

RECENT PROGRESS IN CHILD WELFARE LEGISLATION

PAPERS READ AT A CONFERENCE
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WITH FOREWORD BY
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TABLE OF CONTENTS

	PAGE
FOREWORD, WILLIAM HODSON	5
SOME EFFECTIVE METHODS OF ORGANIZING COMMISSIONS FOR WORK, EMMA O. LUNDBERG	7
Local Stimulus Essential	7
Child Welfare Commissions in the United States	8
Official Authorization Desirable	8
Appropriations for Commissions	9
Membership on Commissions	10
Committee Organization	10
Need of Executive Secretary	11
Character of Leadership Important	12
ORGANIZATION AND WORK OF A CONTINUING CHILD WELFARE COMMISSION IN KENTUCKY, FRANCES INGRAM	12
Legislation for a Permanent Commission	13
Support of Educational Needs	13
State Board of Charities and Correction	14
A State Department for Children	14
State Probation	14
The Juvenile Court	15
Child Labor—Street Trades	15
Abandonment, Desertion, Non-support	16
Publicity	16
LEGISLATIVE PROGRAM FOR CHILDREN IN NEW YORK STATE, GEORGE A. HALL	17
Quality of Legislation	17
The Need of Legislation	18
Human Interest Element	18
Value of Co-operation	19
Public Hearings and Conferences	19
The Governor's Influence	20
Legislative Procedure	20
PROGRAM OF THE NORTH DAKOTA CHILDREN'S CODE COMMISSION, C. L. YOUNG	21
Inadequate Appropriation	21
Community Attitude	21
State Machinery	22
County Organization	22
General Duties of State Department	22

	PAGE
Licensing Power	22
Children in Almshouses	23
Transfer of Rights in Children	23
Adoption	23
Abandonment	23
Illegitimacy	24
Mothers' Pensions	24
Crippled Children	24
Child Labor	24
Equal Custody	25
Indecent Liberties	25
Privacy for Trials of Minors	25
Measures Lost	25
Commitment of Feeble-minded	25
Bureau of Child Research	25
Street Trades	25
Juvenile Court	26
LEGISLATIVE PROGRAM OF THE VIRGINIA CHILDREN'S CODE COMMISSION, JAMES HOGE RICKS	26
Keystone Proposal—State Board of Public Welfare	27
City and County Boards	27
Duties of State Board	27
Child-Placing or Child-Caring Agencies	28
Mothers' Aid	28
Duties of City and County Boards	28
Compulsory Education	28
Child Labor	29
Juvenile Court Law Procedure	29
Court Having Jurisdiction	29
Adoption	30
Sheppard-Towner Bill	30
Rejected Proposals	30
SOME MODERN LEGISLATIVE TRENDS IN BEHALF OF CHILDREN, C. C. CARSTENS	31
State Department of Child Welfare	31
Local Administrative Units	31
Mental Defectives	31
Children Born Out of Wedlock	32
Marriage	32
Adoption	32

FOREWORD

THE Division of Child Welfare Legislation of the Russell Sage Foundation, following precedents established in other years by the Federal Children's Bureau and the Child Welfare League of America, in 1923 arranged for two meetings of those interested in protective legislation for children at the National Conference of Social Work in Washington in May of that year. This pamphlet contains the papers read at these meetings. Four of them were written by the chairmen of the Child Welfare Commissions in their respective states. One paper presents achievements in the East, one in the West, and two in the South. Each describes progressive developments in its particular section of the country. The two other papers were written by persons with a national point of view. One of them has studied with some care, from the vantage ground of a government position, the trends and needs of child welfare commissions in various states; the other, at the head of a private organization with a country-wide field of action, has observed with trained and experienced eye the developments in the child welfare field in most of the states.

These papers bear testimony to the similarity of the needs of children everywhere. Conditions differ in each community; general practices and the character of the organization of welfare bodies are likely to vary from state to state, but there are emerging from experience fundamental legislative principles that are of fairly uniform application. Dissimilarities would seem to come mainly in the method of application of these principles.

The present movement to revise the laws pertaining to children, in which more than 26 states have taken part, has a background of interesting history which includes the British Children Act of 1908, sometimes referred to as the "Children's Magna Charta"; the White House Conference on the Care of Dependent Children called by President Roosevelt in 1909, the first commission to revise the laws in regard to children in Ohio in 1911, the

establishment of which led a number of other states to follow; and the International Conference of Experts on Child Welfare called by the Federal Children's Bureau in 1919, which considered legislation as a part of its agenda. New commissions on the revision of existing measures are constantly being appointed, and it is to be hoped that there will be a continuous and critical testing of the methods and results of the work as the movement goes on. The country wants no more law than is absolutely necessary to accomplish specific results. It wants no attempt to adjust by law conditions which are outside a legislative remedy, and finally it should heed the many warnings it has received that laws on the statute books and laws in action are two wholly different matters. The work of a child welfare commission should not cease with the adoption of its program by the legislature. Administration is "nine points of the law," and effective and honest administration is secured only by the intelligent follow-up of public opinion.

WILLIAM HODSON,
Division of Child Welfare Legislation.

January, 1924.

SOME EFFECTIVE METHODS OF ORGANIZING COMMISSIONS FOR WORK

EMMA O. LUNDBERG
FEDERAL CHILDREN'S BUREAU

THE most important thing in the life of a commission is that it shall be well born. Its heredity and parentage must be such that it will not begin life with a handicap. Inauguration of activity for the improvement of child welfare legislation should not be forced; it should be the result of real interest on the part of the people in the state who are most concerned. When you study the history of commissions that have been created, and the work they have done or have planned to do, you find good illustrations of the need for the right kind of a start. About a certain commission in a distant state, for instance, we in the Children's Bureau heard a great deal before and just after its appointment. There was much correspondence with the Bureau, asking for assistance, information, and so forth. Then we heard no more, and letters of inquiry to the commission regarding its plans elicited no response. The commission had been authorized by the governor, after much insistence by a small group not at all representative of child welfare interests in the state. And to make up for the lack of early team-work in securing the commission, the governor had been induced to name as members about 50 people who represented every possible group or type of activity in the state. But the minute the commission was appointed it went to sleep. Most of the "members" knew nothing about it or its work beyond the fact learned through newspaper publicity that they had been appointed. This story could be repeated, with variations, in regard to the situation in some other states.

Local Stimulus Essential. To succeed in its work a commission should have originated in a representative movement and be in fact an organization through which the best thought and practice in child welfare work in the state may find expression,

The appeal for its existence should be state-wide, and the commission must always consider the needs and the various conditions to be met in the different parts of the state, rural as well as urban. Stimulation from bodies outside the state only, as the history of some of the commissions will show, is not likely to have lasting effects. And equally unfortunate is it if the commission is created because of the insistence of a limited group or a few individuals within the state. Lacking the co-operation and understanding of the agencies principally concerned, it cannot function.

A state child welfare commission or children's code commission properly inaugurated begins its work with a background of general understanding of its objects. It does not have to spend its time and energies justifying its existence.

Child Welfare Commissions in the United States. By the beginning of 1923 there had been in the United States 26 officially created commissions for the study and revision of child welfare laws. In addition to these a bill providing for such a commission has been passed by the present session of the Florida Legislature,¹ and a new commission has been created in South Dakota to take the place of one defunct.² A bill introduced in the Iowa Legislature failed of passage, but a group in that state is working to induce the Governor to appoint a commission.³ A bill asking for a commission is still pending in Pennsylvania,⁴ and two or three other states are making similar efforts.

Official Authorization Desirable. There are several topics that may well be considered in a discussion of the form of organization of a commission. It is agreed that a commission should have official status, and while it may not seem very important whether it be created by act of legislature or be authorized by the governor, experience in many states has shown that one created by legislation has a prestige that is a valuable asset in securing the co-operation and recognition of large bodies of citizens. Not only is its program put through, but later attention to the administration of the measures that are enacted at its recommendation is assured.

¹ Laws of Florida, 1923, Chapter 9273.

² Laws of South Dakota, 1923, Chapter 122.

³ A commission was appointed in November, 1923.

⁴ The bill has since been passed. Laws of Pennsylvania, 1923, No. 411; a commission has been appointed.

Of the 26 state commissions that have existed, 17 were created by the legislature (three had been preceded by commissions appointed by the governor), and nine were authorized by the governor. In evaluating the results of the activities—or the activity—of the various commissions, it is significant that of the 17 created by law, only two failed to do something of value, while six of the nine appointed ones did nothing to justify their creation. In some instances authorization by the governor had followed the unsuccessful efforts of representative groups to secure action by the legislature, but in others it seems evident that appointment by the governor came about through the insistence of an organization or group of individuals whose interest proved to be of short duration, or which failed to gain the general support essential to accomplishment in this field. The concerted effort of the large bodies of citizens that alone can secure action by a legislature is a guarantee of well-directed purpose. This statement is proved by the experience of the three states, Minnesota, Missouri, and Virginia, that were exceptions to the “rule” that appointed commissions are feeble or sterile bodies. In these states good team-work took the place of special legal authorization.

Appropriations for Commissions. The question of an appropriation is of course very important to the work of a commission. In 11 states only have appropriations for carrying on the work delegated to the commissions been made from public funds—in Connecticut a total of \$22,000 was given for field studies and other expenditures for two years; New York, \$5,000 for the first year and \$7,500 for each of the years during which the commission remains in existence; Nebraska, \$7,500 for two years; Ohio, \$3,000; Indiana, \$5,000; West Virginia, \$4,750; North Dakota, \$2,500; South Dakota, \$500 and \$2,500 for two successive years. The New Hampshire commission used \$1,350 from state funds, and in Oklahoma and Wisconsin stenographic and other expenses were paid from the state treasury. Many of the commissions, among them some which had small state appropriations, were enabled to do the necessary work through funds received from private sources. Some have had the assistance of workers whose services were granted by other organizations. In a number of states national organizations or federal bureaus collaborated with the commissions in making special

studies which enabled members to secure the necessary information on which to base their recommendations to the legislature.

Membership on Commissions. The numerical membership of commissions has varied from two to 50. A membership of from nine to 16 is likely to give the best service. A larger body has often proved to be unwieldy and too widely scattered, both as to location and interests.

Membership frequently includes representatives of state boards or offices or of organizations of various types; and a number of commissions have thought it expedient to include legislators in order to have within the law-making body persons who will understand the purpose of the measures proposed, and who will be equipped to champion the cause of child welfare legislation and be interested in securing effective administration.

The New York commission which is now at work includes three members of the state senate, three of the assembly, five who represent state departments, and five members at large.¹ The West Virginia commission includes three lawyers, a clergyman, a coal operator, and three women who represent various state-wide organizations; there was also an advisory committee composed of heads of state departments dealing with children.² The North Dakota law provided that nominations for membership should be made from the following organizations, the Governor to select the members of the commission from the names submitted: State Conference of Social Work, State Federation of Women's Clubs, State Medical Association, State Bar Association, State Education Association, State Federation of Labor, and the State Minimum Wage Department (which in that state is responsible for the enforcement of the child labor law).³

Committee Organization. Upon the organization of a commission, one of the first steps has usually been to divide the membership into committees, or, where this has not been practicable, to classify under a few headings the child welfare problems to be considered. The grouping of these divisions has depended very largely on the outstanding needs in each state. Such a program is practical rather than ideal. Where, for

¹ Laws of New York, 1920, Chapter 699.

² Laws of West Virginia, 1921, Chapter 135.

³ Laws of North Dakota, 1921, Chapter 29.

example, a particular subject, such as child labor, the care of the mentally defective, or child hygiene, has recently received special attention and it is felt that no new legislation is immediately required, a measure on that subject may be omitted from the program or be given less emphasis than would be the case in a theoretical outline. The situation in a state frequently has demanded that certain urgent measures be considered to the temporary exclusion of other parts of the child welfare program. For instance, in Connecticut the commission believed that improved legislation for the care and protection of dependent, neglected, defective, and delinquent children was urgently needed. Three committees, therefore, dealt with these subjects, three others with closely connected matters grouped under the titles, "Legal and Administrative," "Finance," and "Publicity." The present Georgia commission contains committees on: 1, Delinquency and Juvenile Courts; 2, Dependent, Neglected, and Defective Children; 3, Child Health and Recreation; 4, Education and Employment. The New York commission is divided into eight committees as follows: 1, Education; 2, Health; 3, Labor; 4, Institutional Care of Children; 5, Delinquent Children; 6, Dependent, Neglected, and Defective Children; 7, Mothers' Allowances; 8, Child Protection.

Need of Executive Secretary. Perhaps the most important thing of all in a commission is to have an executive secretary who can devote his entire time to it, at least during the period when the legislative program is being formulated and educational work is being carried on. State appropriations or funds from private sources made possible the employment of executive secretaries in Missouri, Connecticut, Minnesota, Kansas, Nebraska, West Virginia, and New York. The executive secretary of the Indiana commission was secured through a co-operative arrangement with the extension department of the State University. In the absence of a state appropriation the Georgia Children's Code Commission has been fortunate in having the executive secretary problem solved for it through the co-operation of the State Council of Social Agencies, which has granted the services of its own secretary. In three states, North Dakota, Virginia, and Utah, an unusual amount of work was done by the chairman or the secretary of the commission, men who were as active and as devoted as a full-time paid executive secretary could have been.

But in general it is too much to expect the members of a commission, persons usually very busy with their own professions or activities, to devote the necessary time to secretarial work.¹

Character of Leadership Important. The thing, however, that matters most in the task of carrying on the work of a commission is the personality of the man or woman whose special job it is to make it effective. Not only must there be harmony and enthusiasm within the ranks of the commission itself, but the people and the agencies of the state outside must have confidence in the body. They must feel that the members and the executive officer who represent all the people will be fair with the various communities as well as with the agencies, and that with unprejudiced judgment they will give the proper consideration to every phase of the child welfare situation in the state.

ORGANIZATION AND WORK OF A CONTINUING CHILD WELFARE COMMISSION IN KENTUCKY

FRANCES INGRAM
CHAIRMAN OF THE COMMISSION

IN 1920 the legislature of Kentucky authorized the Governor to appoint a Children's Code Commission of five members which was "to make a survey of the entire field of child welfare legislation in the Commonwealth of Kentucky" and report to the next biennial legislative session.² In spite of the fact that no appropriation was made for its work, the Commission, with the aid of co-operating agencies, conducted a series of studies and made a report in January, 1922.³ Among other things it recommended changes in the juvenile court law, the child labor law, and the adult probation law. In addition it proposed that a child welfare commission of a permanent character should be established to act in an advisory character to the Governor and legislature on children's problems.

¹ State Commissions for the Study and Revision of Child Welfare Laws, by Emma O. Lundberg, Children's Bureau, United States Department of Labor, Washington, 1923, pp. 15-16.

² Laws of Kentucky, 1920, Chapter 193.

³ Outline of Legislation Recommended for Enactment in 1922 by the Kentucky Children's Code Commission.

Legislation for a Permanent Commission. The reasons set forth for such an organization were that a thoroughgoing study of child welfare needs and the enactment of adequate legislation constitutes a long-time job. Changes and additions to existing law would be needed from time to time, and, apart from legislation, some group ought to be continuously alert to the child problem in all its phases.¹ This line of argument met with legislative approval, and a permanent child welfare commission was authorized in 1922 to consist of nine members appointed by the Governor who were to serve without compensation for three-year terms.² You will note the use of the term "Child Welfare Commission" instead of the one found in the first law—Children's Code Commission. It is now generally recognized that bodies of this sort are not actually preparing "codes," as that word is technically understood, but are revising old statutes and drafting new ones. The present designation is broader in its implications and more in keeping with the duties of the commission, the concern of which is not only legislation but a study of conditions that affect children generally, and the giving of advice to public officials. Thus Kentucky has what is probably the first permanent commission of its kind in the country—a group without active administrative duties, but whose business it is to study continuously the needs of children in the state and to make such recommendations as will meet those needs, particularly in the field of legislation. Its influence should be felt in a broad way because it may be consulted by the Governor or by any member of the legislature on *any* measure relating to children which may be introduced in the legislature, regardless of the origin of the measure. If this procedure is followed and the Commission functions intelligently, child welfare legislation in Kentucky should be well considered and harmonious in form and content.

Support of Educational Needs. The Commission authorized in 1920 proposed a very limited program. It felt the importance of focusing attention and support upon measures being urged by the Kentucky Educational Commission and the State Board of Charities.³ A survey of the state by the General Education

¹ Ibid.

² Laws of Kentucky, 1922, Chapter 107.

³ Report of The Kentucky Children's Code Commission Covering Child Welfare Legislation Prior to and Through the Legislative Session of 1922, p. 16.

Board of New York City had disclosed a high rate of illiteracy and the need of better organization and more adequate financial support for the state educational system.¹ The Commission supported the recommendations of the Board, feeling that they were fundamental to any successful program of child welfare in the state.

State Board of Charities and Correction. Meanwhile, the recently created State Board of Charities and Correction,² which administers the state institutions for children and supervises certain private child-caring organizations that receive state funds, had aroused the enmity of the politicians throughout the state by instituting an efficiency program in the state institutions which necessitated many changes in their personnel. The opposition aroused by these changes resulted in a legislative probe of the State Board of Charities which lasted throughout the session of 1922, and the Code Commission felt the necessity for backing the Board in the recommendations it had made to the legislature.

A State Department for Children. The statute creating the State Board of Charities and Correction had not given the Board the power to license and inspect child-caring organizations and institutions. This is a most serious defect in the Kentucky law. There should be state regulation in this field, and one of the departments should be charged with the responsibility. However, in view of the situation in which the Board of Charities was placed in 1922, request for an extension of its power seemed unwise. The need in regard to it, as well as the need for developing a comprehensive state program for children, probably points to the ultimate creation of a Children's Bureau, either as a division of an existing state department or as a separate organization.

State Probation. As has been previously pointed out, the original Code Commission recommended the establishment of a permanent state commission on juvenile courts and probation. It was to consist of seven members, appointed by the Governor, who were to serve without compensation but with power to employ a paid secretary. The duties of this commission were "to supervise and extend the work of juvenile courts and probation officers throughout the state."³

¹ Public Education in Kentucky, 1921, The General Education Board.

² Laws of Kentucky, 1920, Chapter 7. (Carroll's Kentucky Statutes, 1922, Chapter 16, Article I, Subdivision I.)

³ Outline of Legislation Recommended for Enactment in 1922 by the Kentucky Children's Code Commission.

There is need in Kentucky to improve standards in this field. Not only should there be more and better administered juvenile courts and a larger number of properly trained probation officers, but the public should be more thoroughly informed as to what can be accomplished for children through adequate facilities and a well-equipped personnel. The Commission on Juvenile Courts and Probation is a means of accomplishing that end.

As a companion proposal, the Code Commission recommended an adult probation law which would enable the courts that have jurisdiction of adult offenders to exercise the power of paroling them and to appoint probation officers who could supervise this work. Neither of these proposals was acted upon favorably by the legislature, although indorsed by the committees to which they were referred.

The Juvenile Court. The following changes in the juvenile court law were suggested:¹

1. Making the act applicable to all children up to the eighteenth birthday.
2. Eliminating provisions for a jury trial.
3. Increasing salaries for probation officers and authorizing their appointment in every county.
4. Safeguarding detained children awaiting court hearing.
5. Prohibiting the transfer of cases from the juvenile to a criminal court where the child is under fifteen.
6. Providing that children committed to the Houses of Reform shall be committed during minority and shall be subject to release on parole in accordance with the rules of the State Board of Charities and Correction.
7. Providing for the examination, treatment, and care, by the county, of children committed to the state whose parents are not able to provide such care.

These changes failed to pass, although favorably reported from committee.

Child Labor—Street Trades. Kentucky has had a very good child labor law,² one section of which forbade the employment of boys under fourteen and girls under eighteen in the street trades. In September, 1921, this section was declared invalid on technical

¹ Outline of Legislation Recommended for Enactment in 1922 by the Kentucky Children's Code Commission.

² Laws of Kentucky, 1914, Chapter 72, as amended. (Carroll's Kentucky Statutes, 1922, Chapter 18, Article II, Sections 331a-1 to 331a-17.)

grounds involving phraseology, and the Code Commission redrafted the law to meet this objection.

A further amendment provided that whenever an employment certificate was issued to a child, a duplicate should be forwarded to the state child labor inspector in order that that officer might check up the issuance of these certificates. Both of these amendments fell by the wayside.

Abandonment, Desertion, Non-support. Kentucky has a number of laws relating to desertion and non-support which are unrelated and confusing in their meaning and application. It was therefore recommended that the situation be simplified by providing that desertion by a parent or guardian of a child under the age when he could be lawfully employed, or desertion and failure to provide, by a husband, of a child or pregnant wife or of a wife without children, if she was unable to support herself, should be a felony. Simple failure to provide, without abandonment, was made a misdemeanor, and one dollar a day was apportioned out of public funds for the families of all men sentenced to imprisonment at labor during the term of their sentence. This bill became a law.¹ But one declaring children proper subjects for adoption without the consent of a parent or guardian who has deserted, failed of passage.

Publicity. Kentucky's experience thus far has demonstrated that a program of social legislation must go hand in hand with a program of public education. The social worker must learn the art of publicity to further his plans and ideas. A realization of the importance of enlisting the support of churches for child welfare legislation led to the publication in 1922 of a pamphlet entitled *Child Welfare in Kentucky*. It was published by the adult committee of the Kentucky Sunday School Association and contains 13 brief articles dealing with such subjects as feeble-mindedness, child labor, juvenile courts, and probation. The topics are treated in a popular vein and in such a way as to be available for Bible classes and public speaking. The material has also been used as the basis for radio talks and for newspaper articles by 20 of the leading newspapers of the state.

The present Child Welfare Commission, by reason of its permanent continuing character, hopes to set high ideals of social service and to attain far-reaching goals of achievement. Its

¹ Laws of Kentucky, 1922, Chapter 19.

program is elastic and its methods should be well ordered—a process of building steadily upon knowledge and experience.

LEGISLATIVE PROGRAM FOR CHILDREN IN NEW YORK STATE

GEORGE A. HALL

EXECUTIVE SECRETARY, NEW YORK STATE COMMISSION TO EXAMINE LAWS
RELATING TO CHILD WELFARE

ONE of the first problems that confronts a legislative commission is to determine the scope of its work. Commissions have varied a good deal in this respect, some going before the legislature with as many as 40 bills. In certain instances such a program has been successful, but the chances are that it will jeopardize even limited success. On one occasion in New York a group of workers brought into the New York Legislature some thirty-odd bills, all bearing on the same general subject—child welfare. From the information at hand it appears that only two of the proposals were enacted. There is danger of trying to cover too much ground at one time. Reasonableness in the quantity of legislation asked for is a virtue.

Quality of Legislation. Social workers often want to attain the ideal at once—a Utopia of the latest model fashioned out of hand. Reasonableness here makes for measured and more certain success. Henry W. Thurston¹ reminds us that there are two types of legislation; one the heart yearnings for things we know ought to be done, and the other practical things which can be accomplished with the time and means at one's command. Too much emphasis must not be placed upon the former because social workers should not travel too far ahead of public sentiment. They can afford to be in the van but not around the corner and completely out of sight. The following instances illustrate what reasonableness will accomplish:

At the session of the New York Legislature which ended in May, 1923, the Commission introduced a bill to provide double compensation for children hurt or killed while illegally employed.²

¹ Head of Department of Child Welfare, New York School of Social Work.

² Second Report of the New York State Commission to Examine Laws Relating to Child Welfare, Part I, April 30, 1923, pp. 17-19, 41-42.

When the matter was originally discussed by the Commission, many thought the bill should provide treble compensation. Investigations had shown that a large number of accidents for which compensation had been paid had occurred to children illegally employed. The New York labor commissioner cautioned sponsors of the bill that it would be wiser to introduce one sure to pass rather than one open to attack as being unreasonable. His advice was followed and the measure for double compensation was offered and passed.¹

Another illustration will show what happens when too much is asked for in one bill. The Commission proposed a measure which affected the county children's courts, and it accepted an amendment providing increases in the salaries of judges who preside over these courts.² The whole measure was lost in the closing hours of the session because of opposition to the salary clause of the bill. The Commission was willing to have this amendment omitted but it was too late.

The Need of Legislation. Besides being reasonable in quantity and quality, proposed legislation should be premised upon a real need. No intelligent person or group wishes to ask for any law which does not serve a real purpose. The more urgent the necessity the greater the possibility of passing the measure. Some ten years ago there was a bill before the New York Legislature with reference to the employment of boys in night messenger service. An investigator was brought to the hearing on the bill who had gone out night after night with messenger boys, seeing what they saw and participating in the things they did. His account was so overwhelming in its completeness and its pathos, and carried such conviction with the members of the legislative committee, that they realized at once the urgency of the measure and the evils it was designed to meet. They announced themselves as unanimously in favor of the measure.³

Human Interest Element. Legislation which is picturesque has the advantage of making a popular appeal. The proposal need not be spectacular, but a touch of human interest aids greatly in securing a hearing from members of the legislature, in interesting the newspapers and other avenues of publicity, and

¹ Laws of New York, 1923, Chapter 572.

² Second Report of the New York State Commission to Examine Laws Relating to Child Welfare, Part I, April 30, 1923, pp. 21-22, 47-56.

³ Laws of New York, 1910, Chapter 342.

in arousing general sentiment in its favor. When urging a bill providing a legal procedure for the adoption of children it helps to be able to show, as was done in New York, that babies were being given away by institutions or baby farms to irresponsible people at the rate of one a day. Such a situation will appeal to every mother's heart, and public support will naturally be favorable to a measure to correct the abuses. The same was true of the repeal of the binding-out laws of children, which was secured at the New York legislative session of 1923.¹ The things which could be said about indentured children—their unhappy living conditions and helpless servitude—aided greatly in passing the repeal.

Value of Co-operation. There can be no difference of opinion on the paramount importance of obtaining the support of the social agencies interested in a bill where such unanimity is at all possible. Every effort should be made to secure general agreement after a consideration of all the varying points of view. Sometimes a notion gets abroad that the fount of all wisdom lies in a particular quarter, and people in another quarter who have labored in the same or a kindred field are given slight attention. The public agency, the children's society, the sectarian group, and a large number of other organizations dealing with children's problems, all have their contribution to make which should be sought for and can be profited by. This co-operation can be accomplished in various ways, in large conferences or through small groups. The New York Commission found it profitable to invite a group of selected people to assist in framing the bills it proposed to introduce. This method of sitting around a table to discuss various points and to help to draw a bill brings out much that is important. Whether an individual actually makes a contribution to the framing of the bill or not, he feels that he is helping to shape its policy and becomes vitally interested in its success. All of us like to be an important element in determining a matter of public concern, and child welfare commissions can recognize this human trait with profit.

Public Hearings and Conferences. Conferences are necessary and valuable. It is desirable to get suggestions and support from different localities in the state, and the progress of a bill in the legislature is greatly stimulated by arousing widespread

¹ Laws of New York, 1923, Chapter 306.

and intelligent interest. One child welfare commission set a good example in this regard by having its proposals printed some months in advance of the meeting of the legislature and sending them out in tentative form for general criticism. Hearings were held and everyone was given a chance to express his opinion or voice his objections. In the light of the criticisms offered, the bills were amended when that seemed wise, and the whole series of them were introduced and passed with practically the unanimous sentiment of the people of the state behind them.

The Governor's Influence. If a governor is willing to indorse a commission's proposals, great weight is added to its program. He is an official of wide influence and can be of real assistance. Two governors have recommended the proposed legislation of the New York Commission in inaugural or special messages to the legislature.¹ Some may question the advisability of such action, particularly if the political affiliation of the governor is different from that of the dominant group in the legislature. However, party lines are not so likely to be strictly drawn on welfare legislation, and the weight of the governor's recommendation offsets possible harm on the score of any such conflict.

Legislative Procedure. The question of who is to handle the proposed bills in the legislature is of vital concern. Some commissions are made up entirely of members of the legislature; some have no such members at all. When the commission has legislative members it is of course desirable that one of them should introduce the measures or that all of them should jointly introduce the bills. After months of study and conference they know the bills thoroughly and can present the need of them and can combat attacks more effectively than could others. A legislator who speaks well, knows parliamentary procedure thoroughly, has social sympathies or background, is the ideal type of person to introduce a bill.

The chairman of the New York Commission was the chairman of the judiciary committee of the Senate. He arranged to have all the Commission's bills referred to his committee. This centralization of welfare legislation in one committee was a pronounced advantage. One legislative hearing was arranged for

¹ Preliminary Report of the New York State Commission to Examine Laws Relating to Child Welfare, March 14, 1922, p. 24; Second Report of the New York State Commission to Examine Laws Relating to Child Welfare, April 30, 1923, p. 101.

all the bills and the matter disposed of in one day. In addition to co-operation inside the legislature it is important to have someone outside watching the progress of the bills in both houses. A busy legislator with many measures to attend to cannot always give undivided attention to any one of them.

PROGRAM OF THE NORTH DAKOTA CHILDREN'S CODE COMMISSION

C. L. YOUNG

CHAIRMAN OF THE COMMISSION

THE North Dakota Children's Code Commission was appointed by the Governor, pursuant to the provisions of Chapter 29, Session Laws of 1921. It consisted of seven members chosen to represent the following interests: The State Conference of Social Work; the State Federation of Women's Clubs; the State Medical Association; the State Bar Association; the State Federation of Labor; the State Educational Association; the State Minimum Wage Department. The Commission's report was transmitted to the Governor on October 25, 1922.¹

Inadequate Appropriation. The legislative appropriation was wholly inadequate and the Commission, therefore, had not been able to undertake, on its own account, extensive investigations. The Federal Children's Bureau, upon invitation, had carried on studies in the field of juvenile courts, mothers' pensions, recreation, dependent children, child labor, and school attendance. A study was also made by the National Committee for Mental Hygiene, and the Director of the Minnesota Children's Bureau, who was the Executive Secretary of the Child Welfare Commission in that state, advised with the Commission.

Community Attitude. The attitude of the community was one of opposition to new boards and commissions, coupled with a feeling that if the legislature met but once in twenty years it might profit all concerned. Nevertheless, the Commission went

¹ Report of Children's Code Commission to the Legislative Assembly, 1922.

ahead with its work and submitted 25 bills. The child welfare standards set forth in the White House Conference of 1909¹ and in the Federal Children's Bureau Conference of 1919² served as a basis for the determination of standards in North Dakota.

State Machinery. The necessity was felt at the outset for an administrative organization to enforce the child welfare laws. In order to avoid the creation of a new commission, a bill was prepared giving the State Board of Administration power to organize a new division for this purpose. The Board has general supervision over and control of all educational, charitable, and penal institutions, with duties somewhat similar to those of the Minnesota State Board of Control, which has provided for a Children's Division within its organization.³ The bill met with favor in the legislature and was enacted into law.⁴

County Organization. To supplement the state organization, the Commission recommended the establishment of county child welfare boards to consist of five members, two ex officio—the county superintendent of schools and a member of the board of county commissioners, and three others to be appointed by the State Board of Administration. This bill was defeated because of the expense which it was asserted would be involved in the organization of such county boards, although the measure left the establishment of a board optional with the county commissioners.

General Duties of State Department. The State Board of Administration is made responsible for the enforcement of all the child welfare laws of the state. It was given power to license and regulate private child-caring agencies, to conduct investigations in the various types of cases referred to it, and to accept the guardianship of children committed to its care.⁵

Licensing Power. The Commission felt the need of making all the child-caring and child-placing organizations subject to

¹ Proceedings of the Conference on the Care of Dependent Children, held at Washington, D. C., January 25, 26, 1909. Senate Document No. 721, Washington, 1909.

² United States Children's Bureau: Minimum Standards for Child-Welfare Adopted by the Washington and Regional Conferences on Child-Welfare, 1919. Bureau Publication No. 62, Washington, 1919.

³ Laws of Minnesota, 1917, Chapter 194.

⁴ Laws of North Dakota, 1923, Chapter 150.

⁵ Ibid.

state supervision, and its bills in regard to them—maternity hospitals,¹ child-placing agencies,² children's homes,³ and agencies that bring children into the state or send them out⁴—were enacted into law. Another law expressly prohibits the placing-out of children by midwives, nurses, proprietors of maternity hospitals, or by any other person without a license from the state.⁵

Children in Almshouses. The Commission found a considerable child population in the almshouses of the state. The matter seemed important enough to require legislation. A bill was recommended and passed which prohibits the placing of children in almshouses except upon permission of the state board or when accompanied by parents.⁶ The same law corrects an abuse which had grown up among some juvenile courts; namely, the committing of dependent children to institutions for delinquents. This practice is now abolished except where the state board expressly permits it.

Transfer of Rights in Children. Permanent rights in children have, in the past, been transferred and assigned by parents or guardians to third persons without legal form, no way being provided to safeguard the child, who was the chief party in interest. The Commission secured the passage of a bill which requires a court order for all such transfers of rights in children and expressly invalidates written assignments by the parent or guardian.⁷

Adoption. The district courts in North Dakota have always had jurisdiction of adoption proceedings; yet, in spite of the high character of the judges, there have never been careful investigations made as to the character of the prospective foster parents and the suitability of their homes. The Board of Administration now investigates these cases for the courts, and the child is required to remain six months in the foster home before adoption is perfected.⁸

Abandonment. The statute on the subject of abandonment and desertion has never been clear, and its interpretation has left the law in a state of great confusion. The revision of the Commission is expected to clear up the confusion. The statute

¹ Laws of North Dakota, 1923, Chapter 164.

² Ibid., Chapter 161.

³ Ibid., Chapter 163.

⁴ Ibid., Chapter 152.

⁵ Ibid., Chapter 162.

⁶ Ibid., Chapter 159.

⁷ Ibid., Chapter 157.

⁸ Ibid., Chapter 151.

is broadened in its terms to cover the abandonment of an illegitimate child.¹

Illegitimacy. The Commission offered to the legislature the Uniform Illegitimacy Act recommended by the Commissioners on Uniform State Laws of the American Bar Association. Some slight changes have been made in the Act to adapt it to North Dakota procedure. This state is one of the first, if not the first, in the Union to pass the Act.²

Mothers' Pensions. There had been a good deal of complaint in the state about the way in which the Mothers' Aid Law was being administered by the county judges, who act as probate judges in North Dakota. It has been claimed that in many cases adequate investigations had not been made and that in some counties excessive amounts were being spent. Some of the complaints were no doubt well founded.

The Commission presented a bill revising the old law and bringing it down to date. At the same time the county commissioners, feeling the pressure of high taxes, offered a bill on the same subject. Out of the conflict came a law which makes it necessary for both the county judge and the county commissioners to approve an application before an allowance can be given.³ This divided authority may lead to confusion and conflict, but apart from that the law is in fairly good shape.

Crippled Children. Where the parents of crippled children are unable to pay for their care in a hospital or for proper surgical treatment, a law sponsored by the Commission will make possible that care at county expense.⁴ This measure was mothered by a woman who has done a great deal for crippled children in North Dakota. Under the law applications for relief are made in the district court, which has jurisdiction to issue an order charging the county with the expense of transportation and hospital fees.

Child Labor. The Commission revised the child labor law, although the existing statute measured fairly well with the standards generally agreed upon as proper. We found, however, that the administration of the law was in the hands of the superintendents of schools and scarcely any of them knew they had

¹ Laws of North Dakota, 1923, Chapter 166.

² Ibid., Chapter 165.

³ Ibid., Chapter 156.

⁴ Ibid., Chapter 154.

that responsibility. The law now provides for administration by the State Board of Administration.¹

Equal Custody. North Dakota now gives the father and mother equal rights to custody and control over children and equal rights to the service and earnings of children.²

Indecent Liberties. North Dakota has not been able heretofore to punish persons taking indecent liberties with children, save by an action in common assault. This situation is now corrected.³

Privacy for Trials of Minors. The judge is now required to clear the court room when minors under eighteen are being tried for crime.⁴

Measures Lost. Twenty of the 25 measures recommended by the Commission were enacted into law. The only opposition encountered anywhere was based upon the cry of economy in state administration. In addition, our legislative session is of only sixty days duration, and at the close of the session there was the usual jam which hurt us somewhat. The loss of the county child welfare board bill has already been noted.

Commitment of Feeble-minded. A measure providing for the commitment of the feeble-minded to the guardianship of the State Board of Administration was lost because the legislature felt that such commitments would involve too great expense when there was no room in the institutions for the feeble-minded and patients had to be boarded out.

Bureau of Child Research. This was an experimental measure with the Commission, which had some misgivings about the bill after it was offered and, therefore, did not strenuously urge its passage.

Street Trades. North Dakota is not a state of large cities, the largest having only 25,000 population, so there is not an overwhelming demand for street-trade regulation, although children eight and ten years old are in places seen selling papers late at night. The street-trades bill developed more opposition than any other. This is somewhat strange, since the members of the legislature were mostly farmers without any special interest in the matter. One legislator was bitter against the bill and asked on the floor, "What do the members of the Children's Code Com-

¹ Laws of North Dakota, 1923, Chapter 155.

² Ibid., Chapter 153.

³ Ibid., Chapter 167.

⁴ Ibid., Chapter 168.

mission know about the subject? The Commission is made up of bachelors and old maids only." He was mistaken, as he afterwards learned, but the bill was defeated.

Juvenile Court. The Commission regretted the loss of its juvenile court bill. The previous statute on that subject was passed in 1911. It does not include a number of things which ought to be covered in such a law. The judiciary committee had unanimously recommended our juvenile court bill for passage, but the floor leader of the house arose and said that the definition of the delinquent child would involve greatly increased administrative expense. As a matter of fact, the definition on the bill was exactly the same as in the old law, but the measure was lost.

It is the hope of the Commission to fill in the gaps in its program at later sessions.

LEGISLATIVE PROGRAM OF THE VIRGINIA CHILDREN'S CODE COMMISSION

JAMES HOGE RICKS

CHAIRMAN OF THE COMMISSION

THE Children's Code Commission of Virginia was appointed by Governor Davis on April 1, 1921, at the request of the Virginia League of Women Voters. There was no legislative authorization for the Commission and consequently no legislative appropriation. The absence of funds prevented the Commission from doing many desirable things, such as providing adequate publicity, holding hearings in various parts of the state, and preparing a compilation of the laws in other states relating to children. Much assistance was received from other child welfare commissions. The report of the Minnesota Commission¹ was especially helpful, and the laws of Alabama² and North Carolina³ were given careful consideration.

¹ Report of the Minnesota Child Welfare Commission, 1917.

² *Alabama Childhood*, Vol. 1, No. 1 (Supplement), April-May-June, 1921, "Laws of Alabama Relating to Child Welfare and Rules and Regulations Governing Institutions."

³ The *Bulletin* of the North Carolina State Board of Charities and Public Welfare, Vol. 3, No. 1, January-March, 1920, "Laws Governing Public Welfare Work." Also State Laws Governing Public Welfare Work in North Carolina, 1923.

The Federal Children's Bureau was always co-operative, and its publications shed much light on our problem.

Keystone Proposal—State Board of Public Welfare. The most important and the fundamental recommendation of the Commission provided for the establishment of a State Board of Public Welfare.¹ In many states the tendency has been to create a special bureau or board of child welfare, but our plan was to change the old Board of Charities and Correction into a Public Welfare Board, and the proposal was adopted by the legislature with minor amendment. The new board is appointed by the Governor with the approval of the state Senate. It is empowered to select a state commissioner of public welfare and an assistant. The law authorizes the creation of a Children's Bureau as a division of this new state board to be under the general supervision of the commissioner who appoints its head.²

City and County Boards. County and city boards of public welfare are provided for, to consist of from three to seven members to serve four-year terms appointed by the circuit court from a list of eligible persons submitted by the State Board of Public Welfare.³ At the present time 56 local boards have been appointed. A superintendent of public welfare may be appointed by the local board from a list of eligibles furnished by the state board, but this action is contingent upon the approval of the county board of supervisors.⁴ Two or more counties may arrange jointly for a superintendent.

Duties of State Board. The State Board of Public Welfare visits all the public and private institutions of a penal or charitable character. It may receive by commitment and provide for defective, delinquent, dependent, and neglected children.⁵ With reference to delinquent children, particularly, it is provided that when they cannot be released on probation they are to be committed to the state board for disposition. This was done to stop the old practice of committing dependent children to the Industrial School for Delinquents.

¹ Acts of Virginia, 1922, Chapter 105. See also The Public Welfare and Juvenile Laws of Virginia, p. 5, issued by the State Board of Public Welfare, Richmond, Virginia.

² Acts of Virginia, 1922, Chapter 105, Section 11.

³ Ibid., Section 12.

⁴ Ibid., Section 14.

⁵ Ibid., Section 11.

Child-Placing or Child-Caring Agencies. Agencies that engage in child-placing or child-caring must be licensed by the state board and must report their placements to that board for its approval.¹ Maternity hospitals, those institutions receiving more than one woman within a year for confinement care, must also be licensed by the board, and the hospital is required to report the births occurring in it to the board.² Each hospital must have on its staff at least one physician and one registered nurse. An appeal to the courts is provided from a decision of the state board refusing an application for license.

Mothers' Aid. The Mothers' Aid Law was revised and the State Board of Public Welfare is required to co-operate in its administration, particularly in the matter of developing standards.³ Similar co-operation in the administration of the juvenile court law is provided for.⁴

Duties of City and County Boards. The City and County Boards of Public Welfare have a wide range of duties. They administer poor relief and the Mothers' Aid Law; act as agents of the state board in the performance of its duties in the county, including oversight of persons on probation or parole from penal or reformatory institutions and those released from insane hospitals or colonies for the epileptic and feeble-minded; supervise children placed in the locality; assist the unemployed; and render probation service.⁵

Compulsory Education. A compulsory school attendance law was drafted by the Children's Code Commission and the State Teachers' Association. The measure seemed thoroughly sound in every way, but it was bitterly fought in the legislature and cut to pieces by amendments. We were told by some of the legislators that if all children were in school, the cost of facilities to house and teach them would ruin the poor counties. We were reminded of the "black counties" and the cost of educating all the Negro children. No one voiced the thought that education might make the colored children assets instead of liabilities. The bill was finally passed after thorough emasculation and with a proviso that any county board of supervisors and county

¹ Acts of Virginia, 1922, Chapters 103 and 487.

² Ibid., Chapter 486. ³ Ibid., Chapter 488.

⁴ Ibid., Chapter 482, Section 1951.

⁵ Ibid., Chapter 105, Section 15.

school board might agree to exclude their county from the provisions of the act.¹

Child Labor. A bill on child labor prepared by the Commission and bearing the approval of the Commissioner of Labor was passed with only one serious amendment, that children between twelve and sixteen years of age may work in fruit and vegetable canneries when schools are not in session.²

Our child labor law includes a provision for the regulation of street trades. The Commissioner of Labor has construed the act to apply to carriers of papers on routes in the residence district as well as to children selling on the street. This has created a storm of opposition from the newspapers, who threaten to bring pressure to repeal the entire measure at the next session.

Juvenile Court Law Procedure. Virginia, in regard to children, has followed the old common law system of procedure and they have been tried for violations of law under the criminal law.

The new law provides that the procedure shall be in the nature of a chancery proceeding, and the inquiry is for the purpose of determining whether the child is in need of the care and guardianship of the state.³ The procedure now is by summons and petition rather than by warrant, and an adjudication of delinquency is not to be regarded as a conviction for crime, with all the civil disabilities which attach to it in addition to the punishment. We still have difficulty in educating the justices of the peace, many of whom continue to issue warrants for arrest. The new law also gives the court a continuing jurisdiction over children committed by it to private agencies.

Court Having Jurisdiction. It is generally agreed that a juvenile court should be a court of record. However, in Virginia the situation made it impossible for us to create a new court of record in each county of the state. We could not put the jurisdiction of juvenile offenders in the circuit courts because the circuit judge has several counties within his district and visits each one only occasionally. He is therefore inaccessible for the ordinary juvenile case needing prompt attention. So we decided to have the city council, in cities of 25,000 inhabitants or more, appoint a special justice of the peace⁴ to take charge of these

¹ Acts of Virginia, 1922, Chapter 381.

² Ibid., Chapter 489.

³ Ibid., Chapter 481.

⁴ Ibid., Chapter 482.

cases, and in the smaller cities to have the judge of the circuit court or the corporation court of the city appoint the special justice.¹ A justice so selected is to be known as "the judge of the juvenile and domestic relations court."

The court is given very broad jurisdiction, nearly as extensive as that recommended in the report of the Children's Bureau on Juvenile Court Standards.² However, the court does not handle adoption proceedings nor divorce cases, which are usually thought of in connection with a court that deals with family problems as well as with juvenile cases. Adoption and divorce cases were excluded because of the jurisdictional limitations of a justice of the peace court. The court is concerned with the dependent, the neglected, and the delinquent child; "the enforcement of any law, regulation or ordinance for the education, protection, or care of children",³ and with various types of offenses against children.

Adoption. Jurisdiction in adoption proceedings is now in the corporation and circuit courts, and the new law proposed by the Commission contains a provision requiring that a careful inquiry shall be made as to why the child is being given up by its parents and as to the suitability of the proposed foster home. Final decrees in adoption cannot be entered until the child has been in the foster home for one year, and quarterly visits by the probation officer during that time are required.⁴

Sheppard-Towner Bill. The provisions of the Sheppard-Towner Bill for federal assistance in promoting the welfare of mothers and infants were accepted, and the State Board of Health was vested with authority to administer the act.⁵

Rejected Proposals. Some of the recommendations of the Commission were rejected by the legislature: a marriage bill requiring an examination of the man and woman for venereal disease; a bill for the protection and support of illegitimate children; a bill to raise the age of consent in rape cases from fifteen to sixteen; a bill to prevent the separation of infants from their mothers within six months after birth was defeated because of the opposition of physicians, who threatened to fight the whole program if this bill was pressed. Other minor bills were lost.

¹ Acts of Virginia, 1922, Chapter 483.

² Juvenile Court Standards, Federal Children's Bureau Publication No. 121.

³ Acts of Virginia, 1922, Chapters 482 and 483.

⁴ Ibid., Chapter 484.

⁵ Ibid., Chapter 104.

SOME MODERN LEGISLATIVE TRENDS IN BEHALF OF CHILDREN

C. C. CARSTENS

DIRECTOR CHILD WELFARE LEAGUE OF AMERICA

SIX important trends in modern legislation for the protection of children may be noted here.

State Departments of Child Welfare. The state is expressing its interest in the child and seeking to discharge its obligation to him through the creation of state departments, which are sometimes separate boards of children's guardians or children's bureaus in departments of public welfare, as in Minnesota where there is a Children's Bureau of the State Board of Control.

These state departments on behalf of children have frequently been given such power as the licensing of private children's agencies, and with that power has gone the right to inspect these agencies and the duty to honestly co-operate with them in the development of higher standards of service.

Local Administrative Units. In conjunction with the development of state welfare departments, we find attention being given to the establishment of local units of administration. The North Dakota Child Welfare Commission sought, at the last session of the legislature, to establish county child welfare boards to supplement the state bureau, but unfortunately the bill failed to pass. These local boards are called County Child Welfare Boards in Minnesota; in North Carolina, Missouri, and other states their duties are broader than the care of children and they are called County Boards of Public Welfare. No state department can do its work successfully unless it has a local unit to which it gives a large amount of administrative power and over which it exercises a wise power of supervision. One effective method of oversight is through some control over the appointments of county superintendents or directors of public welfare.

Mental Defectives. The younger states have taken the lead in the development of comprehensive programs for the care of the defective, particularly of the feeble-minded. Time was when certain experts discouraged us by insisting that every feeble-minded child should be in an institution. Legislatures replied that it couldn't be done. Now, however, we are developing special classes in the public schools for the mentally defective and are making increased provision for the training and super-

vision of the feeble-minded in their own homes and communities instead of insisting that all be sent to institutions. This trend is noticeable in all parts of the country.

Children Born Out of Wedlock. We are observing a new attitude toward the child born out of wedlock. It is an event of some importance when the Commission on Uniform State Laws of the American Bar Association drafts a law on this subject in conjunction with experts from the social welfare field. The statute is not so good as I should have liked to see, but it is a fair start and can be improved from time to time as experience shows its weaknesses. The community must take thought for the health, safety, and maintenance of the child born out of wedlock, and modern legislation is moving in those directions.

Marriage. Several states have recently given attention as to whether people wanting to take out a marriage license are in sound physical and mental condition. More attention to these matters before marriage might mean less attention to the divorce rate, for better marriages will mean fewer divorces. So far the problem of making adequate provisions to determine fitness for marriage has proved a stumbling-block. Eventually we shall have legislation of the right sort and it will be enforced.

Adoption. Then there is the question of suitable adoption laws. This subject is bound to have an increasing amount of attention during the next five or ten years. How shall we properly safeguard the adopted child, who so often does not get a square deal? Some states have improved the situation by requiring that the foster child remain in the foster home a definite period of time pending adoption, and that some investigation of the home and the foster parents shall be made before the adoption is granted. What shall we say of those states that still permit adoption by the mere filing of papers without a judicial proceeding? Or of the physicians who in one state defeated a good adoption law because they wanted to control the adoption of children for certain of their clients without "interference" from anyone?

There are other trends which might be mentioned. Two states, Virginia and North Dakota, recently have taken advanced ground on child welfare matters, but they need not congratulate themselves that their job is done. They have not finished; they are only beginning. The problem of a child welfare commission interested in legislation is a constant one and will need continuous attention.