walter P. Townsend
Elizabeth Tuttle
Dr. Helen Glenn Tyson

Legislative Members:

Hon. Joseph M. Barr
Hon. Rowland B. Mahany
Hon. Charles R. Mallery

Sub-Committee on Delinquent Children

Leon T. Stern, *Chairman*
Ralph C. Busser, Jr., Esq.
Dr. Herbert M. Diamond
Rev. William M. Griffin
Barton Kauffman
John N. O'Neil
Dr. John Otto Reinemann
Judge Gustav L. Schramm
John E. Snedeker
Judge Robert E. Woodside

Legislative Members:

Hon. John P. Corrigan
Hon. James S. Berger

Sub-Committee on Mentally and Physically Handicapped Children

Gertrude Dubinsky, *Chairman*
Dr. Frederick H. Allen
Dr. Isabel Carter
Dr. Helen Glenn Tyson
Lewis J. VanDusen, Jr., Esq.

Legislative Members:

Hon. John J. Haluska
Hon. Jacob L. Moser ¹

Sub-Committee on Problems of Adoption, Illegitimacy, Non-Support, Custody and Guardianship and Child Marriages

Ralph C. Busser, Jr., Esq., *Chairman*
Dr. John Otto Reinemann, *Vice-Chairman*
Gertrude Dubinsky
Lillian P. Kensil ²
Robert M. Myers
Anna R. Ramsey
Leon T. Stern
Walter P. Townsend

Legislative Members:

Hon. Clarence E. Moore
Hon. Ivan C. Watkins

Sub-Committee to Permit Public Inspection or Regulation of Private Institutions, Schools and Camps

Dr. Arnold E. Look, *Chairman*
Rev. William M. Griffin
Henrietta Jaquette
Emilie B. Myers
Gerald Ronon, Esq.

Legislative Members:

Hon. Charles R. Mallery
Hon. Louis Leonard

¹ Deceased.

² Mrs. Kensil was obliged to resign from the Advisory Committee in its early stages, and thereafter Blanche V. Paget assisted this subcommittee and attended all its meetings.

B. SPECIAL STUDIES MADE FOR THE ADVISORY COMMITTEE

The following special studies were made for the information of the Advisory Committee in its preparation of the present report:

Report on County Patterns of Public Child Care in Pennsylvania, by the Family and Child Welfare Division of the Public Charities Association, under the direction of Dr. Helen Glenn Tyson.

Study of the Staff Needs of the Division of the Family and Child Welfare, Bureau of Community Work of the Department of Welfare, by Dr. Isabel G. Carter.

Special studies by the Pennsylvania Committee on Penal Affairs of the Public Charities Association, under the direction of Leon T. Stern.

Probation Service for Juveniles.

Detention Care and Clinical Services for Children Awaiting Hearing.

Institutional Facilities for Delinquent Boys and Girls in Pennsylvania.

Legal and social research on Adoptions and Illegitimacy, by Ralph C. Busser, Jr., Esq., and Dr. John Otto Reinemann, members of the Advisory Committee, with the aid of Frank W. Hatfield, Esq.

Special studies of adoption practices in Pennsylvania, under the direction of Walter P. Townsend, member of the Advisory Committee, with the aid of Miss Beatrice McNally.

January 31, 1947.

C. DISSENTING VIEWS OF JUDGE GUSTAV L. SCHRAMM WITH RESPECT TO RECOMMENDATIONS RELATING TO DEPENDENT AND NEGLECTED CHILDREN

After careful consideration of the recommendations of the Advisory Committee with respect to Dependent and Neglected Children and in light of my own experience, I have come to the conclusion that the recommendations are unsound and that a program of foster care based on them would be against the public interest. I shall restrict myself at this time to refer briefly to the following reasons which have impelled me to this conclusion:

1. It is unwise to rip out local administration of foster care and centralize it in the State. Local administration of foster care is more likely to enlist neighborly civic interest and public support for neglected children than the far larger and much more distant set-up of Statism. America has grown great as a democratic nation, not by undermining its local units but by strengthening them to administer local matters as each finds best adapted to its needs and development;

2. It is unwise to set up a State administrative program of foster care involving State funds which will inevitably conflict with the restriction in the Constitution of Pennsylvania as to State appropriation for sectarian purposes. I know of no state which is administering such a program within a similar constitutional restriction;

3. It is unwise to endanger foster care placements in institutions. Public foster care today throughout the country is dependent more and more on institutional facilities. For example, in 1935 in Allegheny county, there were 146 children, or 6.9%, in institutions; today, there are 753 children, or 44.4%, in institutions. In twelve years, there has been a 500% increase in institutional placements. It would be unrealistic if throughout the State there were an arbitrary limit on institutional placements irrespective of the best interests of foster children. Every sectarian institution for children would be endangered and discriminated against by these recommendations;

4. It is unwise to force county financial participation in a State administrative program. A reason this "concession" to the counties

was made was to try to circumvent the above-mentioned restriction in the Pennsylvania Constitution as to State appropriations for sectarian purposes. The result would be an impractical set-up, leading to conflict and dissatisfaction to the detriment of the children to be served;

5. It is unwise to mislead local communities that they would be relieved of financial obligations by the proposed State plan. The contrary may well be the result, as Miss Close illustrated in an article in the *Public Charities Herald* for November 1946 and included in the final draft of the Report as Exhibit I! According to Miss Close, there are two counties of comparable population, one spending \$120,000 a year on foster care and the other \$48,000. The inference is plain that the recommended State set-up would see to it that the second county would be enlightened by having the State-employed social workers fill up the placements in the second county to match the first. Even granting that those operating in the first county were satisfied for the time being to let their figure stand at \$120,000 and have those operating in the second county match it, then the taxpayers in the second county would be called on to pay 50% of \$120,000, or \$60,000! Thus, the second county would face a rise of \$12,000, or 25%, of its taxes. Home rule becomes a mockery;

6. It is unwise to force together foster care and the relief program. The two have a different base. The lower level of the D.P.A. program will act unfavorably to the foster care level. Deficits in the D.P.A. program would find foster children at a great disadvantage in competition with adult recipients;

7. It is unwise that professional social workers as State employees would have the power "by agreement" to remove children from their homes and place them at public expense without court sanction or knowledge, and to retain them in such care away from their homes so long as the State employees can persuade parents not to go to the court. If parents are unfortunate enough to be in need of assistance grants from the very same Department, or if they are otherwise handicapped and unaware of their legal rights and procedures, their interests, those of their children and those of the public may not be properly safeguarded by judicial process in a juvenile court acting in the traditional protective role of a court of equity. I hope that such a system as proposed will never gain a foothold in Pennsylvania;

8. It is unwise that the State be asked to venture on a "blank check" journey. Quote, Page 19 of the final draft: "The Committee has made an earnest effort to find a basis for estimating the probable costs of this program but finds it impossible to do so with any degree of accuracy."

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Any State financial aid for foster care, if considered desirable, should only be to assist and to stimulate local communities to meet their problems with their own children. Or the taxing power of local communities might be expanded, if such were considered preferable.

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I have not been informed as to why it was considered necessary and desirable to have the Advisory Committee so unrepresentative as a civic body that a very large proportion of the members are professional social workers. Of the seven members of the Advisory Committee from Allegheny County, as an example, five are professional social workers.

It has been apparent that any suggestion or inquiry by any one not in complete accord with those who thus constitute a majority was unwelcome. You may recall, as an illustration, my inquiry at the June meeting in Harrisburg as to the operation of the Department of Public Assistance. In the light of Mr. Mills' official report, I called attention to the operation of the Department of Public Assistance, as that Department handles the vast bulk of public support of dependent children (those in their own homes). Mrs. Burnett, as Chairman, replied that such an inquiry had not been contemplated; otherwise, "we would have had someone from that field appointed to the Committee!" And yet, the subcommittee was set up ostensibly to consider the *treatment of dependent and neglected children* in Pennsylvania. But the Department which administers and spends millions of dollars to support dependent children in their own homes was not to be within the Committee's inquiry. Interestingly enough, the plan as proposed by the social worker members of the Committee is to add foster care to that Department.

The attitude of the professional social worker members of the subcommittee was further exemplified by Mrs. Tyson at the first meeting of the Committee in June in Harrisburg. As soon as Dr. Hathway

made her motion, Mrs. Tyson expressed herself in favor and added, "I don't see how anything could change my mind."

As a member of the Committee and as a citizen, I consider it my duty to express my opposition to the unwise and unsound system set forth in the Report of the Committee. All of us owe it not only to foster children who cannot speak for themselves but also to our democratic heritage to see that a system of foster care which would be against the public interest shall not be imported into Pennsylvania.

(s) GUSTAV L. SCHRAMM.

D. COMMENTS OF MARY CLARKE BURNETT, CHAIRMAN OF THE ADVISORY COMMITTEE'S SUB-COMMITTEE ON DEPENDENT AND NEGLECTED CHILDREN, WITH RESPECT TO JUDGE SCHRAMM'S DISSIDENTING VIEWS

I have consulted with other Pittsburgh members of the Subcommittee on Dependent and Neglected Children concerning Judge Schramm's letter of January 19th to the Chairman of the Advisory Committee dissenting to the proposed child welfare program. Along with the Co-chairman, Mrs. William A. Jaquette and other subcommittee members, I feel that since this letter has been circulated to all members of the Advisory Committee, and since you have written that this letter will be incorporated in the report of the subcommittee, it should be accompanied by a statement regarding Judge Schramm's apparent misconceptions about the proposed program.

This statement should perhaps first point out that throughout the subcommittee's discussions in Pittsburgh, Philadelphia and Harrisburg, effort was directed toward devising a program most likely to assure good care to all children in the state who need it. The committee members came with various suggestions and points of view as to the most desirable administrative structure, but after thinking through the problems together they arrived at the recommended program, with all members in accord but two. Mr. Barton Kauffman, of Erie, registered his opinion that a program could best be carried out by county boards of child welfare, operating under the present law, and separate from the assistance program. The other dissenting member, Judge Schramm, also proposed separate county child welfare boards, but wanted these boards to be appointed by the judges of the juvenile courts or of other courts having jurisdiction over juveniles. He alone urged that all children whose placement requires expenditure of county funds—even those children whose parents or relatives voluntarily seek help in the placement of children—should be brought on petition to the court and committed by the court to the child welfare board for placement.

The underlying misunderstanding, out of which some of Judge Schramm's statements seem to arise, is that a state-formulated program

would be forced upon the counties whether they wanted it or not. Actually this could not happen, for the only mandatory provision in the program, other than the provision that there be set up in each county a combined assistance and welfare board, would be the provision that each county board shall submit a county child-care plan to the state department. Thus, variations of county plans are possible under this proposed program. Such variations based on local consideration of children's needs and existing resources to meet them are of course highly desirable.

The following paragraphs take up Judge Schramm's objections to the proposed program point by point as he has enumerated them in his letter:

1. The proposed program contains no plan to "rip out local administration of foster care and centralize it in the state." County boards made up of local residents, including the county commissioners, would retain the power to administer the program: i. e., to determine what money is needed, to appoint the staff, to determine what children need care, and the kind of care they are to receive. In developing the county plan, the board would undoubtedly call on the co-operation of representatives of all public and private agencies and institutions concerned.

2. There is no reason to predict "inevitable conflict" in regard to payments for children placed in sectarian institutions. In counties where most of the children needing care away from home are placed in foster families and non-sectarian institutions, 50 per cent of the maintenance costs would be reimbursed from state funds and this question would not arise. In those few counties where more than half of the payments for children's maintenance is for care in sectarian institutions, the state reimbursement would be for less than 50 per cent of the total expenditures but the county commissioners who now pay 100 per cent of the maintenance cost could appropriate sufficient county funds to make up the difference.

3. The figure Judge Schramm quotes for Allegheny County—that today, there are 753 children, or 44.4% in institutions—doubtless includes children in non-sectarian as well as sectarian institutions. To be relevant to the point under discussion, this figure should include only numbers of children in sectarian institutions. Certainly there should not be nor was it intended that there would be, any "arbitrary limit on institutional placements" under the proposed program.

4. The whole aim of the program is to assist the counties by adding state to local funds. As has already been pointed out, counties

will develop their own plans and determine what funds they need for the program.

5. No effort was made to mislead local communities as to their financial obligations. Under what possible circumstances would one county attempt to "match" the expenditures of another county? Or how could a staff worker, who must relate her work to the policies and budget limitations determined by the county board, attempt to "fill up" placements? We do not understand what that phrase means.

6. Many states have combined local administration of public services to children in their own homes and services to children away from their own homes into one administrative structure. The U. S. Children's Bureau and other standard-setting bodies have approved this general plan, for the achievement of sound administration and for the best interest of the children involved.

In many counties of Pennsylvania, the Aid to Dependent Children grants are at a higher level rather than a "lower level" than payments for foster care. However, the expenditures for the care of children under the two types of program are not comparable. Since the state would be required by law to reimburse the counties for moneys expended for children's maintenance, the suggestion that funds earmarked for such reimbursement might be used to meet a deficit in the public assistance program is not tenable.

7. For a number of years public child care agencies in other states and in many Pennsylvania counties have accepted children for care on request of any by agreement with parents and guardians.

It was made clear in the program that a staff assigned to the division of child care would carry on child welfare services, as a function separate from the administration of the assistance program. Any threat of withdrawal of assistance used by such a staff of children's workers against parents seeking the recovery of their children would not only be in violation of public assistance regulations, impossible under the recommended division of function, and also contrary to the established practice of the professional group which has as its major objective the maintenance and strengthening of family life.

8. The state has embarked on many "blank check journeys" in areas in which the state has decided that it has an interest and a responsibility. In this instance, the venture would be very small, as compared for example with the programs in relation to stream pollution, blind pensions, complete state care of the mentally ill, state aid to school districts and others. According to the best available figures, the number of children needing care away from their own homes has declined over the years, especially since the initiation of the Aid to

Dependent Children program. The rise in numbers of children needing care away from home which is reported to have occurred during the war can be expected to decline again.

In regard to Judge Schramm's statement that the subcommittee on the Care of Dependent and Neglected Children failed to inquire into the Aid to Dependent Children program, it should be remembered that: (1) during the testimony at the public hearing of the Joint State Government Commission, where the areas of child care needing exploration were defined, none of the witnesses recommended a study of the Aid to Dependent Children program; (2) there have already been many official examinations of the Public Assistance program; extensive compilations of material on it are available at all times.

In regard to the hope Judge Schramm expresses that the proposed program will not be "imported" into Pennsylvania, may we say that a public child placing program independent of the juvenile court has been conducted in a number of Pennsylvania counties for years, while the poor boards placed children without court commitment for more than a century. The idea of state leadership and state aid to counties to ensure that all children in need of care may receive it, is completely familiar to anyone who has followed the developments in this field over the last forty years.

(s) MARY CLARKE BURNETT.

