PROBLEMS AND PROCEDURES
IN ADOPTION

BY
MARY RUTH COLBY
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LETTER OF TRANSMITTAL

UNITED STATES DEPARTMENT OF LABOR,
CHILDREN'S BUREAU,
Washington, November 1, 1940.

MADAM: There is transmitted herewith Problems and Procedures in Adoption, the report of a study in nine States where responsibility has been given to the State public-welfare department for the investigation of petitions for adoption.

The Children's Bureau acknowledges with appreciation the courtesy and generous assistance given by the State departments, courts, and private agencies that furnished information about adoption practices in the several States.

The study was made by Mary Ruth Colby under the general direction of Agnes K. Hanna, Director of the Social Service Division of the Children's Bureau. Caroline E. Legg and Deborah S. Portnoy assisted in obtaining the record material.

Respectfully submitted.

KATHARINE F. LENROOT, Chief.

HON. FRANCES PERKINS,
Secretary of Labor.
INTRODUCTION

PURPOSE AND SCOPE OF THE STUDY

Frequent articles on adoption in the public press and in professional journals as well as questions to the Children’s Bureau from social agencies and individuals concerning adoption practices have given evidence of a growing and widespread interest in this subject. Accordingly a study of adoption procedures was undertaken in those States where a State department had been given statutory responsibility for making investigations of adoption petitions.

It was intended not to evaluate the success or failure of individual adoptions insofar as the children adopted or the persons adopting them were concerned but to show the extent to which the safeguards for their protection set up by legislation or through administration had been effective. Another aim was to obtain factual material to show who the children were who were being adopted, how they found their way into the homes of those petitioning for their adoption, and what differences there were in standards, practices, and volume in the several States in which the study was conducted.

Although there has been general acceptance of the fact that adoptions of children born out of wedlock are frequent, no body of material was available showing the relationship between illegitimacy and adoption in those States having a social program for the unmarried mother and those without it. Former studies had for the most part been confined to a single city or county with no comparable data from other areas.

It was expected that the study not only would provide information on the administration of existing laws but would furnish a basis for evaluating these laws and for determining which aspects of the legislation now in operation could safely be recommended to other States contemplating changes in their adoption laws.

The selection of the States to be visited was determined largely by the presence of a provision in the State law which gave to the department having responsibilities for public welfare the responsibility for the investigation of petitions for adoption. This meant that adoption records were generally centralized in the State department and, therefore, easily obtainable.
In 1936, when the study was made, there were 10 States with such a provision in their laws. Visits were made to each of these 10 States, but specific case data were not recorded in Arkansas or Delaware because the legislation requiring the State department to make investigations had been in operation for only a short time in these 2 States. In Arkansas the State department and the Pulaski County probation office were visited, and in Delaware visits were made to the State department and to 3 child-placing agencies as well as to the judge of the orphans' court in each of the 3 counties in the State.

Wisconsin, where a limited provision for investigation by the State department existed, also was included in the study. It was the responsibility of the State department to give or withhold consent to the adoption of every child born out of wedlock, except when the child had been committed to the care or guardianship of a licensed child-welfare agency. The department also was authorized to make investigations of petitions for adoption referred to it by the court.

Therefore the complete study, including the recording of case data, visits to judges, and visits to child-placing and other agencies was made in nine States only, but these nine States included about one-sixth of the population and covered more than one-fifth of the land area of the United States and were representative of different sections of the country.

Visits to the States were made for the most part during 1936, although the visits to Massachusetts and Rhode Island were made late in 1935, and the visit to Delaware was made early in 1937. A number of counties or towns were visited in each State in order to understand the procedure of the courts, and occasionally visits also were made to persons in the local community having responsibility for adoption investigations. For example, in Alabama, in Oregon, and in a few Minnesota counties, county welfare workers who made investigations at the request of the State departments were interviewed, and in California the probation officers who were responsible for the investigation of adoptions by stepparents were seen in the counties visited. The selection of the counties or towns to be visited in each State was made in conference with a member of the adoption staff of the State department. An attempt was made to select counties having a sufficiently large number of adoptions so that the courts had developed some philosophy with regard to them. Likewise, an effort was made to visit local jurisdictions of varied character in each State so that a relatively true picture of the State as a whole could be obtained.

---

1. Alabama, Arkansas, California, Delaware, Massachusetts, Minnesota, New Mexico, North Dakota, Oregon, Rhode Island.
2. Such a law was passed in Louisiana on July 9, 1936, to become effective if and when art. VII, sec. 52, of the constitution was amended so as to confer jurisdiction upon the juvenile courts in matters of adoption of children under 17 years of age. A previous law passed in 1932 and amended in 1934 made it the duty of the Board of Charities and Corrections to cause a thorough investigation to be made regarding the mode of living, financial condition, moral and educational qualifications, and the rights of all persons concerned in the adoption. The juvenile court was given jurisdiction of adoption of children under 17 years of age. In February 1936 this law was found unconstitutional on the ground that jurisdiction of the juvenile court was limited by the constitution to neglected or delinquent children and a child who was the subject of an adoption proceeding could not be classified as either neglected or delinquent. (Succession of Dyer, 181 La. 293, 156 So. 83). The constitutional amendment was adopted near the close of 1935, at which time the new adoption law went into effect. A new statute code was adopted in Kansas in 1930, which provided for investigation of adoption petitions by the State Board of Social Welfare. Kentucky in 1940 and the District of Columbia in 1957 made similar provision for the investigation of adoption petitions.
4. In Rhode Island towns were visited rather than counties.
INTRODUCTION

In addition, 74 courts having jurisdiction in adoption were visited. Several of the courts visited in Minnesota, New Mexico, and North Dakota were serving districts which included a number of counties. Table 1 shows the number of counties in the State and the number that were served by the courts visited.

Table 1.—Number of counties and number served by courts visited in 9 States included in the study

<table>
<thead>
<tr>
<th>State</th>
<th>Total counties</th>
<th>Counties served by courts visited</th>
</tr>
</thead>
<tbody>
<tr>
<td>All States</td>
<td>456</td>
<td>141</td>
</tr>
<tr>
<td>Alabama</td>
<td>67</td>
<td>9</td>
</tr>
<tr>
<td>California</td>
<td>28</td>
<td>11</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>14</td>
<td>6</td>
</tr>
<tr>
<td>Minnesota</td>
<td>57</td>
<td>47</td>
</tr>
<tr>
<td>New Mexico</td>
<td>31</td>
<td>10</td>
</tr>
<tr>
<td>North Dakota</td>
<td>63</td>
<td>28</td>
</tr>
<tr>
<td>Oregon</td>
<td>36</td>
<td>8</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>38</td>
<td>19</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>71</td>
<td>10</td>
</tr>
</tbody>
</table>

1 Towns and cities.

The records of 2,041 children for whom petitions were filed in 1934 were studied in the 9 States, and the information obtained was recorded on schedules prepared for the purpose. The year 1934 was selected in order that as complete information as possible would be available in all the records. Although record materials were not obtained for 10 to 18 months after the petitions were filed, it was necessary to obtain supplementary information later in order to complete the information for a few cases.

The records read in seven States included all cases in which petitions for adoption were referred to the State department during the year. In Rhode Island, either the State welfare department or the Rhode Island Society for the Prevention of Cruelty to Children may investigate adoption petitions, and therefore the adoption cases referred to the private agency also were studied. The adoption petitions referred to the Wisconsin State Board of Control included only adoptions in which the State department had been specifically requested to make the investigation, adoptions of children born out of wedlock for which the consent of the board was necessary, and adoptions of wards of the State public school. It was estimated that these cases comprised about 57 percent of all adoption cases in the State during the year.

Because of the large number of petitions filed annually in California and Massachusetts, the decision was made to limit the schedules obtained in these States to petitions filed during the first 6 months of the year. This decision was made in order that any tabulation of the record material might not be too heavily dominated by the situation in these States. The records for 6 months in the files of the State Department of Public Welfare in Massachusetts were supplemented, however, by records of children who had been adopted during the year.

1 Alabama, Minnesota, New Mexico, North Dakota, Oregon, Rhode Island, and Wisconsin.
2 Rhode Island, Gen. Laws, 1838, ch. 428, sec. 5; Laws of 1939, ch. 660, sec. 80.

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PROBLEMS AND PROCEDURES IN ADOPTION

who were wards of six private agencies, since adoptions sponsored or recommended by charitable corporations engaging in the care of children were not referred to the State department. The actual number of agency-sponsored petitions filed annually was unknown, but it was thought that the agencies visited were making most of the agency placements for adoption. The records of the California State Department of Public Welfare also were supplemented, since the department had no responsibility for investigations of adoption petitions filed by stepparents. In order to obviate the necessity for visiting every county in the State, records approximating the number reported to the State department during 6 months were obtained by taking all the records filed in three of the largest counties during the year and half of those in another county.

ADOPTION RATES IN THE STATES VISITED

There is much variation throughout the United States in the extent to which adoption is used to establish a new family relationship for a child. The number of children for whom petitions for adoption were filed in 1934 that had finally been adopted was known for 6 States, but since records were available for only about 54 percent of the petitions filed in California and 50 percent of those filed in Massachusetts the number of adoptions consummated in these States was estimated. No attempt was made to estimate the number of adoptions in Wisconsin because of lack of information on petitions sponsored by child-welfare agencies in the State. The following list shows the number of children adopted in the States per 100,000 persons under 21 years of age.

<table>
<thead>
<tr>
<th>State</th>
<th>Rate per 100,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>7.6</td>
</tr>
<tr>
<td>New Mexico</td>
<td>11.1</td>
</tr>
<tr>
<td>North Dakota</td>
<td>15.5</td>
</tr>
<tr>
<td>Minnesota</td>
<td>33.7</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>36.0</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>42.9</td>
</tr>
<tr>
<td>California</td>
<td>43.5</td>
</tr>
<tr>
<td>Oregon</td>
<td>51.1</td>
</tr>
</tbody>
</table>

The low adoption rate in Alabama was partly due to the fact that a smaller proportion of Negro children than of white children were adopted. Although approximately 36 percent of the total population of this State in 1930 were Negroes, only 17 percent of the children who were adopted were Negro children. Residents of other States were permitted to file petitions to adopt children in Massachusetts and Oregon. The inclusion of adoptions granted to nonresidents of the State tended to raise the adoption rate in these States.

The records in all the States showed that the number of adoptions in relation to total population in urban areas was much larger than in rural areas. This would seem to indicate a close relationship between adoption rates and the proportion of urban population in the State. Although other factors enter into the situation, it is interesting to note that less than 30 percent of the population was urban in the States with the lowest rates, and that Massachusetts and Rhode Island, having 90 percent or more urban population, had high rates. Although only 51 percent of the population of Oregon was urban, this State had the highest adoption rate.

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INTRODUCTION

Since most of the persons that adopt children have small families or no children, it might be expected that the demand in a State for children for adoption would have some general relation to the birth rate in the State and the number of families in which there are no children. Comparison of adoption rates with birth rates and the proportion of families having no children under 21 years of age in these States shows some general correlation between these factors. The 4 States having the highest adoption rates had the smallest number of births in 1934 per 1,000 total population (Oregon, 13.1; California, 13.9; Massachusetts, 14.8; and Rhode Island, 15.2), and the 1930 census shows that the proportion of families having no children under 21 also was higher than average in these States.\(^9\)


THE CHILDREN AND THE PETITIONERS

THE CHILDREN FOR WHOM ADOPTION PETITIONS WERE FILED

Although adoption is not necessarily limited to children, it is when the lives of children are affected that adoption should be of the greatest concern to the public. The child, particularly the young child who is the subject of an adoption petition, needs special consideration, since he cannot have a voice in a proceeding that will affect his whole life. Adoption may mean his transfer to a family totally unrelated to him, it may mean a closer relationship to persons already related to him by birth, or it may mean that he acquires legal status in a family of which one parent is already an integral part.

RACE AND SEX OF THE CHILDREN

The great majority of the children for whom petitions were filed in the 9 States were white children, as requests for adoption had been made for only 95 children of other races, 50 of these being Negro children. The largest number of petitions for Negro children (31) were filed in Alabama, and the largest number of petitions for children of other racial groups (37) were filed in California.

The number of petitions filed for girls exceeded by 79 the number filed for boys. Children are adopted by relatives with little regard to sex, since the purpose of such adoptions is to give the child an assured position in the family group to which he has blood relationship. Table 2 shows that it was in the petitions for adoption of children by persons not related to the children that requests for girls predominated. Possibly this situation is due to the fact that the mother in the adoptive family frequently has the strongest desire for a child, and her preference is for a girl who can be dressed attractively and who will give her companionship. It has been suggested that to the parents giving up a child the boy represents a greater economic asset, because of his potential earning capacity, but since most of the children adopted by persons not related to them were born out of wedlock, this factor hardly enters into the situation. Child-placing agencies generally report that the number of applications for girls far exceeds that for boys, and it is not unusual for adoptive parents to accept a boy only after they have waited long for a girl. There is also the possibility that foster families think it is less difficult to bring up a girl than a boy.

Table 2.—Sex of children for whom adoption petitions were filed

<table>
<thead>
<tr>
<th>Persons filing petition</th>
<th>Children for whom petitions were filed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>Total</td>
<td>2,041</td>
</tr>
<tr>
<td>Relatives</td>
<td>835</td>
</tr>
<tr>
<td>Other persons</td>
<td>1,206</td>
</tr>
</tbody>
</table>

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THE PARENTS OF THE CHILDREN

The status of the parents at the time petitions for adoption of the children were filed is shown in table 3. In all but 59 cases the normal marital relationship of the parents had been broken by death of one or both parents or by the parents' divorce or separation, or by the fact that the parents were not married.

Nearly three-fourths of the 586 children whose parents had married but were separated through divorce or through the death of one or both parents were desired for adoption by relatives. A stepparent, usually a stepfather, was the petitioner for 121 of the children whose parents were divorced, for 90 children who had lost a parent, and for 4 children whose surviving parent had married the petitioner before his or her death. In contrast to this situation, less than a third of the children whose parents were unmarried or who for other reasons wished to give up the child, were sought for in adoption by relatives.

Table 3.—Marital status of child's own parents at the time the petition for child's adoption was filed, by relationship of the petitioners to the child

<table>
<thead>
<tr>
<th>Marital status of own parents</th>
<th>Children for whom petitions were filed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Parents married</td>
<td>758</td>
</tr>
<tr>
<td>Living together</td>
<td>59</td>
</tr>
<tr>
<td>Separated</td>
<td>113</td>
</tr>
<tr>
<td>Divorced</td>
<td>185</td>
</tr>
<tr>
<td>Both dead</td>
<td>78</td>
</tr>
<tr>
<td>Mother dead</td>
<td>216</td>
</tr>
<tr>
<td>Father dead</td>
<td>112</td>
</tr>
<tr>
<td>Parents not married to each other</td>
<td>1,204</td>
</tr>
<tr>
<td>Mother living</td>
<td>1,135</td>
</tr>
<tr>
<td>Mother dead</td>
<td>40</td>
</tr>
<tr>
<td>Status not reported</td>
<td>79</td>
</tr>
</tbody>
</table>

1 Includes 4 cases in which the marriage was annulled.

Married parents.

The circumstances that caused the parents living together and maintaining a home to give up 59 children for adoption were varied. Limited financial resources, together with more children than they could support, had influenced the parents of 27 children to consider adoption as a method of providing care for 1 or more children. The parents of 8 children were married either shortly before or after the birth of the child and lacked courage to face the social disapproval of this situation. Other situations, such as the health of one of the parents or willingness to have a relative of the child adopt him, were reason for adoption in the remaining 24 cases. The following excerpts illustrate these situations.

The parents of a baby girl had six children. The father was a truck driver, working irregularly, and both the family and all their relatives were hard-pressed financially. When this child was born the mother seemed so discouraged that the doctor told her he could find a good home for the baby if the parents wished him to do so. Accordingly the child was placed when only a day old. The mother and father were satisfied with the plan and had no desire to know what had become of the child.
The parents of a little boy had five other children whom they were unable to support, so they gave him up when he was 3½ years old in order to give him a home where he would have financial security. The parents lived in a one-room shack with one single and one double bed for the parents and the children. The children were undernourished and ill-kept. The foster parents were related by marriage to a neighbor of the parents and in this way learned of the child. The plan was satisfactory to the parents as it meant more physical comforts for the boy than they could otherwise provide for him.

The marriage of the parents occurred only a short time before the child's birth. The mother was only 16 and reported as being very irresponsible. The father was 18 years old. They could not support the child, and it seemed doubtful if they would continue to live together. The mother's sister and her husband bore all the expense of the confinement, had cared for the child since birth, and were the petitioners for her adoption.

The father had tuberculosis and was living with his wife and five children in Arizona. Before the birth of the sixth child the mother wrote to her sister saying that she wished her to have the baby in order that its chances for health would not be jeopardized. Accordingly plans were made so that the child was born at the aunt's home and remained there after birth. The adoption was completed when the child was 7½ months old.

The parents of a baby girl had tuberculosis, which was in an arrested stage. There was one other child 3 years old, and the family had been on relief for some time. When the younger child was born the parents felt they could not keep her, so they advertised for temporary care for her. The family accepting her for care became so attached to her that they begged to adopt her after she had been in their home for 3 months. When the adoption petition was filed the representative from the State department made a special effort to get the parents to reconsider the matter. Both maternal and paternal relatives were seen in an attempt to have the child retained by her own people. Although the relatives regretted the fact that the child was being placed outside her own family, none felt they could take her, and the parents were unwilling to consider any other plan.

The mother was mentally disturbed at the time her baby was born and for some time thereafter. When the little girl was 9 months old she was placed in the home of the petitioners, who were friends of the child's own parents. The parents visited the foster parents and apparently agreed to the adoption after the child had been in the home for more than 3 years. They felt the foster parents could offer more advantages to the child than they could give her.

The paternal grandparents were the petitioners for a child who was an inmate of a private school for the feeble-minded. He could not speak and apparently heard and saw nothing around him. His parents had lived in another State for 6 years, and although the father had a good position the grandparents had assumed the full responsibility for the support of the boy. Financial reverses had made it impossible for the grandparents to continue to pay tuition for the boy and therefore they wished to adopt him so that he could be admitted to a State institution. The State department disapproved the adoption, feeling that the child should not be made a State responsibility in one State when he belonged to another State, but in spite of this the adoption petition was granted.

The parents of 113 children were separated. In a few of these cases a divorce was pending, but more often one or both parents had deserted the family. Separation was sometimes caused by the fact that a parent was receiving institutional care. Occasionally relatives were the petitioners in these cases, but more often the children were adopted by unrelated persons.
After the separation of the parents the mother lived with another man. The father was an alcoholic and unfit to care for the child, who was about 2 years old. For a time the child was with the paternal grandparents but later she was placed with friends of the family. Almost immediately the foster family filed a petition to adopt the child, and the adoption order was entered less than 2 months after the child was placed in their home.

The father of a little girl was in the State prison. At the time of his sentence, the mother and child were in the home of a relative, where they remained. Although the mother was still in the home, the petitioners had assumed the entire responsibility for the child and desired to adopt her in order to be assured of her future protection.

Petitions for the adoption of 185 children were filed after the divorce of the parents or the annulment of their marriage. In most of these cases the mother had received the custody of the child by the divorce order and in two-thirds of them the child's stepfather was the petitioner. In some cases the child had used the stepfather's name for years and the adoption was primarily for the purpose of legalizing the father-child relationship that had grown up through the years. In others the child had been with the stepfather for only a short time. Other relatives were likewise frequent petitioners for children whose parental homes had been broken by divorce.

A girl was about 5 years old when her mother remarried. Her own father had never shown any interest either in her or in her younger brother. The stepfather had given a father's care and devotion to the two children and had adopted the brother a year before he adopted the girl.

The parents were divorced when the child was only 3 months old. The father was alcoholic and was in prison when the little girl was born. He had never seen the child. When the child was 19 months old, the mother remarried. After having the little girl in his home for nearly 2 years, the stepfather adopted her. The mother and maternal relatives felt that this would be a protection to the child in later years, particularly if her own father molested her in any way. The stepfather and his relatives had fully accepted her, and there seemed no reason why she should not belong to him legally.

Both parents of 73 children were dead. These children were, therefore, without any parental ties at the time petitions for their adoption were referred to the State department. The feeling of responsibility for these children on the part of relatives can be seen by the fact that petitions for the adoption of more than half of this group came from relatives.

Three hundred and twenty-eight children born of married parents had only one living parent, a mother in 112 cases and a father in 216 cases. Stepfathers were the petitioners for the adoption of 65 children who were without living fathers and other relatives petitioned to adopt 22 of them. Although petitioners for adoption were relatives of 130 children whose mothers were dead, only 25 of these were stepmothers. Unrelated persons were the petitioners for 25 of the children who had only a mother living and for 86 of those who had only a father living.

Unmarried parents.

The parents of 1,204 children were not married to each other, and the mothers of 49 of these children had died. Petitions for adoption for 71 percent of these 1,204 children had been filed by persons not
related to them. Little was known about the fathers of children born out of wedlock, as the paternity of only 402 of such children had been determined. Seventy percent of these 402 children were in the 3 States (California, Massachusetts, Minnesota) in which 64 percent of the total petitions for adoption were filed. A determination of paternity did not always mean that support for the child was available. In fact, no plan for support had been made for nearly one-fourth of the children for whom paternity had been either admitted or established, and for a number of other children no information was available to show whether or not a plan for support had been made. It was not possible to show the extent to which orders or agreements for support had been fully carried out, particularly when the plan for payment had been made on a weekly or monthly basis; but in only 98 cases, about one-fourth of the total number in which paternity was determined and not quite one-half of the number in which a plan for support had been made, had payments been made toward the child’s support.

For the most part the amounts paid by the father for the child’s support were wholly inadequate to maintain the child, and frequently the payments were so irregular that the mother had no assurance that future support would be forthcoming. In the 11 cases in which amounts varying from $1,100 to $3,250 had been received toward the child’s support, the petitioner was a stepfather in 8 cases and a maternal grandparent in 2 cases. It was difficult to determine whether the availability of support had any relation to the plan for adoption, but of the children for whom paternity had been determined and for whom either no plan for support from the father had been made or the payments for support had been inadequate, more than three-fourths were subjects of petitions for adoption from unrelated persons.

The unmarried mother finds it difficult to keep her child without assistance. Often she is young, her earning capacity is limited, her family may be unable or unwilling to help her with the care of the child, and she dreads the social stigma attached to unmarried parenthood. Society has been fairly generous in providing resources to prevent a married parent from the necessity of being permanently separated from his child, but aid to the unmarried mother, at the time this study was made, was restricted largely to that available from private sources. Since the passage of the Social Security Act in 1935 aid for dependent children has become more generally available to the unmarried mother.1

### STATUS OF BIRTH OF CHILDREN FOR WHOM PETITIONS WERE FILED

Table 4 shows that of the 2,041 petitions for adoption filed in the 9 States, 61 percent were for children born out of wedlock. The inclusion of petitions filed in Wisconsin affects to some extent this percentage, for in this State the State department was required to consent to the adoption of all children born out of wedlock who were not under the care of an authorized agency. However, even when petitions from Wisconsin are excluded, the percentage of children born out of wedlock (59 percent) is higher than has been found in special

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1 The Social Security Board reported that in the fiscal year 1936-37, 12,634 children of unmarried mothers in 40 States, the District of Columbia, and Hawaii had been accepted for such aid.
studies covering a more restricted area. The percentage of children for whom petitions were filed in the States included in the study who were born out of wedlock ranged from 49 percent in California to 73 percent in Massachusetts.

Table 4.—Status of birth of children for whom adoption petitions were filed, by States

<table>
<thead>
<tr>
<th>State</th>
<th>Total</th>
<th>Born in wedlock</th>
<th>Born out of wedlock</th>
<th>Status of birth not reported</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number</td>
<td>Percent</td>
<td>Number</td>
</tr>
<tr>
<td>Total</td>
<td>2,641</td>
<td>1,976</td>
<td>755</td>
<td>724</td>
</tr>
<tr>
<td>Alabama</td>
<td>152</td>
<td>142</td>
<td>48.6</td>
<td>73</td>
</tr>
<tr>
<td>California</td>
<td>524</td>
<td>266</td>
<td>50.8</td>
<td>258</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>360</td>
<td>101</td>
<td>28.6</td>
<td>259</td>
</tr>
<tr>
<td>Minnesota</td>
<td>379</td>
<td>184</td>
<td>38.4</td>
<td>295</td>
</tr>
<tr>
<td>New Mexico</td>
<td>29</td>
<td>14</td>
<td>(1)</td>
<td>(1)</td>
</tr>
<tr>
<td>North Dakota</td>
<td>55</td>
<td>51</td>
<td>39.2</td>
<td>33</td>
</tr>
<tr>
<td>Oregon</td>
<td>185</td>
<td>188</td>
<td>94.9</td>
<td>52</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>292</td>
<td>95</td>
<td>43.0</td>
<td>207</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>206</td>
<td>205</td>
<td>31.6</td>
<td>11</td>
</tr>
</tbody>
</table>

1 Percent not shown because number of children was too small.
2 Figures represent only some of such cases. See p. 3 for type of cases included.

The large proportion of children born out of wedlock for whom adoption petitions were filed in Massachusetts is not easily explained. Unfortunately no information was available in this State showing the birth rate of children born to unmarried parents, as the State required no mention of the legitimacy of the child in the birth record. Since the extent to which relatives petitioned to adopt children born out of wedlock in this State was considerably larger than in most of the other States, it seemed possible that family ties were regarded more seriously here than elsewhere. Grandparents desired to adopt a child to legalize his name, even when the mother of the child lived in the home. Petitions were filed to adopt children who had long been accepted as members of a family group, often in order that they might be included in the relief budget for the family. It was also possible that the attitude of the probation officers may have encouraged adoption by relatives after a determination of paternity and an order for support had been made. It was the duty of the probation officer to collect the support for the child from the father. Since legal adoption relieved both the father and the probation officer of further responsibility, an effort was sometimes made to encourage adoption by step-parents or grandparents on the basis of a lump-sum settlement by the child's father. A settlement of this kind was involved in nearly one-sixth of the 128 petitions filed by relatives in Massachusetts for the adoption of children born out of wedlock.

It is probable that the large percentage of petitions for children born out of wedlock in Minnesota in 1934 was the result of the attitude of the child-placing agencies in the State. On June 30, 1934, 15 private agencies were certified by the State Board of Control to place children.
in permanent family homes. The State Public School for Dependent Children, one of the institutions under the direct jurisdiction of the Board of Control, also maintained an active placement program. These agencies believed in adoption as the most desirable plan for children who had been deprived of care by their own people, and accordingly they were liberal in their acceptance of children who were potentially adoptable. In this State, too, an organized program for the protection of the child born out of wedlock, with treatment on a case-work basis, had been in operation for many years. It is possible that this had resulted in more intensive planning for all children born to unmarried mothers, and consequently children born out of wedlock were not so likely to remain in institutions or to be allowed to drift along in boarding homes until they were too old for placement in adoptive homes. One of the aims of the State department in Minnesota was to plan for the child born out of wedlock so that he would be secure either within his own family group or in a permanent foster home. When placement in an adoptive home was the plan accepted, cooperation from the child-placing agencies was assured.

Slightly more than half the petitions filed in California were for children whose parents had been married. There was a great demand for children to adopt in this State. The two adoption agencies functioning in the State reported more than 4,000 applications for children during the year’s period in which about 500 children were placed. In some cases children of married parents were accepted for placement with little apparent inquiry into other possible resources for their care.

THE PETITIONERS

PERSONS ADOPTING MORE THAN ONE CHILD

There were 103 families who petitioned to adopt more than 1 child. Of these, 88 families petitioned to adopt 2 children, 12 families petitioned to adopt 3 children, 2 California families asked to adopt 4 children, and 1 Rhode Island family desired to adopt 5 children. About two-thirds of the families petitioning to adopt more than 1 child were related to the children, but 34 families bore no relationship to the children.

RELATIONSHIP TO THE CHILD

Adoption is ordinarily thought of as the process by which a child becomes a member of a family with whom he has no blood kinship. Table 5 shows, however, that 835 petitions were filed for children related to one or both of the petitioners. Four hundred and eighty-one petitions filed by relatives were for the adoption of children of married parents and 345 for children born out of wedlock.

Petitions by natural parents.

In 22 cases one or both of the child's natural parents petitioned for the child’s adoption. When a parent loses guardianship of his child by a previous adoption, a readoption may be the only method by which guardianship can be restored to him; but in only 2 of the cases studied was this the reason for the adoption petition.

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The paternal grandparents of a child had adopted him, and the parents petitioned for his readoption. The grandparents gave consent because they did not wish to antagonize their son, but the boy did not wish to return to his parents. Both parents were very unstable. They abused the boy when they were intoxicated, and they had not established a home together. A divorce was pending. In spite of the disapproval of the State department, the court granted the adoption, but the child returned to the grandparents' home.

The mother of a child became insane after the child's birth and a maternal aunt and her husband adopted the baby. The aunt died 5 months later, and the parents petitioned to readopt in order to expedite the child's transfer to another maternal aunt, who lived in Ireland.

<p>| Table 5.—Relation of petitioner to child, by status of child at birth |
|------------------|------------------|------------------|------------------|</p>
<table>
<thead>
<tr>
<th>Petitioners</th>
<th>Total</th>
<th>Born in wedlock</th>
<th>Born out of wedlock</th>
<th>Status of birth not reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total...</td>
<td>2,041</td>
<td>775</td>
<td>1,204</td>
<td>62</td>
</tr>
<tr>
<td>Relatives...</td>
<td>835</td>
<td>481</td>
<td>345</td>
<td>9</td>
</tr>
<tr>
<td>Own parents...</td>
<td>22</td>
<td>2</td>
<td>20</td>
<td>4</td>
</tr>
<tr>
<td>Step parents...</td>
<td>494</td>
<td>227</td>
<td>173</td>
<td>4</td>
</tr>
<tr>
<td>Grandparents...</td>
<td>138</td>
<td>30</td>
<td>97</td>
<td>1</td>
</tr>
<tr>
<td>Other relatives..</td>
<td>271</td>
<td>172</td>
<td>95</td>
<td>4</td>
</tr>
<tr>
<td>Other persons...</td>
<td>1,206</td>
<td>294</td>
<td>859</td>
<td>28</td>
</tr>
</tbody>
</table>

The children in the remaining 20 cases had been born to unmarried parents. Both parents were the petitioners for 9 children. In 6 cases the child had been born as the result of an extramarital relationship, and after a divorce and the establishment of a home the natural parents petitioned to adopt. In 3 additional cases the parents were unmarried at the time of the child's birth but married later. Adoption was the method used to legitimize the child in 1 of these cases, although actually this had been done by the parents' marriage. It was explained to the parents in a second case that adoption was unnecessary and instead legitimation blanks were signed and the adoption petition dismissed. In a third case a child had been born several years before the parents' marriage but had been registered under an entirely different name in order to shield the father. The natural father and his wife were the petitioners for 4 children and the father alone for 6 children, as is illustrated by the following case histories.

The natural mother placed the child in the home of the father and his wife when they were living in Canada. Later they moved to Minnesota and brought the child into the State with them. The immigration authorities questioned the man's right to bring the child across the border and returned the boy to Canada. Finally the father formally acknowledged paternity and the child was returned to him. The adoption had not been completed at the time of the study, but it was probable that a decree would be granted.

The natural father was the petitioner for adoption and the mother had lived in his home before the birth of her child. The boy had been born in the home and continued to live there as a son of the family. The natural father's wife had accepted him, and under the circumstances adoption was probably the most satisfactory solution of the problem.
The mother died at the time of the child's birth. As a result of a birth injury, the child was feeble-minded, but the father desired him nevertheless. Accordingly, he and his wife filed a petition to adopt the boy. The paternal grandmother also filed a petition to adopt. The State department disapproved adoption by the father and stepmother, feeling that it was unfair to the stepmother to ask her to assume the care of a feeble-minded child, and the court dismissed their petition, giving the child to the maternal grandparents.

The father was married, but his wife did not join in the petition. The purpose of the adoption had been to obtain additional compensation from the Federal Government. It was explained to the father that he could legitimize the child by filing the proper papers in the probate court but that he could not adopt without his wife's consent. The petition was dismissed.

The father of two children in Massachusetts petitioned for their adoption after the death of the mother, whom he had intended to marry as soon as she had obtained a divorce. The children were 6 and 2 years old at the time of the adoption and lived with him in the home of his mother.

Petitions by stepparents.

A stepparent was the petitioner in nearly half the adoptions by relatives. Usually the stepfather was the petitioner, but 33 stepmothers were included. Ordinarily a parent was a member of the household when a stepparent wished to adopt a child, but in a few cases the parent had died. Stepparents filed petitions for 227 children born in wedlock, for 173 children born out of wedlock, and for 4 children whose status was not reported.

The advantage to a child of an adoption by a stepparent depends upon the situation before adoption. For the child born out of wedlock there would appear to be a special advantage in the legal status conferred by such an adoption. He is thereby entitled to the same name and standing in the family that would have been his if he had been born to both parents, and whatever stigma may have been attached to the circumstances of his birth is to a great extent removed. Other factors, however, enter into such adoptions which also affect the child born in wedlock. The desire of the stepparent to be assured that no one else has a claim on the child in the event of the death of the parent is one of these. The prevention of interference of the other natural parent in plans for the child and the assurance of his inheritance rights as an own child are other factors.

Less than a third of the petitions of stepparents were for children whose parents had been divorced. Divorce courts have made a general practice of giving the custody of young children to the mother if she is at all a satisfactory person, and the fact that a father has lost custody does not necessarily signify that he has been an improper parent and has no interest in his child. It is, therefore, important that a careful inquiry be made in order to determine whether a child born to two married parents will gain or lose by an adoption which severs all legal ties between him and one natural parent, as well as other members of this parent's family.

Petitions by other relatives.

The next largest group of relatives adopting were the grandparents, who represented about one-sixth of all the relatives adopting. Maternal grandparents were the petitioners in more than three-fourths of
the petitions by grandparents. Grandparents, like stepparents, were less likely to adopt children born out of wedlock than children of legitimate birth, only 57, or slightly more than two-fifths of the children adopted by grandparents, having been born out of wedlock. Only in Massachusetts, where the number of petitions by grandparents was large, were the petitions for the adoption of children born out of wedlock appreciably higher than those for children of legitimate birth. In this State more than three-fifths of petitions by grandparents were for the adoption of children born out of wedlock.

Other relatives, maternal and paternal, were the petitioners in nearly a third of the adoptions by relatives. In somewhat less than two-thirds of the petitions filed by other relatives, the children had been born to married parents. Usually one of the petitioners was an aunt, an uncle, or a cousin of the child, but one petition was filed by an older brother to adopt two children, two petitions were filed by older sisters, and two by older half sisters. The petition by the older brother was dropped because he and his family moved to an unknown address. The sisters were persuaded that guardianship would meet their need as satisfactorily as adoption if not more so. The laws of Massachusetts did not permit adoption by a half sister, so the petition of one half sister was dismissed. In another State the petition of a half sister was granted. This sister had taken her 6-month-old half sister into her home because her parents were physically incapacitated. She was a graduate nurse, 33 years of age, and her husband was an automobile mechanic earning $1,800 a year. The petitioners had no children of their own and had given excellent care to this child.

**Marital Status of the Petitioners**

It has been generally accepted that an adoptive family should be a normal family composed of a father and a mother. Table 6 shows that a large majority of the petitions had been filed by married persons. Widows or single women were the petitioners for only 65 children; widowers or single men were the petitioners for 27 children.

Table 6.—Marital status of the petitioners by their relationship to the child for whom petition was filed

<table>
<thead>
<tr>
<th>Marital status of petitioners</th>
<th>Own parent or parents</th>
<th>Step-father</th>
<th>Step-mother</th>
<th>Maternal grandparents</th>
<th>Paternal grandparents</th>
<th>Other relatives</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>2,041</td>
<td>835</td>
<td>22</td>
<td>371</td>
<td>33</td>
<td>109</td>
</tr>
<tr>
<td>Married</td>
<td>1,240</td>
<td>777</td>
<td>18</td>
<td>367</td>
<td>28</td>
<td>96</td>
</tr>
<tr>
<td>Widow</td>
<td>47</td>
<td>25</td>
<td></td>
<td>6</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>Single woman</td>
<td>18</td>
<td>9</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Widower</td>
<td>13</td>
<td>10</td>
<td></td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Single man</td>
<td>16</td>
<td>12</td>
<td></td>
<td>4</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Status not reported</td>
<td>9</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Includes persons whose marriage was terminated by divorce.*
Fifty-six of the ninety-two unmarried petitioners were related to the child who was the subject of the adoption petition: natural fathers, stepfathers, stepmothers, grandparents, and other relatives. The remaining 36 of this group of petitioners were not related to the child. Twelve of these were not granted decrees, but 24 were granted decrees of adoption. Of these, 3 were granted to single men, 1 to a widower, 6 to single women, and 14 to widows.

After the death of her mother a 2-year-old child had been placed by her own father in the home of the petitioner, a single man, who lived nearby with his mother. The child had been in the foster home for some 8 years and nothing had been heard from her father for about 5 years. The foster grandmother was 76 years old at the time of the adoption. No formal recommendation was made to the court, but the case had been classified as informally disapproved. However, the court granted the adoption.

A boy 17 years of age was adopted by a 45-year-old single man. The probation officer had placed the boy in the home when he was 15 years of age to act as "companion" to the petitioner. At the time of the adoption the boy had been in the home only about a year and a half. No recommendation was made to the court, as the adoption was granted before the investigation could be completed.

A boy about 11 years old was left in the home of the mother of an unmarried man. The child's mother paid his board for about 6 weeks and then deserted him. The boy remained in the home, and after the death of the foster mother the petitioner and the boy went to live in the home of a married brother and his family. Both the boy and the petitioner were anxious for the adoption and after approval by the State department a decree was granted although the boy was almost 20 years of age.

The State department had placed a 3-year-old boy with a married couple. After the death of the wife, the foster father and boy went to live with the man's mother, brother, and sister. They were in this home at the time the adoption was allowed, the boy then being about 11 years of age.

The children adopted into homes in which there was no father included both boys and girls. Some of them were older children, but placement in the home had frequently been made when the child was quite young. A few of these children were placed by agencies, but more often the placement had been made by parents or other persons. The following case histories show the situations that led to the adoption of these children.

A 3-year-old girl was placed by a social agency (not a child-placing agency) with a family consisting of two single women and their bachelor brother. At the end of 5 years, during which the family had given excellent care to the child, the oldest member of the family group, a woman 52 years of age, petitioned to adopt the child, and the adoption was completed when the girl was almost 9 years old.

A private child-placing agency placed a 6-year-old girl with a single woman, who had herself been a foster child. She had not married because she had taken care of her foster parents until their death. The agency had some question about the woman because she was dressed unattractively and looked peculiar, but the references were so enthusiastic that adoption was permitted about a year after the child was placed in the home. An 8-year-old brother of the girl also was placed in this home and was adopted at the same time as the girl.
A single woman 30 years of age was permitted to adopt a 13-year-old boy, who, when he was 5 years of age, had been taken into her home from a children's institution where she was employed as a house mother. The child was ill and no one was attracted to him. The woman asked her parents to take him, with the understanding that she would adopt him when she married. Her marriage failed to materialize, but the boy remained with her and she finally established a home of her own with him. The child had normal contacts and was thoroughly accepted by the foster mother's relatives. Although the limitations of an unmarried woman as an adoptive parent were recognized, the adoption was approved after he had been with her for more than 8 years.

A child 3 months old was placed by an authorized child-placing agency. The foster father died 5 months after the placement. The foster mother was amply provided for financially and was much interested in the child, who had been in her home 1 year and 3 months at the time the adoption was granted.

A girl was placed by a public child-placing agency when she was 8 years old. The foster parents were living together at the time of the placement but apparently they were not entirely compatible. About 7 years after the child was placed with them, the foster mother obtained a divorce. The adoption by the foster mother was completed when the girl was 17 years old.

A child was boarded by her father with a neighbor of the petitioner. She came frequently to the petitioner's home, and when she was 1½ years old the father placed her there, promising to pay for her care. No payments were made, but the little girl continued to live in the home. In the beginning there was no thought of adoption, although later the foster mother was appointed guardian of the girl's estate. Finally the girl herself asked that she be adopted, and when she was 16 years old the adoption was completed.

RESIDENCE OF THE PETITIONERS

The laws of six of the nine States included in the study required that the adoption action be taken in the county (town in Rhode Island) in which the petitioners had residence. Residents of Massachusetts also were required to petition for adoption in the county where they resided, but nonresidents of the State were permitted to file petitions for adoption in the county where the child was a resident. A petition for adoption could be filed in Alabama in the county where the petitioners had residence, in the county where the child resided, in the county in which the child was resident when he became a public charge, or in the county in which the agency or institution was located which had guardianship and custody of the child. Likewise in Oregon a petition for adoption might be filed in the county where the petitioner resided, in the county where the parent or guardian of the child resided, or, when the petition was for the adoption of a child committed to an institution for dependent or delinquent children, in the county in which the institution was located.

3 Alabama, Laws of 1911, p. 304, sec. 30824A.
Table 7 shows that even in the States that authorized the filing of a petition for adoption by persons who were not residents a great majority of the petitions had been filed in the county or town of residence of the petitioner.

It is interesting to note, however, that six petitions filed by nonresidents had been accepted by the courts in States that had no legal authority for this procedure, Minnesota being the only one of the States in which this had not occurred. The reason for acceptance by the court of three of these petitions was not known. In one case in Wisconsin the court explained that the law had been interpreted as permissive. Petitioners having a winter residence in Mexico and a summer residence in a rural California county filed a petition for adoption in San Francisco, where the agency placing the child had its office, and apparently no question was raised as to the court's jurisdiction. The family in another State that filed a petition in New Mexico had been living there at the time the child was placed in the home but had left the State before the petition was filed. As they had lived for several years in New Mexico, the court apparently considered that residence had not been lost.

The largest number of petitions filed by nonresidents of the county where the petition was heard were in Oregon, where of the 37 nonresident petitioners 9 were residents of other States. Twenty-seven of the petitions of nonresidents had been filed in the county (usually Multnomah County) in which the agency or institution placing the child was located, but 8 petitions had been filed in the county where the parent or guardian of the child was a resident or had been a resident at the time of his death. The following case histories show that questions had been raised as to the jurisdiction of the court in the 2 remaining cases.

A child born in a maternity hospital in Multnomah County was transferred to the nursery of a child-caring and child-placing agency at the age of 2 months. The mother of the child was a resident of a rural county, where both she and the child were under the jurisdiction of the juvenile court. Despite this, the agency permitted a family from another State to take the child for adoption when she was 10 months old and persuaded the mother to consent to this plan. The petition

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provided by the Maternal and Child Health Library, Georgetown University
for adoption was filed in Multnomah County because this was the county in which the agency which placed the child was located. Actually the agency had no authority to make permanent plans for the child without an order from the rural juvenile court, but when its procedure was questioned it defended its action by insisting that the mother had placed the child independently. Under such circumstances the only county in Oregon that could have accepted jurisdiction was the county of the mother's residence. Nevertheless, the adoption decree was granted in Multnomah County when the child was 1 year and 9 months old.

A child born in the State of Washington was placed by a Washington child-placing agency in the home of a minister in an Oregon rural county. A petition for adoption was filed in Multnomah County. The child-welfare commission questioned jurisdiction here. The attorney for the petitioners replied that he had put through a previous adoption for these same petitioners in Multnomah County. The court had accepted jurisdiction at this time because it decided that as a minister the foster father had no technical residence and Multnomah County was as good as any other. Nevertheless, the case was continued on recommendation of the child-welfare commission and later the petition was dismissed.

The next largest number of petitions filed elsewhere than in the county of the petitioner's residence were filed in Massachusetts, where 14 such petitions were filed during the first half of 1934. Ten of these were filed by petitioners living in Connecticut, Maine, Michigan, New Hampshire, New York, or the District of Columbia, the petitions being filed in the county where the child had a legal residence. Although no authority was given in the Massachusetts law for residents of the State to file a petition in a county other than the one in which residence was maintained, 4 such petitions were filed. The attorney for the petitioners in 1 case maintained that the family had a domicile in the county where the petition was filed because they owned a home there. In 1 of the 3 remaining cases the report of the State department called attention to the fact that the petitioners were residents of another county; yet in this case as well as in 2 others no explanation was made of the court's reason for accepting jurisdiction.

Although the Alabama law authorized the filing of petitions by nonresidents under certain circumstances, only two petitions were filed by residents of a county other than the one accepting the adoption petition, and one was filed by a resident of another State. Two of these were accepted because the petition was filed in the county in which the child had legal residence when he became a public charge and one because the agency having guardianship and custody of the child was located in the county accepting jurisdiction. The foster father in the latter case was so well known in his own county that he thought it would be a protection to the child to have the information regarding the child's family history and placement on file in another county. The State department questioned the jurisdiction of the court in one of these cases, as is shown by the following illustration.

A petition was filed in Alabama for the adoption of an 18-year-old girl by her maternal uncle and his wife. The petitioners gave an Alabama address, but when a visit was made it was found that they had never lived there and in fact had lived outside the State for 20 years. The address given in the petition was that of some distant cousins of the girl, with whom she had lived until the death of her mother 2 years before. The petitioners were eager to have the adoption completed immediately because they were about to leave for a foreign country. The probate judge contended that the court in this county had jurisdiction because this was the county where the child had legal residence when she became a "public charge."
The State department, on the other hand, insisted that the girl had never been a public charge since she went to live with the petitioners immediately after her mother's death. The court also maintained that there was no legal provision whereby an agency in another State could make an investigation for an Alabama court, and since the private agency which was then making the investigation for the State department could not go to the State of the petitioners' residence, the department advised the local agency to submit a report explaining why no investigation could be made. On this basis a final decree of adoption was entered.

Attention has been called to a number of cases in which there was a question of the jurisdiction of the court. These situations are serious, since there is always the possibility that at some future time the validity of the adoption may be questioned on jurisdictional grounds. Although the real reason of the petitioners for wishing to consummate the adoption in another jurisdiction was known in only a few cases, it is evident that sometimes this plan may be desirable. The adoption law should give the court authority to transfer jurisdiction, when on investigation this is found desirable, in order to prevent the possibility that the validity of the adoption will be attacked on jurisdictional grounds.

Even though it is recognized that occasionally a resident of one county may be justified in applying for adoption in another county in the same State, there seems little justification for initiating adoption action outside the State. When this is authorized the problem of investigation is greatly complicated. Frequently a qualified agency cannot be found to make the investigation in the State of residence; the State department cannot require the same standards of an out-of-State agency that it requires of its own agencies; as a result the investigation for out-of-State petitions is often inadequate.

**PLACEMENT OF THE CHILD IN THE HOME**

**AGENCY OR PERSON PLACING**

The placement of a child in a home not his own is probably the most important step in the adoption and should, therefore, be the responsibility of a person especially qualified by training and experience.

For the purpose of this study "placements by agencies" have been interpreted as including those made by authorized? public or private child-placing agencies as well as a few made by other agencies, usually institutions, without special facilities for child-placing service. "Independent" placements were those made without the aid of social agencies—those in which parents, relatives, or other persons were responsible for the child's placement in a foster home. A third group, termed "no placements," included cases in which the child had always lived in the home of the petitioner as well as those in which the child came into the home by reason of a natural relationship to the petitioner. The petitioners in all but a few of these cases were stepparents, grandparents, or other relatives.

Agency placements.

A well-qualified child-placing agency has been generally accepted as the most satisfactory channel through which to obtain a child to adopt. Such an agency has facilities for making a careful study of the physical condition, family background, mental capacities, temperament, and the characteristics of the forbears of the child accepted for placement.

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?Throughout the report the terms "authorized agencies" and "agencies licensed to place children" have been used as signifying that in the opinion of a licensing or certifying agency, usually a State department, the standards of work maintained by these agencies were considered generally satisfactory.

Provided by the Maternal and Child Health Library, Georgetown University
An equally careful study can be made of the background of the foster parents and of their physical condition, mental stability, education, cultural background, motives in desiring a child, home life, and ability to care for a child physically, emotionally, and financially. Such knowledge of a child and a foster family enables an agency to select for each child a home suited to his individual needs.

Table 8 shows that of the children who had been placed in a home for adoption slightly more than half had been placed by agencies. The proportion of placements made by agencies varied considerably from State to State. Those that had the largest proportion of agency placements were Rhode Island, Minnesota, and California. Massachusetts had a smaller proportion of agency placements than any other State having a large number of placements. The records obtained in Wisconsin were not representative of the situation in this State, as only a few petitions for children placed by private child-placing agencies came to the attention of the State department.

Table 8.—Agency or person placing child for whom adoption petition was filed, by States

<table>
<thead>
<tr>
<th>Agency or person placing child</th>
<th>Children for whom petitions were filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>2,041 152 537 389 379 28 55 165 592 206</td>
</tr>
<tr>
<td>Placement made</td>
<td>1,465 122 494 225 395 18 43 357 49 128</td>
</tr>
<tr>
<td>By agency</td>
<td>387 54 228 87 198 3 25 78 35 29</td>
</tr>
<tr>
<td>Within the State</td>
<td>601 53 220 75 188 3 22 60 32 23</td>
</tr>
<tr>
<td>State agency or institution</td>
<td>131 38 18 49 2 18 6</td>
</tr>
<tr>
<td>Local public agency</td>
<td>47 3 9 4 17 1 8 1 4</td>
</tr>
<tr>
<td>Private child-placing agency</td>
<td>436 9 214 39 121 21 62 9 12</td>
</tr>
<tr>
<td>Other private agency</td>
<td>27 3 3 14 1 1 4 1 4</td>
</tr>
<tr>
<td>In another State</td>
<td>46 1 7 12 10 2 1 9 3 6</td>
</tr>
<tr>
<td>Independently of agency</td>
<td>718 68 176 141 168 13 20 79 14 99</td>
</tr>
<tr>
<td>Parents, relatives, or guardian</td>
<td>532 56 134 88 75 11 20 33 10 83</td>
</tr>
<tr>
<td>Persons known during confinement</td>
<td>60 13 13 12 1 15 6</td>
</tr>
<tr>
<td>Other persons</td>
<td>78 2 14 27 11 1 4 10</td>
</tr>
<tr>
<td>Persons not reported</td>
<td>48 7 13 10 9 1 2 1 2</td>
</tr>
<tr>
<td>No placement made 1</td>
<td>543 27 125 140 73 8 12 33 51 76</td>
</tr>
<tr>
<td>Child not in home</td>
<td>43 3 10 21 5 2 2 2 2</td>
</tr>
</tbody>
</table>

1 Children who were with a parent or relative with whom they had always lived or who were born in the home.

Placements of 131 children were made by State agencies: the child-placing division of the welfare department in Alabama, Massachusetts, and Rhode Island, the child-placing department of a State institution in Minnesota and Wisconsin, and general child-welfare workers in New Mexico. Local public agencies in each of the States except New

1 A few children in Minnesota were placed by the division in charge of children committed to the general guardianship of the State department.
Mexico had placed 1 to 17 children. Most of the 559 children placed by other agencies were under the care of authorized child-placing agencies in the State, but 27 children had been placed by agencies, usually institutions, that had no special child-placing staff, and 46 children had been placed by agencies in another State than the one where the petition for adoption was filed.

Independent placements.

Parents and relatives and an occasional guardian were directly responsible for nearly three-fourths of the 718 independent placements. It is probable, however, that a considerable number of placements credited to parents or relatives were in reality arranged by persons connected with the mother’s confinement, including physicians, nurses, and hospital employees, although the number actually recorded as placed by these persons was relatively small. Only 45 placements were made directly by the physician attending the mother during her confinement. Twenty other physicians who learned that mothers desired to place their children were known to have arranged such placements; these physicians are included in the group of “other persons” placing children. Children were placed by foster parents who were unable to continue caring for them, by friends of the mother or her family, by attorneys, by judges, by clergymen, by probation officers, by private maternity homes, and by others who were not professionally qualified to make such placements.

Doubtless many more children could have had the advantages resulting from agency placement had the services of the child-placing agencies been made more easily available to parents, relatives, and other persons needing assistance in planning for a child. More satisfactory placements might have resulted had prospective foster parents been more aware of the importance of skilled placement service.

California and Oregon child-placing agencies occasionally accepted responsibility for the supervision of children who came into foster homes through independent placements, believing that only through such acceptance could the number of independent placements be reduced. Adoption petitions filed in California during the first half of 1934 included those for 36 children who had been placed independently but who had been accepted for supervision by one of the child-placing agencies in the State for some time before adoption. More than half the children had been placed in the home by a parent. The acceptance of these children by child-placing agencies provided an opportunity for some service to the foster parents but did not give the children the benefits of agency service in the selection of the home.

Independent placements of children were of great concern to the State departments responsible for adoption investigations in the States visited. Frequently the notice that a petition to adopt had been filed gave the State department the first knowledge of the placement, even though the child had been in the home for months or even years. State departments complained frequently that it had been impossible to make a frank report disapproving such a petition because the child had become an established member of the foster family and community feeling was so strong that it was feared that an adverse report might jeopardize the whole adoption program.

The number of independent placements, particularly when such placements are made with persons unrelated to the child, gives some
indication of the extent to which child-placing agencies are discharging their responsibility to children, to their natural parents, and to foster parents. When the percentage of independent placements is exceptionally large, the child-placing agencies may well scrutinize their work to see why this is true and what is to be done about it.

**PERSONS WITH WHOM CHILDREN WERE PLACED**

If the placement program in the States studied is to be fully understood it is necessary to know not only how the child came into the foster home but what the relationship of the foster parents is to the child. Table 9 shows that agencies did not often place children in the homes of relatives. Agencies placed 137 children born to married parents, and of these only 18 were placed with relatives. Only 13 of the 571 children born out of wedlock were placed with relatives.

It is possible that the demand for children for adoption by persons who were not relatives tended to obscure possibilities of satisfactory placement with relatives. When a child-placing agency is willing to act as a medium for the placement with a relative of a child born out of wedlock a real opportunity for service is provided. The agency protects the mother, the relative, and the child. In its investigation the agency can make certain that the relatives are proper persons to have the child and that they are accepting him because they truly want him and not from any sense of duty. The agency's connection with the placement minimizes the possibility of community gossip concerning the parentage of the child and the motive for adoption.

**Table 9.—Placement and status of birth of child, by relationship to the petitioners**

<table>
<thead>
<tr>
<th>Placement and status of birth of child</th>
<th>Children for whom petitions were filed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>--------------------------------------</td>
<td>-------</td>
</tr>
<tr>
<td>Birth in wedlock</td>
<td>327</td>
</tr>
<tr>
<td>Birth out of wedlock</td>
<td>327</td>
</tr>
<tr>
<td>Status not reported</td>
<td>29</td>
</tr>
<tr>
<td>Independently of agency</td>
<td>543</td>
</tr>
<tr>
<td>Birth in wedlock</td>
<td>256</td>
</tr>
<tr>
<td>Birth out of wedlock</td>
<td>256</td>
</tr>
<tr>
<td>Status not reported</td>
<td>3</td>
</tr>
<tr>
<td>Child not in home</td>
<td>43</td>
</tr>
</tbody>
</table>

1. Children who were with a parent or relative with whom they had always lived or who were born in the home.

About two-thirds of the 718 children placed by relatives or other persons had been placed in homes of persons not related to the child. The number of children of married parents placed in relatives' homes was approximately the same as the number placed in other homes,
but children born out of wedlock were less often placed with relatives, although 70 children were placed by their mothers or other persons in the home of a relative.

The 543 children for whom no placement had been made included children who became members of the petitioners' family after the marriage of a parent, usually the mother, and children who had lived with grandparents or other relatives almost all their lives or who had come into the home with the mother and remained there. The 12 children living in the homes of unrelated persons for whom there was "no placement" included a few children whose mothers had lived in the home of the petitioners during pregnancy; 2 children for whose adoption the father's housekeeper petitioned after the father's death; a child who was often in the home of the petitioners because her mother was away from home and eventually became a member of the petitioners' family; and a child who had lived with her mother in the home of the petitioner all her life and for whom a petition for adoption was filed in order that the petitioner might obtain a railroad pass for her.

Forty-three petitions were filed for children not then living in the foster homes. Although the adoption was not completed in a number of these cases, the situations that they represented are interesting. A few of the petitioners were natural fathers who were sincerely interested in their children. One such father wanted to legitimate the child through adoption, although he was unwilling to have his wife know of his plan. Since adoption was impossible unless the wife joined in the petition, he was told how legitimation could be accomplished without adoption. Stepfathers petitioned to adopt children who were living with relatives or in boarding homes. Sometimes there was a definite plan to have the child come into the home of the mother and stepfather in the near future, but this was not always true. Grandparents petitioned to adopt one child, possibly in order to obtain a financial settlement from the child's father. They expected to transfer the boy from the boarding home where he was living to their home when the adoption was completed. The grandparents of a feeble-minded child petitioned to adopt him in order that he might be eligible for admission to a State institution. Some relatives apparently filed petitions for the adoption of children who were not living in their homes in an effort to obtain custody of them; others appeared to be sincerely interested in the children and to have satisfactory reasons for delaying the entrance of the children into their homes.

The six petitions by unrelated persons for the adoption of children not in the home included one by a family that had previously had the child and wanted her returned to them. One petition was filed out of sympathy for the mother, but when all that was involved was explained to the petitioner and the mother the plan was dropped. Neighbors agreed to adopt one child whose mother wished to be relieved of her care, but they were unable to support the child, so they withdrew their petition.

One important advantage of investigating adoption petitions is that it affords an opportunity for the prevention of hasty adoptions. If some of these adoptions of children not living in the foster home had been completed without investigation, both the child and the foster parents might have been placed in a situation which they would have regretted later.
STUDY OF THE HOME AND THE CHILD BEFORE PLACEMENT

Thorough knowledge of the potentialities of the child and careful investigation of the foster home by a qualified social agency before placement have been accepted as essential elements of satisfactory placement procedure. As would be expected, the records of most of the children placed by agencies showed that an investigation of the home had been made before the child was placed, but 20 children under the care of agencies had been placed without such an investigation. Most of these placements had been made by agencies that were not child-placing agencies, but a few children for whom a child-placing agency was responsible had been placed without investigation in homes known intimately to a staff member of the agency.

It was surprising to find that a social investigation before placement had been made in 27 independent placements. In some cases the investigation had been made at some previous time and was not in any way related to the child named in the petition under consideration, but in others the person placing the child had requested the assistance of an agency. The following cases illustrate these situations.

A child not quite 3 months old had been placed by a physician with a single woman. Her home had previously been investigated by one of the authorized child-placing agencies in the State when she had applied for a child, but her application had not been approved because she was a single woman primarily interested in adopting a boy.

A child whose parents were dead was placed by a maternal uncle in the home of another relative. At the uncle’s request an agent from the State department investigated the home before the child was placed there.

A child’s mental potentialities should be given careful consideration at the time placement plans are made. This does not mean that a child cannot be placed in an adoptive home unless he is endowed with superior mentality, but if the placement is to be successful it usually means that the mental abilities of the child and his foster parents must not be markedly dissimilar. This is illustrated by the following case.

A boy with an intelligence quotient of 71 was placed at the age of 2 years with a family in which there were four daughters. The foster parents were described as of “dull, average intelligence” and it was said that the children in the family found school difficult. In the opinion of the State department this child was probably well suited to the foster family.

The so-called overplaced child, whose mental endowment is more limited than that of his adoptive family and their associates and who cannot take advantage of the educational opportunities given to him, is rarely happy. The superior child placed in an environment that fails to offer possibilities for complete development of his inherent capabilities is also handicapped.

Careful observation of the development of the child before placement, usually while he is under care in a temporary boarding home, is an accepted practice of qualified child-placing agencies and sometimes such observation is supplemented by careful study of the child in a child-guidance clinic. The records of the children studied gave little general information on the placement procedure of the agencies, but whenever any information was given that a mental examination of the child had been made, this was recorded. It was surprising, therefore.
to find that a mental examination before placement had been recorded for only 89 children. It is probable that many more children had been examined, but lack of such information in the records of the investigations would seem to indicate that the agencies or the State department had not stressed the question of the child’s mental potentialities.

The fact that many children are placed for adoption when they are infants does not preclude sound measurement of their possible development, as is shown by the following statement of Dr. Arnold Gesell:

Infants, after all, are individuals. Adoption raises a searching question regarding their developmental potentialities. We should take nothing for granted, but appraise these potentialities as judiciously as possible, through appropriate diagnostic methods. * * * The development of the infant mind is intricate, but it is lawful. And because it is lawful it is within certain limits predictable. Infants as well as adults differ in their native abilities, and only careful consecutive examinations can determine the general developmental outlook of any child. Such examinations will confirm normality when it is obvious or taken for granted. They will also discover subnormality when it is altogether concealed in the general ambiguousness of infancy. They will sometimes reveal normal or even superior endowment when it is least suspected because of the poor repute of the child’s origin.8

Certain criteria have been established by which the development of a child as young as 3 weeks may be measured, but the older the child the more weight can be attached to his responses. The experience of the Yale Clinic of Child Development, where some 10,000 infants and children have been examined in the last 25 years, brought the staff of the clinic to the conclusion that there is a “high degree of latent predictability in the early sector of the life cycle.” It was the conviction of the clinic staff that—

With scientific progress the possibilities of developmental prediction will be enlarged. The social and medical demands for such prediction will inevitably intensify as part of an effort to bring hygiene of early child development under improved control. Meanwhile, we shall do no disservice to the child if we interpret him in terms of the processes of growth. The degree, tempo, and the style of his mental growth denote his individuality.10

Unfortunately resources for complete developmental studies of children are not generally available, and in only five of the States visited was there even relatively adequate service for psychometric examinations. Usually this was confined to the large centers of population, but fortunately the child-placing agencies ordinarily had their headquarters in these areas. At the time the study was made practically no facilities for mental examinations were available in North Dakota, New Mexico, and Alabama. Accordingly, mental examinations were given to very few children in these States even when they had been placed by agencies. The policies of agencies in Rhode Island in regard to mental examinations could not be determined because complete information was not available for the adoptions studied in that State.

The most general use of mental examinations before placement by an agency was in Minnesota, where almost half of the children placed by public agencies and more than one-fifth of those placed by private

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agencies had been tested before placement. In addition, a small
number of the mothers of children placed by the public agencies and
the mothers of approximately one-third of those placed by private
agencies had been given a mental examination before the child was
placed. About one-fourth of the children placed by private agencies
in Massachusetts had been examined before placement, but there
was no indication that the public agencies make a practice of giving
such examinations.

The Wisconsin State Public School had evaluated the mental
ability of 3 of the 6 children included in the adoptions sponsored by
the school during 1934, and mental examinations had been given to
2 children placed by local public agencies. Placements made by
private child-placing agencies were not ordinarily referred to the
State department, but 2 of the 10 children so referred had been given
a mental rating.

Child-placing agencies in California and Oregon did not usually
have children given a mental examination before placement, and
only 13 of the 278 children placed by private agencies in these States
had received such examinations.

The following list shows the number of children placed by agencies
in the 5 States in which mental examinations were recorded.

<table>
<thead>
<tr>
<th>State</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>9</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>11</td>
</tr>
<tr>
<td>Minnesota</td>
<td>59</td>
</tr>
<tr>
<td>Oregon</td>
<td>4</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>6</td>
</tr>
</tbody>
</table>

AGES OF CHILDREN AT TIME OF PLACEMENT

There has been considerable difference of opinion regarding the age
at which a child can be safely placed. A child of 4 to 6 months
whose family background is favorable and who is of normal intelli-
gence undoubtedly can be placed with the reasonable assurance that he
will develop satisfactorily. On the other hand, it is not fair to pre-
dict that a child of this age who is slow in developing is destined to
be a subnormal child. Placement of such children should be delayed
until a more accurate prediction can be made. There are advantages
in placing a child in an adoptive home before he is 2 years of age,
since a very young child has little difficulty in accepting a new family.
Furthermore, the acceptance of the child by the foster family is
usually more complete if he becomes a member of the family at an
early age. Foster parents not related to the child usually prefer an
infant because they can have a real part in his development and do
not have to break bad habits before new or more satisfactory habits
can be encouraged.

Table 10 shows the ages of children of married or unmarried parents
at the time of their placement in the foster home by an agency or an
individual. The majority of the children of married parents were at
least 2 years of age when they were placed and only 192 of them (45
percent) were under 2 years of age. Most of the children under 2
who were born to married parents had been placed by parents or
relatives; only 36 of them had been placed by agencies. In contrast,
757 of the children born out of wedlock (83 percent) were under 2
years of age when placed, and more than half of them had been placed
by agencies.
### Table 10.—Age of child at time of placement in family home, by status of birth and type of placement

<table>
<thead>
<tr>
<th>Age of child at time of placement</th>
<th>Total</th>
<th>Placed by agency</th>
<th>Placed independently of agency</th>
<th>Placed by agency</th>
<th>Placed independently of agency</th>
<th>Placed by agency</th>
<th>Placed independently of agency</th>
<th>Placed by agency</th>
<th>Placed independently of agency</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1,455</td>
<td>197</td>
<td>327</td>
<td>571</td>
<td>362</td>
<td>29</td>
<td>29</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Under 1 month</td>
<td>235</td>
<td>5</td>
<td>55</td>
<td>38</td>
<td>125</td>
<td>2</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 month, under 3</td>
<td>333</td>
<td>8</td>
<td>29</td>
<td>138</td>
<td>64</td>
<td>5</td>
<td>5</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 months, under 6</td>
<td>173</td>
<td>3</td>
<td>14</td>
<td>108</td>
<td>42</td>
<td>6</td>
<td>3</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 months, under 1 year</td>
<td>172</td>
<td>14</td>
<td>25</td>
<td>86</td>
<td>37</td>
<td>4</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 year, under 2</td>
<td>170</td>
<td>14</td>
<td>25</td>
<td>86</td>
<td>37</td>
<td>4</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 years, under 4</td>
<td>190</td>
<td>27</td>
<td>41</td>
<td>75</td>
<td>30</td>
<td>6</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 years, under 6</td>
<td>85</td>
<td>25</td>
<td>30</td>
<td>21</td>
<td>8</td>
<td>2</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 years or over</td>
<td>136</td>
<td>47</td>
<td>68</td>
<td>9</td>
<td>10</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Not reported</td>
<td>71</td>
<td>2</td>
<td>22</td>
<td>6</td>
<td>19</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The children who were under 3 months of age at the time of placement are of special interest. Three-fourths of them were known to have been born out of wedlock, and it is probable that most of the children whose status was unknown also belonged in this group. It was surprising to find that agencies were responsible for nearly half the placements of children born out of wedlock who were under 3 months of age. It is questionable whether an unmarried mother should be asked to make a final decision about relinquishing her child less than 3 months after his birth, since she needs sufficient time to regain her physical strength and her mental equilibrium before she makes up her mind about permanent plans for her child. It is also questionable whether an agency should consider a child under 3 months of age to be ready for placement. The agency needs time to study the child's development and background so that a wise placement can be made. For these reasons the safest policy would seem to be to delay placement until the child is at least 4 months old.

The unmarried mother or her parents, relatives, or other persons known to her at the time of her confinement had placed most of the 163 children born out of wedlock that had been taken to the prospective adoptive home before they were a month old, but 38 of these children had been placed by agencies. Most of these children were placed with persons who were not related to them, only 78 having been placed in the homes of relatives. Since these children were too young to make it possible to predict their development (many of them were placed when they were about 2 weeks old) the records of the 38 children placed by agencies and of 37 children whose placements were arranged by physicians were reviewed to see if they contained any evidence of the background of the mothers. Unfortunately no information was given for 29 of these mothers, but the mothers of 7 had a superior educational background including college work, and 43 had an average educational background, a number of them being secondary-school graduates.
The family backgrounds of the parents of 3 children placed by physicians were distinctly questionable; the adoption of 1 of these children was not completed.

Most of the placements by agencies of children under 3 months of age occurred in California, Massachusetts, and Oregon. Although some of these placements had been made by maternity homes, institutions, or agencies with questionable standards, many had been made by authorized child-placing agencies that had not adopted the policy of providing care under observation before placement.

Since most of the children under 2 years of age placed by agencies were born out of wedlock, the fact that the placements of 188 of them had been deferred until they were at least 6 months of age would seem to indicate wide variation in the policies of agencies. Although other factors than agency policy may affect a particular placement, it is hardly conceivable that such special circumstances would be present in all these cases.

The number of children of different ages placed by agencies in each of the States is shown in table 11. About 70 percent of the children who were placed by agencies and whose ages were known were under 2 years of age at the time of placement. The remaining children were largely of preschool age, nearly half being 2 or 3 years of age.

**Table 11.—Age of child at time of placement by agency, by State in which petition was filed**

<table>
<thead>
<tr>
<th>Age of child at time of placement by agency</th>
<th>Total</th>
<th>State in which petition was filed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Alabama</td>
</tr>
<tr>
<td>Total</td>
<td>1,455</td>
<td>122</td>
</tr>
<tr>
<td>Agency placements</td>
<td></td>
<td>737</td>
</tr>
<tr>
<td>Under 3 months</td>
<td>184</td>
<td>7</td>
</tr>
<tr>
<td>3 months, under 6</td>
<td>117</td>
<td>6</td>
</tr>
<tr>
<td>6 months, under 1 year</td>
<td>110</td>
<td>10</td>
</tr>
<tr>
<td>1 year, under 2</td>
<td>105</td>
<td>10</td>
</tr>
<tr>
<td>2 years, under 4</td>
<td>108</td>
<td>8</td>
</tr>
<tr>
<td>4 years, under 6</td>
<td>98</td>
<td>5</td>
</tr>
<tr>
<td>6 years or over</td>
<td>56</td>
<td>5</td>
</tr>
<tr>
<td>Age not reported</td>
<td>9</td>
<td>3</td>
</tr>
<tr>
<td>Independent placements</td>
<td>718</td>
<td>68</td>
</tr>
</tbody>
</table>

The establishment by the child-placing agencies of a State of uniform, sound policies for placement for adoption of children of unmarried mothers would seem to be greatly needed. Such policies should recognize the need for case-work service for the mother to assure the soundness of her decision to give up the child, and for careful study of the child and his development in order that a home adapted to his needs may be found. Although sufficient time should always be given to permit a thorough study of a child this does not necessarily mean long-continued supervisory observation. An unnecessarily deferred placement is as serious a problem as a premature placement, for it tends to discourage prospective adoptive parents from requesting the services of an agency.

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CHILDREN WHO WERE ADOPTED

At the time the records were studied, decrees of adoption had been granted for only 1,718 of the 2,041 children for whom petitions for adoption were filed in 1934.

The number of children for whom adoption decrees were granted and the relationship of the adoptive parents to the child are shown in table 12. In Massachusetts, Rhode Island, and Wisconsin approximately one-half of the children had been adopted by relatives, but in the other States a smaller proportion of the decrees had been granted to relatives. About 20 percent of the children had been adopted by a parent or a stepparent, the proportion of such adoptions ranging from 10 percent in Alabama to 33 percent in Rhode Island.

Table 12.—Relationship of the adoptive parents to children who were adopted, by States

<table>
<thead>
<tr>
<th>State</th>
<th>Total</th>
<th>By relatives</th>
<th>Grandparents</th>
<th>Other relatives</th>
<th>By other persons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Own or step-parents</td>
<td></td>
<td></td>
<td>Other relatives</td>
</tr>
<tr>
<td>Alabama</td>
<td>98</td>
<td>41</td>
<td>19</td>
<td>0</td>
<td>2</td>
</tr>
<tr>
<td>California</td>
<td>400</td>
<td>135</td>
<td>65</td>
<td>2</td>
<td>23</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>335</td>
<td>108</td>
<td>88</td>
<td>40</td>
<td>47</td>
</tr>
<tr>
<td>Minnesota</td>
<td>345</td>
<td>98</td>
<td>56</td>
<td>14</td>
<td>23</td>
</tr>
<tr>
<td>New Mexico</td>
<td>24</td>
<td>12</td>
<td>5</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>North Dakota</td>
<td>50</td>
<td>16</td>
<td>7</td>
<td>6</td>
<td>3</td>
</tr>
<tr>
<td>Oregon</td>
<td>179</td>
<td>45</td>
<td>23</td>
<td>15</td>
<td>8</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>96</td>
<td>56</td>
<td>33</td>
<td>7</td>
<td>16</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>174</td>
<td>90</td>
<td>47</td>
<td>11</td>
<td>32</td>
</tr>
</tbody>
</table>

1 Includes 17 own parents.

Because a new family relationship had been established for the children who were adopted a more complete analysis was made of the records of these children, including the length of time the child had been in the home before adoption, the age of the child at the time of adoption, the ages of the adoptive parents, and the character of the home situation.

PERIOD OF TIME IN THE HOME BEFORE ADOPTION

Private agencies have long recognized the advantage of delaying the legal adoption of a child until he has been a member of the foster family long enough to make certain that his adjustment to the family is going to be satisfactory. Some 25 years ago, at the National Conference of Charities and Correction, this statement was made: "Legal adoption, as a rule, should not be consented to until 6 months after placement." 11 The next year a committee of the New York Conference of Charities and Correction prepared standards for the placement, supervision, and aftercare of dependent children, in which the following recommendation was made: "At least a year should elapse before consent for legal adoption be considered. Some agencies require

2 years. In special circumstances, such as a change of residence or in matters of inheritance, consent may be given sooner if the family is unquestionably a good one. Since these standards were formulated the adoption laws of more than half the States have been amended so as to make provision for either a residence period before the granting of the adoption decree or an interlocutory period between the granting of the preliminary adoption order and the final decree. The interlocutory period authorized by the laws of 10 States is in effect a probationary period following a decision as to the desirability of the adoption, and during such period, usually a year, the home is under the supervision of the State department, an agency, or the court.

The adoption laws of all the States included in the study except California and Oregon required residence in the home before the final adoption decree was granted. Six States required a 6-month residence period before adoption. In these States the court had authority to waive the residence period for "good cause" when it appeared that the proposed home and the child were suited to each other. The New Mexico law required that notice of an application for a reduction of the residence period must be given to the State department and a hearing on this question held, at which time the State department was to be represented and heard.

Provision was made in Alabama for an interlocutory order of adoption, and the final decree of adoption was not to be granted until the child had lived in the home of the petitioner for a year and had been visited at least once every 3 months during this period by an agent of the State department. This had been interpreted to mean that at least a year must elapse between the preliminary order and the final decree whether or not the child had lived in the home before the preliminary order. There was no provision in the law to authorize the termination of the interlocutory period when the child had lived in the home a year and the State department was of the opinion that supervision was not needed. Forty-seven percent of the children for whom an interlocutory decree or a final decree had been granted had been placed in the adoptive home by the State department or by an authorized child-placing agency, which had supervised the care given. It is questionable whether there is need for further visits to the home by the State department in such cases.

At the time the visit to Alabama was made the State department was greatly disturbed over a petition which had been filed for the adoption of two children aged 5 and 12 who were living in Cuba and who had never been in the foster home. The petitioners had never seen the children but had learned of them through a missionary priest. Despite the fact that the State department disapproved the adoption the court issued an interlocutory order granting the petition.

In view of these legislative requirements, the length of time that children had actually lived in the adoptive home before a decree was granted is of special interest (table 13). The residence requirement had been waived for some children in all the States that required a 6-month residence period. The courts in Massachusetts waived the

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32 Massachusetts, Minnesota, New Mexico, North Dakota, Rhode Island, and Wisconsin.
residence period in approximately one-fourth of the cases, more often than courts in other States. The smallest proportion of waivers was in Minnesota, where the required residence period had been enforced for all but 2 percent of the children. The only exception to the required year of residence in Alabama was in the case of a child readopted by his own parents. The reason for not observing the residence period was rarely stated in the records, although occasionally such reasons as "exceptional circumstances," "unnecessary," or "for the welfare of the child" were entered in explanation of the court's action. The residence period was waived in some cases because a stepfather or other relative was the petitioner. It is questionable whether an adoption is advisable less than 6 months after a man's marriage to a child's mother. The desire to adopt the child may be much stronger in the first enthusiasm after the marriage than later, and the stepfather may regret his hasty action.

Table 13.—Period of residence of child in adoptive home prior to grant of adoption decree, by States

<table>
<thead>
<tr>
<th>State</th>
<th>Total</th>
<th>Less than 1 month</th>
<th>1 month, less than 6 months</th>
<th>6 months, less than 1 year</th>
<th>1 year, less than 3 years</th>
<th>3 years, less than 5 years</th>
<th>5 years or more</th>
<th>Not reported or child never in the home</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>1,718</td>
<td>1</td>
<td>186</td>
<td>306</td>
<td>765</td>
<td>18</td>
<td>211</td>
<td>62</td>
</tr>
<tr>
<td>Alabama</td>
<td>96</td>
<td>1</td>
<td>18</td>
<td>30</td>
<td>50</td>
<td>16</td>
<td>18</td>
<td>2</td>
</tr>
<tr>
<td>California</td>
<td>429</td>
<td>3</td>
<td>82</td>
<td>100</td>
<td>202</td>
<td>36</td>
<td>52</td>
<td>8</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>345</td>
<td>3</td>
<td>82</td>
<td>120</td>
<td>183</td>
<td>34</td>
<td>37</td>
<td>13</td>
</tr>
<tr>
<td>Minnesota</td>
<td>381</td>
<td>1</td>
<td>6</td>
<td>22</td>
<td>152</td>
<td>34</td>
<td>38</td>
<td>12</td>
</tr>
<tr>
<td>New Mexico</td>
<td>23</td>
<td>1</td>
<td>2</td>
<td>8</td>
<td>5</td>
<td>3</td>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>North Dakota</td>
<td>49</td>
<td>1</td>
<td>4</td>
<td>8</td>
<td>21</td>
<td>4</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Oregon</td>
<td>170</td>
<td>1</td>
<td>39</td>
<td>48</td>
<td>52</td>
<td>8</td>
<td>18</td>
<td>4</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>96</td>
<td>2</td>
<td>11</td>
<td>26</td>
<td>35</td>
<td>6</td>
<td>19</td>
<td>9</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>174</td>
<td>2</td>
<td>11</td>
<td>26</td>
<td>35</td>
<td>6</td>
<td>19</td>
<td>9</td>
</tr>
</tbody>
</table>

A provision for a period of residence in the foster home before adoption means little if it is to be waived for the slightest reason. The purpose of such a provision may need to be interpreted to the courts as well as to the petioners, and the full cooperation of the child-placing agencies is important. Most of the children who had lived in the foster home for less than 6 months before adoption had been placed in the home by relatives or other persons, but a small number had been placed by agencies that did not conform to the accepted standards of child-placing agencies in the State.

The fact that so great a number of children (765) had lived in the home 1 or 2 years before adoption suggests that it was the accepted policy of a large proportion of qualified child-placing agencies to maintain supervision of a child in an adoptive home for at least a year. More than half of these adoptions were in California and Minnesota, where a large proportion of the children had been placed by agencies. Factors in addition to agency policies affect the length of residence in the foster home before adoption. Children may
remain in the home of relatives for many years before an adoption is contemplated, and to a lesser degree this is also true of children living with persons not related to them.

Table 14 shows the length of time that children who were adopted by relatives or other persons had been in the home before adoption. More than two-thirds of the children who had been in the home less than a year and about three-fourths of those in the home from 1 to 3 years had been adopted by persons not related to them. In contrast, relatives had adopted the larger proportion of the children who had been in the home for 3 years or longer.

Since most of the persons who adopted children not related to them filed petitions for adoption as soon as possible, the 60 children who had been in such homes for 5 or more years before adoption are of special interest. A few of these children were adopted by foster parents who had originally taken a child into the home for boarding care and who had filed a petition for adoption because the child's own parents later died or decided to give up the child. Sometimes the family situation or the health of the child was the cause of delay. In many cases the child remained in the home without the security of adoption for no apparent reason except lack of understanding of the need for giving the child an assured place in the home. Most of these children were placed independently, but a few were placed in free homes by agencies giving limited supervision that apparently had neglected to suggest the desirability of adoption.

### Table 14.—Period of residence of child in adoptive home prior to grant of adoption decree, by relationship of child to adoptive parents

<table>
<thead>
<tr>
<th>Period of residence in adoptive home prior to grant of adoption decree</th>
<th>Children who were adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>Total</td>
<td>1,718</td>
</tr>
<tr>
<td>Less than 1 month</td>
<td>8</td>
</tr>
<tr>
<td>1 month, less than 6 months</td>
<td>188</td>
</tr>
<tr>
<td>6 months, less than 1 year</td>
<td>306</td>
</tr>
<tr>
<td>1 year, less than 3</td>
<td>755</td>
</tr>
<tr>
<td>2 years, less than 5</td>
<td>178</td>
</tr>
<tr>
<td>3 years or more</td>
<td>211</td>
</tr>
<tr>
<td>Period not reported or child never in the home</td>
<td>62</td>
</tr>
</tbody>
</table>

1 Includes 17 own parents.

### Ages of Children and Adoptive Parents

The ages of the children at the time of adoption are shown in table 15. Nearly half the children adopted by persons other than relatives were under 2 years of age when adopted, whereas the great majority of the children adopted by relatives were older. Since young children are usually preferred for adoption, it might be expected that most of the children of school age were adopted by relatives; in fact, 173 of the 516 children 6 years of age or older were adopted by persons not related to them.

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Provided by the Maternal and Child Health Library, Georgetown University
The 67 children that were adopted before they were 6 months of age were for the most part children placed independently in the homes of petitioners not related to the child, although 14 children had been adopted by relatives. Almost half of this group of 67 children were less than 3 months of age at the time of adoption. The youngest child adopted by relatives was 24 days old and the youngest child adopted by a family not related to him was 1 month and 4 days old. This child had been placed by a physician with foster parents who had been divorced and remarried. Practically nothing was known of the child's background, and although postponement of action for 6 months was recommended by the State department the decree was granted almost immediately because the petitioners said they were willing to take a chance on the child's development.

Table 15.—Age of child at time of adoption, by his relationship to adoptive parents

<table>
<thead>
<tr>
<th>Age of child at time of adoption</th>
<th>Children who were adopted</th>
<th>By relatives</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Total</td>
<td>Own or</td>
<td>Grand-</td>
<td>Other</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>step-parents</td>
<td>parents</td>
<td>relatives</td>
</tr>
<tr>
<td>Total</td>
<td>1,718</td>
<td>649</td>
<td>358</td>
<td>108</td>
<td>183</td>
</tr>
<tr>
<td>Under 6 months</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6 months, under 1 year</td>
<td>67</td>
<td>14</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 year, under 2</td>
<td>114</td>
<td>20</td>
<td>17</td>
<td>6</td>
<td>8</td>
</tr>
<tr>
<td>2 years, under 4</td>
<td>425</td>
<td>28</td>
<td>17</td>
<td>15</td>
<td>28</td>
</tr>
<tr>
<td>4 years, under 6</td>
<td>234</td>
<td>96</td>
<td>49</td>
<td>25</td>
<td>26</td>
</tr>
<tr>
<td>6 years, under 10</td>
<td>265</td>
<td>141</td>
<td>113</td>
<td>28</td>
<td>46</td>
</tr>
<tr>
<td>10 years, under 14</td>
<td>192</td>
<td>191</td>
<td>113</td>
<td>28</td>
<td>46</td>
</tr>
<tr>
<td>14 years or over</td>
<td>10</td>
<td>6</td>
<td>5</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Age not reported</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 Includes 17 own parents.

Most of the adoptions of children who were less than 6 months of age at the time of adoption occurred in Massachusetts (34), Oregon (15), and Wisconsin (9), although 1 or more children of these ages had been adopted in California, New Mexico, North Dakota, and Rhode Island also. These children, as well as some of those who were more than 6 months but less than a year old, included several for whom residence requirements had been waived.

Although some of the children adopted before they were a year old may have been placed by agencies that provided supervision for only 6 months, a large number of the children placed by agencies were adopted after their first but before their second birthday. Of the 425 children of these ages adopted, more than two-thirds had been in the home a year or longer. A large proportion of these children had been adopted by persons not related to them, only 58 being adopted by relatives.

Three-fourths of the total group of children under 6 years of age were adopted by persons not related to them, but two-thirds of the children 6 years of age or older were adopted by relatives.

The age of a foster parent has special significance in relation to the age of the child he is adopting. The parents of a young child are most often 20 to 30 years of age, and if a foster child is to have the
normal place of an own child in the lives of his foster parents it would seem desirable that the foster parents should be of approximately the same age as the natural parents. It is understandable, however, that the foster parents should be somewhat older than natural parents having children of the same age, since the decision to adopt is often delayed until it has become relatively certain that the foster parents will have no children of their own.

Since the mother is the person who usually has the closest association with the child, the ages of the adoptive mothers were accepted as the basis for comparison with the ages of the children they adopted. However, when the ages of both adoptive parents were compared it was found that in 67 percent of the cases in which ages of both parents were known, the difference between the ages of the adoptive mother and the adoptive father was not more than 5 years.

Table 16 shows the ages of the adoptive mothers in relation to the ages of the children. Only 21 percent of the adoptive mothers whose ages were known were under 30 years of age and 50 percent were between 30 and 40. It was mothers of these ages who had adopted more than two-thirds of the preschool children and even a large proportion of the children under 2 years of age. It should be noted, however, that 36 preschool children had been adopted by mothers who were 50 years of age or older.

<table>
<thead>
<tr>
<th>Age of adoptive mother</th>
<th>Total</th>
<th>Under 2 years</th>
<th>2 years, under 4</th>
<th>4 years, under 6</th>
<th>6 years, under 10</th>
<th>10 years, under 14</th>
<th>14 years or over</th>
<th>Not reported</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 30 years</td>
<td>312</td>
<td>118</td>
<td>67</td>
<td>46</td>
<td>61</td>
<td>12</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>30 years, under 40</td>
<td>735</td>
<td>161</td>
<td>102</td>
<td>82</td>
<td>88</td>
<td>48</td>
<td>13</td>
<td></td>
</tr>
<tr>
<td>40 years, under 50</td>
<td>829</td>
<td>180</td>
<td>80</td>
<td>75</td>
<td>46</td>
<td>11</td>
<td>27</td>
<td>24</td>
</tr>
<tr>
<td>50 years, under 60</td>
<td>70</td>
<td>4</td>
<td>9</td>
<td>10</td>
<td>19</td>
<td>15</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>60 years or over</td>
<td>231</td>
<td>41</td>
<td>27</td>
<td>13</td>
<td>8</td>
<td>2</td>
<td>1</td>
<td>31</td>
</tr>
<tr>
<td>Age not reported or no</td>
<td>202</td>
<td>46</td>
<td>31</td>
<td>43</td>
<td>54</td>
<td>37</td>
<td>35</td>
<td>9</td>
</tr>
</tbody>
</table>

It might be expected that most of the women 50 years or older who adopted children were grandparents, but table 17 shows that more than a third of these women were not related to the child. Furthermore, two-thirds of the adoptive mothers who were between 40 and 50 years of age were not related to the child. Some explanation is needed for including in the table the ages of the mothers in adoptions by stepparents, since most of these were the mothers of the children. In all the States visited except Wisconsin the mother joins with her husband in the petition and legally is an adoptive parent. In adoptions by stepparents half the mothers whose ages were known were under 30 years of age; this number included some cases in which an unmarried mother later married and her husband petitioned to adopt the child.
## Table 17.—Age of adoptive mother, by relationship to the adopted child

| Age of adoptive mother | Total | By relatives | | | |
|------------------------|-------|--------------|---|---|
|                        | Total | Own or stepparents | Grandparents | Other relatives | By other persons |
| Total                  | 1,718 | 949          | 1,438 | 138 | 183 | 1,069 |
| Under 30 years         | 315   | 100          | 125   | 34  | 31  | 155  |
| 30 years, under 40     | 725   | 165          | 85    | 4   | 79  | 70   |
| 40 years, under 50     | 323   | 113          | 36    | 42  | 35  | 210  |
| 50 years, under 60     | 70    | 40           | 2     | 28  | 16  | 30   |
| 60 years and over      | 22    | 16           | 6     | 6   | 1   | 5    |
| Age not reported or no adoptive mother | 252   | 153          | 119   | 20  | 19  | 99   |

1 Includes 17 own parents.

### THE FAMILY SITUATION IN THE ADOPTIVE HOME

Information on the family situation in the home into which children had been adopted was obtained from reports of the investigations in the files of State departments. These reports were not available for study in any of the Rhode Island cases and they were lacking for some cases in the other States because investigation had been waived by the court or because the investigations were incomplete, particularly when the adoption was by a stepparent. Data were not available for any aspect of the family situation in approximately 8 percent of the cases.

**Number in the adoptive family.**

Ordinarily when the family of which the child became a member consisted of only 2 persons, they were the adoptive mother and father, but when the family consisted of more than 2 persons it included either grandparents or other relatives, the child's own mother, or often other children of the adoptive parents. Table 18 shows that 14 children were in homes where there was only 1 adoptive parent. More than half the children for whom this information was reported were living in families consisting of 2 persons, most of them having been adopted by persons not related to them, presumably childless couples. Children adopted into families having 3 members made up the next largest group. Only about a fifth of the children were adopted into families of 4 or more persons.

Some differences are shown in the size of the families related to the adopted child and of those not related to the child. Of the children adopted by relatives, 40 percent of those for whom information was obtained were living in homes with two persons, as compared with 60 percent of the children adopted by persons not related to them. In more than a third of the adoptions by the child's own parents or stepparents and in about one-half of the adoptions by "other relatives" the adopted child was the only child in the home. Most of the children adopted into families of four or more persons were related to the family.
Table 18.—Number of persons in the adoptive family, by relationship of child to adoptive parents

<table>
<thead>
<tr>
<th>Number of persons in the adoptive family</th>
<th>Number of children adopted</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Own or stepparents</td>
<td>Grandparents</td>
<td>Other relatives</td>
<td>By other persons</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>----------------------------</td>
<td>--------------------</td>
<td>--------------</td>
<td>-----------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Total</td>
<td>1,718</td>
<td>649</td>
<td>1,038</td>
<td>108</td>
<td>183</td>
</tr>
<tr>
<td>1 person</td>
<td>14</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2 persons</td>
<td>643</td>
<td>235</td>
<td>181</td>
<td>36</td>
<td>89</td>
</tr>
<tr>
<td>3 persons</td>
<td>437</td>
<td>161</td>
<td>91</td>
<td>27</td>
<td>43</td>
</tr>
<tr>
<td>4 persons</td>
<td>154</td>
<td>86</td>
<td>49</td>
<td>13</td>
<td>18</td>
</tr>
<tr>
<td>More than 4 persons</td>
<td>140</td>
<td>99</td>
<td>47</td>
<td>33</td>
<td>19</td>
</tr>
<tr>
<td>Number not reported</td>
<td>130</td>
<td>78</td>
<td>58</td>
<td>8</td>
<td>12</td>
</tr>
</tbody>
</table>

1. Includes 17 own parents.

Only 503 families were reported as having children under 16 years of age in addition to the child who was adopted, whereas 1,071 families were reported as having no child under 16. In the remaining 144 families adopting children, either the number of children under 16 was not reported or no investigation had been made.

Although it is possible that other children may later become members of the family group in some of the 1,071 families that were without children under 16 at the time of this study, doubtless many of the children adopted will grow up without the companionship of other children in the foster home. An only child is frequently handicapped not only because he misses the association of other children in the home but also because the whole attention of his parents is centered upon him. An only child in a foster home frequently has the added handicap of serving the emotional needs of foster parents who may have desired children for years.

Educational background.

Information on the educational backgrounds of the adoptive parents was available in three-fourths of the records of the children adopted. The States differed in regard to the importance they attached to obtaining specific information about the extent of the education of the adoptive parents, and as a result many of the reports of the investigations in some States had no information on this subject whereas in other States it was almost always available.

Although it is recognized as unfair to judge intelligence and cultural development by the amount of formal education, this has been generally accepted as an objective criterion of intellectual ability and cultural interests. The educational attainment of a person may have little relation to his desirability as an adoptive parent, but ordinarily it affords an indication of his interests as well as what might be expected intellectually of a child in his home. The educational background of the foster parents should be taken into consideration because the child's happiness is to some extent dependent on his ability to meet the intellectual expectations of his foster parents and to accept the opportunities they can offer him.

The educational backgrounds of both adoptive parents were approximately the same in less than half the cases studied. However, when
they were different the parent having the more extensive formal education was accepted as representing the educational attainment of the parents.

Although the information about the extent of the formal education of parents and adoptive parents was too incomplete to justify comparison in the States visited, the figures seem to indicate that the adoptive parents had had more formal education. It should be realized that in many cases the educational background of the mother, often an unmarried mother, was compared with that of the adoptive father, who may have had more extensive formal education because it would result in increased opportunities for employment. Since grandparents are likely to have had less opportunity for education than their children, it would not have been surprising if most of the adoptive parents who had more limited education than the parents had been grandparents, but in fact nearly three-fourths of these adoptive parents were unrelated to the child. On the whole, the educational background of persons who adopted children not related to them was more extensive than that of relatives who adopted children.

Table 19.—Extent of formal education of adoptive parents, by relationship of the parents to the adopted child

<table>
<thead>
<tr>
<th>Extent of formal education of adoptive parents</th>
<th>Children who were adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>Total</td>
<td>1,718</td>
</tr>
<tr>
<td>Extent reported</td>
<td>1,269</td>
</tr>
<tr>
<td>College</td>
<td>281</td>
</tr>
<tr>
<td>High-school graduation</td>
<td>321</td>
</tr>
<tr>
<td>Some high school</td>
<td>292</td>
</tr>
<tr>
<td>Eighth grade</td>
<td>44</td>
</tr>
<tr>
<td>Sixth or seventh grade</td>
<td>30</td>
</tr>
<tr>
<td>Less than sixth grade</td>
<td>418</td>
</tr>
</tbody>
</table>

1 Parent having the higher degree of formal education.

A comparison of these findings with the educational status of the general population 21 years of age or over as estimated by the Office of Education in 1934 shows that the educational level of the persons adopting children was considerably higher than that of persons in the general population. Only 7 percent of the general population compared with 30 percent of the adoptive parents had attended college.

Religious affiliation.

The religious affiliations of the adoptive parents of 1,508 children were known. In the majority of the families both adoptive parents were of the same religion. Both the adoptive parents of 1,031 children were Protestant, 318 were Catholic, 21 were Jewish, and 11 were affiliated with other religious groups.

A census of religious bodies for the year 1926 showed that nearly half the church members in the nine States included in this study were

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Provided by the Maternal and Child Health Library, Georgetown University
Roman Catholic. Since only about one-fifth of the children had adoptive parents who were Catholic, it would appear that Catholic families are much less likely to adopt children than Protestant families. It is possible that the relatively small proportion of adoptions by Catholics can be explained by the fact that the number of childless Catholic families is known to be small. Indeed, representatives of both Catholic and nonsectarian child-placing agencies reported difficulties in finding enough Catholic adoptive homes to meet the needs of Catholic children available for adoption.

Information on the religious affiliations of one or both of the parents of the child was available for only 1,439 of the children. Comparison of the affiliations of the parents and of the adoptive parents showed that a large proportion of the adoptions had been made by persons of the same religion as the parents. Nevertheless, 31 Protestant children had been adopted by Catholic or Jewish families, and 58 Catholic children had been adopted by Protestant or Jewish families. Of the children whose parents were of these three faiths, 117 had been placed in homes in which one of the adoptive parents was of the same religious faith as the parents although the other adoptive parent was not.

Economic status.

An accurate estimation of the income of a family requires a far more comprehensive study of the resources of the family than had apparently been undertaken by the persons making the investigations of adoption petitions. The records of 309 children merely included a statement in regard to the adequacy of the income. Although the income was considered adequate in most of these cases, the income of the adoptive parents of 47 children was described as marginal, and 23 parents were on relief. A third of the parents with inadequate income or on relief were not related to the children.

More specific but not necessarily more accurate information was available for 1,221 children whose records showed the annual income of the foster family. The following list shows the distribution of these families in different income groups:

<table>
<thead>
<tr>
<th>Annual income</th>
<th>Families</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than $1,000</td>
<td>66</td>
</tr>
<tr>
<td>$1,000, less than $2,000</td>
<td>508</td>
</tr>
<tr>
<td>$2,000, less than $3,000</td>
<td>353</td>
</tr>
<tr>
<td>$3,000, less than $5,000</td>
<td>176</td>
</tr>
<tr>
<td>$5,000 or more</td>
<td>90</td>
</tr>
</tbody>
</table>

In interpreting these figures it should be remembered that an income adequate for a family consisting of only the parents and the adopted child may be less adequate for a family including 4 or more persons in addition to the child. Although families related to the adopted child tended to be larger than those not related their median income was in the $1,000 to $2,000 income group, whereas the median income in families having no blood relationship to the child was in the $2,000 to $3,000 income group. The lowest income group included 58 families of relatives and 36 families not related to the child, whereas the highest income group included 24 families of relatives and 66 families not related to the child.

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It is apparent that most of the children adopted in the 9 States had become members of families with modest incomes. However, the median income of slightly more than $2,000 in the families of 1,221 children for which income was reported is almost twice as high as the median income ($1,160) of 29,000,000 families shown in a recent report by the National Resources Committee on the distribution of consumer incomes.16

Evaluation of the home.
The reports of the investigations usually included comments on or a description of the home and the family life which gave a relatively clear impression of the desirability of the home. Although a subjective element may have entered into some of the comments, much of the information was factual. In order to assist the three agents of the Children’s Bureau who reviewed the records to make the final evaluation of the home on an objective basis as possible, a rating scale was devised which required a separate rating on five elements in the family situation. Some of the records did not contain sufficient information on which to base an evaluation of each of these elements, so that it was necessary to rate the home on the general comments.

The following outline shows the measurements used in deciding whether the home was desirable, passable, or undesirable:

(a) Economic condition:
Desirable: A stable income sufficient to provide a satisfactory standard of living within the limits of the income available.
Passable: Income marginal but sufficient to meet simple needs of foster family.
Undesirable: Insufficient income or debts in excess of the ability of the family to pay.

(b) Physical condition:
Desirable: Both foster parents free from any abnormal physical condition or chronic illness and without predisposition to any disease.
Passable: Both foster parents free from any abnormal physical condition or chronic illness, but health history and general physical condition shows weaknesses that may result in future illness.
Undesirable: One or both of the foster parents suffering from a disease that may be passed on to the child; chronic illness apparent in one or both parents.

(c) Mental condition:
Desirable: Foster parents mentally and emotionally well balanced without apparent mental quirks or phobias.
Passable: No mental disease but some evidence of emotional instability and undesirable personality reactions.
Undesirable: Real evidence of mental disease; definite emotional instability shown in fits of rage, jealousy, desire for self-punishment, and so forth.

(d) Community standing:
Desirable: Family has the respect and confidence of the community.
Passable: No adverse report with regard to the family but investigation indicates that family has not made any definite place for itself in the community.
Undesirable: Family does not have the respect and admiration of the community.

(e) Family relationships:
Desirable: All members of the family live in a harmonious relationship, with real affection and respect for one another and with unity of purpose in the family life.
Passable: Family not generally quarrelsome but a lack of unity is evident in their purposes and desires.
Undesirable: Members of family at cross-purposes with one another.

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Table 20 shows the evaluation obtained by this plan of measurement of the homes of the 1,553 children whose records had sufficient information for such an evaluation. Of this number nearly two-thirds seemed to be desirable and only about 4 percent were undesirable. A smaller proportion were in homes of relatives that were considered desirable than in those of persons not related to the child, but the proportion in passable and undesirable homes was only slightly different in these two groups.

The fact that agencies were responsible for many placements in homes of persons not related explained to some extent the large number of desirable homes in this group, for most of the questionable homes were those in which the children had been placed by parents, relatives, or other persons. It should be noted that the rating scale did not undertake to evaluate the contribution which family ties and affection make to the child, although these are recognized as significant in the final analysis of the desirability of his adoption by a relative, even when the home itself offers less than the home of a person not related to him.

<table>
<thead>
<tr>
<th>Evaluation of adoptive home</th>
<th>Total</th>
<th>Desirable</th>
<th>Passable</th>
<th>Undesirable</th>
<th>Not reported</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
<td>Own or step-parents</td>
<td>Grand-parents</td>
<td>Other relatives</td>
<td>Other persons</td>
</tr>
<tr>
<td>------------------------------</td>
<td>-------</td>
<td>-----------------------</td>
<td>----------------</td>
<td>--------------</td>
<td>---------------</td>
</tr>
<tr>
<td>Total:</td>
<td>1,738</td>
<td>1,358</td>
<td>108</td>
<td>183</td>
<td>1,069</td>
</tr>
<tr>
<td>Desirable</td>
<td>1,412</td>
<td>1,044</td>
<td>74</td>
<td>94</td>
<td>708</td>
</tr>
<tr>
<td>Passable</td>
<td>476</td>
<td>165</td>
<td>44</td>
<td>71</td>
<td>250</td>
</tr>
<tr>
<td>Undesirable</td>
<td>62</td>
<td>16</td>
<td>9</td>
<td>7</td>
<td>30</td>
</tr>
<tr>
<td>Not reported</td>
<td>165</td>
<td>74</td>
<td>6</td>
<td>1</td>
<td>75</td>
</tr>
</tbody>
</table>

1 Includes 17 own parents.
SERVICES OF THE STATE DEPARTMENT
DEVELOPMENT OF SOUND ADOPTION PRACTICES

If sound adoption practices are to be developed in any State or local community, care must be taken to see that placements for adoption are made by agencies especially equipped to select the home best suited to meet the needs of the child. It is therefore important that the State department be in a position to determine which agencies are so equipped and to limit adoptive placements to these agencies insofar as possible.

IMPROVEMENT IN PLACEMENTS FOR ADOPTION

Supervision of placements.

Careful placement of children before adoption is considered of primary importance. Accordingly the effectiveness of every State adoption program is influenced greatly by the character of its program for supervision of child placements and of child-placing agencies.

Some attempt to control indiscriminate placements of children was evident in the laws of every State visited except New Mexico. Placement of children by persons or agencies not properly licensed for such service was prohibited by the laws of six States. The Oregon law, for instance, specifically provided that private persons, including midwives, physicians, nurses, hospital officials, and all officers of unauthorized institutions were forbidden under penalty of a fine to engage in child-placing work, except that relatives of the first and second degree were permitted to provide for children of their own blood.

The North Dakota statute did not definitely prohibit placements made by unlicensed persons or agencies but it required "any person, partnership, voluntary association, or corporation" undertaking to place children in permanent homes to procure an annual license from the State Board of Administration.

No provision had been made for licensing child-placing agencies in Massachusetts, but some protection was maintained through a law requiring that written notice be given to the State department by anyone who received an infant under 2 years of age for adoption or for giving it a home, or for procuring a home or adoption for it.

The placement of children for adoption was accordingly limited to licensed agencies authorized by an annual license to make such placements in seven of the States included in this study (Alabama, California, Minnesota, North Dakota, Oregon, Rhode Island, Wisconsin). The conditions under which licenses were granted were specified in several of the States. For instance, in Alabama the State...
Services of the State Department

was empowered to prescribe the minimum standards to be met in obtaining a license. A child-placing agency in Minnesota was required to be "competent" and to have "adequate facilities" for its work before a license could be granted. The North Dakota statutes specified that licenses be issued only to "reputable and responsible applicants upon a showing that they and their agents are properly equipped by training and experience to find and select suitable temporary or permanent homes for children, and to supervise such homes when children are placed in them to the end that the health, morality, and general well-being of children placed by them will be properly safeguarded."

The State departments in Alabama, Minnesota, and Rhode Island had authority, on the basis of a report of a placement, to visit a child in the foster home, and it was the duty of the State department in North Dakota to visit the proposed foster home and to make inquiries to ascertain whether the home was suitable. Child-placing agencies in Wisconsin were required to keep records of children placed in foster homes as prescribed by the State department and to report to the department any facts requested with reference to these children. In Wisconsin, homes in which children had been placed for adoption were included in the definition of a "foster home" and as such were required to have an annual permit.

Supervision of agencies.

All the States visited, except Massachusetts and New Mexico, had special legislative provisions for licensing and supervising child-placing agencies. A general provision in Massachusetts authorized the State welfare department to inspect and receive reports from "all charitable organizations," but no special program had been developed for the supervision of agencies or institutions receiving children for care or for placement in foster homes. At the time of the study there were no child-placing agencies in New Mexico, and the agency placements reported in this State were those made by the staff of the Bureau of Child Welfare (which in 1937 became the child-welfare division of the newly created State Department of Public Welfare) or by agencies in other States.

Alabama.—At the time the visit to Alabama was made, seven agencies and institutions were licensed to place children in free homes. Placements were reported monthly to the division of child-caring institutions and agencies of the State Department of Public Welfare. When an agency or institution did not have sufficient staff to provide adequate supervision for children placed in foster homes, supervision was arranged for through the county departments of public welfare under the general supervision of the State department. Institutions and agencies authorized to place children in foster homes were visited regularly by the supervisor of the division of child-caring institutions and agencies, who familiarized herself with the policies and practices followed. Independent placements, when reported to the State department, were referred to the local county department of public welfare, and each situation was dealt with on its own merits.

California.—Only two agencies in California were authorized to place children for adoption and to receive relinquishments of children from their parents. The relinquishment was not valid until a copy

Provided by the Maternal and Child Health Library, Georgetown University
was filed with the State Department of Social Welfare. This requirement made it possible for the State department to learn the acceptance policies of the agencies. The department was given full authority to investigate each case. One of the child-placing agencies made it a practice to accompany the copy of the relinquishment with a history sheet for the child which gave some information about the family history of the child, although it seldom gave the reasons for the relinquishment; the other agency sent very little information with the copy of the relinquishment. The State department ordinarily did not make an independent investigation, nor did it request further information from the reporting agency to ascertain whether the relinquishment was necessary or desirable. No report of the child’s subsequent placement was sent to the State department, which therefore had no information on the case from the time the copy of the relinquishment was received until a request was received to approve the adoption. Limited information about the foster home usually accompanied this request, and on the basis of this meager report the adoption was usually approved.

The annual licensing of the two adoption agencies in California was the responsibility of the division of permits, which also had responsibility for adoption work. Lack of funds, however, had made it necessary to curtail the activities of the division greatly, and as a result no visits had been made to the adoption agencies for several years. Without such visits it was difficult to evaluate the work of the agencies on the basis of the brief reports on adoption cases sent to the State department. Although these reports were occasionally questioned by the adoption department, a plan by which full use could be made of all the information available in the State department had not been developed at the time the visit to the State was made. Reports of independent placements received by the State department were referred for investigation to the division of boarding homes for children. Occasionally this procedure rectified an undesirable placement and prevented the filing of an adoption petition.

**Minnesota.**—A supervisory program under the direction of the children’s bureau of the State Board of Control had been in operation in Minnesota for about 20 years at the time the State was visited. During this time the child-placing agencies had sent to the division of adoptions and placements in the children’s bureau a report of each placement with such specific details about the child, the foster home, and the foster parents as were required by the State Board of Control. A printed form had been prepared for these reports, and in the past little more than the information requested on this form was received. However, at the time the State was visited several agencies were sending carbon copies of their placement reports to the State department. Before 1935 the State department was required to visit every home in which a child had been placed, even when the placement had been made by an agency, but in 1935 the statutes made such visits permissive rather than mandatory.

At the time the visit to the State was made (1936), placement reports from agencies which had been informally designated “fully accredited” were accepted without further information, although final

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1. California, Dyer’s Civil Code 1937, sec. 224m.
2. The Board of Control was replaced in 1939 by the Department of Social Security in which the bureau of child welfare assumed the former responsibilities of the children’s bureau.
approval of these placements was withheld until the original report had been supplemented by subsequent reports of supervisory visits to the foster home. A single visit was usually made to the foster home reported by an agency that was not fully accredited. This visit was made not with the idea of reinvestigating the foster home but in an effort to substantiate the opinion of the placing agency and to determine whether there were outstanding weaknesses in the home which had been overlooked. The decision to approve or disapprove the placement was made on the basis of the visit to the home and the report of the agency. Independent placements when reported to the State department were fully investigated by agents of the department as soon as possible. If the investigation showed the placement to be unwise, an effort was made to make other plans for the child, but if the placement was approved the State department, through its agents, assumed the responsibility for continued supervision of the child until the adoption was completed.

A general program of supervision of child-placing agencies was also maintained through another division in the children's bureau, which recommended to the State department the agencies to receive the annual license or certificate. Visits to these agencies were made with fair regularity, but information about their standards of work was obtained mainly through reports from the division of placements and adoptions, where a careful analysis and evaluation of their child-placing work was available. The supervisory program of the State department had been a distinct factor in improving the quality of the placement programs of the agencies. The activities of the State department had resulted in the gradual reduction of the number of agencies placing children; some agencies were persuaded to consolidate so that a more efficient program could be maintained, and some agencies that gave only limited service agreed to abandon their placement work entirely. Child-placing agencies had been encouraged to improve their personnel standards, with the result that most of the workers employed at the time the State was visited were college graduates and several had also had professional social-work training. The certificates of two child-placing agencies were withheld in 1935 until qualified case workers could be employed to conduct their placement work.

North Dakota.—The statutory plan set up in North Dakota for supervision of child-placing and child-caring agencies by the State Board of Administration closely resembled that of Minnesota, but little had been accomplished because of lack of funds and the consequent lack of staff. The three child-placing agencies in the State reported each placement made and one of these agencies also sent carbon copies of reports of supervisory visits made to foster homes. Placements were approved on the basis of reports received. The same person received the placement reports and made the decision about licensing the agencies so that there was no duplication as in the two divisions of the State department in Minnesota.

Oregon.—Oregon agencies placing children in adoptive homes made a preliminary report to the Child Welfare Commission within 30 days after placement, giving the name of the child, the name of the foster

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1 In 1936, when the division of child welfare of the Public Welfare Board was organized to administer child-welfare services under the Social Security Act, it was agreed that the Public Welfare Board should assume the duties of the children's bureau of the State Board of Control.
family, and the date of placement. A more detailed report was usually not submitted until the time the petition to adopt was filed, although the agencies had been urged to send such information before placement, so that questions presented could be discussed and the placement prevented if it appeared to be undesirable. An attempt had also been made to encourage greater care in the selection of foster homes and to develop higher standards in the supervision given to placed-out children. Special note was made of adoptions which had failed, and if the placement had been made by an agency the reasons for the failure were carefully discussed with the agency. It was the responsibility of the State department to license child-placing agencies, and in this connection the State department had attempted to improve agency standards. Progress had been slow but some gain had been made.

Independent placements ordinarily were not referred to the State department until a petition for adoption was received, but an effort had been made to explain to hospitals, to the medical profession, and to others the philosophy behind the prohibition of placements by unauthorized persons.

**Rhode Island.**—The Rhode Island statutes required that the State department receive notification of all placements of children who were less than 16 years of age. It was the duty of the department to cause the child and the foster home to be visited within 3 months after receiving notification to determine whether the placement was desirable and to give continued supervision to the child in the home. In practice, however, the State department had not required reports of placement until adoption plans were well under way.

Annual licenses were required for agencies wishing to place children in adoptive homes. Each agency was visited before a license was issued and some of its placement records were read. The program for the improvement of placement standards had been carried on through case-by-case contacts rather than by means of a broad educational program.

**Wisconsin.**—The laws of Wisconsin prohibited placements by any but a "licensed child-welfare agency." A "foster home" in this State had been defined as any home in which a child under 12 years of age was placed with or without transfer of custody. Every "foster home," including those in which children had been placed for adoption, was required to have an annual permit to operate. Foster-home permits were issued either directly by the State Board of Control or by licensed child-welfare agencies having authority to issue them for foster homes under their supervision. Only well-qualified agencies had been so authorized, and each agency was required to send to the State department a notice of each placement made and each permit issued. The agency was expected to keep a detailed record in its own files, however. Agencies not authorized to issue foster-home permits made reports of each placement, giving summary information about the child and the foster home, together with a narrative report.

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1 Through legislation enacted in 1939 the Child Welfare Commission in Oregon was abolished and its duties, including the responsibility for the investigation of adoption, were transferred to the State Public Welfare Commission.
2 A law of 1929 changed the name from the Department of Public Welfare to the Department of Social Welfare.
3 In 1939 the duties of the State Board of Control were transferred to the newly organized State Department of Public Welfare.
of the investigation. Such reports were considered individually, and
the agency was requested not to consent to an adoption until the
placement had been formally approved.

The State department had recognized that since the child-placing
agencies had been given responsibility for issuing permits it was
especially important that they have high standards. The supervisor
of institutions and agencies spent some time each year reading the
records in each child-placing agency and visiting a cross section of
the foster homes used by the agency. At such times policies and
procedures were discussed. Adoptions sponsored by licensed child-
welfare agencies ordinarily were not reported to the State depart-
ment; instead, full responsibility was given to the agency and the
court.

Upon receipt of a report of a child placed independently in a foster
home for either temporary or permanent care, the State department
assumed responsibility for seeing that the home was visited and that
it did not continue to operate without a foster-home permit. Subse-
quent supervision was given either directly by the State department
or through one of its local agents. Since every foster home caring
for a child not related to the family was required to have a permit to
operate, the State department frequently learned of the conditions
under which a child was living before adoption action was started.
The States visited that had a combined program for supervision
of placements and adoptions had found that careful supervision of
placements meant fewer unsatisfactory adoptions. Adequate super-
vision of the child-placing agencies made it unnecessary to rein-
vestigate placements, and the department was thus able to devote
more time to a broad educational program and to protection for
children placed without the assistance and guidance of a qualified
child-placing agency.

EDUCATIONAL ACTIVITIES OF STATE DEPARTMENTS

Some evidence was found to indicate that the State departments
gave constructive and consistent leadership in the attempt to raise the
standards of adoption practices, but the educational programs of all
the States needed further expansion. It was also found in some of the
States that an effort had been made to inform the public about
accepted procedures in adoptions. Advantages should be taken of
every opportunity to explain the policies and procedures of the State
department to the medical and legal professions as well as to the lay
public. Each doctor, attorney, or other person who may know of
children available for adoption should be aware of the State's program
so that his cooperation will be assured. Interpretation of the pro-
gram to one person may seem to require a great amount of time, but if
it is done skillfully it may mean the future cooperation of the indi-
vidual and of his associates and acquaintances.

Programs of social agencies.

Since satisfactory adoptions are dependent upon satisfactory
placements, it was encouraging to find in the States where the State
department was responsible for supervision of both placements and
adoptions that the two programs had been closely coordinated. How-
ever, State departments cannot decrease their activities in this direc-

Provided by the Maternal and Child Health Library, Georgetown University
tion until a much greater proportion of the children who are subjects of adoption petitions find their way into their adoptive homes through agencies especially equipped to give this service. About two-fifths of the children placed with unrelated persons in the States included in the study had been placed independently of a child-placing agency.

Private child-placing agencies in some of the States visited had been encouraged to cooperate with the State department in giving adequate protection to children placed independently in adoptive homes. In California and Oregon the agencies were willing to accept responsibility for subsequent supervision of the child in the home as well as for adoption proceedings, even when the child was already in the foster home at the time supervision was assumed.

Case-by-case consultation had been used effectively as a method of improving the work of the child-placing agencies. Such procedure made it possible to present specific illustrations from the agency’s own case load in a discussion of general problems of child placing.

In order to develop more complete understanding of adoption among the agencies it is distinctly valuable to develop a plan for centering attention on this problem. This has been accomplished in one State by the organization of an “adoption council.” At first membership on the council was limited primarily to staff members of the child-placing agencies, but supervisors and executives were finally included, although the officers were generally chosen from the original group. At its early meetings the council discussed specific problems relating to practices and procedures in the investigation of placements and adoptions, but as time went on the council became, to a considerable extent, an interpretative group. A committee of the council compiled a bibliography of the literature on placements and adoptions. Some time was spent in discussing the development of an educational program designed to prevent placements made independently of qualified agencies. A feature article which described and explained the adoption program was prepared for one of the metropolitan newspapers in the State. The council was responsible for having an institute on adoption problems included in the institutes sponsored by the State conference of social work. A sample adoption case was prepared as a basis for discussion at this institute and a discussion leader of wide experience was obtained from outside the State.

The preparation of satisfactory child-placing standards affords an excellent educational opportunity for studying the needs of children placed for adoption and for raising the standards of individual agencies. Group thinking can be very helpful, although care must be taken by the State department to keep from too obviously projecting its own ideas into any group of child-placing agencies organized for this purpose. The State department may find it expedient to guide the group, but interest is likely to lag unless the representatives from the agencies are stimulated to accept the major responsibility for any final action taken. Experience has shown that individual agencies accept suggestions for changes in procedure much more readily when they come from other child-placing agencies than when they come from the State department. Likewise, problems that have seemed insurmountable to a single agency appear less difficult when considered jointly by a group of agencies.
Methods of procedure may differ, but one that has proved relatively satisfactory has been to divide the group into small subcommittees, making each responsible for a specific assignment of work which will eventually fit into the whole. It is advantageous to consult the State department about the membership of the subcommittees, for in assigning the members of the group to subcommittees, consideration will need to be given both to the specific contribution certain persons can make and to the educational needs of others who, although they may have little to give, will profit by the stimulation that comes from a joint discussion of common problems. When substantial agreement has been reached by the subcommittees, acceptance by the whole group is the next step. If the standards prepared and accepted by the agencies can then be formally adopted by the State department and used as the basis for supervisory work with individual agencies, future cooperation of the agencies is practically assured.

The content of such standards will necessarily be governed by the situation in a given State, but it may be found advantageous to discuss such questions as (1) the policies of child-placing agencies with regard to the minimum age at which a child should be accepted, the advantages of temporary acceptance, the dangers involved in inflexibility, the responsibility of a child-placing agency for children already placed independently, and the factors to be considered in the length of time a child should be kept under care pending a decision for permanent separation from his own people; (2) the necessary facts to be included in the study of a child accepted for permanent placement; (3) the essential facts to be learned in the study of a foster home; (4) the legal formalities and agency responsibilities to be considered before a child can be considered available for permanent placement; and (5) the responsibility of the child-placing agency after a child’s placement in a foster home.

The responsibility of a State department must sometimes extend beyond its own State borders, particularly when its residents make use of institutions or agencies in other States. The improvement of undesirable placement standards under such conditions should be of mutual interest to each State affected. Difficult interstate problems can best be dealt with through cooperation between State departments. It is possible that the concerted efforts of several State departments might encourage another department to take action regarding the social policies of agencies and institutions within its State that it would hesitate to take on its own initiative.

It was found that the child-placing agencies sometimes did not understand the programs of the State departments and consequently were critical of the procedures used. This was occasionally due to the fact that the private agencies considered the quality of work and the standards of personnel in the State department inferior to their own, but often it was the direct result of their lack of knowledge about the State’s program. For example, the chairman of the special commission which drafted an adoption law and which was largely responsible for its passage told of offering the services of his agency, incidentally not a child-placing agency, to a casual acquaintance who was planning to adopt a child obtained from some outside source in order to avoid the necessity for an investigation by the State department.
It should be the responsibility of the State department to stimulate the development of local resources, public and private, for the child born out of wedlock. An active local agency equipped to give service to unmarried mothers might well result in fewer independent placements, since children available for placement could be referred to authorized child-placing agencies. Treatment on a case-work basis would undoubtedly mean that some children who otherwise would be separated from their own people could remain with them and that placement plans would be made for other children who, because no one was interested in their well-being, might stay on as unwanted children in undesirable homes.

Experience has shown that many children of unmarried mothers find their way into foster homes through the hospitals or maternity homes in which they are born. Supervision of the health aspects of these institutions is important. It is equally important that the department of welfare supervise the social-service aspects and encourage the institutions to refer to authorized child-placing agencies any children who may be available for placement. In the past, maternity homes serving unmarried mothers considered the placement of children one of their primary functions, but it is now generally accepted that this is wrong in principle, and progressive maternity homes are now discontinuing this practice and making use of child-placing agencies instead.

Programs for medical groups.

The activities of members of the medical profession in the field of child placing were of great concern to the State departments visited. Sixty children among the 2,041 studied had been placed by persons associated with the mother's confinement, but physicians had been either directly or indirectly responsible for the placement of other children. Although the Children's Bureau study indicated that placements by physicians had been made much less frequently than was supposed, it was apparent that there was a need for a general program of education through newspapers and professional journals in order to supply physicians with information about child-placing regulations and authorized resources available to them when they were confronted with the need of a mother to plan for her child's care or with the wish of a childless couple to find a child for adoption. Too often the doctors were supplied with literature from agencies whose practices were not generally acceptable but were without any information about authorized resources.

The California State Department of Social Welfare had succeeded in obtaining space in the annual directory of physicians and surgeons, naturopaths, drugless practitioners, chiropractors, and midwives published by the board of medical examiners for a statement describing the "most satisfactory" adoption procedure. The section of the statute was quoted which prohibited any "person, association, or corporation" from finding homes for children under 16 years of age or placing any such child in any home for temporary or permanent care or adoption, without first having obtained a license or permit in writing from the State Department of Social Welfare.11

Arrangements had been made with the Medical School of the State University of Oregon to have the director of the State department talk to the senior class. The inadvisability of having doctors place children was stressed, and proper adoption procedure was explained. An article giving the same sort of information prepared by the director of the Oregon Child Welfare Commission was published in a regional medical journal.

Several other States had undertaken, through visits by State personnel to doctors and hospitals, to explain the statutory provisions and to give information about available resources for finding adoptive homes. Often these visits were prompted by the fact that the adoption of a child placed by a physician or a hospital official was under consideration.

Programs for the courts and attorneys.

It is essential in a well-administered adoption program that the State department, the county departments and agencies making investigations, and the courts hearing adoption petitions establish cordial working relationships; yet in most of the States visited such a relationship had not been developed. As a result State departments were sometimes unduly critical of the courts and the courts were unsympathetic toward the policies and procedures of the State departments.

An effort had been made in California to assist attorneys to obtain a better understanding of the policies and principles of the State department, and for a time attorneys were encouraged to come to the State department to discuss proposed adoptions before petitions were filed. Many attorneys were reported to have taken advantage of this opportunity, sometimes with the result that the plan for adoption was abandoned. A cursory investigation was made after the attorney’s visit. This was frequently limited to clearance with the social-service exchange, but enough information was obtained on which to base a general opinion about the desirability of the adoption. Unfortunately it was found necessary to discontinue this plan because of insufficient staff, but it was reported that these preliminary investigations were still made occasionally.

A circuit judge in Oregon assisted the State department in planning a meeting with the county bar association at which adoption policies were discussed. Although the cooperation of the local attorneys had been greatly fostered by this meeting the plan had not been used in other counties. Similar meetings might well be planned by county departments making adoption investigations.

The State departments seldom sent representatives to adoption hearings, except when an adoption was disapproved; but unless hearings on approved cases are also attended a court may justly conclude that the primary object of representation is to oppose adoption. A recent adoption law of New Jersey required representation at the adoption hearing of the agency directed to make the investigation. The adoption law of Delaware authorized the presence at the hearing of “all interested persons,” and this would logically include the investigating agency. Such provisions stress the desirability of having a person present who has intimate knowledge of the circumstances affecting an adoption.

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Personal conferences with judges on general policies, legislative needs, and specific legal procedure may result in awakening interest in adoptions. Apparently such conferences had never been held consistently in the States visited, although in one State it had been suggested that the supervisor of adoptions visit each of the courts in the State during the first few months after the adoption program was started to explain the State program and to give the courts an opportunity to explain the type of material they would like to receive in reports on adoptions. In another State a "good-will tour" of the courts had been suggested. When conferences with the courts are held it is important that they be handled by a person from the State department who is conversant with the adoption law and its administration. A discussion of general subjects may afford an opportunity to discuss specific cases—a former decision, possibly—and to explain fully the reasons back of the State department's recommendations. The representative of the State department may also obtain a better understanding of the philosophy of the court through such discussion. Usually it is inadvisable to discuss a pending adoption case with a judge except at his suggestion; such discussion may be interpreted as an attempt to interfere with judicial prerogatives. The State department should always remember that the final authority rests with the court but that the judge cannot act intelligently without complete information on which to base his decision.

State departments had been slow to recognize the part that child-placing agencies can play in interpreting standards of satisfactory adoption procedure to the courts. A written report from an agency that has placed a child and has supervised him in a foster home over a period of months or even years may do much to acquaint the court with important factors to be considered in an adoption decision. Oral reports are rarely as effective as written statements since they are usually very brief and give little detailed information.

Whether or not written reports are prepared for the court by child-placing agencies there is value in having representatives of the agencies attend adoption hearings now and then. Attendance at these hearings may serve to give an agency an awareness of some of the problems facing the State department in its service to the courts and a greater tolerance for its administrative procedure.

INVESTIGATION OF ADOPTION PETITIONS

The laws of Alabama, Minnesota, New Mexico, and North Dakota required the court to refer petitions for the adoption of minor children to the State department for investigation, although in Minnesota and North Dakota such investigation could be waived by the court "upon good cause shown when satisfied that the proposed home and the child are suited to each other." 14 Notification of the filing of a petition for the adoption of a minor child in Rhode Island must be referred either to the State department or to the Society for the Prevention of Cruelty to Children, a private agency with a State-wide program. 15

Adoption in California was limited to minor children, and it was the duty of the State Department of Social Welfare to make an investi-

15 Rhode Island, Gen. Laws 1929, ch. 429, sec. 5.
In Massachusetts it was necessary to send notice to the State Department of Public Welfare of the filing of a petition for the adoption of a child under 14 years of age so that an investigation could be made. This provision did not apply in the case of a petition presented, sponsored, or recommended by any charitable corporation organized under general or special laws for the purpose of engaging in the care of children and principally so engaged. ²

It was the duty of the court in Wisconsin in all cases of petitions for the adoption of minors to cause an investigation to be made by a licensed child-welfare agency, a probation officer or some other suitable person designated by the court, or the State Board of Control. In this State the consent of the State department was necessary for the adoption of any child born out of wedlock unless the child had been committed to the guardianship of a licensed child-welfare agency and consent was given by this agency. Occasionally the courts requested the State Board of Control to make an investigation, and it was sometimes necessary for the State department to make an investigation before a decision to give consent could be made.

THE STATE PLAN FOR HAVING INVESTIGATIONS MADE

The value of an investigation made before adoption is dependent upon the qualifications of the persons making the investigation and the extent to which it discloses complete information regarding the child to be adopted and the foster family. It should be the responsibility of the investigating agency to determine what factors are necessary for the happiness and well-being of the child to be adopted and to evaluate the foster home with these factors in mind. The staff members responsible for an adoption program in a State department, therefore, need not only special skill in evaluating each individual adoption but also ability to see the whole adoption program objectively and to recognize the larger issues involved.

The following descriptions of the State and local public personnel making investigations in adoption cases at the time of the visits to the States illustrate the wide variation in the resources for professional services available to the State departments at that time. The rapid expansion during the last 5 years in public social services undertaken by qualified personnel has resulted in significant improvement in the adoption programs in most of these States.

Supervision of the program.

Except in States where the number of adoptions is very small there are definite advantages in having the adoption program under the direction of a special supervisor who is particularly qualified by professional training and experience. The supervisor should be responsible for reviewing all investigations and reports to the court and should also be able to evaluate the whole program—its legislative and administrative strengths and weaknesses. One of the States visited during the course of the study had started its adoption program with only an “adoption clerk” in charge, thinking that this clerk could

² Massachusetts, Gen. Laws (Ter. Ed.) 1932, ch. 219, sec. 3A.
look after the routine administrative details and that local workers could make the investigations. It was not long before the State department realized that someone was needed in the central office who would be able to solve the knotty problems being brought to the attention of the "adoption clerk" and who could give supervision to the local workers. However, it was not until 5 years after the passage of the adoption law that arrangements were made to appoint a qualified person as adoption supervisor.

A special adoption supervisor devoting full time to adoption work or to the supervision of adoptions and foster-home placements had been appointed in Alabama, Massachusetts, and Minnesota. The supervisor of probation in the State department was acting as supervisor of adoptions in California at the time the visit to the State was made. The director of the bureau or division responsible for the State's program for children had general supervision of the adoption program in New Mexico, Oregon, Rhode Island, and Wisconsin, but in the last three States the major responsibility for adoption investigations had been delegated to one member of the staff. The North Dakota Children's Bureau had only one professional worker, and general supervision of adoption work was one of her many duties.

Membership in the American Association of Social Workers has been increasingly accepted as evidence of academic accomplishment as well as professional training and experience of a professional grade. It was, therefore, interesting to find that only five of the persons supervising adoption work in the nine States were members of this organization, although a sixth was a registered social worker in his own State.

Desirable experience for a supervisor of adoptions should probably include experience in the children's field, particularly in child-placement work. Five supervisors had such experience. The previous experience of the remaining supervisors included hospital social work, family-welfare work, probation work, and county welfare work, none of which provided the specialized experience necessary to understand the intricacies of an adoption or the problems involved in placement of children. The qualifications of the supervisors were reflected in the standards of the State or local staff members to whom the responsibility for the actual investigation was frequently delegated.

The State staff.

A State staff was employed to make investigations of adoptions referred to the State department in five States. Three district offices had been set up in California with five full-time workers and one part-time worker. Four workers were employed on the adoption staff of Massachusetts, all working out from the central office. One worker in Rhode Island made the investigations throughout the State. Two adoption workers were employed in Wisconsin; one spent almost all her time in Milwaukee County and the other made the investigations in the remainder of the State. Shortly after the visit to the State was made in 1936 the staff of the division was enlarged and district workers were made responsible for adoption investigations in all but seven counties of the State. One of the special adoption workers made the investigations in three counties and the other continued the work in Milwaukee County and in addition made investigations in three nearby counties.
SERVICES OF THE STATE DEPARTMENT

Although no worker had been appointed for full-time adoption work in Oregon, it was estimated that the time given by the director of the department and the 2 staff workers approximated that given by a full-time worker. There was no legal provision in Oregon authorizing the State department responsible for this service to delegate the investigation of adoption petitions to local agents, but since delegation of authority was not directly prohibited, local agents having satisfactory qualifications were used in some counties. At the time of the visit to the State, the State staff was making investigations in a large urban county and in 18 other counties; in 9 counties the county relief secretary was ordinarily requested to make the complete investigation, and in 3 other counties assistance was received from such workers; the county Red Cross secretary and the relief worker were used in 2 counties, and in another a well-qualified county nurse made investigations.

The qualifications of the staff workers responsible for adoption investigations varied from State to State. Fifteen workers were employed by the five State departments in which adoption investigations were made by a State staff. Only four of these workers in three States were members of the American Association of Social Workers, although eight workers in four States had had professional training in social work. Likewise, seven staff members in four States had had previous experience in the children's field, the value of which was dependent on the type of supervision given and the standards of the agencies where the experience was gained.

Local public agencies.

When the investigations are made by members of the State staff, the State department can ordinarily set the qualifications for persons to be employed, but if the investigations are delegated to local workers it may be more difficult to require the workers to be professionally equipped for this type of work. The situation differed in each of the States where it was the usual practice to have adoption investigations made by a local worker under the general supervision of the State department.

It was the policy of the State department in Alabama to have investigations of adoption petitions made by the local county public-welfare departments, the director, or sometimes a visitor making the necessary visits to gather the facts required by the adoption law and other pertinent information about the child and the foster family. Reports of the field representatives of the Alabama Department of Public Welfare at the time of the visit to the State indicated that the qualifications of the county directors of public welfare were very high. More than four-fifths of them were college graduates and five had advanced degrees. About the same proportion had had professional training of 3 months to 2 years, the great majority having 3 to 6 months' professional training. Many of these workers had had teaching experience which was accepted as prerequisite experience. Nearly three-fifths of the directors had been superintendents of child welfare in Alabama counties. Many of them had had additional social-work experience either in the relief field or in allied fields.

Investigations of adoption petitions in Minnesota were ordinarily made by an agent of the county child-welfare board, although in the counties where such a person was not employed a member of the
child-welfare board accepted this responsibility. During 1934 members of the county child-welfare boards investigated 14 of the 379 petitions for adoption in the State and assisted in 31 others. The members of the county child-welfare boards giving this service were local persons appointed because of their interest in children, but they usually did not have professional experience or training. The qualifications of the agents employed by the county child-welfare boards varied, but on the whole they were not high at the time the visit to the State was made. Fortunately the larger counties in the State, where the greatest number of adoption petitions were filed, had long had professional staffs making adoption investigations.

The State Board of Public Welfare was the agency originally responsible for the investigation of adoption petitions in New Mexico, but in 1936 this board was consolidated with the New Mexico Relief and Security Authority created in 1935. The adoption program thereby became part of the general welfare program for children organized under the child-welfare-service provisions of the Social Security Act. For the purposes of this program the State was divided into seven districts, each containing three to six counties. Each district had a supervisor who was responsible for the investigation of adoptions as well as other work in the interests of children. Most of the seven district supervisors were college graduates; five had professional training at an accredited school of social work. Although only four had previous experience in social work for children, all had experience in family service or allied work. Four were members of the American Association of Social Workers.

The meager financial resources of the State department had influenced the plan set up in North Dakota for the investigations of adoption petitions. Responsibility for the investigation of adoptions had been delegated to the three private agencies in the State and to the juvenile commissioners appointed to assist the juvenile court in each judicial district. Representatives of private agencies usually traveled on railroad passes and were allowed $5 a day by the State department for time spent on adoption investigations. No additional payment for this work was made to juvenile commissioners employed on a full-time basis, but those who worked on a per diem basis were paid $5 a day. On the whole, the qualifications of these workers were not high.

In making adoption investigations a well-qualified local worker, when available, is preferable to a State worker, who usually has only a limited time to give to an investigation. It is far more difficult for a State worker covering a large territory to arrange for supplementary visits to a home when necessary than it is for a local worker to make such visits. Informal visits made when the worker “is passing by” the foster home frequently yield valuable information about the family life of the foster home. A local worker acquainted with the community knows the relative value of the references obtained, while the State worker may be unaware of the best sources of information.
about the family and may therefore accept without question state-
ments from unreliable sources.

AGENCIES OR PERSONS MAKING THE INVESTIGATIONS

Investigation of petitions for adoption of State wards.

Direct care for children in Alabama and Massachusetts was pro-
vided through divisions responsible for foster-home care for children,
and in Minnesota and Wisconsin through State institutions for
dependent children which maintained child-placing programs. The
State department of Minnesota also accepted guardianship of children
needing special care and arranged for the care of many of these
children in foster homes with the assistance of private child-placing
agencies and county-welfare agencies. In order to obtain complete
information in regard to the State wards for whom petitions for adoption
were filed during 1934, it was necessary to review the records of
the direct-care units, as only limited information was available in the
units responsible for adoption investigations. The relationship
between these two units in each of these four States is shown in the
following description of their procedures:

Alabama and Massachusetts.—In neither of the two States havinE a
special child-placing program had a well-coordinated plan been
developed by the adoption division and the direct-care division.
Adoptions sponsored by the direct-care division were not subjected
to the same critical study that other adoptions received, and as a
result important information about the foster family and the child
was frequently missing. Even when original placement of the child
had been made with no thought of adoption, the placement investiga-
tion was seldom supplemented by a more intensive study made from
the standpoint of prospective adoption. Occasionally several years
had elapsed since the initial investigation, yet a clear picture of the
situation at the time of the adoption was rarely provided. This is
illustrated by the following case:

A child was placed at the age of 3 months, and soon afterward the family moved
out of the State. During the next 6 years the foster father's employment resulted
in frequent moving, but later the family returned to the original State and
petitioned for the child's adoption. There was no evidence that a reevaluation of
the family situation was obtained, although a visit to the home was made by the
direct-care division before adoption was agreed upon. Much of the information
obtained before placement was not pertinent at the time of the adoption; yet no
effort was made to obtain a picture of the current situation. Had this been a
private-agency placement it is probable that up-to-date information would have
been required, but apparently because a division within the State department was
sponsoring the adoption this precaution was overlooked.

Minnesota.—There was no legal or administrative provision in
Minnesota whereby the placement program of the State institution for
dependent children might have the benefit of supervision from the
children's bureau of the State Board of Control. Although the adoption
law did not expressly exempt adoptions of children under the
guardianship of the State institution for dependent children from
the procedures used by private agencies, this had been done in prac-
tice. The superintendent of the institution for dependent children
was required by law to join with the petitioners in any petition for the
adoption of a child who was a ward of the institution, and such joiner
operated as a consent to the adoption.21 When petitions for the

adoption of wards of the State institution for dependent children were referred to the State Board of Control by the courts; it was the practice in the children's bureau of the Minnesota State Board of Control to approve them without inquiry. Occasionally the courts "waived investigations" in adoptions of wards of the State institution for dependent children; at other times they granted the adoption without the formality of a waiver or a report from the State Board of Control. More than half the adoptions sponsored by this institution during 1934 had not been referred to the adoption division of the State department for a report to the court, and there was no record in the adoption division for a number of adoptions of wards of this institution. A plan was under way to correct this situation by administrative action on the part of the State institution and the adoption division of the State department.

Wisconsin.—The State institution for dependent children in Wisconsin was subject to the general supervision of the juvenile department of the State Board of Control. As an accredited agency it was not required to transmit to this department detailed reports of placements, but since children under the care of the institution were wards of the State Board of Control it was necessary for the board to consent to the adoption of these children. It was the responsibility of the juvenile department to supply the board with information on which to base its decision, and accordingly the institution sent the juvenile department a copy of its report to the court, and from this report a recommendation was made to the Board of Control. Such procedure had the advantage of making the State children's agency a part of the State-wide program for placements and adoption of children and of requiring the same standards for the State agency as for private agencies.

The division responsible for the supervision of adoptions is presumably the primary authority on adoption practices and procedures within a given State, and accordingly its staff should be competent to give expert advice to other divisions and institutions of the State department. When no opportunity is given to do this, a real contribution to the adoption program of the State may be lost.

Investigations of other petitions for adoption.

The responsibility of the State department for adoptions growing out of agency placements is quite different from that for adoptions resulting from independent placements. Petitions for adoptions sponsored by agencies were exempted from investigation by the State department in California, Massachusetts, and Wisconsin. There were no child-placing agencies in New Mexico. It was the general practice in Alabama, Oregon, and Rhode Island to accept the report made by the agency without further investigation, although in Oregon it was sometimes necessary for the State department to visit the agency and to review its record in order to obtain sufficient information on which to base a report to the court. Visits were made to the homes of petitioners also when there was reason to believe that the foster family had not received complete information about the child they were seeking to adopt.

The Minnesota agencies made fairly detailed reports of both the child and the foster family at the time the placement was made.
These were supplemented by semiannual reports of supervisory visits
to the home and a final report before the adoption, which described
the adjustment of the child to the home and the reason why the
adoption seemed desirable. During 1934 one visit to the foster home
as required by statute was usually made by a representative of the
State department, and this visit, together with the reports from the
agency, constituted the investigation.

When a petition for the adoption of a child who has been placed
independently is referred for investigation, the State department
may be handicapped at the start by the fact that months and some-
times even years have elapsed between the time of placement and the
filing of the petition to adopt. During this time a bond of affection
often has grown up between the child and the foster parents which
cannot be ignored. It is, therefore, important that the investigation
include every possible source of information in order that a fair de-
cision can be made which will take into consideration the contribution
that the foster family can make to the well-being of the child in spite
of any liabilities that the home may have. Although the situation
may be one in which a well-qualified placing agency would hesitate
to place a child, the investigation should seek to determine whether
the child’s place in the home is such that it is preferable for him to
remain there as a legal member of the family, despite the handicaps,
than to be deprived of legal status in the family or to be uprooted
from the only home he knows.

One who investigates an independent adoption should recognize
that his responsibility extends further than the acquisition of facts for
the use of the court. When the child and the home are wholly un-
suited to each other it may be necessary to work out a new plan for
the child, either directly or by referral to another agency. It is also
possible that the investigation may show that an adoption is unwise
or unnecessary and this will need to be interpreted to the petitioners
and an alternative plan suggested. The investigation of independent
adoptions requires skilled case-work service and should be handled
only by persons qualified to give such service to the family if needed.

Frequently the mere fact that a stepfather, a grandparent, or some
other close relative is the petitioner means that the investigation of
the adoption is more or less cursory. This is unfortunate, because
relationship to the child does not always mean compatibility or make
a closer legal bond advisable. Investigation of adoptions by relatives
should include sufficient information to determine whether the child
is going to gain or lose by the proceeding.

Investigations made in nine States.

Table 21 shows the agencies or persons making investigations of
adoption petitions in each of the nine States. Half the investigations
had been made by members of the State staff alone or with the assis-
tance of other agencies or individuals. As has been explained, some
of these investigations were made by the direct-care units of the State
department rather than by the unit responsible for investigation of
adoptions. Although it was the policy of the State department in
Alabama and Minnesota to refer investigations to county welfare
departments, a number of investigations had been made by the field
staff of the State department because county child-welfare workers
were not available for this service in many rural counties in 1934.
County welfare agencies were responsible for 324 investigations. Most of these investigations were made in Minnesota, where the statutes required the State department, through the county welfare agency, to investigate all adoption petitions, even when the adoptions were sponsored by authorized agencies. Most of the remaining investigations by county agencies had been made in Alabama and Oregon, although a few had been made in North Dakota, New Mexico, and Wisconsin. It should be noted that 42 investigations in Minnesota and 1 in Wisconsin had been made by members of the county child-welfare boards in counties that had no child-welfare worker.

<table>
<thead>
<tr>
<th>Agency or person making investigation</th>
<th>Total</th>
<th>Alabama</th>
<th>California</th>
<th>Massachusetts</th>
<th>Minnesota</th>
<th>New Mexico</th>
<th>North Dakota</th>
<th>Oregon</th>
<th>Rhode Island</th>
<th>Wisconsin</th>
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<tr>
<td>Total</td>
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<td>172</td>
<td>537</td>
<td>390</td>
<td>379</td>
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<td>55</td>
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<td>131</td>
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<td>88</td>
<td>19</td>
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<td>Alone</td>
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<td>130</td>
<td>164</td>
<td>18</td>
<td>49</td>
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<tr>
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<td>11</td>
<td>13</td>
<td>1</td>
<td>7</td>
<td>2</td>
<td>9</td>
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<tr>
<td>With private agency</td>
<td>27</td>
<td>4</td>
<td>1</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>9</td>
<td>11</td>
<td></td>
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<tr>
<td>With probation officer</td>
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<td>4</td>
<td>1</td>
<td>13</td>
<td>1</td>
<td>1</td>
<td>7</td>
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<td>324</td>
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<tr>
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<td>11</td>
<td>7</td>
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</table>

Table 21.—Agency or person making investigation of adoption petition, by States

1 Includes children who were wards of a child-placing unit of the State department.
2 Includes children for whom investigations were made by members of the board of the county welfare agency, either alone or with the assistance of a private agency.
3 Includes children for whom investigations were made by authorized private agencies.

Private agencies were responsible for 472 of the investigations reported. Ordinarily these agencies were acquainted with the plans for adoption because the children concerned were their wards and had been placed by them. Accordingly their reports were accepted by the State departments as investigations, but in some cases a special investigation was made at the request of the State department. In Massachusetts and Wisconsin petitions for adoptions sponsored by authorized private agencies were not required by statute to be investigated by the State department, although in Wisconsin a few petitions for the adoption of children originally placed by agencies were referred to the State department.

A few investigations had been made by probation officers in Alabama, Oregon, and Wisconsin, but most of the 142 investigations by probation officers were made in California, where the statutes provided for investigations by probation officers of petitions filed by step-parents. Other persons had been selected by the State department to make the investigation of 48 petitions. More than half of this last group of investigations had been made in Oregon, where county nurses, Red Cross workers, or other persons had been called upon for assistance.
No investigation had been made for 67 cases. In 34 of these cases the investigation was waived by the court or the State department and the decree granted; 17 of these were adoptions by stepparents, 1 by grandparents, and 16 by persons not related to the child. Waiver of the investigation had occurred in 20 Minnesota cases, 10 North Dakota cases, and 4 Oregon cases. Although the court was willing to cooperate with the State department in 2 other Minnesota cases and 1 other Oregon case, decrees were granted without an investigation because of the long delay in having the investigation made.

In 26 cases the petition was withdrawn for various reasons or the plan for adoption was given up, all but 3 of these being California cases. The remaining 4 cases in which no investigation was made involved other situations, as is shown by the following excerpts from the records.

The child was born out of wedlock, but when he was 2 years old his mother and father married. His father was primarily interested in the child's legitimation and his attorney requested that the investigation be delayed until a plan of procedure was agreed upon. When no further word was received by the State department, it was discovered that a decree had been entered.

The child had been born out of wedlock and had lived with his grandparents for more than 3 years before the petition for adoption was filed. The director of the State department decided that the department would be severely criticized for making an investigation of this adoption, since the grandparents were well-known persons. Accordingly the adoption was approved without an investigation.

A girl nearly 18 years old was adopted by persons not related to her with whom she had lived for more than 15 years. The girl and the agency that had placed her in the home consented to the adoption. The State department, which had information about the original placement and had a recent report of the situation, apparently did not think further investigation was necessary and approved the adoption.

A child had been abandoned by her mother in the home of the petitioners. The State department, because of its interest in all children born out of wedlock and its plan for certification of foster homes, probably had been acquainted with the child and with the home of the petitioners, and it therefore considered a special investigation unnecessary. At any rate, the adoption was approved with the statement that the child had received excellent care and was developing well in the home.

PROCEDURES USED IN THE INVESTIGATION

After careful consideration it has been decided to limit this discussion to the practices followed in the several State departments in the investigations of adoptions not sponsored by agencies. Some explanation of the principles underlying such investigations will be made, and consideration will be given to the responsibility of a State department when it is confronted with an adoption petition concerning a child and foster parents about whom it has had no previous information.

The provision for an investigation implies acceptance of the basic principle that the State is interested in protecting the child from an adoption that is not conducive to his best interests. Accordingly,
the State department, as the representative of the State, must assemble factual data that will enable the court to make a decision that is in harmony with the child's welfare.

Standards have been set up by which child-placing agencies can measure their procedures, but as yet no standards have been formulated and accepted by which to measure the procedures to be followed in an investigation subsequent to the filing of an adoption petition when the child is presumably already in the home of the petitioners. With the exception of the Alabama law, which specified what the report to the court should contain and, therefore, stipulated to a certain extent the facts to be determined by the investigation, the laws of the States included in the study ordinarily made only the general requirement that the allegations of the petition be verified, that an investigation of the "condition and antecedents of the child" be made to ascertain his suitability for adoption, and that "appropriate inquiry" be made to determine that the proposed home was suitable for the child.

VERIFICATION OF VITAL STATISTICS

It is important that all vital statistics relating to the child and the foster parents be verified in order to be certain that the child is legally available for adoption and that the foster parents can legally assume the responsibilities imposed through adoption.

It was the usual practice in Alabama, California, Massachusetts, Minnesota, Oregon, and Wisconsin to verify the birth of the child, although occasionally this had not been done. Verification of the child's birth meant that the identity of the child and his parents was definitely established and it satisfied any doubt about the child's actual birth date. Verification of the birth of an older child settled any question as to whether he should be required to consent to his own adoption. Verification of the child's birth is particularly important in States having legislation for changes in the birth record after a decree of adoption has been entered, since through this procedure information will be obtained about missing or incorrectly reported birth records.

It was less usual to find that the death of a parent had been verified, although it is important to establish this if it is given as the reason for not obtaining the parent's consent. The cause of a parent's death as shown in the death certificate also may be important in understanding the child's physical heritage.

The marriage of the foster parents was always verified in California, Massachusetts, and Wisconsin; in Minnesota and Oregon verification was the usual procedure, but in the remaining States less emphasis was given to verification of marriage. Although adoption petitions are rarely filled by two persons not legally married, it is important to make certain that a valid marriage is recorded. An adoption under such circumstances would undoubtedly be considered void if it were questioned and the child would thereby become an innocent victim of the failure to obtain proof of the marriage. There have been occasional instances also where an attempt to verify a marriage disclosed the fact that the person solemnizing the marriage failed to send notification to the clerk of the court and the unsuccessful attempt at verification made it possible for the petitioners to have their marriage properly recorded.
Although the adoption laws in several of the States contained provisions vitally affecting a divorced parent, verification of the divorce of a natural parent had not been recognized as important and therefore was not a usual procedure except in California. More attention was paid to verification of the divorce of a petitioner. It was the general practice to verify such divorces in California, Massachusetts, Minnesota, Oregon, and Wisconsin; but no special policy regarding such verification had been adopted in the remaining States. The State department in California verified not only the divorce which permitted the petitioners to marry but also previous divorces, in order to make certain that no illegal marriages had been consummated. Whenever a previously divorced petitioner had a child the order of the court with regard to the child was obtained, and if payment for support had been ordered an inquiry was made to learn whether the financial responsibility imposed by the court order had been met. It was the opinion of the State department that no new obligations should be assumed through adoption unless old responsibilities had been discharged, and it was not unusual for an adoption to be disapproved when a father had failed to support his child by a previous marriage.

Special forms were sometimes used by the States for obtaining verifications of vital statistics. These forms saved correspondence and often served the purpose as well as a certified copy of the official record. Certain advantages were gained, however, when an exact copy of a certificate could be obtained, for the original document frequently included helpful information that otherwise would not have been available.

THE SOCIAL INQUIRY

Use of the social-service exchange.

Clearance or registration with a social-service exchange has been generally accepted as the first step in any social investigation. Registration of the names of the child and the petitioners in a social-service exchange was being questioned in some of the States, the opinion being that clearance would serve the purpose quite as satisfactorily. Since adoption is a legal process by which a child becomes a member of a family group with all the duties and responsibilities that family membership entails, it was thought that registration of information about the persons involved would not be so necessary as when social or physical ills had beset a family. Even if the child or the foster family should later experience any difficulty that requires an appeal to a social agency, information about the child's status in the home should come from the family itself rather than from the social-service exchange.

A State registration bureau had been created within the State department in Minnesota to serve the State institutions as well as certain other divisions under the general jurisdiction of the State department. The names of the child and the foster parents were registered with this bureau as a matter of routine. Since registration was Statewide it was possible to obtain information about any member of the child's or the petitioner's family in rural or urban areas who had been registered by a State institution, bureau, or division under the jurisdiction of the State department. Under a cooperative plan worked out with the social-service exchange in the three largest cities of the State, further information was available through the State registration.

Provided by the Maternal and Child Health Library, Georgetown University
bureau about persons living in these cities. A State-wide exchange operated in Massachusetts, and the State department registered with the exchange the name of every child and the names of all foster parents.\(^2\)

The advantages of clearance with a social-service exchange of the names of all persons directly connected with an adoption are clear. Even though a relatively small number of these are identified, it is worth while to know of other social agencies having information that will be helpful in providing a better understanding of either the child or the foster parents. Much of the value of clearance was lost, however, when the knowledge gained through this procedure was not utilized.

**Visits to the home.**

Usually the adoption petition contains such facts as the residence of the petitioners, their marital status, their relation to the child, the name of the child and of his own parents, the child’s birth date, and the length of time he has been in the home of the petitioners. It is with this skeleton information that the representative from the State or local department prepares to visit the home of the petitioners. As a rule it was not the practice in the States visited to notify the petitioners of the intended visit. This was probably an outgrowth of a past conviction that a surprise visit enabled the visitor to see the home in its usual rather than its “company” condition. Present-day acceptance of the principle that the surface situation in a home is of less importance than the attitudes of the persons living there has led many child-placing agencies to arrange the visit to the home at the convenience of the petitioners. This prevents the possibility of making a trip when one or both of the petitioners are away and saves the foster mother the embarrassment of a visit when the house is not in order. It is possible, too, that the petitioners will be more at ease if they have had a part in setting the time of the visit.

It is a generally accepted principle that more than a single interview is needed in which to decide, even temporarily, the destiny of a child when a decision is to be made to separate him from his own home. This is an equally sound principle to follow when the adoption of a child is under consideration.

All too frequently the State departments made their reports to the court on the basis of a single visit to the home of the petitioners, in spite of the fact that a minimum of two visits to a foster home has been accepted as necessary before placement of a child in a home. Certainly when the plan has the finality of an adoption the visits to a home previously unknown should be at least equal in number to those made prior to a decision regarding placement.

Since the children who had been placed in family homes independently of an agency and who had never received agency service were of great concern to the State departments, the number of visits made to such homes during the investigation was reviewed. Information in regard to the number of visits to the homes was available for 563 of the 718 children placed independently of an agency. Forty-seven children were not included because they had had some agency service after placement and no information was available concerning the visits made to 108 children.

\(^2\) A State exchange operated in Rhode Island, but only the names of State wards and their foster parents were registered as a matter of routine. Apparently 19 of the 102 adoption cases reported to the State depart-
Two or more visits had been made to the homes in which 149 children (26 percent) were living, slightly less than a third of these homes having been visited 3 to 5 times. The proportion of cases in which 2 or more visits had been made to the home ranged from 7 percent in Massachusetts to 45 percent in California.

There is a special advantage in having both the petitioners present at the time of the initial visit to the home, particularly if this visit is the foundation upon which the investigation will be built. Later the resourceful visitor will arrange for separate interviews in order to obtain a clear-cut picture of each foster parent and to be able to draw conclusions as to the relative interest each parent has in the prospective adoption.

It was the usual practice in all the States visited to interview both foster parents together and only occasionally was a definite effort made to have separate interviews. When there was an interview in addition to the joint interview with both parents the mother was seen more frequently than the father, probably because she was more accessible. When the only interview is the joint interview it may be difficult to obtain a true picture of the place of the child in the home or of the attitude of each foster parent toward the proposed adoption, because the dominant member of the foster family leads the discussion.

The purpose of visits to the home of the petitioners is not only to obtain factual material about the foster family but also to obtain a picture of life in the foster home and of the contribution the family has to offer the child. When this is clearly understood the need for more than a single visit becomes plain. The factual data necessary to complete the information given in the petition offer a starting point from which to obtain the more specific information which is necessary in order to understand the petitioners as individuals. It is important to know the ages of the petitioners, their education, financial status, the members of their family group, and other such factual details, but it is even more important to know the kind of childhood the petitioners had, the problems they have had to face in reaching their present status, their philosophy of life, and some of the factors that have made this philosophy what it is. It is also important to know their expressed motive for the adoption and to understand their real motive.

Some indication of the relations between the members of the foster family may be obtained through observation at the time of the visit to the home, but more than a single visit undoubtedly would be necessary before any definite decision could be made about anything so subtle and involved.

The attitude of the individual members of the family toward each other and toward the child, life within the home, and the interests of the family group—all these are important when a child is to become an integral part of the home. The happy home is likely to be one in which are found affection, respect, frankness, tolerance, unity of purpose, common interests, and individual freedom. Knowledge of whether these elements exist in a home must come from close acquaintance with it supplemented by objective information obtained from outside sources. The reports of investigations in the States visited gave some evidence of attempts to evaluate these elements and of
an appreciation of their importance, but frequently detailed information was missing.

From the petitioners themselves it should be possible to obtain some information concerning their relatives and acceptance of the child by these relatives. It should not be forgotten that through the proposed adoption the child will acquire not only parents but a whole coterie of relatives. Although little evidence was found in the States visited to indicate that relatives had been interviewed, this should be considered an essential part of the investigation, particularly if the relatives are residents of the community in which the petitioners’ home is located. Relatives living in the foster home should never be overlooked in the course of the investigation. Older children of the foster parents, even when they are out of the home, have a right to careful consideration, since the child is to share with them a place in the family group. It is possible, too, that these older children may be able to describe objectively some of the assets and liabilities of the home.

Since the child in the adoptive home will have the same place in the community as though he were an own child, it is important to know the community’s attitude toward the foster parents. The exceptional child may be able to overcome community disapproval of his family group, but ordinarily the attitude of the community toward the parents is reflected in its attitude toward the child. It was, therefore, encouraging to find that the investigations for adoption usually included some information about the community standing of the petitioners. Frequently it would have been helpful in understanding the home had a more extensive description of community standing been given, particularly when the report was favorable. Outstanding liabilities were much more likely to be described than assets.

The cultural background of a home can make a distinct contribution to a child. Accordingly, some attention may well be given to the interest of the petitioners in good books, music, and art, and to evidences of refinement in the home. Some idea of these interests can be obtained through observation, and through well-directed conversation it should not be difficult to discover indications of the cultural interests of the petitioners and of their acceptance of available opportunities to extend their horizon beyond their daily routine. Even in the simplest home it is not unusual to find broad cultural interests, whereas in the most pretentious home such interests may be wholly lacking. All too often it was found, however, that the cultural background of the petitioners had been wholly overlooked in the report of the investigation, despite its importance to the child.

Child-placing agencies are beginning to require a report of a recent physical examination from applicants for a foster child. Although none of the State departments visited required such an examination and report, there has been some discussion of it in States where plans for investigations are just beginning. It is questionable whether a requirement of this kind could be enforced when the child is already in the home. However, if the petitioners have not had a recent physical check-up it probably would be advisable to try to persuade them to have one as part of the adoption investigation.
The response of the petitioners to the efforts of the visitor to obtain information on which to base a decision as to the desirability of the proposed adoption affords an opportunity to obtain an insight into the personality of the petitioners—their reactions to particular situations, their interests, antipathies, and ambitions. Relatively few of the reports in the State department gave this detailed picture of the petitioners.

It was apparent that in some of the States a tour of the whole house was made in the course of an investigation. The physical aspects of the home were carefully observed and described in detail in the report of the visit. Important as these more obvious aspects are, they are relatively unimportant when compared with the social values of the home. The house is only the shell of the home; the personalities in the home affect the life of the child, and to understand these personalities more than a single visit is necessary. Cross currents in a household are frequently not apparent until a fairly intimate acquaintanceship has been established.

The child and his background.

A child-placing agency ordinarily knows the child and his background thoroughly before placement with a family is considered, but a representative from the State or local department making an adoption investigation frequently finds it necessary to obtain the initial information about the child from the petitioners themselves. Their explanation of how they obtained the child must be detailed enough to provide further sources of information about the child and his background. The attitude of the petitioners and of the child's own parents toward each other must also be clearly understood if future misunderstandings are to be avoided.

It is essential that complete details about the child's family history be obtained if possible. It is recognized that when the child has been separated from members of his own family for a period of years judgment must be used in making direct contacts with the child's own parents or relatives. A careful inquiry should be made about them, however, and care must be taken to make certain that parental rights have been adequately protected and that there are no legal handicaps that have been overlooked in connection with the proposed adoption.

The reports of the investigations in the several States showed that usually more information was available about the child's maternal history than about his paternal history, even when the child had been born to married parents. When the child was in the home of relatives it was apparently considered unnecessary to make an intensive inquiry into his history and in such a case it was not unusual to have no information about a parent who was dead, who had deserted, or who was divorced from the parent having custody of the child.

The State departments in Alabama, Oregon, and Wisconsin reported that an effort was made to obtain the paternal history of a child born out of wedlock when it was possible to locate the father. It was also reported that inquiry about the father of a child born out of wedlock was made by the State department in California when paternity had been determined. Some information about both the mother and the father of a child born to unmarried parents was ordinarily already on file in the State department of Minnesota at the time the adoption.
was referred, but even in this State the information about the child’s paternal history was frequently limited. Specific information about the physical and mental condition of the child’s own parents is important, particularly when the petitioners are without this knowledge, but the records usually failed to include such information. However, it is probable that outstanding handicaps were recorded, although information about physical liabilities were frequently limited to statements concerning the presence of venereal disease.

Although it is generally accepted that the child who is to be adopted must be physically fit, information about the child’s physical condition was frequently not recorded. The State department in Alabama was the only department visited that made it a rule to have a medical examination of children who were subjects of adoption petitions. A report of the examination, which was usually made by the family physician of the foster parents, was filed in the child’s adoption record. A report of a Wassermann test was required, but otherwise only the most obvious health difficulties were noted.

For the child who has been under the regular care of a physician during his residence in the home of the petitioners a routine medical examination as part of the adoption investigation would seem to be of little practical value. On the other hand, when the child has not had such regular medical attention it is important that he be given a thorough examination even though he is related to the petitioners. Such an examination should be urged for protection of the petitioners as well as the child.

The use of the mental examination as an aid in determining a child’s placement possibilities has already been discussed. It can play its part in the adoption investigation, too, if used judiciously. If an infant’s history raises any doubt about his future development, every effort should be made to persuade the foster parents to delay action until an evaluation of the child’s mental possibilities can be obtained. Should the examination indicate that the child is not mentally suited to accept the opportunities offered by the foster home, it should be considered the responsibility of the person making the investigation to interpret the findings to the foster parents and to make certain that they are aware of the responsibilities they would be assuming by adopting the child. In the case of an older child, some indication of mental ability may be obtained from school records, but a mental examination may help in gaining a better understanding of the child and in interpreting his needs to the foster parents. The mental examination, like the physical examination, should be used purposefully if full value is to be derived from it.

No hard and fast rules can be laid down as to what should be included in an adoption investigation. Certain general standards of procedure may serve as a guide, but the plan for each investigation must depend on the circumstances involved. At no time should the procedure be permitted to become routine; otherwise the purpose of the investigation is likely to be obscured by the necessity for gathering routine information. Just as each child is an individual, so each adoption investigation must be planned individually.
Use of references.

It was the policy in the States visited to obtain reports from persons given as references before approving the adoption. In some of the States the requirement was made that a specific number of persons be interviewed; for example, three persons recommended by the family and five other qualified persons. Any plan for the use of references should be as flexible as possible, as no sound rule can be made for the selection of persons to be interviewed. The decision whether any persons should be seen in addition to those suggested by the foster parents and who such persons should be, must be made on the basis of the need for supplementing information in each investigation. The welfare of the child must be the primary consideration; and it is, therefore, important that persons used as references be sufficiently well acquainted with the foster home to see and understand its assets and liabilities.

Statements of persons used as references must be considered in relation to their competency to evaluate the foster home and the situation under discussion. It is important also that the worker making the investigation spend enough time on the interview and be skillful enough in the interpretation of statements made to be able to understand what is back of them. The person who cannot be objective when his friends or family are under consideration is of little value as a reference. On the other hand, an objective relative may be the best possible reference. The credit rating of a socially prominent family may be more illuminating than the opinions of friends known only through social contact. The information that a petitioner has fitted up a workshop in his basement for the use of neighborhood boys and spends many evenings working with them may be worth much more than the knowledge his banker has about him.

The family physician, when he really knows a foster family, may be a very valuable source of information. Not only can he give specific information about the health of the members of the family but he can also evaluate the mental attitude of the family toward questions of health and toward actual health situations in the family group. The family physician had been used as a reference in nearly half the cases investigated, but too often the interview with him yielded little more than a general statement which was inadequate for obtaining any specific understanding of the health aspects of the foster home.

In only a few cases did a report indicate that the family physician had been asked for an explanation of the failure of the foster parents to have children of their own. It is recognized that physicians may hesitate to give out medical information they consider confidential, but this difficulty can often be obviated by obtaining a note from the petitioners authorizing the doctor to give complete information.

The family pastor was frequently used as a reference. The pastor of a large urban church may know little or nothing about his parishioners as personalities or about their home life, but his records will probably show whether they contribute to the church, and he may know something of their church attendance. On the other hand, in the rural or semirural areas, where the church is an integral part of the community life, the pastor may be in an excellent position to make an estimate of the advantages or disadvantages of a foster home.

Well-selected references can be a distinct asset in the evaluation of a foster home, but skill is needed to conduct profitable interviews.
with persons given as references. Frequently the person interviewed does not understand what is expected of him, and his loyalty to the petitioners expresses itself in a desire not to say anything that will be to their discredit. Time and intelligent direction of the conversation are needed to obtain more than superficial opinion. The records in the State departments visited frequently did not indicate the processes by which references had been evaluated nor the skill that had been exercised in the interviews. Such general statements as "recommends family," "approves adoption," "fine family," gave little indication of whether the quality of the reference or the type of inquiry made.

Although it is probable that there are relatively few foster-home placements in which the status of the child is unknown to the relatives and friends of the foster parents, it is important to know the attitude of the foster family toward outside inquiries before these are made. It may be necessary to inform the family of the advantages of telling the child of his position in the home and the folly of trying to keep this knowledge from the community. However, if the family is still unwilling to have the plans for adoption known, the imaginative worker will be able to find sources of information which will not violate the family's desire for secrecy and yet will make it possible to protect the interests of the child.

Written statements from persons given as references had not been generally used in the States, although the State department in California obtained such statements before the investigation was made. Occasionally petitioners could be persuaded to give up the plan for adoption on the strength of these statements, but, except when this occurred, written statements were not considered a substitute for personal interviews. Correspondence with persons suggested as references had been used as a preliminary procedure by some child-placing agencies, which found that through such correspondence they were frequently able to determine whether it was worth while to proceed with an investigation. Since few persons will put in writing unfavorable information about an acquaintance or a friend and since the opportunity to evaluate the competence of the person used as a reference is lost in a written statement, personal interviews should always be used when possible.

The relative emphasis to be given in an investigation to intensive study of the family and what it can offer to the child and to information about the family obtained from other sources has been discussed at various times. The opinion of one writer was that "it is the inside, and not the outside, story which we care most about learning." 23 Another writer has stated that the use of independent references not offered by the family had been completely abandoned by one large child-placing agency and that the whole practice of interviewing references was considered a waste of time to be better used in learning from the foster parents themselves their attitudes and their motives in seeking a child. 24

Acceptance of such a principle presupposes the employment of persons with special qualifications, including a thorough understanding

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of the psychology of human behavior, which will enable them to make the most of every interview with the family. It also means that there must be sufficient time for repeated interviews on which to base a decision. The final decision on the value of an adoption should not be the sole responsibility of the worker who has made the investigation but should be made only after consultation with other members of the staff and after a careful discussion of all the elements involved.

**TIME REQUIRED FOR THE INVESTIGATION**

At the time the adoption cases included in the study were referred to the several State departments (1934), three of the nine States had limited by law the time allowed for the investigation. Thirty days were allowed in Massachusetts and Wisconsin, and 20 days in Oregon. The laws of Minnesota, New Mexico, North Dakota, and Rhode Island required that the report of the investigation be made as “soon as practicable,” although in New Mexico this must be within 6 months. There was no limitation in the California law in 1934. Although no time limit had been set by the statutes in Alabama, the State department itself had set 60 days as the time within which the “thorough investigation” required by the statutes could be made.

Table 22 shows the time required for making the investigation and preparing the report for the court in cases referred to the State departments during 1934. In a majority (62 percent) of the cases in which a report was made, the report was returned to the court in less than a month’s time after the petition was received. In contrast, the reports in 11 percent of the cases were not returned to the court until 6 months or more after the filing of the petition. These long-delayed investigations were almost invariably investigations of independent placements, and in a large proportion of the cases the State department was responsible for the investigation.

**TABLE 22.—Time between receipt of petition by the State department and report to the court, by States**

<table>
<thead>
<tr>
<th>State</th>
<th>Total</th>
<th>Less than 1 month</th>
<th>1 month, less than 2</th>
<th>2 months, less than 3</th>
<th>3 months, less than 6</th>
<th>6 months, less than 1 year</th>
<th>1 year or more</th>
<th>Time not reported or no report made</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall</td>
<td>2,041</td>
<td>1,117</td>
<td>266</td>
<td>87</td>
<td>116</td>
<td>105</td>
<td>87</td>
<td>240</td>
</tr>
<tr>
<td>Alabama</td>
<td>152</td>
<td>46</td>
<td>36</td>
<td>15</td>
<td>15</td>
<td>17</td>
<td>15</td>
<td>23</td>
</tr>
<tr>
<td>California</td>
<td>387</td>
<td>387</td>
<td>37</td>
<td>15</td>
<td>26</td>
<td>24</td>
<td>29</td>
<td>69</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>289</td>
<td>283</td>
<td>60</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>3</td>
<td>37</td>
</tr>
<tr>
<td>Minnesota</td>
<td>279</td>
<td>160</td>
<td>31</td>
<td>25</td>
<td>57</td>
<td>27</td>
<td>9</td>
<td>73</td>
</tr>
<tr>
<td>New Mexico</td>
<td>25</td>
<td>2</td>
<td>2</td>
<td>3</td>
<td>10</td>
<td>7</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>North Dakota</td>
<td>55</td>
<td>37</td>
<td>8</td>
<td>1</td>
<td>4</td>
<td>4</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Oregon</td>
<td>105</td>
<td>119</td>
<td>40</td>
<td>13</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>162</td>
<td>92</td>
<td>8</td>
<td>7</td>
<td>3</td>
<td>3</td>
<td>1</td>
<td>15</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>206</td>
<td>76</td>
<td>35</td>
<td>16</td>
<td>21</td>
<td>22</td>
<td>7</td>
<td>29</td>
</tr>
</tbody>
</table>

Provided by the Maternal and Child Health Library, Georgetown University
Reports on adoptions resulting from agency placements which merely required a review by the State department were ordinarily sent out within a few days after the notice of the pending adoption was received. Of 653 such placements in which the time between referral to the State department and the report to the court was given, 545 (84 percent) were made within less than a month's time.

The approval of the State department for an adoption sponsored by an agency in California and in North Dakota ordinarily preceded the filing of the adoption petition. The adoption agency in California and the petitioner's attorney in North Dakota submitted the approval of the State department to the court at the time the petition for adoption was presented. This meant that occasionally some time elapsed between the time approval was given and the date when the petition was heard and the adoption decree entered. Unless the agency remained in close touch with the foster family during this time, it would have been possible for the petition to be granted on the basis of the recommendation made several months before despite the fact that the situation had changed materially.

It was the general opinion in the 3 States where a time limit had been set for the investigation that sufficient time had not been allowed to make an adequate investigation, particularly when it was necessary to make inquiry in remote sections of the United States or in foreign countries. The State department in Massachusetts, however, had been very punctilious about making its report within the 30 days set by the law, even though this sometimes meant that certain important details remained unexplained. Although there was a small proportion of the cases in this State in which the report to the court was not made within the 30 days, it was a rare occurrence when more than 3 or 4 additional days were used. In Oregon 119 of the 180 investigations were made in less than a month (table 22), but only 85 were completed within the 20-day time limit. Sixty-one investigations, one-third of the total number reported, required 30 days or more. That delay is sometimes justifiable is illustrated by 3 cases in Oregon. The reasons for delay in these cases were: to permit additional time to judge the suitability of the home after the recovery of the mother from a physical and mental breakdown; to make possible a trial period before the adoption; and to give the natural parents an opportunity to reestablish their home so that they could have the child with them.

A month or more had elapsed between the time the petition was received by the State department in Wisconsin and the time the report to the court was made in 101 of the 177 investigations for which time was reported. In 16 cases the report was made in 10 days' time or less after the 30 days allowed by the statute, but in 29 cases 6 months or more had elapsed. Typical reasons for delay in Wisconsin were: (1) The necessity for additional time to make inquiries outside the State, (2) a desire to have paternity established before the adoption was granted, (3) additional time to permit the foster family to recover from an economic slump, (4) the need for further study of the child, and (5) the necessity for a period of supervision of the foster home.

A comparison of the time required for the investigation in the States having a time limit and those not having a time limit showed some differences. These differences could often be explained by the situa-
tion in the State during the year of the study, such as the reorganization of the State departments in Alabama, California, and New Mexico.

There is doubtless some value in a requirement limiting the time of the investigation, provided the time set is not so short that it will hurry the investigation to a point where its quality will suffer. The necessity for making the report within a specified time encourages prompt action by the State department, but 60 to 90 days is probably ample time for most cases, and provision can be made in the statute for a grant of additional time by the court at the request of the State department. Such a request should be accompanied by a statement giving the reasons why the investigation cannot be completed within the time allotted.

**THE REPORT TO THE COURT**

The purpose of the report to the court is to supply the judge with factual information so interpreted that he may have a clear but unbiased understanding of the entire situation surrounding the proposed adoption to assist him in making his decision. This factual information is obtained from data made available through a special investigation or through information provided by an authorized child-placing agency that has had the child under its care and that has full knowledge of the foster home, the child's background, and the adjustment of the child in the home.

No clear policy had been developed in the States visited regarding the type of report that should be submitted to the State department by agencies sponsoring adoptions. Usually a child-placing agency made a report of the foster home and of the child's history on forms prepared by the department, and occasionally these forms were supplemented by additional narrative reports. As a result, many reports submitted to the courts on adoptions sponsored by agencies gave the approval of the State department to the adoption but only a limited amount of descriptive information. There seems little need for this situation, since an agency that has placed and supervised the child in the home has a wealth of information for the preparation of a report to the State department that would show the present situation, the child's background and reasons for separation from his parents, the evidence of adjustment of the child and foster family, and the contribution of the home to the child. Such a report would give the State department a sound basis for its approval and could serve as the report to the court if prepared according to an established form.

**CONTENT OF THE REPORT**

The report to the court is one of the most important parts of the adoption procedure. It affords the State department an opportunity not only to present to the court the information obtained in the investigation but also to interpret the principles and policies involved in satisfactory adoption practices. It was disappointing, therefore, to find that the reports to the court in the States visited often contained little more than a recital of uninterpreted facts which in themselves had relatively little meaning.
It was clear that the interpretative value of the reports to the court had not been generally recognized. Through these reports it should be possible to give the courts a clearer understanding of the social problems involved in adoption and of the underlying elements in family situations that contribute to or jeopardize the welfare of the child. The general situation in two cases may appear the same, yet on the basis of the intrinsic value of the adoption to the child the recommendations of the State department may be different in the two cases. Unless the constructive features of the approved case are so clearly shown that the negative features of the other case are evident, the court may easily question the recommendations made in these cases.

On the whole, reports to the court were relatively short, on the theory that the court would not want to read a long, involved report. The statutes of Alabama specified that the report show: (1) Why the natural parents, if living, desired to be relieved of the care, support, and guardianship of such child; (2) whether the natural parents had abandoned the child or were morally unfit to have its custody; (3) whether the proposed foster parents were financially able and morally fit to have the care, supervision, and training of the child; (4) the physical and mental condition of the child insofar as this could be determined. The form prepared for the reports to the court in Alabama contained little specific information about the situation but stated that “a full report of the investigation is on file in the office of the State Department of Public Welfare.”

In Minnesota the report to the court for approved petitions contained almost no specific information, but more detailed reports were prepared for disapproved cases. No additional information accompanied the reports sent to the rural courts, but the court was formally notified that a “complete report” of the investigation was available in the files of the State department. On the other hand, reports sent to urban courts were accompanied by a form which provided a few specific details about the foster parents and the physical aspects of the foster home.

Narrative reports of one to five pages were prepared for the use of the courts in the other States. These were not generally drawn up in topical form, although they were sometimes subdivided with the information about the child, the natural parents, and the petitioners grouped together so that this information could be located with relative ease.

As a rule, unfavorable reports were fairly explicit as to the reasons why an adoption should not be allowed, but specific reasons for favoring an adoption were rarely included in a report.

Recommendation.

The adoption laws of five of the States visited required the State department to make a definite recommendation to the court. Although the Alabama law required only that the State department report its findings “in writing,” apparently it was expected that the report would contain a recommendation, since the department was

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(2) Appendix, pp. 121-129, contains samples of reports on approved adoptions submitted to courts in three States.
SERVICES OF THE STATE DEPARTMENT

authorized to move for a dismissal of the petition if the report disapproved the adoption.33

Until 1935 the State department in Massachusetts carefully omitted specific recommendations from its reports, although it was usually not difficult to determine whether the department considered an adoption desirable; in that year, however, the reports became more specific, and although the word "recommendation" was still not used, a discerning court could have little doubt about the attitude of the department toward the proposed adoption.

The adoption law in Oregon authorized the State child-welfare commission to file with the court "such information regarding the status of the child and evidence as to the suitability of the proposed foster home" as it cared to submit.34 Accordingly, the commission exercised great care not to make a specific recommendation. Instead, a fairly comprehensive report was sent to the court, and when the commission was of the opinion that adoption was desirable the following statement was usually made: "The Child Welfare Commission has investigated this home and believes that it offers opportunity for affection, education, and security for this child." On the other hand, in a report on a petition not recommended by the commission, a statement such as the following might be included: "The Child Welfare Commission respectfully raises the question whether it may not serve the interest of this child to remain a ward of the court instead of becoming the legal son of the petitioners."

The Wisconsin statutes provided that the report to the court should contain only a statement of the facts as disclosed by the investigation, showing that the investigation included "an actual inspection of the proposed home" and "a careful personal inquiry" as to its suitability.35 Although the State department did not exceed its authority in this respect, its reports left little doubt about its opinion as to the desirability of the adoption.

Reports on adoption sponsored by private agencies.

In some of the States a different method of reporting was used for adoptions sponsored by agencies. For instance, in California reports on agency adoptions merely indicated that the adoption had been approved. The reports on agency adoptions in Oregon were much less detailed than those for adoption of children placed independently and stated clearly that they were based on information received from the agency and not on an independent investigation.

The State department in Massachusetts did not report on adoptions sponsored by "any charitable corporation" because these did not come under the plan developed for other adoptions in the State.

It was the practice of the child-placing agencies in Massachusetts and California, however, to have a representative present at the adoption hearing to answer any questions raised by the court. The statutes in these States did not require child-placing agencies to make a written report to the court, and apparently neither the State department nor the agencies had recognized any advantage in such reports.

On the other hand, a written report was required for every adoption in Wisconsin, and as the agency placing a child in a foster home was usually designated by the court to make the investigation before

35 Wisconsin, Stat. 1939, sec. 322.02 (1).

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adoption, it was also responsible for the report. No uniform plan was followed in the preparation of the reports at the time the study was made, but each agency was expected to follow the general instructions of the statutes for reports to the court.

Agencies placing children for adoption miss an opportunity to interpret their policies to the court when they have no plan for making written reports to the courts on the adoptions growing out of their placements.

**Preparation of the report.**

It was the practice in New Mexico, Oregon, and Wisconsin to have the report to the court drawn up by the worker making the investigation, subject to review by the supervisor of adoptions. In Alabama the district worker of the State department ordinarily prepared the report even when the investigation had been made by a local county-welfare superintendent. In California a district worker of the State department not only made the investigation but also prepared the report for the court. The entire responsibility for the report was assumed by the district office when the adoption was approved, but if it was recommended that the petition be denied and there was any controversy about the recommendation either with the petitioners or with their attorney, the case was usually discussed with the supervisor of adoptions before the final report and recommendation to the court was made. Reports from the State department in Rhode Island were prepared by the director of the children's division in the State department after a conference with the adoption worker. In Massachusetts, Minnesota, and North Dakota the report to the court was prepared by the person responsible for supervision of adoptions in the State department program.

Although there is a decided advantage in having all reports sent to the court from a central State authority, the preparation of the report may well be delegated to the qualified State or local worker who has made the investigation. It is important that the report give a clear and concise picture of the findings, together with an interpretation of the most significant facts. The final decision about the substance of each report to the court should rest with the supervisor of adoptions.

The report to the court was signed by the director of the State welfare department or the chairman of the administrative board directing the department in Minnesota, North Dakota, Rhode Island, and Oregon and by the secretary of the administrative board in Wisconsin. The name of the director of the State department was typed on each report in California, although the signature of the supervisor of adoptions and sometimes that of the worker making the investigation also appeared. The director of the division responsible for adoption investigations signed the report to the court in Massachusetts and New Mexico, but in New Mexico the report was also signed by the worker making the investigation. At the time of the visit to Alabama, reports to the court were signed by the district field representative who was responsible for supervision of the local worker making the investigation, but shortly afterward the plan was changed and the reports were signed by the director of the Department of Public Welfare.

There is considerable value in having the report to the court signed by the director of the State department. This practice not only lends prestige and official approval to the document but also implies
that the recommendation will have the support of the department if it is questioned. It is also possible that greater interest in adoptions and adoptive practices will be stimulated by having responsibility shared with the administrative director of the department in which the adoption division is located.

**DESIRABILITY OF THE ADOPTION**

Factors entering into the appraisal of an adoption.

In determining the desirability of an adoption many points must be taken into consideration, such as the desirability of the home and its suitability for the child, the ties of affection that have already been established between the child and the family, whether adoption is a desirable plan for the child, and whether there are physical or mental disabilities of either the child or the petitioner that might affect the future family relationship. When the total situation in an adoption was obviously desirable or undesirable, it was comparatively easy to arrive at the opinion of the State department in the adoptions studied even in the States that did not require that a definite recommendation be made to the court.

The State department apparently had hesitated to make unfavorable recommendations when investigations showed some desirable elements in proposed adoptions. As a result, only a small number of the adoption petitions had been definitely disapproved either by specific recommendation or by a clear presentation of the undesirable features of the adoptions. Therefore, in order to evaluate the adoptions the data given in the reports to the court and in the reports of the investigations were reviewed by the representatives of the Children's Bureau. On the basis of this information the adoptions that had been apparently approved by the State department were further classified as desirable, satisfactory, or approved with reservations. Although the evaluations of many situations were based on the opinions of the persons who prepared the reports, others were based on the judgment of the representative of the Children's Bureau who evaluated the data given in the reports.

Adoptions were considered "desirable" when it appeared that adoption was the best plan for the child and when the adoption seemed destined to succeed because of specific elements in the family life and because the child and the petitioner were evidently suited to each other. In a "satisfactory" adoption the chances for success were less positive but the situation had certain value for the child. An adoption "approved with reservations" was one in which, although definite liabilities had been recognized, these were not sufficient to warrant disapproval.

When a child had been in his foster home long enough to make a place for himself, an adoption might be classified as "satisfactory" even though the foster parents were older than was ordinarily considered advisable, the child's heritage was doubtful, or the family income was marginal. Frequently the "satisfactory" adoptions were those in which a stepparent or grandparent was the petitioner. In some cases it was presumed that the situation was satisfactory, although there was little information on which to base a judgment except the absence of any outstanding disadvantages. The following cases illustrate some of these situations.
This adoption, classified as satisfactory, would have been considered desirable had it not been that the foster mother died soon after the petition to adopt was filed. The foster father and his stepson, aged 16, were devoted to the child, who had been in their home for some 2 years, and the assets of the family apparently overbalanced the serious disadvantage of the absence of a mother.

A child born out of wedlock to a high-school girl had a heritage which promised exceptional development, but in spite of this he was placed in an average home. The foster parents were of good character but somewhat slow and plodding. They were devoted to the child and gave him excellent physical care, but it was doubtful whether they would recognize his full potentialities or be able to offer him an opportunity to develop them to the fullest extent.

Two sisters had been placed in a foster home when they were 6 and 9 years of age, respectively. The natural parents had a poor reputation—both were considered immoral and the father had once been in the penitentiary. The foster home was selected because it was similar to the one in which a brother had been placed. The foster home was simple, and the foster parents had moderate means. Little would be expected of the girls academically. In the 4 years they had been in the foster home both girls had made good adjustments.

Adoptions classified as "approved with reservations" included those in which situations such as the following were found: The child and the foster parents were of different religious faiths; question had been raised about the mental or physical heredity of the child; there was a great discrepancy in age between the child and one or both foster parents; the economic situation of the foster parents was not satisfactory; separation of the child from his mother or other relative did not seem advisable; a question had been raised about the behavior of the foster parents.

A baby girl born out of wedlock to an Italian schoolgirl with an intelligence quotient of 74 was placed by an agency at the age of 3 months. The mother was a Catholic, but the child was placed with a Protestant American family. A petition was filed after the child had been in the home for about a year and a half. The foster father was in the Navy and had an income of about $1,300 a year. The petitioners were reported to be thrifty and ambitious, but they moved about a great deal and had no social life in the community. The adoption was approved, but the State department had distinct reservations about it because of the financial condition of the petitioners, their unstable home life, and the difference in the nationality background and religion of the petitioners and the child.

Reports on the desirability of the adoption.

Table 23 shows the opinion of the State department with regard to the desirability of the adoptions. The large number of disapproved petitions in Massachusetts needs some explanation. Since no specific recommendation to the court was made in this State it is probable that the reports were more specific with regard to undesirable situations than those in States requiring a recommendation, but there are two other factors that enter into the situation. As was shown in table 22, a report of the investigation of a petition was always returned promptly to the court in Massachusetts, whereas in some of the other States this was often long delayed, the delay in many cases being due to the work being done to persuade the petitioners to give up the plan for adoption. Another factor that may have affected the number of disapprovals was the large proportion of independent placements of children for adoption made in this State.
TABLE 23.—Report to the court as to desirability of adoption of children for whom petitions were filed, by States

<table>
<thead>
<tr>
<th>Report to the court as to desirability of adoption</th>
<th>Children for whom petitions were filed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>Alabama</td>
</tr>
<tr>
<td>Total</td>
<td>2,041</td>
</tr>
<tr>
<td>Adoption approved</td>
<td>1,604</td>
</tr>
<tr>
<td>Desirable</td>
<td>910</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>263</td>
</tr>
<tr>
<td>With reservation</td>
<td>152</td>
</tr>
<tr>
<td>Not classified</td>
<td>106</td>
</tr>
<tr>
<td>Deferral of action advised</td>
<td>21</td>
</tr>
<tr>
<td>Adoption not approved</td>
<td>82</td>
</tr>
<tr>
<td>No report made</td>
<td>327</td>
</tr>
</tbody>
</table>

* Includes 20 cases handled by the State school for which a report was not required.

The 327 cases in which no report on the desirability of the adoption had been made by the State department present many interesting situations. In 88 cases no recommendations were necessary; 36 petitions sponsored by agencies in Massachusetts and 28 petitions sponsored by the State Public School for Dependent Children in Minnesota were not referred to the State department, the remaining 24 petitions being referred to the State department of Wisconsin only for consent to the adoption. In 34 cases in Minnesota, North Dakota, and Oregon an investigation had been formally waived by the courts (see p. 61) and accordingly no recommendation was necessary. In 61 California cases a recommendation had been made to the court to dismiss the case or to take it "off the calendar," these being cases in which the petition was withdrawn or no response had been made by the petitioners to a preliminary questionnaire sent by the State department. The remaining 144 cases included: Petitions that were to be withdrawn, petitions that had been granted before the investigations had been completed and the report sent to the court, a few cases in which the report to the court gave no information on the desirability of the adoption, and cases in which no report had been made to the court.
THE COURTS

JURISDICTION

Jurisdiction over adoption cases had been given to the probate court in three of the States visited. In four States a court of general jurisdiction, which heard cases in both law and equity, including civil and criminal actions, had jurisdiction over adoptions, although in North Dakota "a county court of increased jurisdiction" also had concurrent jurisdiction. In Oregon the county court, a combined judicial and administrative body, had jurisdiction over adoption cases in all but three counties, where this had been given to a court of general jurisdiction. The superior court, a court of general jurisdiction and limited appellate jurisdiction, had jurisdiction in adoptions in California.

The quality of the service of any court is to a great extent dependent upon the qualifications demanded of the judge who presides over the court. Differences were found in the qualifications for judges of probate courts in the three States placing jurisdiction in these courts.

The Massachusetts State Constitution provided that "all judicial officers," including probate judges, "should be nominated and appointed by the Governor by and with the advice and consent of the council." No specific qualifications had been set forth in the law, but appointments were made for life and it had been the practice to appoint as probate judges men of standing in the legal profession.

A probate judge in Alabama was elected for a term of 6 years; he was required to be a citizen of the State and a resident of the county from which he was elected for a year preceding his election. Since legal training was not required, it was not strange that many probate judges in Alabama were not members of the bar.

The town council of each town in Rhode Island sat as a probate court, unless the town meeting had delegated to the council the power to elect a judge of probate. A report for the year 1935 showed that a judge of probate had been elected in 18 of the 39 cities and towns in Rhode Island. The municipal court in Providence had been designated as the probate court. This was the only city in the State having a full-time probate judge. He was required to be a member of the bar and was elected by the city council for a 6-year term.

Probate matters occupied so little of the judges' time in other cities and towns where probate judges had been elected that it was not

5 California, Peer's Civil Code 1928, sec. 226, as amended by Laws of 1909, ch. 146.
6 Massachusetts, Constitution, art. 1, sec. 1; 2 Mass. Const., art. 1, sec. 1.
7 Alabama, Constitution, sec. 139, sec. 135; Code 1922, sec. 6572.
8 Rhode Island, Gen. Laws 1939, ch. 568, sec. 3-3.
11 Rhode Island, Laws of 1939, ch. 1444.
unusual for them to conduct a private law practice. The term of office for a probate judge outside Providence was not specifically set in the law, but presumably it lasted as long as that of the town council which had elected him. The statutes provided that a town meeting be held annually or biennially “as required by law in each town” and that the members of the town council elected at the town meeting hold office “until the next election of town officers.” 11 The usual term of office for a judge of probate was apparently 2 years, although reappointments had been frequent.

The courts hearing adoption cases in Minnesota, New Mexico, and North Dakota were the “district courts,” which served a judicial district composed of 1 or more counties. Nineteen judicial districts with 51 district judges had been established in Minnesota; 6 districts with 15 judges had been set up in North Dakota; and in New Mexico there were 9 districts with 9 judges. District judges in these 3 States were required to be “learned in the law”; they were elected for a term of 6 years in Minnesota and New Mexico and 4 years in North Dakota.

In North Dakota a “county court of increased jurisdiction” having concurrent jurisdiction over adoptions could be established by a vote of the people in a county having a minimum population of 2,000 persons upon presentation to the county commissioners of a petition signed by at least 20 percent of the qualified voters and taxpayers of the county.12 Five counties in the State had provided for such courts at the time the visit to the State was made (May 1936), but only 1 of these made a practice of hearing adoption cases. The county judge was elected for a term of 2 years and was required to have the same qualifications as those for the district judge, except that he had to be a resident of the county at the time of his election.13

The court with responsibility for adoptions in Wisconsin was the “county court.” It was presided over by a county judge elected for a term of 6 years. Apparently the only qualification for the county judge in counties having a population of less than 14,000 persons was residence in the county, but in counties with a population of more than 14,000 the judge was required to be an attorney.14

The judge of the “county court” in Oregon was elected for a 4-year term and was required to be a resident of the county from which he was elected.15 In three counties where judicial functions of the county court had been transferred to the circuit court through special legislative action, the judge was elected for a 6-year term and was required to be an attorney.16

The California Constitution required that each county in the State have at least one superior-court judge elected for a term of 6 years.17 A superior court judge was required to be a resident of the State for 5 years and of the county for 2 years preceding his election; he had to be admitted to practice law before the State supreme court

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11 Rhode Island, Gen. Laws 1938, ch. 330, sec. 1; ch. 332, secs. 1, 15.
12 North Dakota, Comp. Laws 1933, sec. 5926.
13 North Dakota, Constitution, secs. 110, 111. Sec. 107 (error) states that the district judge must be “learned in the law, be at least 25 years of age, and a citizen of the United States,” or a resident of the State at least 2 years preceding his election, or at the time of his election be an elector within the judicial district for which he is elected.
14 Wisconsin, Stat. 1939, secs. 253.01, 253.02.
17 California, Constitution, art. VI, secs. 6-9.
at least 5 years before his election and was required actually to have practiced law in the State at least 5 years.\textsuperscript{18}

The legislature had authority by a two-thirds vote to decide the number of judges a given county should have. Los Angeles County had 50 superior-court judges, San Francisco County had 16, Alameda County had 9, San Diego County had 6; 2 other counties visited had 4, 2 counties had 3, 1 had 2, and 2 counties had only 1 judge.

In counties having more than one judge the presiding judge was sometimes selected to hear adoption cases; in other counties it might be the judge hearing probate matters, the judge assigned to hear juvenile cases, the judge selected by the attorney for the petitioners, or the judge with the greatest amount of time at his disposal, depending upon the precedent established in a given county.

In all the States visited except Massachusetts and Rhode Island the court hearing adoption cases also served as the juvenile court in one or more counties of the State, although the juvenile court had not been given specific jurisdiction over adoptions in any of the States visited. The probate courts in Alabama served as juvenile courts, except in those counties in which special courts having exclusive jurisdiction over children had been established by act of legislature. Accordingly, the court to which jurisdiction over adoptions had been given also acted as a juvenile court in all but eight counties of the State.

The superior court sat as a juvenile court in California, and when there were several judges in a county it was the duty of the judges to designate a judge to hear juvenile cases.\textsuperscript{19} One judge served in each of 38 counties, however, and heard all matters brought before the court, including adoptions and juvenile cases. Information about the practice in all of the remaining 20 counties was not obtained, but in 6 of the 8 counties in this group visited, adoptions were generally referred to the judge hearing juvenile cases. A definite plan had not always been established in the counties, but a generally accepted practice had grown up. For instance, one judge who regularly heard juvenile and probate matters said he heard the adoption cases because he had more time than some of the other judges. Another said that although adoption cases had not been assigned to any of the 4 judges in his county, most of them were brought to him because he handled other cases involving children. Los Angeles County was the only county where adoptions were heard by a judge whose work was limited to juvenile cases.

Adoptions were heard by the judge of the juvenile court in only one Minnesota county, where legislation provided that in the election of judges of the district court one should be designated as judge of the juvenile-court division.\textsuperscript{20} It was the practice to refer adoption cases to this judge even though technically they were not heard in the juvenile court. Adoption cases were rotated in the other counties served by more than one district judge.\textsuperscript{21}

\textsuperscript{18} California, Code of Civil Procedure 1937, sec. 157.
\textsuperscript{19} California, Welfare and Institutions Code 1937, secs. 571-572.
\textsuperscript{20} Minnesota, Mason's Stat. 1927, sec. 8638, as amended by Laws of 1931, ch. 250.
\textsuperscript{21} Minnesota, Mason's Stat. 1927, sec. 8637, as amended by Laws of 1933, ch. 184, provides that the district court in counties having more than 40,000 inhabitants, except in the seventh judicial district, shall function as a juvenile court. This applies to 4 counties—Hennepin, Ramsey, St. Louis, Ottertail.
District courts in North Dakota and New Mexico were authorized to sit as juvenile courts. Accordingly, although adoptions were heard in the district court, they came before the same judge as though they were within the jurisdiction of the juvenile court.

In Multnomah County, Ore., adoption cases were heard by the circuit court sitting as a court of domestic relations, which also heard juvenile cases. In two other counties, where no provision had been made for a court of domestic relations, the same judges heard all types of cases coming before the circuit court, including adoption cases.

The county judge had been designated as the judge of the juvenile court in 44 of the 71 counties in Wisconsin; in these counties juvenile cases and adoption cases were the responsibility of the same judge.

Effective work in adoption cases appeared to be dependent upon the interest and understanding of the judge hearing the case rather than upon the type of court in which jurisdiction was vested. Considerable criticism was voiced in some of the States visited because judges hearing adoption cases were not attorneys. It is, of course, important that the court hearing adoption cases be presided over by a judge who has intelligence and integrity, but if he also has a social mind, and is clear thinking and willing to ask and accept advice, legal training may not be essential. Indeed the judge who is not bound by rigid rules and practices may be able to hear an adoption case as a human problem and to make his decision on the basis of the best interests of the child.

The question of jurisdiction in adoption cases is of minor significance if (1) provision has been made for investigation of adoption petitions under the general direction of a State agency and (2) the legal status of the child has been settled before adoption proceedings are held.

Indeed the question has been raised whether adoption is “a truly judicial procedure and whether what the social workers desire is not rather a permanent record of a conclusion reached on the basis of sound and thorough social diagnosis of the interest of the natural parents, the adopting parents, and the child. Discussion along these lines may justify the conclusion that those States which rely on a procedure not unlike that of the deed, if the registration of the transfer is preceded by sound and thorough social inquiry, have a procedure which can be made to serve the interests of those concerned more truly than any ostensible judicial procedure based upon the false hypothesis of an issue. As a matter of fact, no adoption should result where there is an issue. The true issue arises with reference to the competence of the natural parents. The question of their unfitness presents a real issue. That question having been determined, the question of adoption becomes chiefly a matter of sound social practice.”

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23 Wisconsin, Stat. 1909, sec. 46.01 (2), provides that the judges of the courts of record in each county shall annually designate one of their number to serve as juvenile judge.

CONSENT TO ADOPTION

CONSENT OF PARENTS

Since the enactment of the first Massachusetts adoption law, adoption laws enacted in the United States have generally recognized that consent of the parents or other persons legally responsible for the child is important. Under the common law the father of a minor child born in lawful wedlock was entitled to his child’s services and earnings as well as to his custody. By inference or by express provision, the States of the United States, with few exceptions, have provided that the rights of the mother and father to the services and earnings of the child are equal. The common law considered the child born out of wedlock as “filius nullius” (nobody’s child) and gave him none of the rights or privileges ordinarily accompanying the parent-child relationship. Modern statutes, however, have given the mother of the child born out of wedlock the right of custody and the duty of support, with the attendant right to the services and earnings of her child.

Even under the common law, the English courts exercised the right to remove a child from the custody of his father in exceptional circumstances, but this was rarely done. The power of the court has been greatly expanded by legislation in the United States, however, and the statutes of every State have authorized the courts to remove a child from the custody of both parents under certain specified conditions. Through an adoption action, however, a parent who has not otherwise lost parental rights to his child voluntarily gives up the right to custody, earnings, and services. Accordingly consent is an essential element in the adoption proceeding.

Legal provisions affecting consent of parents.

The consent of the parents (or surviving parent) of the child born legitimately and of the mother of the child born out of wedlock was required in all the States visited, except when otherwise specified.

Competence of parents.—The laws of six of the States visited did not require consent of a parent who was insane, and in three of these States consent was not required from the parent who was “otherwise incapacitated.” The consent of the mother of a child born out of wedlock was required in one State only when she was “capable” of giving such consent. It would seem obvious that the consent of mentally incompetent parents would not be acceptable, but should it be the province of the adoption court to make the decision regarding the mental competence of a parent? Even when the mental condition of the parent has been definitely and legally determined, circumstances may have developed which make it unwise or even unfair to ignore his parental rights. The question of terminating parental rights should be settled before the question of adoption is raised. At the time of the visit to California the juvenile-court law provided that a child might be declared free from the custody of one or both of his parents when they
The courts

had been declared feeble-minded or insane by a court of competent jurisdiction, provided the State director of institutions and the superintendent of the State hospital of which the parents were inmates or patients certified they would not be capable of supporting or controlling the child in a proper manner. An amendment to the adoption law enacted in 1939 declared that consent of a parent is unnecessary under these conditions.

Abandonment.—The consent of a parent who had abandoned his child or who could not be found was not required in three States, and in three other States the consent of a parent who had deserted his child or who had neglected to provide proper care and maintenance for a stated period of time, ranging from 1 to 3 years, was not necessary. The New Mexico law likewise did not require the consent of the parent upon satisfactory proof that the child had been abandoned and was not provided for by parents or relatives. The laws of California and Wisconsin did not require consent of a parent who had abandoned his child, but in such cases it was necessary to have parental rights terminated by previous court action.

Whether a parent can be said to have “abandoned” his child is largely a matter of interpretation. It is, therefore, important that adequate protection be given to the rights of the parent. There is more likelihood that such safeguards will be effective if adoption is not an issue at the time the question of abandonment is being decided. Consequently the court hearing juvenile cases and not the adoption court should be responsible for making this decision.

Before the Wisconsin adoption law was amended in 1929 it was within the power of the adoption court to allow an adoption without the consent of a parent who had “abandoned” his child and in this connection an interesting situation was referred to the Wisconsin Supreme Court.

The parents of two young children separated, the mother continuing to care for the children with the help of the maternal grandmother. The mother obtained employment away from home and gave the boy to her sister, leaving the girl with the maternal grandmother. Meanwhile the husband obtained a divorce in South Dakota, where custody of the children was awarded to him. Since neither the mother nor the children were within the jurisdiction of the South Dakota court, this order was void. The mother visited the little girl frequently but did not contribute to her support, and the grandmother allowed her to go to the home of a Mr. and Mrs. Rice. The mother continued to make occasional visits to the child in the Rice home. Finally the mother remarried and asked for the custody of her child. This was refused, and when habeas corpus proceedings were instituted she was still unsuccessful in obtaining the little girl. The Rice family then filed a petition to adopt the child, alleging that the mother had abandoned her and that therefore her consent was not necessary. Although the mother opposed the action, the adoption was granted. When the case was appealed the Wisconsin Supreme Court did not find sufficient evidence of abandonment and the adoption was nullified. In its opinion, the court admitted that the mother had not given the child the parental care she might have given her under other circumstances, but “there is no evidence to show that she ever intended to willfully abandon the little girl. * * * [The Rice family] made no complaint to the mother that she did not furnish money for the support of the child. It might well be that they recognized her inability to do much along that line. That the mother showed affec-
tion for the child and a desire to reclaim it as soon as she was in a position to give it a home. We think the evidence fails short of that convincing quality necessary to permanently deprive the parent of her offspring." ③

Such a situation could not arise under the present Wisconsin law, for the only responsibility of the adoption court is to make certain "that the facts stated in the petition are true, that the petitioner is of good moral character and of reputable standing in the community and of ability properly to maintain and educate the child sought to be adopted, that the best interests of such child would be promoted by adoption, that such child is suitable for adoption, and that all legal requirements relative to adoption have been complied with." ⑧ The abandonment issue would be settled in the juvenile court.

**Lose of civil rights.**—The adoption laws of four of the States④ visited did not require the consent of a parent deprived of civil rights, and the law of New Mexico had a general statement to this effect. The Oregon and Rhode Island statutes specifically stated that consent was not necessary from a parent imprisoned in the State prison for a term of not less than 3 years, and in Massachusetts consent was not necessary from a parent imprisoned in the State prison or a house of correction for a term of which more than 3 years remained unexpired at the time the petition was presented to the court.

The fact that a parent has violated the statutes of a State and has been imprisoned does not necessarily also imply that he is not interested in the welfare of his child and that he therefore should be deprived of his parental right to plan for the child's welfare. But when the child's welfare is jeopardized by the imprisonment of one or both of his parents, the decision to terminate parental rights should rest with the juvenile court and not the adoption court.

By the terms of the California Juvenile Court Act, which specifically provided for such situations, a child could be declared free from the custody of a parent when the parent has been deprived of civil rights because of conviction for a felony. Imprisonment in itself apparently was not considered sufficient for court action, for the court had to find that the felony was of such nature as to prove the unfitness of the parent to have the custody and control of the child or that the term of the sentence was of such length that the child would be deprived of a normal home for a period of years.⑤

**Divorce.**—The laws of five of the States visited did not require the consent of a parent who had lost custody through divorce action.⑥ In New Mexico, however, this applied only to a parent who had been adjudged guilty of adultery or cruelty; in Oregon it was necessary to serve a citation on the parent not having custody to show cause why the proposed adoption should not be allowed. The statutes were not always clear as to the rights of a parent who had lost custody when the parent to whom custody had been given was dead or was disqualified from giving consent. However, in Minnesota and North Dakota a divorced parent was required to have notice of the adoption in such manner as the court directed if the child was without a guardian.

③ In re Filer, 170 Wis. 301 (1923); 192 N. W. 36.
⑦ California, Welfare and Institutions Code, 1935, sec. 70.

Provided by the Maternal and Child Health Library, Georgetown University
The consent of a father who had lost custody in divorce proceedings was required in California unless he had willfully failed to pay for the care, support, and education of the child for a period of a year, and even then it was necessary to serve him with a copy of a citation requiring him to appear at the hearing; if he could not be located, service by publication was sufficient.

In the three remaining States (Wisconsin, Massachusetts, and Rhode Island) the action of the divorce court in no way affected the necessity for parental consent in an adoption.

Interestingly enough, no court decisions were found relating to the provisions in the five States on the basis of which the parent who had lost custody of his child in a divorce action was deprived of his right to consent to the child’s adoption. A decision of the California Supreme Court in 1915 had direct bearing on such procedure. At the time this opinion was rendered the statutes did not require consent from a parent who was adjudged guilty of adultery or cruelty and divorced for either cause or one who had been judicially deprived of the child on account of cruelty or neglect. The court held that a decree of divorce which awarded to the wife the custody of a child did not deprive the husband of custody so as to render his consent unnecessary on notice of adoption proceedings; and the adoption granted was therefore set aside.

The mother of the child had been granted a divorce from the father on account of “failure to provide,” and the custody of the child was given to the mother. When the child was 6 years old, petition for adoption was filed and granted. The father then claimed that he had had no notice of the adoption petition and had not consented to it.

The California Supreme Court in its opinion held:

Divorces are not granted for offenses against children, and the bestowal of the custody of a minor in a divorce action is not, unless otherwise provided by statute, an adjudication of the fitness of the parent who is for a time denied the right to retain possession of the child. It is nothing more than the expression of the court’s belief that, under the circumstances then existing, the welfare of the child would be best subserved by placing said child with one of the parents rather than the other.

Where a father is deprived of the custody and control of a minor child without knowledge of any proceeding in that behalf and without a hearing, he is entitled to be relieved from the judgment or order taken against him because of surprise and his excusable neglect.

The showing made by [the father] in the adoption proceeding, when he asked for relief was sufficient prima facie evidence to establish the fact that he had been denied the care and custody of his daughter without due process of law.

It was the practice in some States, where the consent of a parent who had lost custody through divorce was not required, to get in touch with the parent and to discuss the proposed adoption. This informal procedure to some extent counteracted the injustice to the parent imposed by the statutes, but statutory provisions making both parents equally responsible for consent to the child’s adoption would have been greatly preferable. However, a provision requiring notice to the parent deprived of custody, thereby making it possible for him to enter his objections at the time of hearing, would be some protection to him.

* * * * * * * * * *

Provided by the Maternal and Child Health Library, Georgetown University
Other provisions.—Other provisions that made consent of a parent unnecessary were found in the laws of the States included in the study. A child who had been supported by an incorporated charitable institution or by a town commonwealth for a continuous period of more than 2 years before the petition to adopt was filed could be adopted in Massachusetts without the consent of his parents. Such a provision would make it possible for an unscrupulous institution or a penurious town officer to effect an adoption without the knowledge or consent of the parents, although the investigation by the State department would probably prevent this from happening.

Again in Massachusetts, consent was not required of a parent who had been sentenced for drunkenness for a third time within a year or who had been convicted of being a “night walker or a lewd, wanton, and lascivious person” and who had neglected to provide proper care and maintenance for his children. The consent of a parent who had been adjudged a habitual drunkard was unnecessary in New Mexico, nor was consent required when the person having the care and custody of the child was a prostitute or an inmate of a house of ill fame and the child was so situated that he was liable to be corrupted by association with the person. Provisions such as these cloud the primary issue when adoption is under consideration.

Termination of parental rights.

Table 24 shows that one or both of the parents of 751 children for whom adoption decrees were granted had lost the right to consent to the adoption of the child through divorce or other court action or through voluntary surrender of the child to an agency.

Table 24.—Parental rights to consent to adoption lost through court action or voluntary surrender in cases of children adopted, by States

<table>
<thead>
<tr>
<th>Parental rights to consent</th>
<th>Alabama</th>
<th>California</th>
<th>Massachusetts</th>
<th>Minnesota</th>
<th>New Mexico</th>
<th>North Dakota</th>
<th>Oregon</th>
<th>Rhode Island</th>
<th>Washington</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>72</td>
<td>56</td>
<td>315</td>
<td>42</td>
<td>219</td>
<td>2</td>
<td>28</td>
<td>18</td>
<td>378</td>
</tr>
<tr>
<td>Parental rights lost</td>
<td>2</td>
<td>1</td>
<td>224</td>
<td>21</td>
<td>66</td>
<td>2</td>
<td>19</td>
<td>26</td>
<td>168</td>
</tr>
<tr>
<td>Through divorce</td>
<td>18</td>
<td>10</td>
<td>24</td>
<td>1</td>
<td>56</td>
<td>2</td>
<td>56</td>
<td>20</td>
<td>78</td>
</tr>
<tr>
<td>Father</td>
<td>6</td>
<td>2</td>
<td>16</td>
<td>10</td>
<td>8</td>
<td>2</td>
<td>20</td>
<td>15</td>
<td>27</td>
</tr>
<tr>
<td>Mother</td>
<td>12</td>
<td>8</td>
<td>8</td>
<td>1</td>
<td>12</td>
<td>0</td>
<td>10</td>
<td>2</td>
<td>47</td>
</tr>
<tr>
<td>Through other court action</td>
<td>14</td>
<td>10</td>
<td>22</td>
<td>24</td>
<td>6</td>
<td>0</td>
<td>16</td>
<td>27</td>
<td>140</td>
</tr>
<tr>
<td>Father</td>
<td>9</td>
<td>6</td>
<td>14</td>
<td>10</td>
<td>16</td>
<td>1</td>
<td>15</td>
<td>40</td>
<td>166</td>
</tr>
<tr>
<td>Mother</td>
<td>12</td>
<td>6</td>
<td>6</td>
<td>4</td>
<td>20</td>
<td>0</td>
<td>16</td>
<td>14</td>
<td>17</td>
</tr>
<tr>
<td>Through voluntary surrender</td>
<td>4</td>
<td>3</td>
<td>32</td>
<td>3</td>
<td>42</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>Father</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Mother</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Parental rights not lost</td>
<td>45</td>
<td>37</td>
<td>383</td>
<td>112</td>
<td>18</td>
<td>16</td>
<td>70</td>
<td>60</td>
<td>134</td>
</tr>
<tr>
<td>Both parents or unmarried mother dead</td>
<td>2</td>
<td>1</td>
<td>8</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>No report on whether rights were lost</td>
<td>20</td>
<td>3</td>
<td>8</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td>4</td>
<td>12</td>
<td>12</td>
</tr>
</tbody>
</table>

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Although the laws of 5 States had a general provision by which a parent who had lost the custody of his child through divorce was deprived of the right to consent to his adoption, only 58 adoptions had been affected by this provision, and nearly three-fifths of these were in Minnesota and Oregon. In California the provision was applicable only under special circumstances; the only California father who had lost parental rights through divorce had evidently forfeited this right through failure to pay for support of the child although he was able to do so.

The most interesting differences in the States shown in table 24 are in the relative use of court action and voluntary surrender for termination of parental responsibility. The reasons for these differences lay in legal provisions relating to adoption, to juvenile-court procedures, and to regulations affecting the services given to children by institutions and agencies.

The statutes of Minnesota 13 and North Dakota 14 specifically prohibited transfer of parental responsibility for the permanent care and custody of a child except by court order. In Alabama and Rhode Island a similar provision had been made as far as it affected transfer to individuals, but the Rhode Island 15 statutes definitely authorized relinquishment of a child to any incorporated and licensed “orphanage or society,” and in Alabama 16 the prohibition did not apply to the State department and licensed agencies. Transfer of parental rights in Wisconsin was possible only by court action. The laws of New Mexico neither authorized nor prohibited transfer of parental rights to an agency.

Table 24 shows that for 12 children for whom adoption decrees were granted in these States parental rights were lost through voluntary surrender. The children in Minnesota, New Mexico, and Wisconsin and 1 child in Rhode Island had been surrendered to an agency in another State before placement in the adoptive home. The relinquishment of the 4 children in Alabama apparently had not been questioned by the court, although it was contrary to the policy of the State department for agencies to accept relinquishment of children. Three of these children were born to unmarried mothers and had been surrendered to the maternity home in which the mother received care, and the fourth was surrendered to an individual connected with a social agency, although neither of these agencies had been licensed to place children in family homes.

In California and Massachusetts the number of children whose parents voluntarily surrendered their care exceeded the number who had been dealt with by the court. The California adoption law specified that consent of the parents to an adoption was not necessary when the child had been relinquished to an organization licensed by the State department to find homes for children and to place children in homes for adoption, provided the agency joined in the petition for adoption. Only two agencies in this State had been authorized to accept relinquishments and to place children for adoption. Although such relinquishments were required by statute to be signed before

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13 Minnesota, Mason's Stat. 1927, sec. 4691.
two witnesses and acknowledged before a representative of the agency, they were not valid until a certified copy had been filed with the State Department of Social Welfare.

The adoption law of Massachusetts provided that the written surrender by the parents of a child to an incorporated charitable institution could be substituted for parental consent in any adoption later approved by the institution; under another section of the law the mother of a child under 2 years of age and born out of wedlock was authorized, with the consent of the State Department of Public Welfare, to surrender her child to the department, and such surrender could serve as a consent to any adoption later approved by the department.

The statutes of Oregon authorized agencies, societies, or institutions to receive needy or dependent children from their parents or legal guardians through a signed release, and when such release expressly stated that it was given for the purpose of adoption the agency was permitted to consent to the adoption. It was illegal, however, for the agency to present a child so released for adoption until at least 6 months after the signing of the surrender, unless the parent, parents, or guardian waived their right to personal appearance and filed their appearance and consent by a signed and attested certificate. In adoption proceedings the agency was required to file a copy of the parents' release as well as its own written consent.

In all nine States except California, Massachusetts, and New Mexico it was possible for the juvenile court to commit a child to the permanent guardianship of an agency, or in some States to an individual, and at the same time terminate the rights of the parents. This procedure was used when parents desired voluntarily to relinquish their children through the court as well as when the parents had deserted or were found to be unfit to retain guardianship.

The juvenile court in California had no authority to transfer guardianship of a child to an agency, although action could be taken by the court to terminate parental rights on the filing of a petition "to declare a person free from the custody and control of his parents." When parental rights were terminated the court was authorized to commit the child "to the care of some association, society, or corporation embracing within its objects the purpose of caring for or obtaining homes for such persons and willing and able to receive and care for such wards," although the child remained a ward of the court. The court in New Mexico had authority to remove a child from the custody of his parents and to order his adoption without parental consent, but all children so dealt with were wards of the court. However, one case in New Mexico in which parental responsibility was lost through court action had been heard in another State.

The juvenile court of Massachusetts had no authority to commit children to permanent guardianship nor to terminate parental rights, but action might be taken in the probate court to appoint a guardian of the person of the child. Such action had been taken in 6 of the 10 Massachusetts cases and "guardianship with custody" was transferred, an agency being appointed guardian of 2 of these children.

Provided by the Maternal and Child Health Library, Georgetown University
One parent was deprived of his rights to the child after his marriage to the mother of the child was annulled. The parents of one child and the mother of another child lost their rights through a previous adoption. The parents of the remaining child had been deprived of their rights in another State.

It is important that the question of parental rights be settled before placement of a child in an adoptive home. Any other procedure is unfair to the child’s own parents, the foster parents, the child himself, and even the court. It was a frequent practice in one county visited to have the court hearing for termination of parental rights on the same day the adoption hearing was held, even though the placement of the child in the foster home had been made sometime before. Although there was no indication that any confusion had ever arisen in this court as a result of this procedure the plan has definite disadvantages. For instance, the court might decide that a child should not be removed from the custody of his parents in spite of the fact that he had become well established in a foster home or the court might be influenced to remove a child from the custody of his parents primarily because he was happily established in his foster home.

It is also important that provision be made for a substitute for parental authority after termination of parental rights. Parental surrender of a child to a child-placing agency transfers to the agency the responsibility for placing the child as well as for consenting to or approving his adoption. Likewise the court having authority to terminate parental rights should be authorized to transfer the permanent care, custody, and control of the child to some agency competent to place him in a desirable home and to consent to the adoption.

Adequate safeguards should be set up to prevent children from being placed indiscriminately. It was undoubtedly the desire to provide such safeguards that brought about legislation prohibiting transfer of custody without court order. Court action is necessary when the rights of a parent are to be terminated because of his incompetence or of his desertion, neglect, or maltreatment of his child. There are, however, differences of opinion as to the necessity for court action when a parent wishes to be relieved of the care of a child.

Parental rights and responsibilities for the care, support, and education of a child that are conferred by the common law should not be transferred without proper safeguards and recording. Unless such transfer is accomplished through court action, it is essential that relinquishment of parental rights be accepted only by agencies especially authorized to place children for adoption, that adequate case work precede such acceptance, and that the acknowledged release be approved by the State agency and be filed with a court of proper jurisdiction or with the State agency.

Provisions relating to filing consent.

To the parents the signing of a consent to adoption often represents the final transfer of the child to the adoptive parents and means as much to them as the actual adoption proceeding before the court. There is much variation in the procedures prescribed in adoption laws for the signing of consent; some laws do not set forth any procedures and others merely require a signed statement. In order to assure the validity of consent some laws require acknowledgment before a notary
public; others require that the consent be signed at the time of filing the petition, or before the hearing, or at the time of the hearing.

The procedures in the States visited were equally varied. The laws of Minnesota and of Alabama and North Dakota, where many of the provisions of the Minnesota law were copied, had no special requirement for signing consent. The practice in these States was to file a written consent to the adoption at the time of filing the petition. The laws of Massachusetts, Oregon, Rhode Island, and Wisconsin required written consent. In New Mexico consent had to be signed at the time of filing the petition or at the hearing.

The procedures outlined in the California law were designed to prevent parents from consenting to undesirable adoptions. In all cases in which consent of the parents was necessary, except when the adoption was by a stepparent and one natural parent retained custody of the child, the consent was required to be signed in the presence of an agent of the State Department of Social Welfare on a form prescribed by the department. Furthermore, it was made the duty of the State department to ascertain whether the child was a proper subject for adoption and whether the proposed home was suitable for him. If the department refused to accept parental consent as a result of its investigation the parent had the right to appeal to the superior court of the county in which the petition had been filed. It was then the duty of the court to notify the department of the appeal, and 10 days were allowed to permit the department to file a report of its findings in regard to its refusal to accept consent. After the findings had been filed, the court had authority to allow the signing of consent in open court. 90

At the time of the visit to California the State department had found it desirable to modify this procedure, and parents were frequently permitted to sign consent before an investigation of the adoption had been made. The signature in such cases was accompanied by the following statement: "In signing this consent I understand that it does not become final until it has been accepted by the State Department of Social Welfare after ascertaining that the proposed home is suitable for my child." During the 5 years after August 1931, the State department had recommended that the petition be denied and had refused to accept the consent of the parents for some 68 adoptions, but in only 11 of these had the parents appealed from the decision.

LEGAL PROVISIONS REGARDING CONSENT OF OTHER PERSONS

Consent by a guardian.

Guardianship and custody of a child may be conferred by either of two court procedures: (1) Appointment of a personal guardian having custody of the child by a court having jurisdiction to appoint a guardian of the estate of any person; and (2) commitment of the child by a juvenile court to an agency or persons to whom permanent guardianship and custody are given. Although the general guardianship laws of many States authorize the appointment of a guardian of the person of a child, this form of guardianship is seldom used for children subject to adoption.

90 California, Deering's Civil Code 1937, sec. 226, as amended by Laws of 1939, ch. 463.
The adoption laws of Alabama, Minnesota, North Dakota, Oregon, and Rhode Island authorized the guardian of a child to consent to his adoption. The general term “guardian” could be interpreted as applying to an agency guardian or to a personal guardian. In Wisconsin the only guardian that could consent to an adoption was an agency to which the permanent custody and guardianship had been transferred by a court of proper jurisdiction. The laws of California, Massachusetts, and New Mexico had no provision for consent by a guardian, although in Massachusetts a guardian must receive notice of the adoption.

The right of a guardian, appointed under general guardianship laws to consent to the adoption of a child has been confirmed by court decisions in some States, but a ruling of the California Supreme Court made in 1921 held that an adoption granted without the consent of the child’s guardian was valid. The opinion of the court included the following statement:

The main purpose of adoption statutes is the promotion of the welfare of children bereft of the benefits of the home and care of their real parents, by the legal recognition and regulation of the consummation of the closest conceivable counterpart of the relationship of parent and child. While a guardian of the person of a minor is charged with a high duty and serious responsibility in the care of his ward, nevertheless, the status of guardian and ward falls short of the close approximation to the relationship of parent and child which is obtainable through actual adoption, eliminating, as it does, in the child becoming a member, to all intents and purposes, of the family of the foster parents. The statutes in question should not, therefore, be construed so as to exclude an orphan in the custody of a guardian from the realization of the peculiar advantages to be derived from an adoption, unless such construction be unavoidable.

The juvenile-court laws in the nine States differed materially in provisions regarding commitment and the authority given to an agency for the permanent care of a child. No provision had been made in the laws of California, Massachusetts, and New Mexico for granting guardianship to an agency. Dependent and neglected children within the jurisdiction of the juvenile court became wards of the court in California and New Mexico and might be placed under care of an agency subject to order of the court. The court in Massachusetts which hears children’s cases had authority to commit a neglected child to the custody of the State department during minority or to place him in the care and custody of a charitable corporation upon the assurance of his further appearance in court. The juvenile court in Wisconsin had the right to transfer the permanent care, control, and custody of a child to an agency and to terminate all rights of the parents with reference to the child, but authority for the agency to consent to the adoption of its wards was provided for in the adoption law. The Oregon statutes authorized the juvenile court to make an order committing a dependent or neglected child to the care of some “suitable association willing to receive it.” The court was required to specify whether the commitment was temporary or permanent, and only permanent commitments transferred guardianship of the person of a child and the right to consent to adoption. In North Dakota the juvenile court had authority to commit a child to the guardianship of the pres-
ident, secretary, or superintendent of an institution or association caring for children, and the guardian was permitted to appear in any subsequent adoption proceedings and to consent to the adoption of the child if the order so specified.\footnote{North Dakota, Comp. Laws 1913, secs. 11400, 11410, 11418.}

The juvenile-court laws of Minnesota and Rhode Island provided that a child became the ward of the authorized agency to which he was awarded unless otherwise ordered and that he was subject to the guardianship of the agency, which was authorized to be a party to adoption proceedings and to consent to his adoption. These laws further provided that notice of the filing of a petition be sent to the court committing the child to the agency. The juvenile-court law of Alabama authorized commitment of a child and transfer of his guardianship to an authorized agency. Authority for the agency to consent to his adoption was given in the adoption law.

**Consent by the State department.**

The State department in five of the States was authorized by the adoption law to give consent to the adoption of a child under specified conditions. In Alabama, Minnesota, and North Dakota this could be done when consent of parents was unnecessary and the child had no guardian. In Wisconsin consent of the State department was required when there was no legal guardian and when the child had no living parent or the parents were nonresidents and had relinquished parental rights in a State where such relinquishments were valid; consent was also required to the adoption of every child born out of wedlock who was not under the guardianship of a licensed child-welfare agency. The State department in California was required to consent to the adoption in all cases when parental consent was not necessary and when a society licensed to place children for adoption was not a party to the petition.

**Consent by a guardian ad litem or next friend.**

The adoption laws of three of the States (Massachusetts, Oregon, and Rhode Island) permitted the court to appoint a guardian ad litem or next friend to "give or withhold consent" to an adoption when there was neither parent nor guardian to do this. It was difficult to determine the extent to which such guardians had actually been appointed, since the records of the State department often did not show this and the court records were not studied. Judges in Oregon and Rhode Island who were interviewed on the matter were of the opinion that the investigation of the State department obviated the necessity for such appointments. One Rhode Island judge reported that he occasionally appointed a next friend so that there would be no basis for contest later, but he admitted that this was little more than a form, since he usually appointed "someone in the room," who merely signed the petition and made no investigation. Apparently none of the judges had considered the possibility of appointing as next friend the person making the adoption investigation. One judge said he would use a person who had an interest in the child or an attorney if it were ever necessary to appoint anyone in this capacity.

The appointment of a guardian ad litem was mandatory in Wisconsin when consent to an adoption was given by a minor parent.\footnote{Wisconsin, Stat. 1929, sec. 322.04 (6).}
Interviews with judges, however, indicated that few of them understood the real purpose of such appointments. As a rule, an attorney was appointed to serve as guardian ad litem, and only one judge among those interviewed could see any value in the provision. This judge explained that the guardian ad litem checked the legal aspects of the case and was of considerable help. A fee of $5 was usually paid by the county for the services of the guardian ad litem. Most of the adoptions in which consent was given by a minor parent were of children born out of wedlock. Since the consent of the State department was necessary for the adoption of these children the need for such a guardian might well be questioned.

Consent by the child.

The right of the child to consent to his own adoption when he is old enough to understand its meaning had been accepted by all the States included in the study. The laws of six States (Alabama, Massachusetts, Minnesota, Oregon, Rhode Island, Wisconsin) required every child above the age of 14 years to consent to his adoption; in California and New Mexico consent by the child was required if he was more than 12 years of age; and in North Dakota the consent of a child 10 years of age or over was necessary.

The consent of the child to the adoption as required by the State laws should have been given in addition to the consent of other persons in 105 adoptions, but records of such consent were available for only 53 children. It is possible that consent had been given in open court in the remaining cases. More than two-thirds of the children whose consent was not recorded were adopted by relatives, 27 by stepparents, usually stepfathers, and 10 by other relatives. As all but 5 of the remaining group were under the care of agencies, there would seem to be little question that the desires of the children had been given consideration.

Persons consenting to adoption

Consent by parents.

Table 25 shows that information in regard to the persons consenting to the adoption of the children for whom adoption decrees had been granted was available for all but 22 of the 1,718 cases. One or both parents consented to the adoption of 56 percent of the children for whom consent was given. In addition to the 778 cases in which parents alone consented, a parent had given consent in 128 cases in which consent was given by more than 1 person. The proportion of cases in which consent was given by parents ranged from 35 percent in California to 83 percent in Massachusetts and 100 percent in New Mexico. These percentages reflect the differences in the States in extent of use of agencies for placement of children for adoption shown in table 8 and may be affected also by the fact that the proportion of children adopted by relatives in Massachusetts, Rhode Island, and Wisconsin exceeded the number adopted by other persons. (See table 12, p. 30.) As has been noted, the records obtained in Wisconsin were not typical of the actual situation in this State, since the State department did not ordinarily receive records of adoptions sponsored by private agencies.
TABLE 25.—Persons giving consent to the adoption of child, by States

<table>
<thead>
<tr>
<th>Persons giving consent</th>
<th>Children who were adopted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Total</td>
</tr>
<tr>
<td>Total</td>
<td>1,718</td>
</tr>
<tr>
<td>Parents only</td>
<td>778</td>
</tr>
<tr>
<td>Father</td>
<td>127</td>
</tr>
<tr>
<td>Mother</td>
<td>154</td>
</tr>
<tr>
<td>Both parents</td>
<td>97</td>
</tr>
<tr>
<td>Guardian</td>
<td>666</td>
</tr>
<tr>
<td>Agency 1</td>
<td>659</td>
</tr>
<tr>
<td>Individual</td>
<td>7</td>
</tr>
<tr>
<td>State department</td>
<td>38</td>
</tr>
<tr>
<td>More than one of the above</td>
<td>129</td>
</tr>
<tr>
<td>Other person</td>
<td>22</td>
</tr>
<tr>
<td>No consent given</td>
<td>23</td>
</tr>
<tr>
<td>No report as to consent</td>
<td>22</td>
</tr>
</tbody>
</table>

1 Includes 18 children adopted by a stepfather, consent of the mother not being recorded.
2 Includes guardian in fact as well as in law.
3 Includes 1 nonresident child in California and 2 children in Massachusetts for whom the agency had legal guardianship.
4 Includes 24 children committed to guardianship of the agency by the courts.
5 Includes 16 children for whose adoption a State department in addition to a parent or guardian gave consent.

Consent by a guardian.

About half the 659 children to whose adoption an agency guardian had given consent had been committed for legal guardianship and care to an agency having the right to consent to their adoption. The agencies consenting to the adoptions of about an equal number of children had custody of the child and served as the only representative of his interests in adoption proceedings. Most of this latter group had been relinquished by their parents to institutions or child-placing agencies for adoption, and the instrument of relinquishment together with the joinder of the agency in the petition had constituted consent. A few California children had been committed to the custody of or had been accepted by agencies placing children for adoption because of court termination of parental rights or the death of their natural parents, and a few Massachusetts children were wards of the State department whose parents had deserted or were unknown.

Of the seven personal guardians who had consented to adoptions, four were relatives, two were persons connected with a social agency, and one was a lay person interested in the welfare of the child. All these guardians had been appointed through guardianship proceedings.

Consent by the State department.

Consent to the adoption of 28 children was given by the State departments alone in Alabama, California, Minnesota, and Wisconsin. Both parents or the unmarried mothers of 14 of these children were dead. Although Wisconsin was the only State that specifically required the consent of the State department under these circumstances, such consent had been given to the adoption of 4 children in Alabama, of 1 child in California, and of 1 child in Minnesota. Consent of the State department also was given to the adoption of 2
children in Alabama and 2 in Minnesota whose parents were unknown or could not be found and of 10 children in California whose parents had lost parental rights through court action.

Consent by the State department to the adoption of a child who has been abandoned or whose parents are unknown and who has no guardian was permissive rather than mandatory in Alabama and Minnesota, but it is interesting to note that only one child in each of these States was declared abandoned and was, therefore, adopted without the consent of a guardian or the State department. Consent of the State department in California was required for the adoption of all children whose parents had lost parental rights through court action, unless an agency authorized to place children for adoption sponsored the adoption. Consent by the State department was not recorded, however, for three children who were not under the care of an agency, although the department approved the adoption.

Consent by other persons.

The consent of the parent or parents or a guardian of 129 children was supplemented by consent of another person. The State department supplemented the consent of a parent or guardian of 122 children adopted in California and Wisconsin. In the remaining cases an agency, a next friend, or a relative gave consent in addition to the consent of a parent or guardian.

Included in the 22 adoptions in which consent had been given by "other persons" were those consented to by the child's adoptive parents, by a guardian ad litem or next friend, by grandparents, who may have been the child's "next of kin," by the husband of the mother, who was considered the child's "legal father," by the natural father, by the court responsible for the child's placement, and by a child whose parents were dead.

Consent not given.

Wisconsin was the only State in the study in which consent of the parents or the surviving parent, a legal guardian, or the State Board of Control was necessary in every adoption coming before the court. In the other States the court had authority, if satisfied as to the desirability of the adoption, to grant a decree when the consent of parents could not be obtained for various reasons, including the death or desertion of the parent or parents.

Consent to the adoption of 31 children had not been given because of the death of parents. These children constituted only a small proportion of the children whose parents were dead, since children without parental guardianship usually were brought to the attention of agencies that were given guardianship through court action or that accepted custody of the children and sponsored their adoption.

Another group of 28 children for whose adoption no consent had been given had been deserted or abandoned by their parents. Most of these children were adjudged abandoned by the court granting the adoption. Previous court action in a juvenile court on the issue of abandonment would have prevented the necessity of publishing notice of adoption as had been done in 18 of these cases. The following abstracts from adoption records illustrate some of the undesirable procedures that resulted in decisions of abandonment in the adoption court.
The father of a child was dead and the mother left the child in the petitioner’s home. Later the girl was returned to her mother, but after a time the mother wrote the petitioner, requesting them to take the child once more. They agreed to do so only if they might be permitted to adopt her. The mother agreed to this plan, saying that she was entering the hospital and might not survive. No further word was received from the mother, but at the time of the adoption the attorney for the petitioners made an unsuccessful attempt to have personal service made on her. The adoption was allowed without consent.

A child born out of wedlock and placed by the superintendent of a hospital was adopted without consent and before the report from the State department was received. The petition showed that the “parents deserted” the child at birth and had not supported her for a year. Abandonment proceedings were not instituted, however, and no attempt was made to locate the mother either by publication or otherwise.

A married couple answered a newspaper advertisement, and a man who claimed to be the baby’s father brought a 12-day-old baby boy to them. No papers were signed. Three years later the petition for adoption was filed. No information about the parents could then be obtained and there was no evidence to show that consent of any kind was obtained or that the juvenile court had adjudged the child to be abandoned.

A child was accepted by an agency on the oral relinquishment of the mother. Later unsuccessful attempts were made to verify the mother’s story and to locate her; but “believing the child permanently abandoned,” the agency placed him in a permanent home. When a year had passed without any word from the mother, adoption proceedings were started. Although the child was considered “abandoned” no action was taken in a juvenile court, but notice may have been served on the mother by publication.

A mother left her child in an institution for temporary care. Later she wrote asking that the child be permanently placed, but a relinquishment was never signed. The child’s birth certificate gave the name of a legal father, but the agency reported that the judge had instructed the attorney to indicate in the petition for adoption that the father was dead. The State department questioned the petition and asked the agency to make an attempt to verify the whereabouts of the parents and to institute abandonment proceedings if the parents could not be found. The agency was also advised to have the petition rewritten correctly. Although an unsuccessful attempt was made to locate the parents, nothing else was done, and the adoption was granted in spite of the faulty petition and without abandonment proceedings.

Special provisions in State laws for the waiver of parental consent under certain circumstances deprived the surviving parent in six cases of the right to consent to the adoption of the child because of loss of custody through divorce, imprisonment, or adjudged insanity. The special provisions in Massachusetts and Rhode Island as to consent of nonresident parents affected four children, each of whom had a surviving parent not a resident of the State. Although notice of the adoption was published in these cases, no consent to the adoption of these children was obtained.

In the remaining adoptions in which no consent was given the court apparently waived consent. In one case the petitioner was the child’s legal guardian. The court decision overruled the refusal of a parent to give consent in the following cases.

A maternal aunt was the petitioner for the adoption of a child whose mother had died. In the course of the investigation the father was located. He had remarried, and both he and his wife expressed a desire to have the child. Accord-
ingly he refused to consent to the adoption. The father had failed to support the child and had not shown any interest in her during the 8 years she had lived with her aunt. Although the court found that the child was abandoned this finding might well be challenged.

The father of a little boy permitted the petitioners to care for him after the mother's death in childbirth. He insisted that he did not wish to give the child up permanently, however, and refused to give consent to the adoption. In spite of this, the adoption was granted when the child was 14 months old.

The mother of a child died soon after the birth of the baby. The father claimed that he had left the girl at the hospital until he could establish a home for her and that he had given labor amounting to about $85 in part payment for the child's care. The hospital superintendent denied this and said the father had never done anything for the child and had not answered letters regarding plans for her. Four months after the mother's death the father remarried and moved to another State. When he was visited after the receipt of the adoption petition he denied any knowledge of the child's placement and refused to give consent. The adoption was granted without the father's consent, although 6 months later this was obtained and filed with the record.

Consent not reported.

Of the 22 adoptions for which the records in the State department did not contain information regarding consent 12 were in Minnesota and North Dakota, where the State department had not received a copy of the petition because investigation was waived by the court. One adoption was granted in California after an appeal to the superior court when the State department refused to accept the consent of the parent because its investigation indicated that adoption was inadvisable. Apparently the court had overruled this decision and accepted consent in open court.

THE SOCIAL INVESTIGATION AND REPORT TO THE COURT
ATTITUDE OF JUDGES

Of the 69 judges interviewed, 17 expressed unqualified approval of the investigation and report made by the State department, and 32 favored the procedure. The principle of a social investigation was accepted by 8 judges who expressed some reservations about the administrative procedure used in their States. Only 1 judge was definitely opposed to the investigation, although 10 judges raised objections to certain aspects of the plan. One judge was unaware that there was a provision for investigation in his State.

The most enthusiastic response to the inquiry came from the judges in Minnesota, where the provision for investigation had existed longest, and most of those seen expressed satisfaction in being able to share responsibility in adoptions with the State department. In this State, as well as in some jurisdictions in other States, the State department was looked upon as a partner working with the courts in the interests of the child. A few judges went so far as to say they would not wish to make a decision in an adoption without the help of the State department. One judge said that at first he had felt that the provision for investigation would interfere with the work of the court but that he now appreciated its value.
A few judges serving in rural areas were inclined to discount the value of the investigation because they knew "practically everyone in the county." One such judge served a county with a population of approximately 135,000 and an area of about 20,000 square miles. Others were less extravagant in their statements. There is often a question whether a judge has sufficient knowledge of a family to determine their suitability to adopt a child unless he has available an unbiased report of the whole situation.

A few judges were of the opinion that anyone wishing to adopt a child must be motivated by a charitable impulse and therefore would make a satisfactory foster parent. Accordingly, these judges considered an investigation unnecessary. They had little appreciation of the need for knowing the child and his background or of the importance of having the child and the foster family suited to each other.

It was evident that opposition to the provision for an investigation and report was not always based on principle or a difference in philosophy but often resulted from a personal dislike for any action which interfered in any way with procedures that had long been accepted as prerogatives of the court. One judge could see no need for a detailed investigation when the petitioners belonged to one of the "better families" in the community; another considered the investigation a "needless expense," since unwise adoptions were rarely discovered through the investigation; a third thought the discretionary power of the court was hampered by the requirement that all adoptions be referred to the State department for investigation. One judge had been in conflict with the State department over a case in which his procedure had been irregular, and as a result he was not in sympathy with the procedure of the State department; and one judge said he thought there was danger of making too extensive an investigation in these cases, but he did not explain just what he feared.

The only judge who expressed definite opposition to the investigation resented the fact that the State department had assumed "judicial functions." His attitude was probably the result of action taken by the State department on a case which was pending at the time the visit to him was made and which involved a question that he considered it was the responsibility of the court to decide.

The most general complaint was the delay involved in making the investigations. This was frequently a just criticism which might have been overcome to some extent had more effort been made by the State departments to explain the reason for the delay in each case.

The judges who questioned the administrative procedure in investigations were more constructive in their criticism than most of the others. They thought the investigations would be more satisfactory and would be made with less delay if a local agency were made responsible for them. One judge suggested, however, that the State department review all investigations and provide leadership in the adoption program.

The attitude of the court toward the reports submitted to it was obtained only from 59 judges in 8 States. Wisconsin judges were excluded because all reports in this State did not come from the State department and the situation was, therefore, not comparable with that in the other States included in the study.
On the whole, the judges were uncritical of the reports and had accepted them without much thought as to their adequacy. Only three judges expressed real dissatisfaction with the reports received and nine thought occasional supplementation was needed. The others were generally satisfied.

One judge had been so dissatisfied with the early reports sent to his court by the State department that he had prepared a blank form and had requested that this be used for future reports so that he would be certain to receive the information he thought necessary. He considered the reports from the State department so meager as to be almost useless and said they did not even include the facts called for by the law. Apparently no effort had been made to explain to him that more information was being included in later reports from the State department, but instead the form prepared by the judge was still used at the time the visit to the State was made.

Four of the nine judges interviewed in one State, where the reports from the State department gave almost no specific information, had made it a practice to supplement the reports by conferences with the local worker who had made the investigation. One of these judges placed so much reliance on the judgment of the local worker that he usually asked her to make a preliminary investigation before a petition was accepted and would not permit the filing of a petition for adoption if it was decided that an adoption was unwise. Two Rhode Island judges preferred the reports from the State department to those from the private agency sharing the responsibility for investigation of adoptions because they contained more information.

A Minnesota judge implied that he would prefer additional information but said he had confidence in both the local welfare agency and the State department and that he therefore was willing to accept their opinion without substantiation although he always questioned the petitioners in the course of the hearing.

Only one of the three judges expressing dissatisfaction with the reports from the State department had clearly defined reasons. He desired additional information about both the child and the foster family and said he also wanted a definite statement from the State department as to the advisability of granting the adoption even though this was not in the form of a specific recommendation.

There was no evidence that the adequacy of the investigation had been questioned by the courts when a favorable report was made nor was there any indication that the courts had disagreed with recommendations for approval. On the other hand, there was not equal acceptance of reports in which there had been either specific or implied disapproval of an adoption.

**COURT DECISIONS AFTER REPORTS WERE RECEIVED**

A comparison of the opinions expressed by State departments as to the desirability of the adoption with the action taken by the court is shown in table 26.
PROBLEMS AND PROCEDURES IN ADOPTION

TABLE 26.—Report to the court as to desirability of adoption, by relation to the action taken by the court

<table>
<thead>
<tr>
<th>Report to the court as to desirability of adoption</th>
<th>Disposition of petition by court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>Total</td>
</tr>
<tr>
<td>Adoption approved</td>
<td>Decree granted</td>
</tr>
<tr>
<td>2,041</td>
<td>1,718</td>
</tr>
<tr>
<td>Total of petition by court</td>
<td>Interlocutory order granted</td>
</tr>
<tr>
<td>1,604</td>
<td>1,509</td>
</tr>
<tr>
<td>Petition granted or dismissed</td>
<td>Case pending or no action taken</td>
</tr>
<tr>
<td>23</td>
<td>23</td>
</tr>
<tr>
<td>No report made</td>
<td>Not reported</td>
</tr>
<tr>
<td>23</td>
<td>23</td>
</tr>
</tbody>
</table>

Adoptions approved by the State department.

A decree of adoption or an interlocutory order was granted in most of the cases in which the petition for adoption was approved by the State department, although 8 petitions had been formally dismissed after withdrawal of the consent of the parent, death of the foster parent, or change of plan for the care of the child. The 54 petitions approved by the State department on which no formal action was taken illustrate some interesting situations. Although in 4 cases it was known that the plan for adoption had been given up or that parental consent had been withdrawn, no formal action had been taken by the court. Action was deferred on 7 petitions because undesirable conditions had developed in the home after the social investigation was completed. In the remaining cases no effort evidently had been made by the court or by the petitioners or their attorneys to complete the adoption; in fact, a check of these cases made by the Children’s Bureau after the visit to the State showed that action still had not been taken, although in many cases 2 or 3 years had elapsed since the petition had been filed.

Deferral of action advised.

Because of some undesirable situation associated with the adoption that in time might be corrected or overcome, deferral of action for a specified period or indefinitely was advised by the State department in 21 cases. This plan apparently was accepted by the court in 11 cases, since in addition to 9 cases in which no action had yet been taken there were 2 cases in which the decree was not granted until the conditions in the recommendations had been met. On the other hand, the court ignored the advice of the State department in 10 cases. The following cases in which deferral of action was advised illustrate the wide difference in the social understanding of the judges hearing adoption cases.

A petition was filed for the adoption of a foundling after he had been in the home about 4½ months. The State department recommended postponement of proceedings for a year so that legal action might be taken to declare the child legally abandoned. The court abided by this recommendation, and the decree was not granted until the child was 1½ years old.

Provided by the Maternal and Child Health Library, Georgetown University
A child born to a married woman whose husband denied paternity was placed in the foster home by his mother at the age of 7 months. After he had been in the home about 2 months a petition for his adoption was filed. The husband refused to give his consent, believing that this would be an admission of paternity. The State department recommended postponement of proceedings because of the mother's expressed interest in the child's possible return. It was recommended that the child remain in the foster home a year and that abandonment proceedings then be started if paternity was not established. Nevertheless, the adoption was granted 4 days after the report was received.

A child had been placed in the foster home by her maternal grandfather when she was 9 years of age. After she had been in the foster home 1½ years a petition for her adoption was filed. The State department recommended an indefinite postponement of proceedings because the attitude of the foster father had once made it necessary to remove a ward of a child-placing agency from the home. The judge agreed to the delay, but during his absence from the court the adoption was granted by an "acting judge."

Adoptions not approved by the State department.

Because of the relatively small number of reports in which clear disapproval of the adoption was expressed and the evident unwillingness of State departments to express their disapproval of an adoption even when approval was qualified by many reservations, the action taken on disapproved adoptions is especially significant. A decree was granted in more than two-thirds of the 53 cases on which formal action was taken.

Analysis of the records of the 37 children for whom an adoption decree had been granted despite the disapproval of a State department showed that the action of the court in 14 cases was probably sound, since the child had an assured place in the family into which he was adopted. Two of these children were adopted by stepparents, 6 by grandparents, and 6 by persons not related to the child. The disapproval of the State department of the adoptions by relatives was due to undesirable conditions in the home or to the insecurity involved in the adoption of a young child by persons of advanced age. Unwise placement of the child in the home was the basis of the objection of the State department to the adoption of children by persons not related to them, the probability of retarded mental growth of the child being the issue in most of these cases. The following cases illustrate these situations.

A child who was about 2 years of age when her mother married had been in the home with her stepfather for almost 4 years. The home was not a satisfactory one. The mother was mentally retarded, the father unemployed, and the child appeared to be mentally deficient. The motive for the adoption was not noted in the record, but the meager report presented to the court did not give justifiable reasons for not allowing the adoption. The court, therefore, probably concluded that since the mother was in the home and the child would continue to live there, the wisest procedure was to make the stepfather legally responsible for her.

The maternal grandparents petitioned for the adoption of children, aged 6, 7, and 9 years, who had always lived in their home. The State department questioned the adoption because the two petitioners were in their sixties and because the father of the children would, through the adoption, be relieved of his responsibility. The record showed that the father and mother had been divorced and that the father had paid almost nothing toward the support of the children, although an order of $75 a month had been made at the time of the divorce. He opposed the adoption but failed to appear in court in response to an order to show cause why
PROBLEMS AND PROCEDURES IN ADOPTION

It should not be granted. The income of the grandparents was barely adequate, but apparently it had met the cost of care for the children during the time they had been in the home. Since there seemed little basis for an assumption that the father would take his responsibility more seriously if the adoption was not permitted, the court followed the more practical course and granted the petition.

A child who was placed in a home on a boarding basis when less than 2 months old had remained there for 4 years and had become an integral part of the family. Culturally the home was considered desirable, but the State department disapproved the adoption because the family had 6 children of their own and an uncertain, inadequate income. The court apparently was of the opinion that this situation was mitigated by the fact that the whole family was devoted to the child and that the parents had succeeded admirably in educating their own children despite their limited financial resources.

A child 1 year of age was placed in a modest but satisfactory middle-class home, where she remained for 6 years. Her mother was mentally retarded and psychotic, and because of this undesirable family background the adoption was not approved. The foster parents had grown fond of the child and were willing to accept her with all her limitations. For this reason the court should not be criticized for permitting the adoption and terminating the guardianship of an unstable and uninterested mother, who at any time might take the child away.

A child placed by a doctor through an advertisement at the age of 3½ months had been in the home of the petitioners for 4½ years when they petitioned for her adoption. After investigation, the State department advised against the adoption because two members of the child's own family were mentally deficient and the income of the foster family was too low to provide adequate care. The petitioners had the child examined at the school clinic and apparently were satisfied with the results of the examination. The home was one that a good child-placing agency would never have selected as a foster home, but for a child who had been a member of the family for so many years, refusal to permit adoption would have worked a decided hardship.

A friend of the petitioners was responsible for the placement of a baby girl, aged 3½ months, in the home of a substantial middle-class skilled worker. After the child had been in the home 7½ months, the family petitioned for her adoption. The child was reported as "a lovely child to look at," but an examination at the psychology laboratory resulted in a prediction that she would probably not progress much beyond grammar school. This report was the basis for the disapproval of the State department. Both petitioners were willing to take this risk, although they knew that this was the mother's third child born out of wedlock and that the father was dull mentally and had been in frequent conflict with the law. It was unfortunate that this family had not obtained a child who could profit by the opportunities it had to offer, but only an unusual judge would have refused to permit the adoption when, knowing all the risks it was taking, the family wished to make the child legally its own.

The records of the remaining 23 cases in which an adoption was granted despite disapproval of a State department gave no evidence that the court was justified in overruling the recommendation of the department. The reports of the social investigations in many of these cases showed serious situations that would vitally affect the welfare of the child, and the granting of an adoption in these cases showed the failure of the judges to recognize the full significance of establishing a new family relationship for a child. The following case histories illustrate some of these situations.
The parents of a 9-year-old boy, who had been adopted by his paternal grandfather at the age of 4, petitioned for his readoption. Both the father and the mother had long court histories. The boy did not wish to return to them because they were abusive when intoxicated. The natural parents had not established a home and were reported as unfit mentally and morally as well as financially to care for the child. The mother started divorce proceedings while the adoption was pending. The petition was granted, however, because its dismissal would have meant further service on the father. It was planned to give custody to the mother when the divorce case was heard, but meanwhile the child returned to the home of his grandfather.

A child was placed in the home of her maternal grandparents by her father after her mother's death. The father then remarried and took his other children into his home, but this child had remained with the grandparents, who did not maintain a friendly relationship with the father. He regretted giving his consent to the adoption and felt that through adoption the girl would be cut off completely from her brothers, who were in his home. The State department disapproved the adoption by the grandparents, but in spite of this it was allowed.

A child of 9 years who had been in the foster home only 5 months was adopted by a family not related to him. The adoption had been disapproved because of the mental condition of the foster father and the general atmosphere of the home. A year after the adoption unfavorable reports about the home were received by the Society for Prevention of Cruelty to Children.

A child adopted when she was 4 months old had been placed by her mother at the age of 4 days in a home that had proved unsatisfactory for another child placed by a private child-placing agency. The first child had been unduly punished and was finally removed from the home, but in spite of this known situation the court granted the decree.

A child had been brought into the home of her maternal grandmother by her mother when she was almost 2 years of age. The mother died from pulmonary tuberculosis shortly after, and the father was in the State prison. The grandmother's husband had deserted his first wife and two daughters and had lived with the grandmother for more than a year before her marriage to him. The child was reported to be "anemic, fragile, and nervous." The report to the court brought out the fact that both the petitioners had unsavory reputations. It was suggested that the child would have a better chance with the paternal grandparents, who had joined the father in protesting the adoption, but in spite of this the decree was granted 3 days after the report was sent to the court.

A mother placed her 4-month-old baby for boarding care in the home of a woman more than 65 years of age. The child remained in this home for nearly 5 years, the mother paying regularly for her care. As the time for the child to enter school approached, the mother was disturbed about the birth certificate and accordingly the boarding mother agreed to petition to adopt, with the understanding that the mother would continue to pay $5 a week board. An attempt was made to have the mother recognize the mistake she was making, and a strong disapproval was sent to the court, but nevertheless the adoption was granted 6 days after the report to the court.

Although a decree of adoption was not granted in 50 of the cases in which adoption was disapproved by the State department, only 10 of these were formally dismissed by the court. A review of these dismissed cases showed that the decision of the court had been sup-
ported by some evidence of the undesirability of adoption in addition to that of the State department. The special factors influencing dismissal in these cases are shown in the following list:

- Consent of parents withdrawn ........................................ 4
- Petitioners disappeared ............................................ 1
- Two petitions filed for the same child ............................ 3
- Subsequent juvenile-court action for neglect ..................... 1
- Petitioner's attorney recommended withdrawal .................... 1
- Protests of persons in the community ............................. 2
- More desirable plan for care by other relatives .................. 2
- Legal ineligibility of the petitioner .............................
- Adoption unnecessary .............................................. 1

No action had been taken by the court on 34 petitions and no information was available for 2 others. In most of these cases, as in the approved petitions, decisions had been made to give up the plan or no effort had been made by the petitioners or their attorneys to complete the adoption. In a few cases court action had been deferred, presumably to obtain more facts concerning the advantages or disadvantages of the adoption. Advice given to the petitioners by the representative of the State department at the time of making the investigation had been a factor in many of the decisions to give up the plan for adoption. One of the great values of a social investigation is the opportunity that it affords for giving sound advice to persons contemplating an adoption that would be undesirable either for themselves or for the child.

The fact that adoption petitions which had been disapproved sometimes were not brought to the attention of the court indicated that attorneys hesitated to present petitions which did not have the approval of the State department. The lack of protection to the child under such circumstances was recognized in Minnesota, and accordingly in 1927 the adoption law was amended to permit the State Board of Control to take the initiative and move for the dismissal of a disapproved petition.56 A similar provision was included in the Alabama adoption law enacted in 1931.57 In Minnesota it was reported that from 1930 through 1934 the State Board of Control had moved to dismiss the petition in only three cases. However, the adoption supervisor thought it doubtful that such action would be taken again, because the motion to dismiss made a special hearing essential and the procedure was therefore expensive. It was her opinion that other methods could afford equal protection to the child.

No report on the desirability of the adoption.

As has been brought out in the discussion of table 23, many of the cases for which there was no report to the court on the desirability of the adoption were those in which a decision had been made to give up the plan for adoption. A decree was granted in slightly less than half of these cases, 51 cases were dismissed, and no action was taken or no report made in 116 cases.

The 160 petitions for adoption which were granted without a report to the court included 28 adoptions sponsored by the Minnesota State School for Dependent Children, 36 adoptions of children in the care of private agencies in Massachusetts, and 22 adoptions of children born

out of wedlock in Wisconsin, to which consent had been given by the State department. Another group consisted of 51 adoptions granted by the courts after formal waiver of the investigation or before the investigation was completed. An investigation had been made in many of the remaining cases, but the report made to the court gave no clear indication of the opinion of the State department about the adoption, although in some cases problems associated with the adoption had been called to the attention of the court.

**ANNULMENT OF ADOPTION**

Adoption laws state that upon adoption a child becomes the legal child of the person adopting him, and many laws further clarify the situation by stating that the relationship between the adoptive parents and the child is that of a natural parent and a legitimate child. Adoptive parents have the right to give consent to a child's adoption; they may appeal to the authority responsible for commitment to a State institution if the child is feeble-minded, insane, or epileptic; and their rights may be terminated by a juvenile court in accordance with the existing provisions for dependent, neglected, or delinquent children. But although a natural parent cannot repudiate his minor child if the child is feeble-minded, insane, epileptic, or afflicted with a venereal disease, this privilege had been given to the adoptive parent in Alabama, Minnesota, and Wisconsin at the time of the study, and a similar law was enacted in California in 1937.68

These laws closely resembled the act passed in Minnesota in 1917, which permitted annulment of an adoption if within 5 years after adoption the child developed feeble-mindedness, epilepsy, insanity, or venereal infection as a result of conditions existing before adoption and of which the adopting parents had no knowledge or notice. The Alabama law also authorized annulment if at any time the adoptive parents failed to perform faithfully their obligations to the child. The California law did not permit annulment because of venereal disease, and the Wisconsin law authorized action to be taken any time before the fifteenth birthday of the child.

Provision had been made in each of these States to protect the rights of the child in annulment proceedings. In Alabama it was the duty of the court hearing the petition for annulment to make proper disposition of the child, either by commitment to a State institution or by referral to the juvenile court, and to notify the State department of the action taken. The clerk of the court in California was required to notify the State department when an action to annul an adoption was brought, and it was the duty of the State department to appear before the court within 60 days to represent the adopted child.59 The county attorney in Minnesota was responsible for representing the child in an action to annul an adoption, and if annulment was allowed, the court hearing the petition had authority to commit the child to the guardianship of the State Board of Control. The court hearing the petition for annulment in Wisconsin was authorized to make the State Board of Control the legal guardian of the child after the adoption had been

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59 A law enacted in California in 1919 (Laws of 1919, ch. 192) required the court "to direct the district attorney or a psychopathic probation officer, or any suitable person" to make future plans for the child.
revoked. That the provisions of the adoption law and other laws were not always coordinated is evidenced by the fact that some of the courts hearing adoptions in Minnesota and Wisconsin did not have jurisdiction to commit a child to the guardianship of the State department. These inconsistencies had been overcome in practice, however, by referring cases to the juvenile court, which had authority to take jurisdiction in such matters and to plan for the child.

Undoubtedly the early annulment laws were intended to protect foster parents from the consequences of ill-advised adoptions. The investigation before adoption and the required residence period in the foster home have greatly reduced the possibility that foster parents will be ignorant of physical and mental weaknesses in the child. Foster parents in Wisconsin were asked to sign a statement to the effect that they had been informed of the child's liabilities if the investigation uncovered any history making this procedure advisable. In the other States the foster parents were usually told of any undesirable history in order to remove possible grounds for annulment.

Wisconsin was the only State visited in which annulment of adoption apparently had been used to any extent. Even in this State most of the annulment proceedings involved adoptions granted before the passage of the annulment provision. No adoptions were annulled in Alabama in the 5 years its law had been in operation, and the single petition for annulment filed in Minnesota was denied, possibly because the adoptive father was the natural father of the child.

Of the five petitions for annulment filed in Wisconsin from the time the law was passed in 1929 until August 1, 1936, two were granted. Most of these actions were based on the mental deficiency of the child, although one petition alleged that the child had developed "insanity, feeble-mindedness, epilepsy, and venereal disease." The following cases illustrate the possibilities of abuse of annulment laws.

A girl who was committed to a local public institution when she was 2 years old was adopted the next year after being in the foster home about 5 months. Eight years later the probation office received a report that the child was being mistreated. The investigation showed that the foster parents were using poor judgment in handling the child, but mistreatment could not be proved and the case was closed. Two years later the foster parents came to the detention home, complaining that the child was uncontrollable and they feared she was mentally ill. The county hospital to which the child was sent for observation decided she was not committable, although it was agreed that the foster parents were incapable of taking care of her. The foster parents then filed a petition asking that parental rights be terminated. While the hearing was pending on this petition the child was temporarily committed to a county institution and the foster parents were ordered to pay $8 a week for her support. A month later the juvenile court decided that parental rights could not be terminated since the only reason for the action was the antagonism of the foster parents toward the child. A petition was filed asking that the adoption be annulled because the child had developed insanity, feeble-mindedness, epilepsy, and venereal disease. The mental-hygiene clinic reported that the child was neither feeble-minded nor mentally unbalanced but was the product of unusual social and physical experiences. The petition for annulment was denied because of insufficient evidence, but parental rights were terminated shortly after by the juvenile court and the child was recommitted to the local public institution which originally had placed her in the foster home.

A boy who was found to be neglected and dependent after the separation of his parents and who probably was placed by the county probation officer unadopted 2 weeks after placement. Some 3 years after the adoption the foster
parents had a child of their own. The adopted child had difficulty in school, and after 2 years in the first grade he was transferred to the opportunity room, not because he was mentally defective but because he presented behavior problems. Later it was reported that the child was disobedient; that he ran around the streets and failed to come home; that he attempted to disrobe girls; that he struck his foster father and threatened him with a knife; that he was still in the second grade after 4 years of school attendance; that he told lies, ran away, stole, smoked, swore, and was ambitious to become a bandit. The school reported that the boy had an intelligence quotient of 93. Later tests gave him intelligence quotients of 82 and 89. The child was committed to the State school for the feeble-minded, and a petition for annulment of the adoption was filed 10 days later. The foster father was a county official, and the judge apparently had made his decision before the hearing. The State department made an extensive investigation before the hearing but the judge ruled that the report of a recent mental test could not be used as evidence; that the child was insane if not feeble-minded; and that the testimony of the worker from the State department was hearsay and therefore not admissible. The adoption was annulled, but the Board of Control sitting as a commission of inquiry found the child neither insane nor feeble-minded and asked that the case be taken back to court. At a second hearing, at which the board was represented by a member of the staff of the attorney general's office, the child was found not to be feeble-minded, but the order annulling the adoption was not vacated. Instead, a finding of dependency and neglect was made, and the child was committed to the State public school. Here it was found that a peculiar eye condition made it impossible for him to see the blackboard from any position in the schoolroom and that his retardation was due largely to his inability to see, although he was dull-normal in intelligence. At the institution it was reported that he was doing fair work in the second grade and that he expected to do much better the next year. The institution had no trouble with him and reported that he got along well with other boys.

This case illustrates the abuse possible in the administration of a provision for annulment of adoption. Because of the antagonism between parents and child the best interests of the child required that a plan for him be made outside the home. Nevertheless, a natural parent of similar economic standing probably would not have been permitted to disclaim all financial responsibility under corresponding conditions. Greater care at the time the original petition for adoption was filed might have disclosed the liabilities of the child and the foster parents, with the result that the plan to adopt could have been discouraged and the persons concerned would have been spared much unhappiness.

A thorough investigation of all the circumstances makes it difficult for an unfit person to adopt a child, but if an adoption should be granted the court would have the inherent right to set it aside, even though the statutes did not have a provision permitting annulment. An example of such an action was reported in Minnesota.

A child was placed in a foster home through the efforts of two doctors and an attorney. A petition for adoption was filed about a month after the placement. The judge who regularly heard adoptions was having his summer vacation, and his substitute was persuaded to waive the investigation and residence period and to grant the adoption immediately. As soon as his action became known, a petition was filed to have the order set aside because the foster mother had deceived the court. Testimony was presented to show that she had been arrested and convicted for drunkenness and was not a satisfactory person to be awarded the care of a child. The evidence against the foster mother was so damaging that the court annulled the order of adoption, and steps were taken immediately to remove the child from the home.

The Wisconsin law made the State department a party to the proceedings in any action in which the validity of an adoption was an issue and provided that action could be taken only within 2 years after the decree was granted. Notice had to be served upon the State Board of Control in the same manner as upon an adverse party.
The infrequent use made of the provision for annulment in the States visited can probably be accepted as an indication that there is little need for such a provision, particularly when an investigation precedes each adoption order.

COURT PROCEDURE

The information about court procedure was obtained by interviews with 69 judges in the 9 States included in the study and with the clerk of court or an employee in the clerk’s office in 61 jurisdictions in these States.

THE PETITION

New Mexico was the only State in which the form for the petition used in an adoption was required by statute to be furnished by the State department, although this plan was used in a few other States. In the other States visited some degree of uniformity was achieved only because commercial firms preparing blank forms sometimes consulted the State department about a suitable form for an adoption petition. Even when a printed form was available, however, attorneys often drafted their own petitions. The lack of essential information in some of these petitions frequently handicapped the State department when the investigation was undertaken. On the other hand, it was apparent that the unusual circumstances in some adoptions would make the use of a standard form difficult unless it was supplemented by additional information.

USE OF AN ATTORNEY

The technical rules and practices followed in a court of law have resulted in the general use of legally qualified attorneys for actions presented for the court’s consideration. Accordingly, when statutory provisions for adoption were first enacted in the States it was probably expected that the petitioners would employ legal counsel. As long as the adoption procedure was new and untried the use of an attorney may have been advisable, but as legal formalities were simplified, the need for an attorney’s services in uncontested adoptions has been considerably lessened.

The adoption laws of the States visited made no mention of the use of an attorney, but in Wisconsin it was reported that a conscious effort had been made to draft the adoption law so that the petitioner could decide whether to retain the services of an attorney.

The judges of the courts in three counties in Alabama, four in Wisconsin, and two in New Mexico reported that attorneys were not required and were not generally employed. The county worker frequently prepared the petition in two of these Alabama counties, and in one the petition often was made out in the judge’s office under his general supervision. The court of one urban county in Wisconsin employed an attorney to assist in drawing up legal papers, and petitioners in adoption cases were referred to him for help, although no attempt was made to discourage the use of private attorneys. The judges in two other counties in Wisconsin made out the necessary papers, and in the fourth county the judge said that although he preferred to do this he did not always have time. The adoption forms

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were kept in the office of the clerk of court in one county in New Mexico, and the clerk assisted the petitioners in making out the necessary papers when an attorney was not employed. The clerk of the court and the local worker making adoption investigations in another New Mexico county reported that it was unusual to have an attorney in adoption cases, although the judge said an attorney was required. The staff member making adoption investigations for the local public-welfare agency in this county customarily assumed the responsibility for preparing the petition and for making up the order of adoption for the judge’s signature.

All the judges interviewed in California and Rhode Island required that the petitioners be represented by an attorney. Fifteen judges in the remaining States said an attorney was ordinarily used, although not definitely required; in the other States the judges preferred to have the petitioners represented by an attorney, the preference of two of these judges being so strong as to amount to a requirement. Apparently the precedent for using an attorney was so strong in these localities that it was rarely suggested that the proceeding could be handled satisfactorily without legal counsel.

The usual reason for requiring an attorney was to assure the court that the papers were properly prepared. Occasionally legal assistance was apparently essential to insure the observance of all technicalities in the law; but, on the whole, this did not seem necessary. It was clear, however, that the courts were relieved of much work when an attorney was employed. The attorney for the petitioners often practically conducted the hearing, and the order for adoption was often made up by the attorney before the hearing so that it would be ready for the judge’s signature.

**Character of the hearing.**

In addition to the general use of hearings in court procedure, the need for a hearing in each adoption case doubtless grew out of a provision in the early adoption laws making it the duty of the court to determine whether the petitioners were "of sufficient ability to bring up the child and furnish suitable nurture and education." At the time these laws were enacted it was only through the hearing that the court had an opportunity to obtain information on these questions.

The need for a hearing is greatly reduced when the court has the report of an investigation made by the State department. However, when an adoption is contested, a hearing permits the petitioners to have their day in court, and testimony taken at that time may serve to supplement the report to the court.

Pressure of other legal business and the lessening need for a hearing probably explained why adoption hearings had become more and more routine. Many courts continued them because it was the accepted practice or because the statutes required a hearing, but it was doubtful whether the few minutes given to each case had any value for the court, the petitioners, or the child. In one court visited less than 10 minutes was spent on each adoption case heard, and this was probably typical of the amount of time spent on such hearings elsewhere.

The laws of all the States visited had some provision for a hearing, although the California law did not use this term but required the

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41 Massachusetts, Laws of 1851, ch. 324, sec. 5.
appearance of the petitioners and the child before the court. Except
in the California and Wisconsin laws a hearing attended by specified
persons was not required. For example, some of the laws merely
stated that “if upon hearing” the judge is satisfied as to the desirability
of the adoption he may grant a decree. Other laws referred to the
procedure of the court at the time appointed or the day set for the hear-
ing but did not require that a date be set.62

Seven judges in Alabama, 1 in Massachusetts, 4 in Oregon, and 1 in
New Mexico reported that ordinarily they did not have a hearing in an
uncontested adoption case. One of these judges had dispensed with
hearings because he resented the responsibility which had been given
to the State department for investigating adoptions; the others thought
the report from the State department produced much more information
than a hearing and they therefore granted the adoption as soon as
they had received a favorable report. The remaining 56 judges held
hearings in all adoption cases.

Thirty-five judges heard adoption cases in open court, although a
definite effort was made by some of the judges to have the hearings at
a time when the courtroom was relatively empty. This was usually
accomplished by holding the hearings at odd hours—9 a.m., noon, or
late afternoon. One judge never set other hearings at the same time
as adoption hearings. At an adoption hearing attended in one State,
the petitioners and their witnesses went up to the bench, where the
conversation with the judge was carried on informally and in such a
low tone that it was inaudible to other persons in the courtroom. In
this State the report from the State department was sent to the court
in a sealed envelope, which was not opened until the time of the
hearing.

It was the practice in some of the urban areas to have adoption
hearings at the same time each week, when, as a rule, the only people
in the courtroom were those waiting for adoption hearings. Rarely
was any general plan followed in the rural counties. Instead, the few
adoption hearings coming before the court were held at any time con-
venient for the court, the petitioners, and the attorneys. In the
Rhode Island towns in which the town council sat as a probate court,
the meetings were open to anyone wishing to attend. It was reported,
however, that ordinarily not more than 10 or 12 persons in addition
to the council were present at these sessions, and the procedure was
quite informal. The report from the State department was read
aloud. If witnesses were present they were questioned, but other-
wise the petition was granted after the reading of the report.

In explaining why adoption hearings were held in open court one
judge said that he thought the purpose of the court’s participation
would be defeated if closed hearings were held; another judge said he
wished to make the proceedings formal in order to impress the foster
parents with the seriousness of their undertaking.

Regular juvenile-court procedure was followed in the two counties
visited in which adoption petitions were heard in the court hearing
juvenile cases. In one of these counties the judge and the interested
persons sat around a table in the courtroom, but the room did not

62 California, Desert’s Civil Code 1927, sec. 237; Wisconsin, Stat. 1929, sec. 322.03 (1); Alabama, Laws of
1931, p. 365, sec. 3022b; Massachusetts, Gen. Laws (Ter. Ed.) 1922, ch. 210, sec. 4, 6; Minnesota, Minn.’s
have the appearance of a court. The procedure was somewhat more formal in the second county. The judge wore a robe and was seated behind a long table. A few rows of chairs on a level with the judge's table were reserved for those having an interest in the case under discussion. These persons waited in an outer room until their case was called. All who were to give testimony were sworn at the same time. A witness usually remained seated when giving his testimony.

Sixteen judges generally heard adoption petitions in their chambers, but four others said that although the hearings were held in their chambers, this was considered to be in open court. A few judges explained that they adjourned to their chambers if there was any reason for doing so. Five judges had the hearings in their offices, which sometimes also served as the courtroom.

**Attendance at the hearing.**

The person giving consent was not required to appear at the hearing in any of the States visited. The New Mexico law, however, required that if persons whose consent was necessary for an adoption were residents of the State, they must appear either at the time the petition was filed or at the time set for the hearing.63

*The petitioners.*—The presence of the petitioners at the adoption hearing was required by the laws of California and Wisconsin, and none of the judges in these States reported any exceptions to the rule.64 However, a requirement in the California law that the court "examine all persons appearing before it pursuant to this section, each separately" did not always receive the same interpretation. Only 2 of the 10 judges interviewed in this State reported that each petitioner was questioned separately. One of these judges thought that only by such procedure could he determine to his own satisfaction whether both petitioners were equally anxious to adopt the child. A third judge did not question the petitioners separately unless he had reason to believe they were not in harmony about the adoption. The 7 remaining California judges either made no comment on the provision or considered that directing separate questions to each of the petitioners was compliance with the provisions of the law.

Eighteen judges in the 7 States where the statutes were not specific on this point required both petitioners to be present; 14 preferred both petitioners to be present but would hear a case with only one petitioner present; 2 required the presence of only one petitioner; and 15 either had no hearing or did not require the presence of either petitioner, although several of them reported that the petitioners were usually seen at some time during the proceeding. Apparently no policy had been adopted about this procedure in the 3 towns in Rhode Island where adoption petitions were heard by the town council, but it was explained that the councilmen were usually acquainted with the petitioners.

The philosophy behind the practice of the judges regarding the presence of the petitioners at adoption hearings was not learned. Some judges apparently followed the procedure set by their predecessors on the bench. Others wished to make the hearing as impressive as possible and therefore wanted the petitioners present. Still others had apparently accepted general court procedure and accordingly did...

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63 New Mexico, Ann. Stat. 1929, sec. 2-119.
64 California, Deering's Civil Code 1937, sec. 227; Wisconsin, Stat. 1939, sec. 322.03 (2).
manded the presence of persons petitioning the court. The fact that a judge did or did not require the presence of one or both petitioners in an uncontested adoption was in no way indicative of his interest in adoption. For example, one judge explained that in his opinion the investigation of the petitioners by the State department was worth far more than his casual observance of them in court and that accordingly he did not require their presence.

Without exception, the judges interviewed said that they would require the petitioners to be present if the adoption was contested, and as a rule they agreed that the petitioners should be present when the report to the court explicitly questioned the advisability of granting the petition.

The child.—The presence of the child at the adoption hearing was required by statute in California, and it was the duty of the court to question him "separately." Apparently, the courts had interpreted this provision liberally and practically. A child who was old enough to comprehend the proceeding and respond intelligently was generally asked if he wished to be adopted by his foster parents. At an adoption hearing attended in this State, the child was questioned in the presence of the foster parents, and probably this was the practice followed by the courts elsewhere in the State. The Wisconsin law required the child to be present if he was more than 14 years of age. All the judges visited adhered to this requirement and two judges specifically required children under 14 years of age to be present. One judge usually requested that the child be brought to the hearing; two judges preferred the child to be present but did not demand this if it appeared impractical or the petitioners objected to it; and the five remaining judges did not request children less than 14 years of age to attend the hearing.

In the 7 other States only 11 judges always wanted the child to be present. One judge required the child to be present in order to determine whether he had jurisdiction. Another considered the appearance of the child helpful in deciding whether he had been well treated and was happy in the home. A judge in one jurisdiction explained that he usually insisted that the child be present at the hearing but that he dismissed him from the courtroom if the testimony to be taken was such that it seemed unwise for him to hear it. Five judges sometimes required the child to attend the adoption hearing, particularly if he was old enough to understand what was happening; 4 judges preferred the child to be present but did not definitely require it; 27 judges had never required the child to be in court; and 2 had no preference. In all the States the judges reported that the child was frequently brought to the hearing, and it was possible that both the judges and the foster parents derived a good deal of satisfaction from the child's presence.

Without doubt, the attitude of the child toward the adoption should be taken into consideration if he has reached the age of discretion. One judge interpreted the age of discretion as being the legal age at which a child has the right to nominate his own guardian, so that in his court a child more than 14 years of age presumably was given the opportunity to express his preference, whereas no questions were asked of a child less than 14 years of age even though he was old.
enough to know his own mind and to have decided ideas about the proposed adoption.

There might be some doubt about obtaining a frank statement from a child at the time of the adoption hearing because of the strange surroundings and the presence of the foster parents. However, the desires of the child himself, unless he is too young to have a preference, should not be overlooked at the time of the investigation, and a definite effort should be made to learn his wishes before a final decision is reached. Even the child who seemingly has become satisfactorily adjusted to a stepfather or to a home that is not his own may have an emotional conflict over entering into a legal relationship which will sever his connection with his own family, and when this is true the court should be made aware of it.

The advantages and disadvantages of the child's presence in court are sometimes difficult to measure. The experience may help to give the older child a sense of security in his adoptive home that he would not otherwise have. On the other hand, when the court allows the adoption proceedings to be used as publicity material, the child's presence may be disadvantageous to him, especially when his picture appears in the newspaper with certain facts about him and his foster parents. There is probably little value to the court in having the child present when the results of a social investigation and of physical and mental examinations are available, for these provide a much sounder basis for action than a few minutes' observation possibly can.

*Representation of the State department.*—The investigation and report to the court afforded protection to children only in so far as the findings were accepted. Although the study indicated that relatively few adoption petitions were questioned in the reports to the court, further interpretation of the report at the time of the hearing might have resulted in more general acceptance of a State department's recommendation.

When an adverse report is made to the court it is to be expected that the attorney for the petitioners will try to prove at the hearing that the recommendation of the State department is unfair to his clients. Accordingly, there is an advantage in having a representative from the department available to give direct testimony on the findings and to interpret the facts presented to the court. This representative may be a person who has made the investigation or the director of the division responsible for the investigation of adoption petitions, but he should be a person well fitted to give such testimony and interpretation.

On the whole, the judges visited did not make a practice of having a representative from the State department present at the hearing on a disapproved adoption, although a few thought this might be helpful. Others said that the State department received notice of the hearing and was at liberty to send a representative. Several judges discussed all cases, approved or disapproved, with the local worker making the investigation, and they reported that these workers frequently attended court at the time of the hearing. One judge occasionally postponed the hearing in order to have an opportunity to look up the record in the local child-welfare office and to obtain additional facts on which to base his final decision.
A judge who had never requested the presence of a representative from the State department said that he could see a distinct advantage in doing so in certain cases. He gave as an example a case in which the maternal grandparents were the petitioners. On the day of the hearing a letter was received from the child's father, who was serving a term in the State penitentiary, asking that he be given an opportunity to be present at the hearing. After the hearing it appeared to the court that the father and the grandparents were equally unsatisfactory, but since the State department had approved the adoption by the grandparents, they were permitted to have the child.

The judge was of the opinion that it would have been helpful to have a representative from the State department in court to present in greater detail the reasons for the recommendation approving adoption by the grandparents, but apparently it did not occur to him to postpone the hearing until further information could be obtained.

There was evidence of need for closer working relationships between the State departments and the courts in the States visited. Too frequently the courts had no personal contact with the representatives of the State department and accordingly had no interpretation of the policies and principles underlying the recommendations accompanying the reports of adoption investigations.

There was no way of determining whether this situation was in any way responsible for the fact that many recommendations disapproving adoptions were disregarded by the courts, but it is conceivable that better understanding might have made the courts more willing to accept the recommendations made or to ask for advice in difficult situations.

**Legal representation for the child.**—A procedure by which the child could have legal representation at the time of the hearing had not been developed in any of the States included in the study. When an adoption had been approved after careful investigation there was probably little need for such representation, but when the investigation indicated that the advisability of granting the petition was questionable it was often difficult to get complete evidence before the court. The attorney for the petitioners was naturally biased in their favor and therefore presented evidence intended to prove that the proposed adoption was in the child's interest. The State department in its written report had an opportunity to lay before the court its reasons for opposition to the adoption, but supplementary testimony might have helped the court to understand more clearly the facts which influenced the State department in its decision. Theoretically the State department represented the child, but when an adoption petition was heard before a court in which strict adherence to the rules of evidence was observed, the judge was sometimes unwilling to question witnesses and decided the case on the evidence presented.

Unless the State department had legal standing before the court it was often difficult to bring out supplementary information. Even when the court was willing to question witnesses, their meager knowledge of all the circumstances might well handicap a judge in his efforts to obtain information.

The State department should have authority to provide legal representation, if necessary, to protect the interests of the child.
The department is in an excellent position to provide the legal counsel with pertinent facts and with necessary witnesses. In such cases a member of the staff of the attorney general of the State might be preferable as a representative of the child to the local public attorney or to an attorney especially appointed by the court, since a local attorney, particularly in rural areas, might be prejudiced in favor of the petitioners and therefore less likely to be an objective protector of the child's interests. In addition, the State department would probably find it more difficult to work with local attorneys from the several counties in the State than with a special representative from the office of the attorney general, whose headquarters are in the same city. It should also be much easier to interpret adoption policies and philosophy to one or more members of the attorney general's staff than to a widely scattered and continually changing group of attorneys.

An effort was made to obtain an expression of opinion from the judges visited with regard to the advisability of legal representation for the child. On the whole, the judges failed to see the necessity for such a provision, explaining that they would not hesitate to question witnesses if necessary. Several judges were of the opinion that it was the duty of the court to represent the interests of the child at the hearing, but they did not seem to realize that this would be impractical if an active contest developed.

A few judges could see certain advantages in a provision of this kind, however. One judge thought it distinctly advantageous for the child to have legal representation. He thought it improper for the court to question witnesses and considered the written report of the State department of no practical value in a contested case. Another explained that a representative of the State department and a representative of the attorney general's office occasionally appeared at the hearing in his court when a disapproved case was under consideration. He thought this an excellent proceeding because it made possible the proper presentation of the State's evidence. Other judges, although they were less explicit in their approval, were generally in sympathy with such procedure.

PUBLISHED NOTICE

The use of a published notice of a pending action when personal service cannot be made is frequent in civil actions. It was, therefore, not strange that the adoption laws provided for notice by publication to parents or guardians when their consent had not been obtained.

Provision for notice by publication was added to the adoption law in Massachusetts in 1853, and with some slight changes this provision has been retained.66 A general provision for published notice when the parents of the child were dead or had abandoned the child and there was no guardian in the State to give consent was found in the adoption laws of Minnesota, North Dakota, Oregon, and Rhode Island.67 In California published notice was necessary only in the case of a father who could not be located, who had lost custody of his child through

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divorce, and who had "willfully" failed to pay for the child's support when able to do so.6

Published notice had never been provided for in the laws of Alabama and New Mexico. Provision for published notice was added to the adoption law of Wisconsin in 1895 and remained part of the law until 1929, when it was decided that the need for published notice no longer existed.68

Theoretically, a published notice informs persons who can be reached in no other way that legal action is about to be taken on a matter in which they have a right to be represented. Actually it was found to have little value in adoptions. Publication was often made in a local newspaper of limited circulation; in one city, a newspaper whose 500 subscribers were mostly of a single European nationality group. No case was reported in which persons having a rightful interest in the adoption proceedings had been located through this procedure. In its place, it was possible that such publication had the undesirable result of making known information about the circumstances of a child's birth and his parentage.

On the whole, the judges interviewed were of the opinion that notice of publication had little worth, but so long as the statutes required its use under certain conditions it was sometimes necessary in order to clear a case for further action. Several of the judges considered that published notice should not be necessary when an investigation had been made by the State department. If the investigation produced no information about persons legally entitled to know of the proposed adoption, it was safe to proceed on the assumption that no obstacles to the adoption existed.

Publication of notice was reported in only 30 of the records available in the offices of the State departments. Most of these residents were in Rhode Island (13 cases) and in Massachusetts (11 cases), but publication was reported in 4 cases in Oregon and in 2 cases in Minnesota. In some of these cases one parent gave consent and publication was used to locate the other parent. It was obvious that complete information in regard to publication of notice of adoption was not obtained, since some of the clerks of court interviewed reported that it was their practice to publish a notice in every case of failure to give consent.

If the adoption law wisely provides that the court hearing the adoption petition should not be responsible for the decision by which the rights of the parents are terminated, there would be no need for published notice of the proposed adoption. Instead, notice to the parents would be necessary only if personal service could not be had in the court action involving the termination of parental rights.

Records of Adoption

Court records.

The early adoption laws did not always specify methods for recording adoption proceedings, and the courts used the same methods for keeping these records as for the records of all other actions. With the growing appreciation of the need for protecting adoption records from curious eyes, an increasing number of adoption laws have included provisions designed to keep the records confidential and available only to persons having legitimate reasons for knowing their contents.

67 California, Deering's Civil Code 1927, sec. 224, as amended by Laws of 1939, ch. 469.
68 Wisconsin, Laws of 1935, ch. 18.
The laws of Alabama, California, Minnesota, North Dakota, and Wisconsin expressly stated that records in adoption cases should not be open for public inspection, and Oregon enacted such a law in 1939.64 The Massachusetts law provided more limited safeguards by requiring that the reports of investigation received from the State department should be filed apart from other papers and open to inspection only by the parties to the adoption or their attorneys, unless the court ordered otherwise.70

Information regarding methods of recording adoption cases was obtained from all the courts visited. Forty-five of these courts were in States in which the statutes provided that adoption records were confidential records, yet only 14 courts had developed methods of filing adoption records that were entirely consistent with the law. A vault or locked file case was used in 4 California courts. Two courts used a separate index for adoption records, in which the names of the child and the petitioners were entered but were not cross-indexed; in another court the final order of adoption was entered in a special record book, which was not open to the public; and in a fourth court, adoption cases were listed in the general index by number only, although a separate index containing the names of the child and the petitioners and the number of the file had been prepared for the use of the employees in the clerk's office. In 2 Wisconsin courts all adoption records were sealed, in 3 others they were filed apart from other records in a locked file, and in a sixth court they were filed in the vault with all other records to which only the judge or his clerk had access. A separate index and a separate register for adoptions were maintained in a Minnesota court.

The adoption records in 19 courts were considered confidential, but certain practices defeated the intentions of the court officials.71 For instance, adoption records were frequently filed with other court records, and attorneys or other persons having general access to the files, therefore, had no difficulty in examining them unobserved. It was not unusual to find adoption cases indexed with all other cases and to have the order of adoption copied into the "order book." Both the index and the "order book" were public records and it was, therefore, relatively simple to obtain a great deal of information without resorting to the files. In the 12 remaining courts visited in the States where the statutes provided for confidential adoption records, there was little evidence of any attempt to follow the intent of the law, although in the courts of 1 State a few records had been sealed.

Adoption records were protected from public inspection only occasionally in the courts visited in Massachusetts, New Mexico, Oregon, and Rhode Island, where there was no legal provision for making them confidential. Each report sent to the court by the Oregon Child Welfare Commission contained a recommendation that the records be sealed, and in six of the eight courts visited in Oregon this had sometimes been done.72 The clerk of court in one county in New Mexico

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66 California, 6 counties; Minnesota, 6 counties; North Dakota, 4 counties; Wisconsin, 4 counties.
67 Prohibition enacted in Oregon in 1939 (ch. 221) provided that all files of adoption cases should be sealed and that a separate journal, index, and fee book be kept, which should not be subject to inspection.
had considered the advisability of requesting a general order from the court to the effect that all adoption cases be filed separately and open only to the parties in interest.

As a general rule, the laws protecting adoption records from the general public permitted access to "the parties in interest," but it was left to the clerk of the court or his assistants to decide whom to include in this designation. This is an undesirable procedure, for the clerk may consider that a parent whose rights have been terminated before the placement is a "party in interest" and harm may be done by permitting such a parent to learn the whereabouts of the child after adoption.

The term "parties of record," as used in Ohio, would prevent a parent who was not a party to the adoption proceeding from seeing the records unless he presented an order from the court. The court might grant a parent permission to see the adoption records when a sound reason was presented, but such permission should never be granted without careful consideration of all the circumstances surrounding the request.

Vital-statistics records.

The reporting of adoptions to the division responsible for recording vital statistics for the purpose of changing the birth record is a relatively new procedure. At a meeting of the vital-statistics section of the American Public Health Association in 1930, several matters pertaining to birth records were called to the attention of the registrars. It was reported that birth records were not changed after a decree of adoption was granted, even though many of the children adopted had been born out of wedlock and the adoption presumably had removed the stigma attached to the circumstances of their birth. The following resolution was adopted:

Resolved, That in the opinion of this section, methods should be devised and made legally effective for the correction of birth records of children legitimatized and of adopted children, and also for the registration of foundlings; and be it further

Resolved, That a committee of five be appointed by the chair to consider and report, at the next annual meeting of this section, the advisability of a uniform "standard" system for:


Since 1930 about two-thirds of the States have enacted laws making it possible to amend the birth record of an adopted child so that he may be spared the embarrassment of explaining why his own name and the names of his parents are not the same as the names on his birth record.

At the time this study was made only Alabama, California, Massachusetts, and Wisconsin, of the States included in the study, had statutory provision for reporting adoptions to the division of vital statistics and for changing the birth record, but Minnesota, North Dakota, and Oregon enacted such laws in 1939. The Massachusetts law applied only to "a person of illegitimate birth" who had "acquired a new name by judicial decree," but special mention was made of the

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procedure for changes of name after adoption. In 1938 the law was broadened to include "a person of legitimate birth" who had been adopted.

The procedures used in Alabama, California, and Wisconsin were similar. A report of each adoption decree was sent by the court to the registrar of vital statistics on a form provided for that purpose, and a new birth record using the new name of the child and those of the adopting parents was made out and substituted for the original birth record. The original birth record, which was placed in a sealed package, could be opened only upon the demand of the child himself or his natural or adopting parents, or by order of a court of record. The amended birth record made no mention of the child's adoption.76

The procedures used in Massachusetts were slightly different. Reports from the court were sent to the county clerk or to the State registrar. Since at the time of the study the only birth records of adopted children that were changed were those of children born out of wedlock, the provisions authorizing the impounding of all birth records of children born out of wedlock protected the original birth records of these children in the same way as such records were protected in the other States. The new certificate prepared for the adopted child was designated as an affidavit and correction of a record of birth and showed that the child had been adopted.

Some question has been raised about the advisability of substituting an amended birth record for the original birth record, since the child was not actually born to the adopting parents as the amended birth record implies. It has been suggested that a certificate of adoption be substituted for the original birth record to meet this difficulty. The adoption certificate would contain a record of the date and place of the child's birth. The child's new name would be used, and all other information would relate to the adopting parents. Cross-reference would be made to the original birth record, which would be sealed and opened only on request of the child or his representative or on order of a court. Certified facts from such an adoption certificate should be accepted as prima facie evidence of the child's birth. For all practical purposes all that would be necessary would be a certificate of birth showing the name of the child and the date and place of his birth.

The provision for changing birth records after adoption as authorized in California, Massachusetts, and Wisconsin made such changes applicable to adoptions consummated before the law was passed. On the other hand, the Alabama law applied only to adoptions granted after 1931. Occasionally foster parents in this State who had adopted a child before 1931 readopted him under the new law in order that his birth record might be changed. Lack of clerical assistance in some of the States had been a serious handicap in carrying out the full provisions of these laws.

The director of vital statistics in Wisconsin reported that upon receipt of an adoption report for a child born in another State a record of the adoption was made in Wisconsin and a copy of the report of the decree was sent to the State of birth. Reports of adoption from other States were accepted on the same basis as reports from Wisconsin.

76 Similar procedures are outlined in laws enacted in Minnesota and North Dakota in 1939, but the Oregon law, enacted in the same year, contains no statement regarding the disposition of the original certificate and its subsequent availability.
PROBLEMS AND PROCEDURES IN ADOPTION

counties. It is highly important that State plans for reporting adoptions to divisions of vital statistics be as nearly uniform as possible and that there be reciprocity among the States.

No statutory provision had been made in Minnesota at the time of the study for changing birth records after adoption, but an administrative plan with a similar purpose had been developed through the cooperation of the children's division of the State Board of Control and the vital-statistics division of the State Board of Health. In 1936 a request was made to the clerks of court to send certified copies of decrees of adoption to the State department, but the practice did not become general because the State department could not pay the fee charged for certified copies. Accordingly the plan was changed in 1938, and foster parents were advised to obtain a certified copy of the decree from the clerk of the court. This was sent to the supervisor of adoptions and placements in the children's division of the State Board of Control, who transferred it to the division of vital statistics. A notation in red ink was made on the original birth certificate, giving the child's new name and calling attention to the fact that a record of his adoption was on file. The adoption record was filed in a locked confidential file and was not attached to the birth record. A certificate of birth made out in the new name of the child and using the names of the foster parents was then issued to the adopting parents. Under this plan about 600 adoptions had been reported to the division of vital statistics.

Unless equal protection of birth records is afforded to all children regardless of the circumstances of their birth the provision cannot be considered wholly satisfactory. The adopted child as well as the child born out of wedlock should be spared the embarrassment of having a birth certificate which gives information of the circumstances of his birth when only proof of age and place of birth are necessary.

ADOPTION FEES

In the past fees were charged in many types of cases, including adoption cases, in order to meet the expenses of court actions to which the State was not a party. However, in recent years the tendency has been to pay stated salaries to county officials and to meet the expense of an increasing number of services through tax funds.

No court fees were charged for adoptions in California, Massachusetts, and Wisconsin. The adoption law of Alabama made no mention of fees, but a previous law had set the fee for adoptions at $1, and this was the accepted charge in seven of the counties visited. In one county in Alabama an additional charge was made of 15 cents a hundred words for all papers copied in the record, and in another county no charge was made for an adoption.

Adoption fees in four States were based on general provisions regarding fees, and as a result the fee differed from county to county. For example, the Minnesota statutes specified that the fee in a civil action in which no answer or demurrer was filed should be $2. Ordinarily, $2 or $3 was charged for adoption cases, but in one urban county the fee had been set at $5, of which $1 was applied to the county library fund, and in another county a $3 fee was the rule.

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50 cents of which was applied to the library fund. The regular fee established in North Dakota was $3.78. An Oregon law had set $2.50 as the fee for instituting an action, and this was the usual fee charged in adoption cases, although a library fee of 25 cents had been added in four counties visited. One county charged $3, and in Multnomah County the fee was $5. A New Mexico statute established $7.50 as the fee "for docketing each cause" in the district court. This was the basic charge for adoption cases in the State, although an additional $2.50 to be applied to the Capitol Building fund was collected in three of the counties visited. Another county charged a $10 filing fee and $2.50 for entering the order.

The fee set by the statutes of Rhode Island was $7, to be divided equally between the probate judge and the clerk of court. This was the basic charge in all but two of the probate courts in the State, which were permitted by special legislation to hear an adoption petition without charge. However, additional charges for recording or advertising were made in several of the towns. A town clerk reported that the total court cost of one of the adoptions granted in 1934 was $21.25—$7 for the basic fee, $2 for recording, and $12.25 for advertising. Another town clerk estimated the cost of an adoption at $11. No charge for recording was made in one town visited and only an occasional case was advertised, whereas in some of the towns it was the practice to advertise every adoption regardless of necessity.

There seemed little relation between the fees charged in the jurisdictions visited and the amount of work involved. A State having an accepted philosophy of public support for the courts and a well-regulated court system is likely to have an efficient administration at a minimum of cost to the petitioners.

It was impossible to determine whether the fee for adoption was a deterrent to petitioners who found it difficult to meet this added cost. No evidence was found to indicate any appreciable difference in the economic standing of petitioners in the States where no fee was charged and in those requiring a fee. However, it is to be hoped that other States will follow the example set by those that have given up the fee system and have made the services of the courts generally available at no extra cost to persons seeking to adopt children.

North Dakota, Comp. Laws 1913, sec. 3498, as amended by Laws of 1927, ch. 129.
Oregon Code 1930, sec. 27-3003.
New Mexico Ann. Stat. 1929, sec. 34-543.
SUMMARY AND CONCLUSIONS

The findings of this study clearly show the importance of the provisions in the adoption laws of the States visited authorizing the State welfare department to arrange for a social investigation and to make recommendations to the court as to the desirability of the adoption. The placement of such responsibility in the State department not only assisted in preventing undesirable adoptions but also gave opportunity to the department to fulfill its further responsibility for safeguarding the placements of children and to develop fuller understanding of the social aspects of adoption through general education of the public and through its services to the courts.

The submission of reports to the courts showing the undesirability of some of the proposed adoptions was only a small part of the service given to children as a result of the investigation. The fact that many of the petitions filed in the States were not completed because of change in plan or withdrawal of the petitions was to a considerable extent due to advice given in connection with the investigation. Another value of the social investigation that was recognized in some of the States was the opportunity it offered to advise and assist prospective adoptive parents who had not had the benefit of agency services in connection with the placement of the child in the home. It was in States where particular emphasis was laid on service to the petitioners and to the parents of the child that the results of the investigations were most gratifying.

The advantages of using local public or private agencies for the investigation becomes evident when the investigation is considered an opportunity for service as well as a means of obtaining information which will assist the court in arriving at a decision. A representative of the local agency can make supplementary visits to the home in order to make a complete study of the situation and he is in a position to understand local attitudes and to explain to local persons interested in the proceeding the reasons why a particular adoption seems inadvisable. Several judges interviewed placed special reliance on the advice of local workers in whom they had confidence and whose judgment they respected.

One of the important responsibilities of State welfare departments is to supervise institutions and agencies providing foster care for children and to improve their standards of service in placements of children in family homes. The need for improvement of the placement policies of child-placing agencies was evident in some of the States. The fact that an agency was “authorized” did not always mean that the agency was equipped to give the skillful service necessary in placements for adoption. Undesirable placements made by agencies, though not large in number, revealed certain questionable practices, such as the placement of very young children in adoptive homes. It is extremely doubtful if the careful study of a child and his mental
potentialities which should be expected of an agency before placement for adoption can be completed for children placed when they are only a few weeks old. Ordinarily an agency of recognized standing hesitates before placing a child under 4 months of age, even when his family background is favorable.

There was considerable difference in the States in the extent of placements by agencies, especially placements of children born out of wedlock. The proportion of agency placements of children born out of wedlock and placed in homes of persons not related to them ranged from 38 percent to 71 percent in the different States. The availability of agency services for unmarried mothers is a significant factor in the use of agencies by these mothers for placement of their children.

The possibility of extending agency services for children needing placement in adoptive homes should be given careful consideration by agencies and the State departments. Such questions as the following will need to be answered: Are the child-placing agencies too selective in the children they are accepting for placement? Does this mean that the less promising children are being deprived of agency services because they are not suitable for placement in homes offering superior advantages? Is there anything inherent in the policies of child-placing agencies that is not compatible with the wishes of potential adoptive parents? Is it because agencies have not interpreted their services to the public that applicants for children fail to see the advantages in their services and that persons wishing to plan for a child's future do not request their assistance?

The study showed a need for clarifying the relationship between the authorized child-placing agencies and the State department in regard to adoptions sponsored by the agencies. Unquestionably there is no reason for reinvestigating an adoption sponsored by a well-qualified child-placing agency. If the service provided by an agency is inadequate or otherwise questionable, however, investigation of its adoption placements may be valuable and helpful. The laws of two of the States visited exempted from the State plan all agencies placing children for adoption. The value of such exemption is debatable, since it prevents State-wide information on the extent of adoptions and may include in the agencies exempted some whose placement policies are undesirable. If for any reason it appears desirable to authorize an agency to make its own reports to the court about adoptions which it is sponsoring, such authorization should come from the State department on the basis of a careful evaluation of its work.

The lack of essential information in many of the agency reports submitted to the State department on children under agency care who were subjects of adoption petitions showed that the differences between an investigation made before placement and an investigation of a prospective adoption were not clearly understood. State departments need to give more attention to the reports received from agencies on adoptions which they are sponsoring and to develop a plan for such reports which will give the department the information essential for preparing a report for the court and a recommendation as to the desirability of the adoption.
A more enlightened public opinion on the subject of adoptions can be developed more easily when the State department participates in adoptions. The State department has a perspective which enables it to interpret the needs of children on a State-wide basis and in relation to other social programs in the State. Adoption is only one phase of its interests in children. It is in a position to further understanding of why the number of children available for adoption is limited and to explain the wisdom of making application for a child to agencies qualified to give sound service.

Study of the adoption laws in the States visited and of the changes that had been made in these laws since their original enactment showed that many of the features of the early laws often had been retained. Some of the provisions which presented problems in the adoption cases studied are to be found in the laws of other States. In order to provide adequate protection of the rights of the child, his natural parents, and the adoptive parents there is need for a reconsideration of provisions of adoption laws that are not consistent with changed social conditions and sound social and legal practices. The following points especially should be considered:

1. The fact that a number of children were adopted without the consent of any person showed the undesirability of some of the provisions relating to consent to adoption. Consent by a parent, a guardian, or the State department should be required in all cases. The laws of some of the States visited made such requirements. The appointment of a guardian ad litem or next friend to give consent, as authorized by the laws of many States, does not provide real protection of the rights of the child and his natural parents. Previous court action committing a child to the care, custody, and guardianship of an agency would assure proper guardianship for a child lacking a competent guardian.

2. The provisions in some of the laws by which a parent loses the right to consent to his child's adoption are unfortunate, even though only a small number of children are affected by them. In the drafting of adoption laws consideration should be given to the elimination of such conditions in order that the desirability of the adoption may be the only issue before the court.

3. The requirement of publication of notice to inform an absent parent or guardian of the pending adoption was found to be ineffective, since no evidence was found in the records studied that a parent had been located through the procedure. Previous court action for the termination of parental rights of which the parent would have a right to receive notice and at which he would be heard would prevent the need for any publication of notice of adoption. Publication of pending adoptions is not consistent with the provisions of more recent laws requiring that all records of adoption cases shall be dealt with as confidential matters.

4. It is doubtful whether the provision found in some of the States authorizing the court to waive the investigation is in accord with the intention of modern adoption laws to afford complete protection of the child. In the few cases in which the court waived investigation the reasons given for the action were so inadequate that it seemed apparent that no real attention had been given to the purpose of the investigation; it was unfortunate under these circumstances to permit the
court to make an arbitrary decision in a matter so closely related to the future welfare of the child.

5. A period of at least 6 months' residence of the child in the adoptive home seems essential to prevent the consummation of adoption before the child's development and adjustment are known. A distinction should be made between a residence period and an interlocutory period, since the primary purpose of requiring an interlocutory period is to provide supervision of the child in the home. Valuable as supervision is in cases where agency service has not been available to the foster parents and the child, there seems little reason for requiring such supervision when the residence requirement has been fulfilled and supervision is not necessary. It would seem desirable, therefore, in considering a provision for an interlocutory period, to authorize the court at its discretion to grant a final decree at any time during the interlocutory period on recommendation of the State department or supervising agency that further supervision is not necessary. Unnecessary visits to an adoptive home are a waste of agency services, and the need for service should be given consideration in all cases.

6. The large number of adoptions by stepparents indicated a need for a special provision in the adoption laws relating to the position of the parent in such cases. In all the States included in the study, except California and Wisconsin, the parent joined with the stepparent in the petition and thereby became an adoptive parent, since legally the parental rights of the natural parents were terminated by the adoption.

7. The few cases in which adoptions were completed outside the jurisdiction of the petitioner's residence, even in States where this was legally permissible, led to the conclusion that there was little need for alternative jurisdictional provisions in an adoption law. However, the exceptional cases where there seemed justification for filing the adoption petition outside the locality where the petitioners lived suggested a need for authorizing transfer of jurisdiction under extenuating circumstances and after a recommendation from the State department of public welfare.
APPENDIX.—SAMPLES OF REPORTS ON APPROVED ADOPTIONS SENT TO THE COURT BY THE STATE DEPARTMENT OF THREE STATES

REPORT 1

State of _______
County of _______
Petition of G— S______
To adopt P— G______

IN DISTRICT COURT
--- Judicial District

REPORT OF STATE BOARD OF CONTROL

The State Board of Control begs leave to recommend that the above-entitled petition be granted. Upon investigation the allegations of the petition are found to be essentially true. In the opinion of the Board the child is a proper subject for adoption and the home of the petitioners a suitable one for this child.

A full report of the investigation is on file in the office of the Children’s Bureau.

STATE BOARD OF CONTROL,
By _______
Chairman.

Dated this 3d day of June 1936.

REPORT 2

JUNE 21, 1939.

To the Honorable the Judge of the Probate Court in and for the County of _______

REPORT IN RE THE PETITION OF

E— J— and L— J______
for the adoption of
M— B____

[Notice received by Department of Public Welfare, May 26, 1939.]

E. T. J— was born in ______, September 30, 1897. He is an orthopedic surgeon at ______. J— was born at ______, June 4, 1900. The petitioners were married at ______, December 9, 1933 (verified). They have no children.

M— B____ was born in ______, July 6, 1938 (verified). Her mother, D— B____, was born in ______, April 24, 1918, and she resides with her parents, two brothers, and two sisters in ______. This mother completed 3 years of high school. She consents to the adoption of her daughter, who was placed in the J— home October 1, 1938. M— B____ has had all the medical tests to prove that she is in good health. The baby has light hair and blue eyes.

The petitioners own a 10-room single house in an exclusive residential section at ______. Within and outside, the house is in excellent condition. Financially, the petitioners are well able to rear the girl, as Dr. J— has a large income from his profession and Mrs. J—— has a large income from a trust fund.

References on the family are good. All of the interested parties are Protestants. Respectfully submitted.

_______ ______ Supervisor
(For ______ Director).
APPENDIX

REPORT 3

IN THE PROBATE COURT OF —— COUNTY, STATE OF ——

In the matter of

the adoption of

A—— J——— J———

A minor

Confidential report of the

State Department of Public Welfare

Action No. ——

Hearing date — January 15, 1940

SUBJECT OF ADOPTION

A—— J——— J——— was born 3-7-39 at the — Maternity Home in —— (verified). She was born out of wedlock to M—— A—— J———. She has been in the home of the petitioners, F—— and G—— L———, since 5-7-39. The mother's family did not insist that she give up this child, and it was on her own decision that she decided to relinquish the baby for adoption. She felt that she would not be able to provide properly for a child and that her future adjustment in life would be seriously complicated if she kept her child.

The child is apparently normal mentally and physically. This was a normal birth. Weight at birth was 8 pounds and 8 ounces and the present weight is close to 16 pounds. Wassermann on the child was negative.

NATURAL PARENTS

M—— A—— J——— was born February 16, 1921, in ——— K———. The maternal grandparents are L——— and I———, who live on a farm near ———. The mother is the youngest of four children. The mother is a graduate of high school, from which she won a scholarship to a business college in ———. She has continued her business education by earning her own way doing various kinds of work from working as a maid in a private home to clerking in a store. She has been upset emotionally by her pregnancy but has now adjusted satisfactorily to her future plans in life.

The alleged father formerly worked in ———. He is between 22 and 23 years of age and it was thought that he was born in ———. The natural mother knew very little of his family background; however, she said that the paternal grandfather was not living and the paternal grandmother was a traveling man. The family no longer retain a home anywhere. The mother knew the alleged father approximately 3 months before she became pregnant. She described him as a person she would never marry as she felt he was unreliable and too heavy a drinker. She does not know of his whereabouts at the present time.

PETITIONERS

F—— and G—— A—— L——— were married August 21, 1935, at ——— (verified). This is the first marriage for each petitioner. They have no children although they have wanted a child ever since they were married. References and the atmosphere of the home indicate that the couple are compatible and stable. All of their planning is done together.

G—— A—— L——— was born October 6, 1914, in ———. She is of English descent. She completed high school and has attended night school in ——— for 2 years. Previous to her marriage she taught school for 3 years. For 2 years she taught at a country school in ——— County and the third year she taught at a country school in ——— County. She is the daughter of Mr. and Mrs. S—— A——, who live on a farm near ———. She is the second of their three children. She is a member of the ——— Church and very active and interested in the work of the church. There are no adverse hereditary traits in her family, and her general health is good.

F—— L——— was born March 16, 1913, at ———. He is of Swedish-American descent. He is a high-school graduate and has had a year of postgraduate work. He has taken correspondence work from ——— College and attended night school in ——— 2 years, where he studied woodworking, photography, bookkeeping, and psychology. He is the son of Mr. and Mrs. W—— L———, who live on a farm near ———. He is the oldest of six children. Two of his sisters are working in private homes in ———. Mr. L——— has high moral and business standards. He, too, is an active member of the ——— Church.

Health — There are no adverse hereditary traits in either of the petitioners' families and they are both in excellent health.
Home.—The petitioners live in a 3-room bungalow-type home in ———. The exterior of the home is in excellent condition, and the interior has been newly repapered and shows that the petitioners take an interest in their home. The home is on the bus line and located within three blocks of the high school and grade school in ———. Although this is called a 3-room house it has a living room, breakfast room, kitchen, bedroom, and bath. The rooms are comfortably and tastefully furnished, and the entire home gives a cheerful effect. They are buying their home, which cost $2,500 and they have paid between $800 and $900 in monthly payments of $21.38 to the ——— Building and Loan Association.

Financial condition.—Mr. L——— is employed as assistant foreman in one of the departments of the ——— Co. He has worked for this plant 8 years and receives a weekly salary of $32.50. Mr. L——— carries $5,000 in life insurance and Mrs. L——— has a $500 policy. They put from $5 to $6 weekly in postal savings. They have a car and furniture which is valued at $500. Their only debt is $70 on their gas furnace.

Cultural interests.—Both Mr. and Mrs. L——— are active in affairs of their church. Mrs. L——— is secretary of the missionary society. Up until this year nearly every evening was filled because they were attending night school 2 nights out of the week and studying together the rest of the time. There are numerous books and magazines in evidence in their home.

Attitude toward child.—Mr. and Mrs. L——— have wanted to adopt a child for some time and consider themselves very fortunate in being able to have this one. They plan to tell the child that she is adopted, and it is certain that they will be intelligent in rearing the child, as they have both done considerable reading on the adoption of children.

References.—This couple was given the highest of recommendations. One reference stated that she was happy to be able to recommend their home and that the child was fortunate to be placed with such a fine couple. They are substantial, hard-working people who make practical plans for their future.

Recommendation

The State Department of Public Welfare finds A——— J——— J——— eligible for adoption, the home of the petitioners, F——— and G——— L———, suitable for a child, and believe that it is for the best interests of the child that the adoption be consummated and recommends that the petition be granted.