

U. S. DEPARTMENT OF LABOR
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CHILDREN'S BUREAU
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DEPENDENT AND DELINQUENT CHILDREN
IN NORTH DAKOTA AND SOUTH DAKOTA

A STUDY OF THE PREVALENCE, TREATMENT, AND PREVENTION
OF CHILD DEPENDENCY AND DELINQUENCY
IN TWO RURAL STATES

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IN NORTH DAKOTA AND SOUTH DAKOTA

BY THE BUREAU OF THE CENSUS
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LETTER OF TRANSMITTAL

UNITED STATES DEPARTMENT OF LABOR,
CHILDREN'S BUREAU,
Washington, April 15, 1926.

SIR: There is transmitted herewith a report on Dependent and Delinquent Children in North Dakota and South Dakota. This report was prepared by the social-service division of the Children's Bureau under the direction of Emma O. Lundberg. Special assistance in the preparation of the report was given by Ruth Bloodgood and Mary E. Milburn, of the social-service division.

The studies on which this report is based were undertaken at the request of the Children's Code Commission of North Dakota and the Child-Welfare Commission of South Dakota. A preliminary report of the North Dakota material was submitted to the Children's Code Commission of North Dakota for use in connection with its report to the legislature in 1923. Because much of the material is of general interest and of permanent value it is now being published. It is a pleasure to record that following the recommendations of the commission the laws passed in 1923 by the North Dakota Legislature—which are summarized in this report—placed it among the foremost States in respect to legislative provisions for the protection and care of dependent and neglected children.

Respectfully submitted.

GRACE ABBOTT, *Chief.*

HON. JAMES J. DAVIS,
Secretary of Labor.

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LETTER OF TRANSMITTAL

Dear Sir:

The enclosed report contains a summary of the work done during the year 1917. It is hoped that it will be of interest to you. The report is divided into two parts, the first dealing with the general work of the year and the second with the work of the various departments. The report is written in a simple and straightforward manner and is intended to give you a general idea of the work done during the year. It is not intended to be a detailed report of the work of each department. The report is written in a simple and straightforward manner and is intended to give you a general idea of the work done during the year. It is not intended to be a detailed report of the work of each department.

Very truly yours,

W. H. ...

DEPENDENT AND DELINQUENT CHILDREN IN NORTH DAKOTA AND SOUTH DAKOTA

INTRODUCTION

Studies of child welfare and needed legislation in North Dakota and South Dakota were undertaken by the United States Children's Bureau at the request of the North Dakota Children's Code Commission and the South Dakota Child-Welfare Commission, respectively, and the investigations in the two States were made in cooperation with these commissions. Field work was completed in the spring of 1922, and early in August a detailed report was made to the North Dakota Children's Code Commission; a similar but briefer report was made to the South Dakota Child-Welfare Commission in July, 1923 (see p. 5). The present publication deals with the results of the studies made in both States by the social-service division of the bureau.¹

The population in the two States is for the most part native American, and the foreign-born element has come chiefly from northern Europe.² Agriculture is the principal industry in both States. Only one-seventh of the population of North Dakota lived in urban communities at the time of the Federal census in 1920, only three cities of this State having a population of over 10,000. In South Dakota less than one-fifth of the population lived in urban communities.³ The largest city in either State (Sioux Falls, S. Dak.) had a population in 1920 of 25,202.⁴

The proportion of illiterate persons⁵ among the population of both States was comparatively low. In North Dakota the illiteracy percentage was 2.1, and in South Dakota it was 1.7. Nine States had a lower percentage than that of North Dakota, and five had a lower percentage than that of South Dakota. The general rate of illiteracy for the United States as a whole was 6 per cent.⁶

¹ A report of the study of child labor which was made in one of these States by the industrial division of the bureau has already been published. See *Child Labor in North Dakota* (U. S. Children's Bureau Publication No. 129, Washington, 1923).

² In 1920 the population of North Dakota (99 per cent of which was white) was 646,872. Four-fifths were of native birth; two-fifths of the foreign born had come from the three Scandinavian countries; nearly one-fourth from Russia; one-eighth from Canada; and almost one-tenth from Germany. Other countries from which any considerable number of persons had come were Austria, Czechoslovakia, England, Hungary, and Poland (as the boundaries of these countries were established after the World War). There were a few Indians, Chinese, Japanese, Hindus, and Negroes. The population of South Dakota (97.3 per cent of which was white) was 636,547. Seven-eighths were of native birth; one-fifth of the foreign born came from Norway; one-fifth from Germany; one-seventh from Russia; one-tenth from Sweden; and smaller proportions from some other countries in the following order: Denmark, Canada, Netherlands, England, Czechoslovakia, Ireland, Austria, and Finland. Several other countries had each contributed less than 1,000 persons. See *Fourteenth Census of the United States, 1920, Vol. III, Population*, pp. 752, 755, 940, 943 (Washington, 1922).

³ The Census Bureau classifies as urban communities all incorporated places having 2,500 inhabitants or more. See *Fourteenth Census of the United States, 1920, Vol. III, Population*, p. 9.

⁴ *Fourteenth Census of the United States, 1920, Vol. III, Population*, pp. 762, 951.

⁵ The U. S. Bureau of the Census classifies as illiterate any person 10 years of age or over who is unable to write, regardless of ability to read. See *Fourteenth Census of the United States, 1920, Vol. III, Population*, p. 10.

⁶ Abstract of the *Fourteenth Census of the United States, 1920*, p. 434. Washington, 1923.

The influence of the conditions of life and the character of the population was reflected in the methods of child care and protection which had been worked out under public and private auspices. The readiness of the people to open their homes to unfortunate children and the opportunities farm life offered for utilizing the services of the children as they grew older made free-home placement the prevailing method of caring for the dependent. The two States, especially North Dakota, had indicated a willingness to adopt certain advanced measures for the protection of children—for example, the 1917 illegitimacy law,⁷ the law prohibiting the removal of infants under 6 months of age from their mothers, rendered practically inoperative by an unfortunate qualifying clause, and the plan for juvenile-court commissioners.

However, before the establishment of the commissions for the study of conditions and needed legislation, measures for the protection and welfare of children within the two States were enacted without adequate information as to actual needs. Consequently, as the present report will show, they failed in some instances to afford sufficient protection. The success of the North Dakota commission in obtaining a considerable body of well-coordinated legislation, based on careful study and analysis of conditions, illustrates the value of such carefully planned proposals.

The North Dakota Children's Code Commission was created in 1921⁸ to consist of one representative from each of seven specified state-wide organizations. The governor made appointments from a list of persons representing the State Conference of Social Work, State Federation of Women's Clubs, State Medical Association, State Bar Association, State Federation of Labor, State legislature, and State minimum-wage department. The duty of the commission was stated to be that of studying social conditions touching upon the welfare of children in the State and recommending necessary revision and codification of existing laws and such new laws as were found necessary. It was to make a comprehensive and detailed report containing its findings and proposals to the next legislative assembly, either regular or special, and to each succeeding legislative assembly during the period of its existence.

The commission met for organization immediately after the appointment of its members and divided its field of work as follows: Dependent and neglected children; delinquent children; defective children; education of children; children in industry; health and recreation; general child welfare. The request to the United States Children's Bureau was for assistance in studying child-welfare needs, including especially the subjects juvenile courts, mothers' pensions, problems of dependent and neglected children, recreation for children, and child labor and school attendance, with emphasis on their rural aspects.⁹ The commission also requested the National Committee for Mental Hygiene to undertake a mental-hygiene survey.¹⁰

⁷ The Norwegian illegitimacy law doubtless influenced this legislation.

⁸ N. Dak. Laws of 1921, ch. 29. See also State Commissions for the Study and Revision of Child Welfare Laws, by Emma O. Lundberg, pp. 63-68, 94, 98 (U. S. Children's Bureau Publication No. 131, Washington, 1924).

⁹ See footnote 1, p. 1.

¹⁰ The report of this committee on its investigation in North Dakota was published in January, 1923. See Report of the North Dakota Mental Hygiene Survey with Recommendations (The National Committee for Mental Hygiene, Inc., New York).

The South Dakota Child-Welfare Commission was created in 1919,¹¹ to consist of the superintendent of public instruction, the superintendent of the State board of health, the president of the woman's board of investigation, the parole officer of the State board of charities and corrections, and one citizen of the State to be appointed by the governor for a two-year term. The duties as outlined in the law related primarily to child labor, but the commission interpreted broadly the provision to "investigate the condition of children and advise pertaining to their care and instruction."

In December, 1920, the commission issued a report, including recommendations for legislative action,¹² which was presented to the legislature in 1921 (see p. 96). The commission was recreated by the 1921 legislature but became inactive during the course of the Children's Bureau study, although the four who were members *ex officio* remained in office. Early in 1923 one of these members began organizing county welfare boards, in accordance with a law of 1921 which had been proposed by the commission.¹³ The members of the commission recommended to the legislature that there be a reorganization of the commission, the necessary legislation was passed, and a new commission was appointed, to continue for a two-year period. It sponsored 10 bills, 4 of which were enacted in amended form by the 1925 legislature.¹⁴

The Children's Bureau inquiries in the two States were planned along similar lines and were carried on simultaneously. Data were first obtained from all public and private agencies and institutions caring for dependent, delinquent, physically handicapped, and mentally defective children. This formed a background of information on the extent of provision made in the two States for caring for these children, the nature of the problems dealt with, and the localities from which the children came. In each State were selected 10 counties whose geographical distribution and characteristics made them fairly representative of conditions in the whole State. They also had individual problems peculiar to particular sections. The economic, industrial, and social conditions in these counties varied greatly. Included among the 20 were homesteading counties, counties containing cities of some size, counties in rich farming districts where conditions were fairly prosperous, less prosperous counties, a county where farming was diversified, and counties in which mining was the chief industry. The counties containing the largest cities in each State were included, as well as counties with no town of more than 700 inhabitants. Information on the following subjects was sought in these counties:

(a) Juvenile courts: Methods of conducting juvenile-court work; probation service; detention methods; disposition of cases, etc.; and individual case data for all children brought before the courts because of delinquency, neglect, or dependency within one year.

¹¹ S. Dak., Laws of 1919, ch. 134, sec. 2. See also State Commissions for the Study and Revision of Child Welfare Laws, pp. 74, 75, 95, 98 (U. S. Children's Bureau Publication No. 131, Washington, 1924).

¹² First Biennial Report of the South Dakota Child-Welfare Commission, 1919-1920. The Child Welfare Commission, the Capitol, Pierre, S. Dak., 1920.

¹³ S. Dak., Laws of 1921, ch. 142.

¹⁴ These laws relate to the licensing of maternity homes (Laws of 1925, ch. 220), the examination, care, and training of mentally defective children (*ibid.*, ch. 152), and the parole of children from the State training school (*ibid.*, chs. 278, 279). In 1925 the State also appropriated \$4,000 a year for a 2-year period to be used by the board of health for the benefit of crippled children (*ibid.*, ch. 11, sec. 24).

(b) Juvenile-delinquency problems in the community: Courts other than juvenile courts hearing children's cases; methods of dealing with adults contributing to the delinquency of minors; prevention of delinquency.

(c) Mothers' pensions: Number of families and of children receiving aid, amounts of grants, total appropriations, and methods of administration.

(d) Placed-out children: School-attendance records; information in regard to supervision.

(e) Children removed from their parental homes (for a certain number of children who had been removed from their homes and taken under the permanent custody of agencies or institutions): Conditions at the time of removal, child's characteristics, school history, record of agency treatment of the child, constructive work done with the family before or after the child's removal.

(f) Other subjects related to dependency: Children in almshouses; illegitimacy; adoptions; nonsupport cases before courts.

(g) Mentally or physically handicapped children: Individual case data, especially concerning ability to attend school and need for special training or custodial care.

A section of the inquiry conducted in North Dakota only was made through questionnaires on the following topics:¹⁵ (1) Prevention and treatment of juvenile delinquency; (2) dependency and neglect; (3) care and protection of feeble-minded children; (4) mothers' pensions (a supplementary questionnaire for the counties not included in the 10 especially studied); (5) recreational facilities.

These questionnaires were prepared in cooperation with the North Dakota Children's Code Commission, which distributed them to the cooperating committees that had been appointed in the various counties of North Dakota.¹⁶ Although definite information was sought and obtained by means of these, their main purpose was educational—to enlist the cooperation and interest of the people in all parts of the State and to inform them of the purpose of the commission and the types of problems to be considered in planning legislative needs.

The manuscript report which was presented to the North Dakota Children's Code Commission covered the following: General conditions in the State; children in State institutions; dependent children under care of agencies and institutions; the North Dakota juvenile-court system; the treatment and prevention of juvenile delinquency; methods of care and protection of dependent and neglected children; aid to dependent children in their own homes; handicapped children; notes on conditions in the 10 counties; a summary pointing out legislation needed for the care and protection of children; 14 graphs illustrating some of the main findings; and a collection of material of possible value in considering the content and form of proposed laws (including publications and digests and text of laws of other States on subjects under consideration). On the basis of this material and other studies which the commission itself had been pursuing, the commission planned a legislative pro-

¹⁵ For forms and questionnaires used in the study, see Appendix C, p. 124.

¹⁶ The Children's Bureau suggested similar committees in South Dakota, but no committees were organized for work in connection with this inquiry. (For the organization of county welfare boards in South Dakota, see S. Dak., Laws of 1921, ch. 142.)

gram and recommended a series of bills to the State legislature early in 1923. The subject matter of these bills and the results attained by the commission are discussed on pages 103-105 of this report.

In South Dakota only a part of the projected field study was completed (because of the temporary inactivity of the commission in that State), and the detailed preliminary report which had been prepared (similar to that made to the North Dakota Children's Code Commission but not so long) was not submitted until July, 1923, when it was sent to the new commission which had been organized (see p. 3). However, prior to the field survey, conferences had been held with the commission as first organized, and correspondence had been conducted with regard to the plan of work of the commission and the report to be made to the legislature in 1921 (see p. 3). For the subject matter of such bills recommended to the legislature at that time as were enacted into law see page — of this report.

PROVISION FOR DEPENDENT AND DELINQUENT CHILDREN IN THE TWO STATES

STATE BOARDS

At the time of this study both the North Dakota State Board of Administration and the South Dakota State Board of Charities had very few powers or duties in relation to child care and protection.¹ Their authority was limited mainly to the finances and management of State institutions.

The North Dakota State Board of Administration had been created in 1919 out of certain existing boards. Its members were the State superintendent of public instruction, the commissioner of agriculture, the commissioner of labor, and three persons appointed by the governor. The term of office was five years. Each of the appointive members, and also a secretary appointed by the board, received a salary of \$3,000 a year, and such other assistance as was found necessary might be employed. To this board was given the administration of all State penal, charitable, and educational institutions, and general supervision over them; the heads of the State institutions and the superintendent of public instruction were responsible to it.

Private institutions, maternity hospitals or homes, and boarding homes were not placed under the supervision of the State board of administration but were subject to a certain amount of local supervision. Maternity homes and boarding homes were required to obtain a license from the judge of the district court, and they were subject to inspection by a person designated by him; they were required to keep records concerning every child received, given out for adoption, or otherwise disposed of, and to submit reports to the judge. All child-caring and child-placing agencies also were licensed by the district judge, the license being renewable annually, and were subject to the supervision of the judge, to whom they made reports.²

There was no State regulation of placing out, adoption, or the "importation" of dependent children. Any agency bringing dependent children into the State had to file a bond with the treasurer of any county in which a child or children were to be placed.³ The only direct control of the State over private agencies and institutions lay in the provision that the articles of incorporation of all such bodies (filed with the secretary of state) had to be accompanied by a certificate signed by the governor and three or more members of

¹ For summary of law passed in North Dakota in 1923 giving to the State board of administration comprehensive powers in such matters as supervision of and cooperation with institutions, agencies, and juvenile courts, and the administration of mothers' pensions, see Appendix A, p. 109. After the enactment of this law a children's bureau was organized within the board of administration.

² N. Dak., Laws of 1915, ch. 183. For 1923 legislation see Appendix A, p. 114.

³ N. Dak., Comp. Laws 1913, secs. 5107, 5108. For 1923 legislation see Appendix A, p. 113.

the supreme court of the State, a renewal of the certificate being required every 10 years.⁴

The State Board of Charities and Corrections of South Dakota was composed of five members appointed by the governor. The term of office was six years. The members received \$1,500 a year and expenses, and the board elected a president and secretary from among the members. No office was maintained at the State capitol—the homes of the officers became the headquarters of the board. The board had control of the State charitable and penal institutions and was authorized to inspect and supervise all institutions and agencies receiving children under the juvenile court law and to pass annually upon their fitness (but it did not appear to have been active in this work). In addition, any association desiring to incorporate for the purpose of caring for dependent, neglected, or delinquent children had to submit its articles of incorporation for the approval of the board.⁵ The authority to supervise the management of maternity hospitals and boarding homes for infants, however, was placed in the State board of health;⁶ and agencies bringing dependent children into the State were required to file a bond with the treasurer of the county where the child was placed.⁷

In addition to the State board of charities and corrections, South Dakota had a special "women's committee of investigation," composed of three women appointed by the governor. They visited all State and certain private institutions twice a year and reported their findings to the governor. There was also a State parole officer, who supervised adults and children on parole from the State institutions.

STATE INSTITUTIONS

The institutional provision for children in need of special care was very similar in the two States. Neither had any State institution or agency caring for dependent children. Each had a State training school for delinquent children, which cared for both boys and girls in the same institution.⁸ Each State had a school for the blind, a school for the deaf, and a State school for the feeble-minded. In both States delinquent minors of juvenile-court age were sometimes committed to the State penitentiary, and in North Dakota a few children were in the State hospital for the insane.

TRAINING SCHOOLS FOR DELINQUENT CHILDREN

Until 1919 the North Dakota State Training School was called the State reformatory, and the age limitation for commitment was 18 years. At the time of the study boys and girls under 20 years of age were received and might remain in the institution or under its jurisdiction on parole until they reached the age of 21 years. The

⁴ N. Dak., Comp. Laws 1913, secs. 5100-5105. In 1923 these provisions were amended and reenacted, the obtaining of a license from the board of administration being required (N. Dak., Laws of 1923, ch. 160).

⁵ S. Dak., Rev. Code 1919, sec. 9991.

⁶ S. Dak., Rev. Code 1919, sec. 7667 (d), as amended by Laws of 1919, ch. 317, sec. 4 (d).

⁷ S. Dak., Rev. Code 1919, sec. 9992.

⁸ The wisdom of continuing this practice (which has been abandoned in most other States) was seriously questioned in both States. In 1921 South Dakota provided for a separate training school for girls, making an appropriation for that purpose (S. Dak., Laws of 1921, ch. 391, sec. 1).

South Dakota State Training School received children under 18 years of age and might retain jurisdiction over them until they were 21.

There were 90 children in the North Dakota State Training School and 95 in the South Dakota school at the time of the study. Of the total number 140 were boys and 45 were girls. In both schools there were several children who, according to the records, had been committed because of dependency, bad home conditions, or their need of protection rather than because they were delinquent.⁹ In the two States 17 boys and 1 girl under 21 years of age were serving penitentiary sentences; all these minors had been committed to the penitentiary at ages which would have permitted their being sent to the State training schools.

INSTITUTIONS FOR THE FEEBLE-MINDED

There were 161 feeble-minded children under 21 years of age in the North Dakota State School for the Feeble-Minded and 208 in the South Dakota school at the time of the study. Both institutions had long waiting lists of children for whom admission was being sought. In North Dakota the county court had to approve all applications for admission, and each county was required to pay for its own dependent wards. In South Dakota the maintenance was provided by the State, but expenses for travel and clothing were borne by the parents or guardian (or by the county of residence of dependent children).

SCHOOLS FOR THE BLIND AND THE DEAF

There were 23 children in the North Dakota State School for the Blind at the time of the study. As this school was equipped to care for children of school age only, the State board of administration had placed six children of preschool age in a private school for the blind in New Jersey (at State expense). Two of these children were still under school age, the others being 7, 8, 9, and 12 years old, respectively. In the South Dakota school for the blind there were 15 children.

The North Dakota State School for the Deaf was providing training for 118 children, and the South Dakota school for 68. The training extended over the usual school period, and the children returned to their homes during vacation. The families clothed the children and paid their transportation to and from the school; the State furnished free maintenance for them while in school. It was reported that a few children whose parents were unable to provide for their transportation or clothing were being assisted by their home counties.

PRIVATE AGENCIES AND INSTITUTIONS FOR DEPENDENT CHILDREN

For the purpose of the discussion of the problem of child dependency in the two States in its relation to private agencies and institutions caring for dependent children, the agencies and

⁹A law passed in 1923, apparently intended to apply to dependent children, made it unlawful for any person, association, corporation, institution, or agency to place any child in any institution, charitable, penal, or reformatory, in which delinquent children, or children charged with delinquency are kept, without the consent of the State board of administration (N. Dak., Laws of 1923, ch. 157, sec. 1).

institutions studied have been divided into three main groups—home-finding societies, institutions, and maternity homes. In both States the greater part of the provision for dependent children was made through agencies which placed them in family homes.

AGENCIES AND INSTITUTIONS IN NORTH DAKOTA

In North Dakota four agencies (two of them denominational) and one denominational institution were reported as doing state-wide work for dependent children. There were six maternity homes, which placed out some of the children born under their care.¹⁰ Boarding homes for children or adults were also included in the study.

Home-finding societies.

The North Dakota Children's Home Society, organized in 1890, received dependent and neglected children of 1 month to 16 years of age and placed them in family homes, mainly for adoption. The society maintained a receiving home in Fargo where children were cared for temporarily until suitable provision could be made for them in family homes.

The Home-Finding Society, under the board of charities of the Lutheran Church (which had its headquarters in Minneapolis, Minn.), also placed children in North Dakota. Its representative worked in close cooperation with the North Dakota Children's Home Society, often acting as an intermediary between this society and the Lutheran families in the State who asked for children.

The Child Rescue Society of the Church of the Brethren, national in its scope, included North Dakota in one district with western Canada and southern Montana. It had no receiving home in the State, but boarded children in approved homes until they were placed for adoption. Most of the work was with members of the church, although some children had been placed outside the denomination.

There was also in the State a "Society for the Friendless," which combined protective work for children with its work for convicts. This organization received a small State fund for its work with poor convicts on parole or released from prison,¹¹ but no appropriation was made for its child-caring work. It had placed a few children in family homes and had dealt with some cases of neglected children.

A children's institution.

The only institution for dependent children other than the receiving home mentioned was St. John's Orphanage, primarily for Catholic children, who were received for "temporary care," which often extended over a considerable period. Most of them were ultimately returned to parents or relatives. The minimum age of admission was two years, and there was no maximum age of retention. This orphanage did some child-placing work, usually in cooperation with the North Dakota Children's Home Society, and all children eligible for adoption were referred to that society.

¹⁰ Other hospitals were known to have cared for many mothers whose children later became dependent, but they were not visited because they did not engage in placing-out work.

¹¹ N. Dak., Laws of 1911, ch. 46.

Maternity homes.

Many maternity hospitals and homes cared for unmarried mothers and their babies. Laws concerning such institutions are designed to insure good medical care and to protect the children, especially in regard to the disposition made of them.

Under the law in force at the time of the study¹² "maternity hospitals" were defined as any place advertised as such or which offered care in relation to childbirth to more than one woman in 6 months; "boarding homes" were defined as those caring for 2 or more children unrelated to the manager and unattended by parent or guardian, or which received illegitimate children. Supervision and licensing of such homes was in the hands of the district judge, who made regulations concerning their conduct and appointed inspectors and might revoke a license when such a home did not seem to him to be properly conducted. The person in charge was required to keep a record of the following: (1) The admission of each maternity case (to be reported within 24 hours); the name, sex, color, and date of birth of the child; the name and residence of the mother and of the physician or midwife in attendance (to be reported within 2 days); (2) name, sex, and color of children boarded, and name and address of parents; (3) name of person dying in the home, with date of death; and (4) name and residence of person with whom a child was placed or by whom adopted (to be reported within 24 hours). The confinement expense of an unmarried mother could be collected from the county of residence, and illegitimate children were to be conveyed to the mother's legal residence if it could be established; if not, they became wards of the county in which they were born.

Only the judge of the district or a duly authorized person or organization was allowed to place a child for adoption under the permanent control of a person other than a relative of the child.

The Florence Crittenton Home in Fargo, N. Dak., originally a private organization which had become semipublic in character since it had been declared by law to be a State charitable institution and was in receipt of an annual appropriation from the State,¹³ received pregnant unmarried girls and women, "homeless and friendless" women and girls, and a few delinquent girls under 18 years of age who had been committed to the home by the courts. The capacity of the home was 45 girls or women and 30 babies. An average of 100 girls were admitted annually. The home had one large brick building, containing the offices, receiving rooms, sleeping rooms, nurseries, and a well-equipped delivery room, and two cottages, which were closed in winter to save fuel unless the central building was very crowded. One cottage contained a schoolroom; the other was intended for the use of delinquent girls, but at the time of the study this segregation had not been carried out. Girls of school age were given instruction by a teacher provided by the school authorities in Fargo. The staff consisted of the acting superintendent, the secretary, two matrons, a nurse, a laundress, a cook, and a janitor.

¹² N. Dak., Laws of 1915, ch. 183 (repealed by Laws of 1923, ch. 164, sec. 12). For 1923 legislation on maternity hospitals, see Appendix A, p. 116.

¹³ N. Dak., Laws of 1909, ch. 35 (Comp. Laws 1913, sec. 1723).

A girl under 18 years of age was required to remain in the home one year after the birth of her baby, and a girl over 18 to remain 6 months. It was not the policy to separate mother and child in order to place the child for adoption. Most frequently work was found for the girls where they could keep their babies with them, unless the girls could be returned with their babies to their parental homes. Many of the girls who returned to their homes soon released their babies to child-placing agencies.

The five other maternity homes visited in North Dakota were much smaller than the Florence Crittenton Home and kept very poor records. Each occupied a private residence and was conducted as a private business by the women in charge. Two of these homes, in Fargo, were licensed and under the supervision of the district court; they were cleaner and neater than the other three homes, their managers were trained nurses, and they probably gave better care. The homes in smaller cities in North Dakota were in old frame buildings, two in fairly good neighborhoods, one in a very poor region. The latter had a patient in the front room separated from the living room by a curtain only, and a man with his two children lodged on the floor above. One of the managers stated that her only training in maternity work was a correspondence course and added: "I am now getting practical experience."

In some instances the managers of maternity homes had assisted the mothers in finding adoptive homes for their children. The manager of one home worked in cooperation with one of the boarding homes for children, and many of the babies went directly from her place to this boarding home.¹⁴

Advertising by maternity homes, for the purpose of obtaining patients and adopting homes, was not uncommon in North Dakota, as shown by newspaper items, which appeared from time to time during the period of the investigation. One manager was in the habit of advertising in the daily papers when a patient had a baby to release for adoption. The two following advertisements ran along together for a number of days during the time of the investigation:

MOTHER—IF YOU NEED A FRIEND and home during
confinement, or care for baby afterwards, call
_____, or write _____ (name of paper)
FOR ADOPTION, NICE BABY GIRL, week old. (Phone
number _____)

This manager said that applicants who seemed to her to be undesirable were refused, but if they made a good impression on her, she called her lawyer, the legal papers were immediately made out, and the baby was taken away by its foster parents without investigation. In one case before allowing the infant to be removed, she had written to a druggist in the town where the applicants lived and heard through him that they were suitable people to adopt the child.

¹⁴ One manager of a home stated definitely that she did not consider it her business to pry into the history of the patients, and that she knew nothing about them or about what disposition they made of their children after they left the hospital. She kept them for one month after the birth of the child, to insure breast feeding for that time, unless the mother took the child to her own home when she left.

The home-finding society.

The South Dakota Children's Home Society, organized between 1890 and 1900, had in Sioux Falls a well-equipped receiving home, from which it placed children in family homes throughout the State. It occasionally gave temporary care, but most of the children received had been legally surrendered by the parents and were eligible for adoption. The receiving home cared for wards of the society until they could be provided for in family homes.

Institutions.

There were two institutions caring for dependent children in South Dakota, in addition to the receiving home mentioned—the Bethesda Children's Home, at Beresford, with a capacity of about 50, and the Odd Fellows' Home, at Dell Rapids, Minnehaha County. The Odd Fellows' Home provided a home for dependent boys until they were 16 years of age and for girls until they were 18 years of age. It accepted only normal children who were orphans or half orphans of Odd Fellows or Rebekahs in good standing. The children attended the public school. No child placing was done by the institution, and no child was released before reaching the age limit, except to go to a parent who had again become able to provide care.

Maternity homes.

The regulations which the South Dakota board of health adopted in 1919¹⁵ provided that all lying-in houses should be licensed and inspected by the local health officer, and required each health officer issuing a license to file a copy with the superintendent of the State board of health within 10 days. The license was to contain the health officer's certification of personal knowledge of the applicant and of the applicant's good moral character and competency to care for children under 2 years of age, a description of the premises to be occupied, and the number of children that might be received at any one time. It was not to be issued unless the premises were in proper sanitary condition. The superintendent of the State board of health had the right to enter and inspect the premises where children were received, boarded, or kept, and to examine the children as to their physical condition. The health officer of any city, village, or township was to inspect all lying-in houses at least twice a year or oftener upon complaint of reasonable persons.

Persons receiving children were to report, within three days after receiving a child, its name and age and residence of the persons placing it. Offering in any way to dispose of the children was forbidden to lying-in houses and boarding houses of the type described in the regulations.

At the time of the study no maternity homes in the State had been licensed.¹⁶ Two maternity homes—the House of Mercy in Sioux Falls, and Kenna Hospital—were visited. The latter was a maternity and baby hospital in Sioux Falls. The House of Mercy

¹⁵ Bulletin of State Board of Health, April 1, 1919, pp. 33, 59-61. Waubay, S. Dak. See also footnote 6, p. 7.

¹⁶ Confirmed by letter of Dec. 26, 1923, from the director of the division of child hygiene of the State board of health.

was opened in May, 1921, by the board of charities of the Lutheran church in a frame house formerly used by a maternity home known as "The Ark of Refuge." The yard afforded play space for a few children. There was room in the home for 10 mothers and their babies and for 6 other dependent children. The home received pregnant girls and arranged for their confinement care in local hospitals. The mother and baby were returned to the home for one month after confinement, and an effort was made to keep them together. Dependent children were eligible for admission up to 5 years of age.

COUNTY ALMSHOUSES

Among the 13 almshouses maintained in the 20 counties covered in the Children's Bureau study, 4 in North Dakota and 2 in South Dakota were found to have cared for children between October 1, 1919, and September 30, 1921. The information noted in the register seemed very meager, although the superintendent of each poor farm was required to keep records of the inmates and to submit a monthly statement to the county commissioner. Names, dates of admission and discharge, and township of residence were usually given. The age and the reason for admission or discharge were seldom stated, and the entries were of stereotyped form, furnishing very little social history of the child. No follow-up work was done by the superintendent after children left the almshouses. Occasionally he could give information from hearsay regarding the present whereabouts of a child who had been in the almshouse at some time.

Interviews with various county officials gave the impression that it was not a common policy to commit dependent children to these institutions. The superintendent of one almshouse remarked: "The poor farm is no place for children, anyway. The inmates are mostly old people with objectionable habits, not fit associates for young children." Yet the commissioner of poor relief in one county said that when he could not solve a family problem in any other way he would send a mother and children to the almshouse, and sometimes the father also.¹⁷ Obviously an institution designed mainly to provide for a class of unfortunate adults is not a desirable home for children, even though the findings of the study indicated that in some of the almshouses special efforts were made to give the children the best kind of care possible under the circumstances.¹⁸

One almshouse which had provided care for children during the period studied was 20 miles from the city, in the outskirts of a village; the other five were situated 1 to 6 miles from the respective county seats. In five counties the buildings were old, and all except one were frame (one county had appropriated \$150,000 for a new building, which it was hoped would be started in the near future). The one house not of frame construction was of red brick, resembling

¹⁷ This commissioner cited the case of a father, mother, and six children, who seven years before had spent a year on the poor farm. The father was feeble-minded, brutal, and lazy and did not provide food and shelter for his wife and children. After several months on the farm he asked the county to build him a house there. This was refused, and the case was brought into the county court. The parents were willing to surrender the children to a home, and the children were eager to go. The parents were allowed to keep the baby, and they left the county soon after the other children were taken from them.

¹⁸ See footnote 9, p. 8.

a small, closely built row of city houses with three broad sets of steps across the front; it was on a farm of 160 acres, about 2 miles from the county seat. The farm was managed by a man and his wife who were paid for the farm work and for the care of the inmates of the almshouse. This family lived in one end of the house, which, although very barren and unattractive, was fairly clean and comfortable and had separate bathrooms, with good plumbing, for the men and the women.

In one county most of the first and second floors of the almshouse was occupied by the county hospital, but in addition to the main building there was a small cottage accommodating eight or nine inmates. In each of the remaining five counties the almshouse consisted of one building.

One almshouse had several single sleeping rooms and two dormitories with four or five beds in each; another had separate sleeping rooms with double beds for mothers and children; two almshouses had wards for men and women, as well as smaller rooms accommodating one or more persons. In one of these the smallest children slept in the women's ward, the older children in an adjoining room, and the oldest boys in a separate room on the third floor. One almshouse had three rooms finished and heated in the attic, in which the children slept. In another county the children had rooms on the second floor of the almshouse with the other inmates.

In one almshouse the children had a separate dining table; in a second the children ate at the women's table; in a third the small children ate with the women in the women's ward or in their rooms. In the remaining three the child inmates were not separated from others in the dining room.

The largest almshouse could accommodate 120 persons and the smallest 30. In two of the six counties the county hospitals were combined with the poor farms. The other almshouses were exclusively homes for the aged, for persons temporarily destitute and without a home, and for neglected and dependent children. In one county children were cared for at the almshouse only if they were born in the institution, or if they were children in a family entering with a mother when she came for confinement.

The children in one almshouse attended the county graded school; those in another attended a one-room rural school, a few rods from the farm, whose total attendance consisted of four county charges, the children of the superintendent of the farm, and the children of the cook. In one county the superintendent of the farm took his charges into the city to school each day.

There was a noticeable lack of provision for recreation for the children at most of the almshouses, and free mingling with the adults was inevitable. In one almshouse the children were not allowed to go to the men's living rooms; they had a separate playroom without furnishing or playthings. The children in another almshouse had their special pets, such as a dog or goat; there were swings in the yard, and the children were taken to the county fair each year, and occasionally to school entertainments.

In two counties the children were given work to do around the house and farm outside of school hours. In one of these counties the boys were paid for their farm work during the summer months, and

one boy had saved \$100 of his earnings. The girls were given some spending money but were not paid for their work; they were taught something about housework when there was opportunity.

AID TO DEPENDENT FAMILIES

MOTHERS' PENSIONS

Mothers' pension grants were made under somewhat similar conditions in North Dakota and South Dakota, the county court being the administering agency in both States.¹⁹ The North Dakota law applied only to children under 14 years,²⁰ but South Dakota permitted grants to be made for the support of children up to 16 years.²¹ North Dakota permitted aid to be given to "any woman with one or more children dependent upon her for support,"²² but South Dakota granted aid only for children whose mothers were widowed or divorced, or whose husbands were in the State penitentiary or permanently incapacitated physically or mentally. In case of divorce, the decree must have been secured within the State, and aid could not be granted until one year or more had elapsed after the decree. North Dakota required residence of one year in the county; in South Dakota the minimum residence was one year in the State and six months in the county.

In North Dakota the maximum amount that could be allowed for each child was \$15 a month, which was given to the mother to administer. If the court found that the funds were not being used judiciously, the judge might order the allowance to be paid in supplies and provisions and to be administered by the overseer of the poor;²³ in other words, the usual form of "poor relief" was sometimes substituted for the mother's pension. South Dakota provided for a maximum allowance of \$22.50 for the first child of a family and \$10 for each additional child. (When three or more children were to be provided for, this gave a lower total than did the law of North Dakota.) South Dakota also provided for a grant of \$22.50 a month to a pregnant woman in addition to necessary medical, surgical, and hospital services.

The laws of both States indicated more definitely than do some State laws that the purpose of the aid was to prevent the breaking up of homes. The North Dakota law provided, among the conditions under which an allowance may be made, that "(1) The child or children for whose benefit the allowance is made must be living with the mother; (2) the allowance shall be made only when in its absence the mother would be unable to maintain a suitable home for her children; (3) the mother must, in the judgment of the county court, be a proper person morally, physically, and mentally for the bringing up of her children; (4) when the allowance shall be necessary, in the judgment of the county court, to save the child or children from neglect."²⁴ The South Dakota law has similar provisions.

¹⁹ N. Dak., Laws of 1915, ch. 185; S. Dak., Rev. Code 1919, sec. 10023-10025.

²⁰ In 1923 the age of children in North Dakota was raised to 16, but in 1925 it was reduced to 15 (Laws of 1925, ch. 165, sec. 1).

²¹ In 1925 South Dakota passed a law making the mothers' pension laws applicable to unorganized counties (Laws of 1925, ch. 297).

²² In 1923 the application of the law was made more limited. For text of law, see Appendix A, p. 111.

²³ In 1925 the administration of the law was placed in the hands of the county commissioners, who might designate the county child-welfare board, if there was one, or some proper person to disburse these supplies (N. Dak., Laws of 1925, ch. 165, sec. 2).

²⁴ The 1925 law specifically states that the intent is "to cooperate with responsible mothers in rearing future citizens" (N. Dak., Laws of 1925, ch. 165, sec. 8).

In May, 1921, the Children's Bureau sent to the county court of each county in the two States requests for information in regard to mothers' pensions. Replies were received from 50 of the 53 counties of North Dakota and from 54 of the 68 counties of South Dakota. The appropriations for mothers' pensions reported by 32 counties of North Dakota for the fiscal year ended June, 1920, totaled \$149,000, representing a per capita expenditure of 36 cents (based on the total population of the counties reporting). The appropriation reported by 32 counties of South Dakota totaled \$110,000, a per capita expenditure of 33 cents.

In one county in North Dakota the county welfare worker (whose duties included public-relief work) investigated the application for mothers' pensions; in another county the county nurse (whose duties included the administration of poor relief) investigated such applications; in 26 counties the township supervisors, the county commissioners, or the overseers of the poor made the investigations (replies indicating that one or more of these officials made investigation additional to that made by the county judge). Of the 43 counties which reported the granting of mothers' pensions 42 reported also some investigation of applications for aid; investigation by the court only was reported for 12 of these 42 counties. Of those answering the question, "Are the families visited after the pension has been granted to determine if it is being expended for the benefit of the children?" 18 answered in the affirmative, 20 in the negative. The value of the affirmative information is lessened, however, by the comparatively small number of replies to the question, "How often?" and by their indefiniteness ("six or seven times annually," "annually," "occasionally," "irregularly," "when deemed advisable," "when necessary," "when considered necessary," "every few months"). Reinvestigation at intervals to determine the need and to adjust the allowances to changing conditions in the families was reported by 24 counties; the extent and thoroughness of such reinvestigation were not indicated.

In 1 county in South Dakota it was reported that investigation of applications was made by a social worker as well as by a court appointee; in 15 counties investigations were made by county commissioners alone; in 7 counties by court appointees alone; in 6 counties by the county judge, the county commissioners, or the State's attorney (in 1 of these counties investigation was made by all 3 officials); in 2 counties by the county judge alone; in 2 counties by the State's attorney alone; in 2 counties by special investigators; in 1 county by a county commissioner or court appointee; and 1 county by the county judge and an examiner. Two of the 39 counties did not report by whom the investigation was made. Of those answering the question "Are the families visited after the pension has been granted, to determine if it is being expended for the benefit of the children?" 16 replied in the affirmative, 20 in the negative. The 14 replies to the question "How often?" were as follows: "Monthly," "once or twice yearly," "semiannually," "irregularly," "occasionally." Reinvestigation at intervals to determine the need and to adjust the allowances to changing conditions in the families was reported by 30 counties; the extent and thoroughness of such investigation were not indicated. Five counties reported no reinvestigation.

FAMILY-RELIEF WORK

The county poor commissioner was the public agent for the usual form of county aid to needy families. A notable exception to the ordinary type of public outdoor relief was a county in North Dakota, where a worker employed by the Red Cross to do general welfare work was also the poor commissioner for the county. In many counties of both States the local chapters of the American Red Cross were doing child-welfare and family-aid work, paying the salaries of the county school nurse, providing dental care, furnishing medical supplies and medical treatment where needed, or obtaining special treatment for crippled children. The Salvation Army had branches in many towns and cities of the two States and did some relief work among needy families.²⁵ In each State there was one large family-relief society, the Public Welfare Association of Fargo, N. Dak., and the Family Welfare Association of Sioux Falls, S. Dak. A number of smaller organizations were reported to be doing work along the same lines, most of them with only volunteer service.

One of the largest of the organizations doing various forms of child-welfare work in a number of counties—the Women's Community Council of Bismarck—consisted of representatives of 32 women's organizations of the city. In one county the Women's Relief Corps did considerable child-welfare work.²⁶ The various fraternal orders and lodges had committees for charitable work, for work with boys, or for providing recreation facilities. Many of them were important factors in the community activities which had been undertaken in progressive counties.

JUVENILE COURTS

JURISDICTION AND PROCEDURE IN NORTH DAKOTA

The judges and juvenile commissioners.

Juvenile jurisdiction was lodged in North Dakota in the district courts, which in the exercise of this jurisdiction were called juvenile courts, and had jurisdiction over dependent, neglected, and delinquent children under 18 years of age.²⁷ The State was divided into six judicial districts, each containing several counties. In each of 3 judicial districts there were 3 judges, and in each of the other 3 districts there were 2 judges. Each held two terms of court in each county at stated times during the year, and each had jurisdiction as juvenile judge in his district. Each judge attended especially to all juvenile cases in the county in which he had his residence and chambers (unless an emergency arose when 1 of the other judges was holding court in that county), except that in the second district each of 2 judges had 4 counties and the third judge handled all the juvenile work in the remaining 3 of the 11 counties in this district; and in the fifth district 1 of the 2 judges handled all of the juvenile work in 3 of the 6 counties in the district, and the other judge handled that of the remaining 3 counties.

²⁵ In one county of South Dakota it had also started a campaign for funds to establish a detention home and a "rescue home" for unmarried mothers.

²⁶ The Women's Community Council had also supervised, through its active child-welfare committee, the supplying of milk to school children, and it had been instrumental in establishing a dental clinic for children. The Women's Relief Corps had furnished milk for babies and obtained operations and orthopedic treatment for children, and was helping the county school nurse in follow-up work.

²⁷ N. Dak., Comp. Laws 1913, secs. 11402-11428.

In 1915 a law was enacted authorizing district judges to appoint "juvenile commissioners."²⁸ This law as later amended²⁹ required the appointment of two juvenile commissioners for each district, one to be a man with exclusive jurisdiction over boys over 10 years of age, the other to be a woman with exclusive jurisdiction over girls over 10 years of age, the two to have concurrent jurisdiction over children of 10 years of age or under. Final orders for custody or control of such children, committing them to the reform school or other State institutions, removing them from their parents for temporary custody or for adoption, were to be made by the district judge, to whom the commissioners were required to report their findings and recommendations.

The purpose of the act, as specifically stated, was not to take from the court or judge any power already possessed but rather to supplement the efficiency of their work by assigning to the juvenile commissioners the labor of caring for details and making it necessary for the judge to act only when conducting a formal hearing or making a final order. The juvenile commissioners had the combined duties and powers of probation officers and referees. They received and investigated complaints, dealt with cases informally, adjusted and referred them to other agencies, and held hearings in any part of their districts. Cases which seemed likely to involve commitment to institutions were brought usually before the judge.³⁰ Any parent, guardian, or other person having an interest in the proceedings might appear and be heard on the merits of the case at the hearings before both the juvenile commissioners and the court. The court was given authority to appoint guardians ad litem with power to consent to adoption or take such other action as they might deem best. Juvenile commissioners were required to keep a record of all their proceedings and were entitled to compensation on a per diem basis for the time actually and necessarily employed (within a specified limit) in an amount approved by the district judge.³¹

In all the districts truancy cases were being handled by the juvenile courts, but in most districts only the flagrant cases of truancy reached even the commissioners. Wherever possible they were handled by the local truant officers. In the cities of Fargo and Grand Forks the home and school visitors who attended to the truancy work frequently requested the juvenile commissioners to make home visits with them when they had been unsuccessful in getting the children back to school. In rural localities having no truant officers the commissioners handled truancy cases informally.

At the time of the study juvenile commissioners had been appointed in four of the six judicial districts of the State. In three of these four districts a woman commissioner had been appointed. In one district (the third, containing eight counties), which was almost entirely rural in population, no commissioners had been appointed, because there had not been enough juvenile work to warrant the expense to the counties, and the judges had been able to attend

²⁸ N. Dak., Laws of 1915, ch. 179.

²⁹ N. Dak., Laws of 1921, ch. 83.

³⁰ Less than one-fifth of the children's cases dealt with in the State during the year before the study for which information was obtained came before the judges for adjudication; that is, more than four-fifths of the children who might otherwise have been brought before the court were dealt with by the juvenile commissioners.

³¹ N. Dak., Laws of 1921, ch. 83, secs. 2-4.

to the juvenile business. In another district (the fourth, containing eight counties) the judges did not approve of the commissioner system and were, therefore, doing the juvenile work themselves, sometimes with the assistance of volunteer probation officers.

In the first district (containing seven counties) there were two juvenile commissioners, a man and a woman, both giving full time to the work. The man had his office and residence in Fargo, the county seat of Cass County; the woman lived in Grand Forks. The woman commissioner had been appointed to office in July, 1921; previously the man had done all the work for the district. Both commissioners had jurisdiction throughout the district. The man commissioner, who had been in office for six years, did not consider it practicable for the woman commissioner to handle all cases of girls over 10 years of age. Consequently she had seldom been called upon to deal with girls outside the county in which she lived. The man commissioner had legal training and had been a police judge. The woman commissioner had practical experience in relief work and a year's special training at a school of social work.

The second district (containing 11 counties) had been divided by the judge into two divisions of four counties each and one of three counties. Each judge was responsible for the juvenile work in his own division and could appoint commissioners for it. Two men and two women had been appointed.

In the fifth district (containing six counties) two men and two women commissioners had been appointed. One of the two district judges supervised the juvenile work and appointed the commissioners in three counties, and the other was similarly responsible for the remaining three counties.

The sixth district (containing 13 counties) was the largest in area, with a chiefly rural population. Its one juvenile commissioner was the police magistrate for the city of Dickinson (in Stark County), who was given additional payment for the time spent in juvenile work.

Probation service.

There was no legal provision for paid probation officers other than the juvenile commissioners, but the district courts had authority to appoint in each of the counties in their districts any number of men or women to serve as probation officers without compensation (although expenses were allowed).³²

Although every juvenile commissioner served as a probation officer, he could hardly do much probation work with children who lived outside the city, town, or county of his residence. Therefore special volunteer probation officers were appointed for individual cases in the small towns and rural districts. In the larger cities—Fargo, Grand Forks, and Minot—the policewomen were also volunteer juvenile-court officers and did considerable probation work, especially in girls' cases. The "city mother," as the policewoman

³² N. Dak., Comp. Laws 1913, sec. 11408. In 1911 the district court was authorized to appoint in each county a board of visitors, to consist of six persons (three of whom must be women), who were to serve without compensation (N. Dak., Comp. Laws 1913, sec. 11420). Such county boards might investigate the cases of dependent, neglected, and delinquent children and present petitions to the court to bring such children before it, and were to act as advisory boards to the juvenile court and as boards of visitation to the various institutions receiving children under the juvenile court act. But no such boards had been organized in the State at the time of the Children's Bureau study.

was sometimes called, school principals, athletic directors, State's attorneys, ministers, and priests were most frequently reported as being made special probation officers. The term "juvenile officer" was used in reference to them and also to describe certain social workers who aided the courts, such as the superintendents of the North Dakota Children's Home Society, of the Florence Crittenton Home, and of the State Humane and Society for the Friendless. The number of persons serving as volunteer probation officers in the State during the year of the study was not ascertained.

In one of the two districts where there were no juvenile commissioners (the third district) such juvenile officers were appointed for all cases demanding probation, and it was reported that the marshals and State's attorneys were called upon for such work. In one small town of this district a woman prominent in club work had been appointed juvenile officer. In one county in the other district where there was no commissioner (the fourth district) the county welfare worker (a woman) served as a probation officer, and the superintendent of the State Humane and Society for the Friendless served occasionally as a juvenile officer. Both these workers did less probation work than investigation for the court. One judge (in the second district) reported that he himself did probation work in the county in which he resided. In the largest district (the sixth) it was stated that a few special officers were appointed but that delinquent children throughout the district were placed on probation to the commissioner, who had them report to him by mail on special blanks. Probation work by the commissioners themselves consisted almost entirely in receiving reports from the children in their offices; there was very little home visiting except during investigation of the cases before the hearings. The juvenile commissioners required the special juvenile officers to report to them concerning the conduct of the children.

Complaint, petition, and summons.

Children could be brought before the court by petition filed by any reputable citizen. But a formal petition was seldom filed when a child was first reported to the commissioner and was usually made out only when a case was referred to the judge for final decision. In cities and towns in which the commissioners had offices the children were usually reported directly to them. In rural districts the cases of delinquency were usually reported first to local officers (as justice of the peace, town marshal, or State's attorney), who then reported them to the commissioners. When there was a special probation officer in the community children were sometimes first reported to him. A warrant for arrest and formal summons to be served by officers of the law were seldom used in the cases brought for hearing before the commissioner, since his oral request or order for the appearance of children, parents, and other persons usually sufficed. Court records of cases referred to judges showed more frequent use of formal petitions and summons, and warrants for arrest were often made out, although rarely executed and served.

Investigation.

The juvenile court law stated that it was the duty of the judge or clerk of the court, if practicable, to notify the juvenile officers when any child was to be brought before the court; and it was the duty of

the juvenile officer to make investigation of the case, to be present in court to represent the interests of the child when heard, and to furnish the court such information and assistance as the court or judge might require.³³ As amended in 1921, the law explicitly gave to the juvenile commissioners the power "to examine fully into the merits of each case," with the authority to issue subpoenas, to compel the attendance of witnesses before them, and to report for contempt any persons refusing to attend, to be sworn, or to testify.³⁴

The juvenile commissioners were doing most of the investigation of juvenile cases. In the two districts where there were no juvenile commissioners, the judges requested certain persons to make investigation for them, as the county nurses, or the same social workers who were called upon for aid in probation work. The special volunteer probation officers appointed in various communities (see p. 20) were available for investigations. In one county the judge dealt informally with many cases not referred to the commissioner (who did not reside in the county), and the policewoman, a part-time worker, made investigations for him. In another county a woman who did special probation work for the juvenile commissioner was often requested to make investigations.

The standards of investigation varied greatly. In no district was it reported that home visits had been made in all cases, or that investigations had invariably been made prior to the hearing or the final disposition. Investigation by county nurses often consisted merely of a report of what the nurses knew of the child or the family at the date of hearing, without any special visits. Dependency and neglect cases were investigated much more thoroughly than were the majority of delinquency cases.

No court provided physical and mental examinations for all the children coming before it or arranged for any psychiatric work. In the first district one of the juvenile commissioners had obtained medical care and special treatment for a number of crippled children who had come to his attention. The services of some of the best physicians and surgeons had been given free of charge, and hospital care had been obtained. When free medical services were not available the county paid for care of children obviously in need of treatment for which their families could not pay. In the other districts the services of the county physicians were said to be available at any time for juvenile-court wards, but only those whose need of medical care was evident were examined and treated. Juvenile commissioners who had been asked to assist in obtaining the admission of certain children to the institution for the feeble-minded arranged for mental examinations for them. The instructor of psychology at the normal school in Ward County was available for examining children for the court in that county, but the testing of only a few children was reported.

Provisions for detention.

There were no special detention homes for children in North Dakota, and it was reported that with the possible exception of Cass and Grand Forks Counties there was not sufficient need for them to warrant their establishment. The law provided that a child

³³ N. Dak., Laws of 1911, ch. 177, sec. 7 (Comp. Laws 1913, sec. 11408).

³⁴ N. Dak., Laws of 1921, ch. 83, sec. 1.

before the court might be allowed to remain at home, or be placed in the custody of some suitable person appointed by the court, or be kept in some suitable place provided by the city or county authorities; but there was no legal prohibition of jail detention and no law for the establishment of special detention homes.³⁵ The general policy of the courts was to allow the child to remain in his own home pending hearing, unless there was good reason for other action.³⁶

Detention in jail was not uncommon in the counties covered by the study. In the smaller counties only a few jails had separate accommodations for juvenile and adult offenders; and one county jail was referred to as "nothing but a dry-goods box." In three counties no children were reported detained in jail, although it was stated that the jail would be used if their detention should be necessary. Detention was unusual in juvenile cases arising outside the county seats. The jail accommodations, if any, consisted usually of a small room in the town hall, no special places for detention being reported; and the taking of children to the county seat for detention was apparently infrequent.

In the first district the county jail (in Fargo) was used for cases in that city. When there were no women in jail the girls were held in the women's ward; otherwise they were detained in the hospital ward, in which there were single rooms. The younger girls and the boys were usually held in the hospital ward, and the sheriff's wife, who was matron of the ward, cared for the juveniles under detention. In special cases in this county children were placed in family homes or in boarding homes; the North Dakota Children's Home (in Fargo) was used sometimes if there was room for the children. The policewoman in Fargo placed girls for detention in the dormitory of the Young Women's Christian Association, their lodging being paid by the court. In another county in the first district the jail was very old, and separation of boys and girls from adults was possible only if the one room assigned to women was not in use. The juvenile commissioner reported that she had not placed a girl here during her incumbency in office (since July, 1921). In one county in the fourth district the women's ward of the jail was sometimes used for the detention of juveniles, but more frequently the deputy sheriff, who had living quarters in connection with the jail, took the children into his own home for detention. In another county in that district the same policy was followed. In one county of the second district a woman who served as special probation officer sometimes detained girls in her own home. The juvenile commissioners (a man and his wife) for four other counties in the second district reported that when detention was necessary they took the children into their own home. In the county in the fifth district, girls to be detained were boarded by the court in a private home under the supervision of the juvenile commissioner.

Hearings.

In each of the four districts in which there were juvenile commissioners almost all the children brought before the juvenile court were

³⁵ N. Dak., Comp. Laws 1913, sec. 11407.

³⁶ A child charged with delinquency might give bond or other security in the same manner as a person informed against for crime (N. Dak., Comp. Laws 1913, sec. 11417), but no instance was reported of children having been so released under bond, and it was not the policy of the court to require bond in juvenile cases.

heard first by a juvenile commissioner, who usually disposed of the cases, and only those children for whom a final order of commitment or permanent removal from parental custody was necessary were taken before the judge for hearing. In one county the resident judge stated that he himself acted in many informal cases which would ordinarily have come before the commissioner, who resided in another county, and would have been settled by him.

The district judges, sitting as juvenile-court judges, held hearings as often as the need might arise, regardless of whether or not the district court was in session. Frequently there would be a juvenile hearing just before the calling of the district court in the morning or at the lunch hour when the judge was not busy. In one county, if the judge had been out of town during the daytime, he would hear juvenile cases in the evening, so that they might receive immediate attention.

Hearings before juvenile commissioners.—The juvenile commissioners had no stated time for hearings, usually holding them as soon as possible after the cases were reported (frequently on the same day), so that there might be no long interim before the disposition of the case.

The commissioner usually went to hold the hearing to the community where the child lived. Children were seldom taken out of their own community into another county or town. The hearing was held sometimes in a room of the town hall, in the office of the principal of the school or of the State's attorney, or (in rural communities) in the schoolhouse, or even in the child's own home. One instance was reported in which the hearing was held in the directors' room of a bank. For cases in their own communities the commissioners used their own offices. The four commissioners who gave full time to the work had special offices. In Fargo (Cass County) the special juvenile-court room was used also by the commissioner for his office, and in Grand Forks the commissioner had an office adjoining the regular district court room. In another county the commissioners had recently been given a special office outside the courthouse; previously they had held hearings in their own homes. The other commissioners used their regular business offices or their own homes.

Although the commissioners reported that juvenile cases were handled informally, the standard of informality varied greatly. There was considerable legal formality in all the hearings which an agent attended before both commissioners and judges. Several commissioners stated that the adjustment of a child's case through a conference in a commissioner's office was not considered a hearing. It was impossible to obtain definite information as to the percentage of cases in which "no hearing" in this sense was had.

Publicity in juvenile cases was discouraged. All the commissioners stated that hearings before them were always private, only those persons being present who were requested to be there. The standard of requiring parents to attend the hearings was well maintained in general, though a few instances were reported in which the boys involved begged the commissioner not to tell their parents of their trouble, and the parents were not notified. Several commissioners reported that frequently the principal of the child's school and some-

times his teacher were asked to attend the hearings, because their cooperation was considered desirable. In many counties the State's attorneys were very active in the juvenile work, often presenting the cases to the commissioners. When a case had been reported to the commissioner by a State's attorney, he was usually present at the hearing. In a few cases juvenile hearings were reported as having been held by State's attorneys in the absence of the commissioners. In one county where there was only a woman commissioner, the State's attorney was holding the hearings for the older boys.

Agents of the Children's Bureau attended a number of hearings of delinquent children before juvenile commissioners in North Dakota. Following are descriptions of some of these hearings:

A 13-year-old boy had been reported to the chief of police by the school-teacher as unmanageable and as having struck her. The chief reported the case to the juvenile commissioner and was directed to take the boy immediately to the latter's office, where the justice of the peace would hear the case, since the commissioner was then busy.

When the chief of police brought in the boy the justice questioned him kindly and in an entirely informal manner. He told the boy not to return to school that afternoon but to go directly home and tell his parents what had happened and to report again the next morning at 8.30, bringing either his father or his mother with him. The hearing was set early, so that the boy might be prompt at school the next day. The justice also requested the chief to ask the teacher to come in for a conference after school had closed for the day.

The next morning the hearing was held before the juvenile commissioner in his office, the case having been transferred by the justice. The teacher, the chief of police, the justice of the peace, and the boy's father were present. The court reporter was also present to take down the testimony; he sat at a small table in the center of the room. The commissioner sat at his desk in one corner of the room and the justice at his desk in the other.

The teacher was called upon to testify first. Directed to take a chair just in front of the reporter's table, she was sworn and was asked to tell informally what had happened. There was no cross-examination. The father was given a chance to question the teacher before she left the witness chair.

The boy was then sworn. He was seated while questioned. He admitted striking the teacher, and the commissioner then stated that he "plead guilty" to the charge against him. Since the boy had been before the commissioner on previous occasions for breaking into a store and for other delinquencies, the case was continued to be heard before the judge. The date for this hearing was not set but was to be fixed later. The hearing did not last more than 20 minutes.

One case involved two boys, both 16 years of age. One was in high school, the other not attending school. The offense was breaking into a medicine peddler's cart and stealing about \$10 worth of goods.

The offense was committed on March 5; the arrest was made on March 9 by a justice of the peace. After the justice had obtained the boys' confessions, he released them until the hearing, ordering them not to leave town and to report when he sent for them. He arranged by telephone that the commissioner should come on the thirteenth of the month to the town where the boys lived.

The commissioner first talked the case over with the justice of the peace and asked him for suggestions. The justice had told the boys to report to him at 1 p. m. and had arranged for the hearing to be held in the council room of the city hall. The commissioner impressed upon the justice that the hearing should be informal and as quiet as possible, so that the affair need not be known about the town. However, every one who came into the drug store and the butcher shop, the two places where most of the investigation was conducted, was asked to tell what they knew about the boys. The people interviewed at length in the morning were the justice of the peace, the owner of the drug store (whom the justice had suggested as a possible probation officer for one of the boys), the son of the woman with whom one boy was board-

ing, and the man whose wagon had been broken into. The following information was obtained from the persons interviewed: One of the boys was an orphan, whose foster mother had left him about \$10,000. He had been boarding for a year with a widow, an intimate friend of his foster mother, who had taken him at her request. The boy's guardian paid his board directly to the widow and allowed the boy \$5 a month for spending money. This the boy spent foolishly, taking the attitude that since he had \$10,000 it did not matter what he did with it. The second boy lived with his parents on a farm about a mile out of town. He had not been in school for a year, since he was 16 years of age and had completed the eighth grade. He was one of a large family, and the parents seemed to have made little effort to control their children. The boy had previously been in trouble but had never before been reported to the commissioner. The justice of the peace stated that he had felt that the parents had made no effort to cooperate with him in trying to improve the boy's conduct and that he believed the father whipped the boy a great deal.

Both boys reported at 1 p. m. in the council room of the city hall. The second boy was told by the commissioner that he would have to earn the money to pay back what he had stolen and that he would be placed on probation to the justice of the peace. He was then sent home to bring his father and mother.

A hearing was then held for the other boy. The commissioner and he sat at a table. The others present were the athletic director of the school, the principal of the high school, and the justice of the peace. The two former were consulted as to the boy's school record and general conduct. The commissioner ascertained the facts as to his age, adoption, and the money left him, then talked with the boy about his duties to the community and placed him on probation to the high-school principal, who would assist him in finding work to earn money to pay for the property he had taken. He was also ordered to report as to the expenditure of his allowance. Shortly after this boy had been dismissed, and while the commissioner was waiting for the other boy's parents, the widow with whom the boy boarded went by. She was called in for a talk, and told of the boy's probation. She remained during the talk with the second boy's father.

The second boy's father came for the hearing without the mother, and the boy was left at home to do the chores. The father's attitude was: "Well, I whip him. What more can I do, if he doesn't behave." The commissioner talked to the father about his parental duties, explained to him about the boy's probation, and gave him the probation card to take to the boy.

The juvenile commissioner had received a letter from the father of a 16-year-old boy, saying that the boy would have to enlist in the Navy or be sent to the reform school, as he was unmanageable and had threatened to kill his sister.

The chief of police of the town was met on the street and shown the letter and questioned about the family. He told where they lived but had no further information. The State's attorney was consulted; he telephoned the parents and asked them to come to his office. This was impossible because the father had influenza. Very satisfactory interviews were held with the boy and with the principal of the high school which the boy was attending. The difficulty seemed to be with the home environment. The principal was asked to assist the boy in a friendly way, though he was not formally placed on probation.

Hearings before the judges.—The one special juvenile-court room (in Fargo) has been previously mentioned as used for hearings by the commissioner as well as for those conducted by the judge. Elsewhere the juvenile court was held in the judge's chambers. In some counties the judge had his chambers in a downtown office building because of lack of space in the courthouse.

Children residing outside the county seat were usually taken to it when a hearing before the judge was necessary. The law provided that a final hearing might be had either in the county seat where the venue was laid or in the county where the district judge has his

permanent chambers, as the judge might direct.³⁷ However, a child was seldom taken outside the county of his residence for a final hearing. If the court was not in session in his county, the case might be delayed for final disposition until court term; in some districts, if the case was an urgent one, the judge would make a special journey to the county to hold the hearing. Sometimes, rather than keep a case pending for a considerable time, the judge would sign the final order upon the recommendation of the commissioner without holding a hearing or seeing the child.

Informal procedure with strict privacy was reported to be the rule in the final hearings before the judges, as well as in those before the commissioners; yet there was considerable legal formality in all the hearings at which the Children's Bureau's agent was present; witnesses were sworn, and the child was required to plead "guilty" or "not guilty." At such a hearing the commissioner reported his findings to the judge, and sometimes the judge did not even question the child. If it was necessary to take testimony, the clerk of the court was present to administer the oath to the witnesses, and a court stenographer recorded the hearing, but testimony was seldom taken unless the child or the parents had obtained the services of an attorney. Although the law provided that each child should be privileged to secure counsel, most of the attorneys, knowing this procedure was discouraged by the judges, advised the families against it.

Parents were requested to be present, also such persons as were involved either as petitioners or witnesses, and social workers who had come in contact with the family might be asked to attend. The juvenile commissioner was always present at the final court hearing. The women commissioners, the policewomen in the larger cities, and women serving as special probation officers were present at the hearings of girls' cases.

Agents of the Children's Bureau attended a number of hearings of delinquent children before judges of juvenile courts in North Dakota. Following are descriptions of some of the hearings:

A 12-year-old boy was brought before the juvenile commissioner on a charge of petit larceny, for stealing a bicycle. The home conditions were poor, and there was a great deal of discord between the mother and the stepfather. The mother went out a great deal and paid little attention to the children. The stepfather was repeatedly told by her that he must not touch her boys.

Ten days later the boy was detained in the county-jail hospital ward from 11 a. m. until hearing at 2 p. m. The commissioner placed him on probation to the priest and also ordered him to report to the policewoman. Six months later the boy was brought into court by the juvenile commissioner. The priest had reported that the boy had repeatedly broken his probation and that he had been a truant from school more than half the time. He said that the mother had made no effort to assist him in keeping the boy in school. The commissioner had drawn up the papers necessary for having the boy sent to the State training school. The persons present at the hearing were the juvenile commissioner, policewoman, priest, mother, stepfather, and brother.

On the morning this case was to come to court, the juvenile-court room, which was used for district-court sessions when the district court was hearing two cases at the same time, was crowded beyond its capacity with men who had come to hear the trial of a son of a well-known citizen accused of embezzlement. The people interested in the boy's case waited in the small office of the court stenographer, which was just off the court room. The commissioner asked the judge to hear his case, and they proceeded into the court room. The commissioner and the boy stood directly in front of the judge, the mother, stepfather, and brother were on the right of the boy, and

³⁷ N. Dak., Laws of 1921, ch. 83, sec. 1.

the policewoman and priest stood behind them. The court room was not cleared. The spectators had all the chairs, and some in the back of the room stood on them that they might see better. (This was doubtless an extreme instance of publicity. The juvenile commissioner said that there was rarely a spectator in the court room when a juvenile case was heard.) The juvenile commissioner read the formal petition to send the boy to the training school and then turned it over to the judge. The judge questioned the parents, the priest, and the boy. He then talked to the parents in a general way as to their part in the boy's delinquency and signed the commitment papers. The boy was taken to the sheriff's office and then to the county jail to await being taken to the training school. Later in the day the mother appealed to the judge for a suspended sentence, which was granted, and it was arranged that the boy and his brother be sent to a near-by parochial school to see if they would do better there. They were to come home at night, and the boy under suspended sentence was continued under the supervision of the priest.

One Sunday evening three girls had gone to the house of "Mexican Joe" to play the piano and have a good time. They knew that he was away from home because they had seen him "uptown." He had a player piano and several other musical instruments, and his house seemed to be a rendezvous for their "bunch," but on this particular evening no other people were there. Mexican Joe came home about 10.30 somewhat drunk. Shortly after that the arrests took place on a complaint entered by neighbors. The girls were charged with disorderly conduct but were released immediately to go to their homes. At the hearing in the police court six days later it was discovered that one of the girls was only 17 years old, and she was immediately transferred to the juvenile court. (There was no juvenile commissioner here.) Her parents were German-Russian immigrants and had been in the United States 20 years. They had settled on a farm but were unsuccessful with it, and about 10 or 12 years before this incident they had moved to their present neighborhood and were living in a one-room house, about 14 by 16 feet in size. The family had been known for some time to both the judge and the county social worker. The father had been before the justice court in 1921 on a charge of nonsupport. His case had been held over for the district court, and no final action had been taken. He was lazy and light-fingered and showed no sense of parental responsibility. The mother was a hard worker, though quite ignorant.

An informal preliminary hearing was held in the afternoon of the same day in the office of the juvenile judge. The girl was accompanied by the county welfare worker and two women from the women's community council. The State's attorney informed the judge of the charge and of the fact that she had been transferred from the police court. When questioned as to her age, she gave it as 18, but the judge was acquainted with the family and knew that it was 17. He advised her that she had the right to get a lawyer, if she wished. After talking to the girl for a few minutes in a very helpful way, he had the welfare worker take her into another room, assuring the girl that anything told the worker would be kept in strict confidence. While they were out of the room, the judge talked about the case with the two women of the community council.

The hearing was continued for four days, until both the State's attorney and the judge could consult with a married sister, who seemed to have good judgment and a great deal of influence over the girl. The girl was allowed to return to the home in which she was employed, and she was told to bring her father and mother with her to the next hearing. The hour was set at 8 p. m., so that the girl and her father need not lose time from their work, and in order that the case might be heard promptly, for the judge was obliged to be out of town every day during that week.

The second hearing was held in the district-court room. In addition to the clerk of the court, the court reporter, the State's attorney, the girl's lawyer, her parents, and her married sister were present at the hearing. Since the parents understood very little English, the married sister acted as interpreter. The judge told them of the difficulty the girl was in and questioned them without putting them on the witness stand. The sister had already talked over plans with the parents. Both the girl and her sister were sworn and were questioned very informally by the girl's lawyer and by the State's attorney.

Before the hearing the lawyer had held conferences with both the girl and her sister, and with the judge. The girl was given a suspended sentence to the State training school, and was placed in the custody of the married sister, who was shortly to move out of town. The lawyer was made guardian, merely to act as adviser to the girl and her sister. The judge ordered that the filing of the case with the clerk should be suspended, so that there would be no record in the juvenile court against the girl.

Court decisions and orders.

Delinquent children were most frequently placed on probation, either to the juvenile commissioner or to a special probation officer appointed for the individual case. It was said that no child was committed to the State training school until every effort had been made to give him a chance to make good in his home and community.

As the State training school cared for both boys and girls, and nearly all the judges and commissioners were opposed to having delinquent boys and girls in the same institution, girls were sent there only as a last resort. Some districts committed to the Florence Crittenton Home the delinquent girls for whom institutional care seemed necessary.

The law permitted a child found to be neglected or dependent to remain at home under the supervision of a probation officer, or be committed to a suitable institution for the care of dependent and neglected children, to a training or industrial school, or to the care of the North Dakota Children's Home Society or some other duly accredited association with similar purposes.³⁸ The juvenile courts frequently placed out the dependent and neglected children whom it was necessary to remove from the custody of their parents. The juvenile commissioners investigated the homes in which these children were to be placed. The courts committed some dependent and neglected children to the North Dakota Children's Home Society, thus delegating their placement to that agency. They also committed a few to the State training school, although that institution was specifically for delinquents. Placement of dependent and neglected children in family homes, either directly by the court officials or by the children's home society, was the general policy.

Records.

There was no uniform system of record keeping in the juvenile courts. The law provided that the commissioners should keep records of all the cases which they handled and that records were to be kept of all cases coming before the juvenile court.³⁹ Thus two sets of records were required, one to be kept by the commissioners and one by the clerk of the district court in each county. The latter in most instances included only the records of children who were committed to institutions. Each juvenile commissioner kept on file in his office the records of all the counties within his jurisdiction. In counties for which there was no commissioner the only records available were those of the commitment cases filed in the clerk's office at the county seat.

Records were not kept uniformly by either the commissioners or the clerks of the district courts. Both judges and commissioners stated that they did not keep records in many of the informal cases. The docket form of record was used by most of the commissioners. One commissioner merely kept notes of each case in a loose-leaf note

³⁸ N. Dak., Comp. Laws 1913, sec. 11409.

³⁹ N. Dak., Comp. Laws 1913, sec. 11405; Laws of 1921, ch. 83, sec. 3.

book; two made and filed separate write-ups for each case, though they had no special record forms. The dockets of two commissioners were written as a daily record of the work done, so that complete information concerning any case was likely to be scattered over several pages and was often difficult to find. In the dockets of the other commissioners the complete data for each case were given a separate page. In one county the commissioner kept individual case files in addition to the docket. These files included the correspondence in the cases and the findings or recommendations in cases referred to the judge.

Comparatively little social information was included in the records of the commissioners, although conversation with them made it evident that they generally knew much of the family history. The facts usually noted in their records were the child's name and age, the nature and date of offense, and the disposition of the case; there was seldom any information in regard to the child's school history, previous delinquencies, and detention pending hearing.

In one of the districts where there were no juvenile commissioners (the fourth district) practically no records were kept of the juvenile cases. The judges did not approve of such records, fearing that they might be detrimental to a child in later life. In one county the judge himself kept the docket that elsewhere was filed in the clerk's office.

Records of juvenile cases filed in the office of the clerk of the district court were entered in a separate docket in 5 of the 10 counties in which records were examined. In the other 5 counties they were entered in the regular criminal docket, with the notation that they were juvenile-court cases. The docket records gave only the child's name, the nature of his offense, and the dates of filing the various legal papers in the case. The legal papers (such as petition, summons, and order of the court) were always filed in a separate folder. Some records included copies of the testimony, if any was taken, and some included the report of the findings of the juvenile commissioner with his recommendations to the judge.

Whereas the records filed in the offices of the clerks were public, the commissioners all stated that their records were private and available only for the use of the judge or any social agent who had a legitimate interest in the case.

In one district the commissioner made a written monthly report consisting of a copy of a summary of the daily docket record, sent to each of the three judges in the district.

JURISDICTION AND PROCEDURE IN SOUTH DAKOTA

The county court in South Dakota had original jurisdiction in all cases of dependent or neglected children and of delinquent children, and might "for convenience" be called the juvenile court, its record of such cases being called the juvenile record.⁴⁰ The term "dependent child" or "neglected child" was stated to mean "any child who is a county charge, or any orphan," or deserted, or not having a suitable abode or proper care, or subjected to "vicious, corrupt, or immoral influences," engaged in illegal or improper pursuits, etc. The term "delinquent child" was stated to mean any child who while under 18 years of age violated any law of the State

⁴⁰ S. Dak., Rev. Code 1919, secs. 9972-9974.

or a city or town ordinance, who was incorrigible, intractable, truant, associated with "thieves, vicious, or immoral persons," frequented specified places or types of place, engaged in specified practices and occupations, etc. Although the action of the court was limited to cases of children under 18 years of age, the guardianship of any guardian, institution, or association to which a dependent, neglected, or delinquent child had been committed by the court was to continue as long as the court should direct, but not after the child had reached the age of 21 years.⁴¹

The law provided that all cases of delinquent children under 18 years of age which had been originally brought before a justice of the peace, a police magistrate, or a municipal court should be transferred to the county court.⁴² This court might, however, permit a child to be proceeded against in accordance with the general laws of the State concerning the commission of crimes or the violations of city, village, or town ordinances.⁴³

Largely because of the attitude of the judges, court procedure varied greatly in the 10 counties where studies were made of the methods of handling children's cases. In two of the counties, for instance, a definite policy regarding the handling of juvenile-delinquency cases had been worked out, whereas in another county the judge admitted that he had no interest in such cases as came before him and did not attempt to keep special records of them.

Probation service.

The juvenile court law authorized the county judge of any county having a population of 5,000 or over to appoint paid probation officers, the salary to be fixed by the county commissioners. In addition, the law gave the county court authority to appoint any number of volunteer probation officers.⁴⁴ In one of the counties studied the judge had given formal appointments to three persons, two in the one city and the other in a rural section. About 80 children were reporting to this judge personally at the time of the agent's visit, and about 10 others were reporting by letter; but he kept no record of this probation work.

No probation of any kind had been tried in one county. Although there were records of only five cases of juvenile delinquency in this county during the year of the study, nevertheless each of these five delinquent children had previous court records (four having been in court twice or oftener, the fifth "once or twice"), and their social history indicated that the careful supervision of even a volunteer probation officer might have helped them to overcome the handicaps of their environment.⁴⁵

⁴¹ *Ibid.*, secs. 9981, 9983, 9986.

⁴² *Ibid.*, sec. 9989.

⁴³ *Ibid.*, sec. 9984.

⁴⁴ A law passed in 1925 provides for cooperation by county child-welfare boards and probation officers with the State parole officer. Girls placed on parole are to be under the supervision of a reputable woman appointed by the county court, such supervision to be under the direction of the State parole officer (S. Dak., Laws of 1925, ch. 278).

⁴⁵ A 17-year-old boy who was in court on a charge of sexual immorality was living with his mother, whose reputation was "questionable," and his stepfather, whom the State's attorney said he "had enough on" to send him to the penitentiary. A 16-year-old boy had a sexually immoral father and a weak-minded mother. Two brothers, 14 and 17 years old, lived with their mother, who was receiving a mother's pension; the father, reported to have been "a good-for-nothing," was dead; the charge against both boys was sexual immorality. The superintendent of schools spoke of one of the boys as "capable and well-meaning," but in need of encouragement and constant attention. The fifth juvenile offender had been before the court for forging checks. His parents were spoken of as hard-working persons in moderate circumstances.

In a county which contained one of the larger cities in the State the judge said that it was not his policy to place children on probation, although at one time he had had two children under what he termed probation and occasionally had one child on probation. In these cases the children were told to report to the judge once a month, the maximum period for reporting being six months; but interested persons said that the children and the judge frequently forgot all about it. No home visits were made, and no records of the children were kept. In another county in which there was no formal probation system, although there was a serious delinquency problem, the chief of police of the county seat kept in touch with all children who had been delinquent, whether or not there was a court record for them, and exercised over them a more or less effective supervision. In the smallest county studied only one child had been placed on probation, and he was merely required to report through an occasional letter. In two counties which were handicapped by lack of probation officers and by general lack of public interest and cooperation, the judges placed all first offenders on probation, also second offenders who came from homes where cooperation might be expected. In three other counties the judges themselves did almost all the probation work, one even visiting the homes. In two counties various public-spirited men and women, including teachers, helped the judges, and one judge had started a Big Brother movement to interest leading men in delinquent boys.

In one county all juvenile cases came before the police court of the county seat and principal town, although this was without legal authority. The police judge was so interested that he had worked out a rather successful probation system. He placed the children on probation whenever possible and was assisted in the work by a local preacher. The court procedure was accompanied by sufficient formality to impress the children and others involved in the case, and the judge's authority had not been questioned. A record was kept giving a summary of each case. In this way the police judge had gradually been able to accomplish in a measure what was really the function of the county or juvenile court.

In one county, which had a full-time paid probation officer, the visitor of the local relief agency also acted as probation officer in the cases of most of the girl offenders, and volunteer service was also given by members of the juvenile-welfare committee in the county seat. Here delinquent children were always placed on probation for an indefinite period and were required to report every Saturday at the office of the probation officer. The judge considered the appointment of volunteer probation officers desirable, both for the child and for the purpose of arousing the interest of the citizens in the problems of juvenile delinquency.

Complaint, petition, and summons.

Proceedings in children's cases were initiated by petition on the part of any resident in behalf of the State, declaring that a child was delinquent, dependent, or neglected. A summons or citation was then served on the parent or guardian of the child, requiring him, with the child, to appear at a fixed time for a hearing before the county court.

Investigation.

In three of the counties the judges reported that there was no investigation of delinquency and dependency cases before they were brought into court, except that the truant officer of one county always made some preliminary investigation of cases brought in by him. One judge enlisted the services of the school and county nurses, but these workers reported that he did not act in accordance with their findings. To use his own expression, this judge "satisfied" himself as to the conditions surrounding the child and his home. Another judge reported that, although he made no special investigation of a case, he always familiarized himself with its peculiar conditions through the county representative of the Red Cross, the police, or some county officer—the sheriff, the superintendent of schools, or the nurse.

One judge said that in a delinquency case he always accepted the statement of the complainant as substantiated by the police. He had never had a case of neglect, but in such a case he would ask the local charity organization to investigate, as well as in cases of dependency other than those in which a parent surrendered the child; in the latter type of case no investigation would be made. The judge in one of the largest counties said that he often made his own investigations preceding hearings, also requesting aid from public officials and the Salvation Army captain (who was the policewoman).

Only two of the courts made any attempt to understand the environmental conditions which might be responsible for a child's being brought into court. In one county the judge, who showed great interest in his work among juveniles, himself took time to visit the homes, and investigations were also made by the three persons appointed as unpaid probation officers and by the secretary of the county Red Cross. Some preliminary investigation was made in every case, and the judge often held cases over for several days to make such investigation possible. Through constant reading on the juvenile problem and conferences with other judges and through education of the people in the county concerning the court's aims and needs this judge was striving to develop a better system of procedure in juvenile cases. In the most thickly populated county of the State the full-time paid probation officer had charge of the investigation of all juvenile cases coming before the court. He visited the homes of children who had been reported delinquent, and under his direction the visitor of the local charity organization investigated the cases of many of the girl offenders. As a result of these investigations the probation officer was often able to keep a case out of court. The charity-organization visitor was always present at the hearings of the girls whose cases she had investigated. Records were kept in all cases of this type.

In a small homesteading county the judge reported that no investigation had been made in a juvenile delinquency case since the organization of the court. The agent of the Children's Bureau found that only two delinquency cases had been heard in this county during the year of the study.

In discussing the need for preliminary investigations many of the judges made the statement that no formal action of the kind was necessary, because a little inquiry easily acquainted them with

the facts. It is reasonable to suppose that in a thinly settled county a county judge would have some direct or indirect knowledge of most of the persons coming before him, especially where the county seat was the largest town and the only important one, and the delinquent and dependent children came almost entirely from that locality. But even if the judges possessed a considerable amount of information about the cases they handled it was not indicated in the meager social history obtainable from the court records.

Although the judges and other officials in several counties recognized the need for the mental examination of delinquent minors, there had been no attempt to provide for the examination of even those delinquent children who appeared to be subnormal. In all 10 counties the bureau agents learned of only one instance of mental examination.⁴⁶ In another county the court had ordered the physical examination of a few children, but no mental examination had been given because the judge considered that no competent person was available for this work.

Provisions for detention.

In counties having a population of 30,000 or over the county commissioners were required to make special arrangements for the care and detention of children awaiting final disposition by the court. In counties having a population of 50,000 or over the county commissioners might provide and maintain at public expense a place of detention separate from any jail or lockup and under the supervision of a matron, where delinquent and dependent children might be held if necessary.⁴⁷ None of the 10 counties especially studied had a separate place of detention for children; yet in all of them children were reported as having been held in places other than their own homes. For instance, the House of Mercy, in Sioux Falls, S. Dak., was occasionally used as a place of detention (having thus cared for seven girls since its establishment in May, 1921).

According to the law no child under 15 years of age might be incarcerated in a jail or lockup.⁴⁸ However, children were known to have been held in the county jail in 8 of the 10 counties studied, and in 1 they had been detained in the police station; in the remaining county there was no record to indicate the place of detention, the judge reporting that, so far as he could remember, hearings had always been held on the day of arrest (and detention had not been necessary), but that a child, if detained, would be held in the city or county jail. In one county where the judge was very actively interested in the problems of juvenile delinquents, it was reported that children were "usually" kept in the county jail because there was no other place. This jail was old, dingy, and infested with vermin. During the year of the study 7 children had been held there for periods varying from 1 to 7 days. However, in all counties the policy of all the judges was to leave the delinquent or dependent child in his own home, when possible, and this was done in the

⁴⁶ This was the case of a boy brought into court by the county sheriff on a charge of incorrigibility, whose feeble-mindedness was so obvious that the judge referred the case to the county physician and the boy was committed to the State institution for the feeble-minded.

⁴⁷ S. Dak., Rev. Code 1919, sec. 9980. According to the 1920 census no county in South Dakota had a population of 50,000, and only one had a population over 30,000. (See Fourteenth Census of the United States, 1920, Vol. III, Population, pp. 944-950.)

⁴⁸ S. Dak., Rev. Code 1919, sec. 9980.

majority of cases. They stated that only those children were held whose homes were considered unfit and who needed the protection that detention provided. Several judges and a number of other county officials spoke of the great need for proper detention accommodations for children brought before the court.

Hearings.

The law provided that all hearings of juvenile cases should be informal. One judge said that outsiders were not barred from the hearings but that there was never any publicity which would attract them. All the other judges stated that only those persons who had a legitimate interest in the case (parents or guardians, probation officers, teachers, or social workers) were ever admitted. In no county were juvenile hearings held with those of adults. Hearings were usually held in the judge's office, which was also the county court room, and in all counties they were held whenever there were cases.

"Unofficial" hearings were reported by all the judges in the 10 counties, except one who stated that he believed unofficial hearings detracted from the dignity of the court. Judges considered hearings "unofficial" when no legal records of the cases were made; 1 judge reported about 40 unofficial hearings for the year prior to October 1, 1921, and for none of these were there any records. Another judge reported that during the same period 56 cases were handled informally and that 37 of these were dismissed immediately. A card-file record was usually kept of such cases, giving the child's name, the date and nature of the offense, and sometimes the disposition made. Occasionally, in order to impress the child, the judge wrote out a statement regarding the case and required the child to sign it. In one of the large counties the judge reported from three to five unofficial hearings a week, always for the first offenders. There was no official court record of such cases, but the judge was keeping a summary of them for his own reference.

In one county the chief of police reported that during the year for which the records were examined he had handled about 12 cases of juvenile delinquency without referring them to the county judge. He said that he had learned from experience that the judge would dismiss the cases and that he himself could do that as well as the judge. He had kept no records of this work. For example, a 12-year-old boy, arrested for stealing coal from a freight car, was brought to police headquarters, and the chief had "scared him up," ordered him to pay for the coal, and released him. The chief admitted that he did not expect the boy, who had belonged to a poor family and had stolen the coal to take home, to pay for the coal, and that nothing more would be done in the case. The policewoman had also assumed the responsibility of handling some of the juvenile cases. A similar situation existed in this county with reference to cases of dependency and neglect. Although distressing situations were known to exist in several families where there were children the cases were never brought to court because it was expected that they would only be dropped, as others had been.

Court decisions and orders.

There was no very definite policy in regard to the disposition of delinquency cases in the 10 counties studied in South Dakota. In

the counties in which there were probation officers many children were placed on probation with more or less definite time limits and requirements; in many cases, however, it was found that no final decision was made and the cases were dismissed because of lack of evidence. Other children were fined or ordered to make restitution in connection with their offenses, or were committed to the training school.

As there was no separate training school for girls in South Dakota several judges stated that they hesitated to commit a girl to the State training school if any other suitable disposition was possible. One judge declared that the need of a separate training school was imperative, instancing as proof the following case which he had handled:

A girl whose parents were divorced and her mother remarried, lived with her father, who was known to be immoral, in an undesirable boarding house. She was brought into court on a charge of incorrigibility. While the case was pending a woman, professing to be a friend of the girl's, asked that she be given her custody and permitted to take her to Oklahoma to place her in school. The judge consented, as he believed that the girl should be removed from her present surroundings. The father furnished traveling expenses and a certain amount each month to pay for board, which it was found later the woman had appropriated for herself; the girl had been placed in an institution of poor standing to work for her board. After a short time the girl returned to her father and later was brought into court again on a charge of incorrigibility.

Records.

There was no uniformity in the manner in which records of juvenile cases were kept in the 10 counties, the matter depending entirely upon the judge's attitude toward the juvenile work. In one county where the judge showed little interest in the problems of juvenile delinquency the available records were very meager. For the year covered, the only juvenile records found in the office of the county clerk were of the cases of two boys who were sent by the court to the State training school. But this did not mean that only two cases of juvenile delinquency had come before the court officials. In this county the policewoman supplied scattered bits of information about cases that had come to her attention. These she gave from notes entered in a small notebook (from which two of the pages containing confidential information and giving the names of the delinquents had been lost). The judge stated that he was opposed to keeping records of any juvenile-delinquency cases other than those of children who were committed to the State training school, because the delinquency record might later be used against the child. The few juvenile-court records that had been made were not separately filed, and the Children's Bureau agent found one juvenile-court record with mothers' pension records, another with divorce records, and the third with the criminal-case records in the circuit court. One county had had so few juvenile cases that keeping records was not considered necessary. The other counties did keep accessible records, though the information they yielded was generally scanty, especially as to the social background of the delinquent. However, the judge was often able to give supplementary facts showing that he had a better understanding of many cases than the records themselves would indicate.

DEPENDENT CHILDREN IN THE TWO STATES

The number of dependent children under the care or supervision of private agencies and institutions within a period of two years ended September 30, 1921, and of those in county almshouses, in maternity and boarding homes, receiving aid in their own homes, and coming to the attention of the juvenile courts, was investigated by agents of the Children's Bureau. Such other relevant statistical data as could be ascertained were also noted. Before the facts obtained in regard to these separate groups are given they are summarized to present the general situation in regard to child dependency.

THE EXTENT OF CHILD DEPENDENCY

The following tables give the number of dependent children under care of agencies, institutions, and boarding homes within two years ended September 30, 1921, the number under care on September 30, 1921, the number released during the preceding two years, and the type of care for which the dependent children were received:¹

Dependent children under care of agencies, institutions, and boarding homes in North Dakota and South Dakota within two years ended September 30, 1921

| Agencies, institutions, and homes | Children under care within two years ended Sept. 30, 1921 | | |
|--|---|---------------------------|--|
| | Total | Under care Sept. 30, 1921 | Released from care within two years ended Sept. 30, 1921 |
| Total children..... | 1,960 | 962 | 998 |
| Children's home societies..... | 981 | 637 | 344 |
| Other child-caring agencies..... | 110 | 86 | 24 |
| Institutions for dependent children..... | 292 | 142 | 150 |
| Maternity homes..... | 257 | 40 | 217 |
| Boarding homes..... | 214 | 36 | 178 |
| Almshouses *..... | 106 | 21 | 85 |

* Figures for children under almshouse care are for 20 counties only.

¹The number of children receiving aid in their own homes and the number brought before the courts can not be included in the following tables because the information obtained on these two subjects related to a different period from the one indicated in these tables. The number of children receiving aid in their own homes on May 1, 1921, was 3,396 in the 87 counties in the two States from which such information was obtained (see p. 52). The number before the courts because of dependency or neglect within the year ended Sept. 30, 1921, was 267 in the 30 counties in the two States from which data on such cases were obtained (see pp. 54-55).

Dependent children under care of agencies, institutions, and boarding homes in North Dakota and South Dakota within two years ended September 30, 1921, by type of care for which they were received

| Agencies, institutions, and homes | Children under care within two years ended Sept. 30, 1921 | | |
|--|---|----------------|----------------|
| | Total | Permanent care | Temporary care |
| Total children..... | 1,960 | 947 | 1,013 |
| Children's home societies..... | 981 | 791 | 190 |
| Other child-caring agencies..... | 110 | 95 | 15 |
| Institutions for dependent children..... | 292 | 50 | 242 |
| Maternity homes..... | 257 | 10 | 247 |
| Boarding homes..... | 214 | ----- | 214 |
| Almshouses ¹ | 106 | 1 | 105 |

¹ Figures for children under almshouse care are for 20 counties only.

On September 30, 1921, about one-tenth of the wards of the children's home societies were in the receiving homes of the societies. The others were being cared for in family homes. Of the 86 children in charge of other child-caring agencies on that date 84 were being cared for in family homes. Comparatively few children were released from agency supervision because most of the children under such care were received as permanent wards and continued under supervision for extended periods of time, whereas the institutions and the boarding and maternity homes more often received children for whom some temporary arrangements were necessary, with the expectation that they would soon be returned to their homes. Of the children committed as permanent wards, 362 were received because they were of illegitimate birth, and 298 because of the inability of one or both parents to provide for their support. Of the temporary wards, 276 were received because they were of illegitimate birth, and 480 because they needed aid assumed to be temporary or because their parents were unable to provide for their support.

The following tables show the ages of dependent children under care of agencies, institutions, and boarding homes in North Dakota and South Dakota on September 30, 1921, the ages at which dependent children under care within two years ended September 30, 1921, were received, and the ages at time of release of dependent children from such agencies, institutions, and boarding homes within this two-year period:

Ages of dependent children under care of agencies, institutions, and boarding homes in North Dakota and South Dakota on September 30, 1921

| Ages on Sept. 30, 1921 | Children under care on Sept. 30, 1921 | | | | | | |
|-------------------------------|---------------------------------------|---------------------------|-----------------------------|-------------------------------------|-----------------|----------------|-------------------------|
| | Total | Children's home societies | Other child-caring agencies | Institutions for dependent children | Maternity homes | Boarding homes | Almshouses ¹ |
| Total children..... | 962 | 637 | 86 | 142 | 40 | 36 | 21 |
| Under 6 months..... | 54 | 26 | 3 | ----- | 14 | 11 | ----- |
| 6 months, under 1 year..... | 33 | 21 | 6 | ----- | 4 | 2 | ----- |
| 1 year, under 5 years..... | 185 | 117 | 29 | 16 | 5 | 17 | 1 |
| 5 years, under 10 years..... | 228 | 131 | 21 | 63 | 1 | 5 | 7 |
| 10 years, under 16 years..... | 319 | 226 | 22 | 54 | 7 | ----- | 10 |
| 16 years, under 18 years..... | 99 | 81 | 1 | 8 | 8 | ----- | 1 |
| Not reported..... | ² 44 | 35 | 4 | 1 | 1 | 1 | ² 2 |

¹ Figures for children under almshouse care are for 20 counties only.

² Children from 15 to 18 years whose exact ages were not reported.

Ages at which dependent children under care of agencies, institutions, and boarding homes in North Dakota and South Dakota within two years ended September 30, 1921, were received

| Ages at which received | Children under care within two years ended Sept. 30, 1921 | | | | | | |
|-------------------------------|---|---------------------------|-----------------------------|-------------------------------------|-----------------|----------------|--------------------------|
| | Total | Children's home societies | Other child-caring agencies | Institutions for dependent children | Maternity homes | Boarding homes | Alms-houses ¹ |
| Total children..... | 1,960 | 981 | 110 | 292 | 257 | 214 | 106 |
| Newborn..... | 192 | | | | 181 | | 11 |
| Under 6 months..... | 571 | 413 | 35 | 8 | 16 | 99 | |
| 6 months, under 1 year..... | 51 | 33 | 5 | 3 | | 8 | 2 |
| 1 year, under 5 years..... | 355 | 171 | 14 | 90 | | 60 | 20 |
| 5 years, under 10 years..... | 455 | 232 | 25 | 132 | 3 | 31 | 32 |
| 10 years, under 16 years..... | 240 | 104 | 18 | 49 | 30 | 13 | 26 |
| 16 years, under 18 years..... | 35 | 5 | 1 | 1 | 26 | 1 | 1 |
| Not reported..... | ² 61 | 23 | 12 | 9 | 1 | 2 | ¹ 14 |

¹ Figures for children under almshouse care are for 20 counties only.

² Includes 8 children from 15 to 18 years of age whose respective ages were not reported.

Ages of children at time of release from agencies, institutions, and boarding homes in North Dakota and South Dakota within two years ended September 30, 1921

| Ages at time of release | Children released within two years ended Sept. 30, 1921 | | | | | | |
|-------------------------------|---|---------------------------|-----------------------------|-------------------------------------|-----------------|----------------|--------------------------|
| | Total | Children's home societies | Other child-caring agencies | Institutions for dependent children | Maternity homes | Boarding homes | Alms-houses ¹ |
| Total children..... | 998 | 344 | 24 | 150 | 217 | 178 | 85 |
| Under 6 months..... | 269 | 65 | 4 | 2 | 135 | 51 | ¹ 12 |
| 6 months, under 1 year..... | 80 | 42 | 1 | | 15 | 21 | 1 |
| 1 year, under 5 years..... | 195 | 74 | 5 | 24 | 13 | 60 | 19 |
| 5 years, under 10 years..... | 200 | 64 | 6 | 73 | 2 | 30 | 25 |
| 10 years, under 16 years..... | 114 | 33 | 3 | 37 | 11 | 14 | 16 |
| 16 years, under 18 years..... | 87 | 53 | | 4 | 30 | | |
| Not reported..... | ³ 53 | 13 | 5 | 10 | 11 | 2 | ³ 12 |

¹ Figures for children under almshouse care are for 20 counties only.

² Includes 9 infants under 1 month of age.

³ Includes 6 children from 15 to 18 years of age whose respective ages were not reported.

Most of the girls in the older groups in maternity homes were illegitimately pregnant or were unmarried mothers with young babies who had come to the homes for confinement care. During the period of the study 56 girls between the ages of 10 and 17, either illegitimately pregnant or unmarried mothers, were in the maternity homes, and 15 pregnant girls or unmarried mothers were in the homes September 30, 1921.

The following tables show the sources from which the children were received by the agencies, institutions, and boarding homes in North Dakota and South Dakota, the reasons for receiving the children, and the length of time during which the children had been under care.

Sources from which the children under care of agencies, institutions, and boarding homes in North Dakota and South Dakota within two years ended September 30, 1921, were received

| Source from which received | Children under care within two years ended Sept. 30, 1921 | | | | | | |
|---|---|---------------------------|-----------------------------|-------------------------------------|-----------------|----------------|-------------------------|
| | Total | Children's home societies | Other child-caring agencies | Institutions for dependent children | Maternity homes | Boarding homes | Almshouses ¹ |
| Total children..... | 1,960 | 981 | 110 | 292 | 257 | 214 | 106 |
| Both parents..... | 46 | 26 | 1 | ----- | 4 | 15 | ----- |
| Father..... | 124 | 58 | 22 | 22 | 6 | 16 | ----- |
| Mother..... | 695 | 475 | 32 | 23 | 8 | 157 | ----- |
| Other relatives..... | 27 | 9 | 6 | 6 | 3 | 3 | ----- |
| Court..... | 364 | 306 | 24 | 1 | 30 | 2 | 1 |
| Public official..... | 28 | 12 | 4 | 10 | 2 | ----- | ----- |
| State board..... | 3 | 2 | 1 | ----- | ----- | ----- | ----- |
| Social agency..... | 80 | 35 | 8 | 17 | 9 | 11 | ----- |
| Private individual..... | 23 | 15 | ----- | 2 | 4 | 2 | ----- |
| Born in maternity home or almshouse..... | 192 | ----- | ----- | ----- | 181 | ----- | 11 |
| With mother in maternity home or almshouse..... | 68 | ----- | ----- | ----- | 5 | ----- | 63 |
| Other sources..... | 6 | 3 | ----- | ----- | 3 | ----- | ----- |
| Not reported..... | 304 | 40 | 12 | 211 | 2 | 8 | 31 |

¹ Figures for children under almshouse care are for 20 counties only.

Reasons for which children under care of agencies, institutions, and boarding homes in North Dakota and South Dakota within two years ended September 30, 1921, were received

| Reason for receiving ¹ | Children under care within two years ended Sept. 30, 1921 | | | | | | |
|---|---|---------------------------|-----------------------------|-------------------------------------|-----------------|----------------|-------------------------|
| | Total | Children's home societies | Other child-caring agencies | Institutions for dependent children | Maternity homes | Boarding homes | Almshouses ² |
| Total children..... | 1,960 | 981 | 110 | 292 | 257 | 214 | 106 |
| Child illegitimate..... | 638 | 342 | 38 | 10 | 170 | 78 | ----- |
| Child abandoned..... | 49 | 38 | 9 | 1 | ----- | 1 | ----- |
| Child dependent..... | 66 | 49 | 5 | 8 | 4 | ----- | ----- |
| Child neglected..... | 46 | 31 | 8 | 5 | 1 | 1 | ----- |
| Child delinquent, incorrigible, or wayward..... | 24 | 8 | ----- | ----- | 16 | ----- | ----- |
| Child in need of temporary aid..... | 160 | 93 | 1 | 1 | 57 | 8 | ----- |
| Parents dead..... | 31 | 14 | ----- | 17 | ----- | ----- | ----- |
| Parents divorced or separated..... | 97 | 41 | ----- | 24 | ----- | 32 | ----- |
| Parents or guardians unfit, unable (or unwilling) to provide..... | 271 | 108 | 11 | 28 | 5 | 56 | 63 |
| One parent dead, other unable to care for child..... | 296 | 86 | 25 | 160 | 2 | 23 | ----- |
| One parent dead, other deserted..... | 32 | 27 | 3 | 2 | ----- | ----- | ----- |
| One parent ill, other unable or unfit to care for child..... | 12 | 1 | ----- | 6 | 1 | 4 | ----- |
| One parent mentally defective or insane..... | 39 | 32 | 2 | 4 | ----- | 1 | ----- |
| One parent deserted, other unable to care for child..... | 102 | 73 | 1 | 18 | ----- | 10 | ----- |
| Other reason..... | 23 | 5 | ----- | 6 | ----- | ----- | 12 |
| Not reported..... | 74 | 33 | 7 | 2 | 1 | ----- | 31 |

¹ These reasons are given as ascertained from the records of the agencies and institutions studied. It is recognized that they are not mutually exclusive, but they represent all the information which was available.

² Figures for children under almshouse care are for 20 counties only.

³ Includes 1 child committed by the court and 11 born in almshouses.

Length of time children released within two years ended September 30, 1921, were under care of agencies, institutions, and boarding homes in North Dakota and South Dakota prior to release

| Length of time under care | Total | Children released from— | | | | | |
|-----------------------------------|-------|---------------------------|-----------------------------|-------------------------------------|-----------------|----------------|-------------------------|
| | | Children's home societies | Other child-caring agencies | Institutions for dependent children | Maternity homes | Boarding homes | Almshouses ¹ |
| Total children..... | 998 | 344 | 24 | 150 | 217 | 178 | 85 |
| Less than 6 months..... | 590 | 175 | 10 | 54 | 155 | 144 | 52 |
| 6 months, less than 1 year..... | 144 | 58 | 3 | 32 | 25 | 24 | 2 |
| 1 year, less than 2 years..... | 88 | 29 | 2 | 26 | 18 | 4 | 9 |
| 2 years, less than 3 years..... | 57 | 22 | 1 | 17 | 4 | 2 | 11 |
| 3 years, less than 4 years..... | 5 | 3 | ----- | 1 | ----- | 1 | ----- |
| 4 years, less than 5 years..... | 11 | 4 | ----- | 7 | ----- | ----- | ----- |
| 5 years, less than 6 years..... | 6 | 2 | ----- | 4 | ----- | ----- | ----- |
| 6 years, less than 7 years..... | 6 | 5 | ----- | 1 | ----- | ----- | ----- |
| 7 years, less than 8 years..... | 5 | 4 | ----- | ----- | ----- | 1 | ----- |
| 8 years, less than 9 years..... | 6 | 6 | ----- | ----- | ----- | ----- | ----- |
| 9 years, less than 10 years..... | 9 | 8 | ----- | 1 | ----- | ----- | ----- |
| 10 years, less than 15 years..... | 19 | 16 | ----- | 2 | ----- | ----- | 1 |
| 15 years, less than 18 years..... | 5 | 5 | ----- | ----- | ----- | ----- | ----- |
| Not reported..... | 47 | 7 | 8 | 5 | 15 | 2 | ² 10 |

¹ Figures for children under almshouse care are for 20 counties only.

² It was known that 6 of these children had been in the almshouses less than a year, and 3 had been in the almshouses approximately 1 year.

The parental status of the dependent children when received may suggest possibilities in rehabilitating or supervising their own homes which would enable the children to be returned to normal conditions of living. For instance, more than one-half of the children under care within the period studied had been living with their mothers and were received because she was unable to provide care. The mother was unmarried (in over one-third of the instances), or the father was dead, divorced, separated, or had deserted, or for some reason was not living in the home. A reasonably competent mother, who alone is unable to keep her children with her, could in some instances accomplish this through the aid of a mothers' pension (see pp. 52-54). Instances in which the mother is unmarried present greater practical difficulties as rehabilitation would necessitate the provision of a home where none exists. The fact that children were removed from homes in which both parents were living suggests that a certain percentage of the removals may have been unnecessary. Yet in many instances conditions in a family even with both parents living are such as to make removal clearly in the interest of the children. Inability or unfitness of the parents may have been so long continued as to make rehabilitation impossible and delay dangerous. (See also discussion of children permanently removed from their homes, pp. 56-62.)

The following table shows the parental status of children under care of agencies, institutions, and boarding homes in North Dakota and South Dakota within two years ended September 30, 1921, when received for such care:

Parental status of children under care of agencies, institutions, and boarding homes in North Dakota and South Dakota within two years ended September 30, 1921, when received for care

| Parental status | Children under care within two years ended Sept. 30, 1921 | | | | | | |
|--|---|---------------------------|-----------------------------|-------------------------------------|-----------------|----------------|--------------------------|
| | Total | Children's home societies | Other child-caring agencies | Institutions for dependent children | Maternity homes | Boarding homes | Alms-houses ¹ |
| Total children..... | 1,960 | 981 | 110 | 292 | 257 | 214 | 106 |
| Parents living together..... | 162 | 56 | 3 | 13 | 55 | 23 | 12 |
| Parents not living together..... | 1,390 | 689 | 81 | 221 | 180 | 161 | 58 |
| Father dead..... | 121 | 52 | 4 | 36 | 4 | 16 | 9 |
| Father deserting..... | 114 | 74 | 5 | 12 | 2 | 10 | 11 |
| Mother dead..... | 260 | 75 | 29 | 125 | 6 | 8 | 17 |
| Mother deserting..... | 21 | 12 | ----- | 7 | ----- | 1 | 1 |
| Mother unmarried..... | 677 | 380 | 39 | 9 | 164 | 82 | 3 |
| Parents divorced or separated..... | 158 | 80 | 3 | 23 | 4 | 37 | 11 |
| One parent in hospital for insane, in correctional institution, or working away from home..... | 39 | 16 | 1 | 9 | ----- | 7 | 6 |
| Parent and step-parent living together..... | 47 | 25 | 1 | 1 | 12 | 5 | 3 |
| Parents dead, separated, in institution, or whereabouts unknown..... | 272 | 183 | 23 | 56 | 6 | 3 | 1 |
| Parents dead..... | 35 | 16 | 2 | 16 | ----- | ----- | 1 |
| Parents separated..... | 11 | 11 | ----- | ----- | ----- | ----- | ----- |
| Parents deserting or whereabouts unknown..... | 47 | 33 | 7 | 7 | ----- | ----- | ----- |
| Parents in institution..... | 25 | 20 | ----- | 5 | ----- | ----- | ----- |
| One parent dead, other unable or unwilling to support child..... | 110 | 76 | 12 | 15 | 5 | 2 | ----- |
| One parent deserting or whereabouts unknown, other in institution or having no home..... | 27 | 18 | 1 | 6 | 1 | 1 | ----- |
| Other..... | 17 | 9 | 1 | 7 | ----- | ----- | ----- |
| Not reported..... | 89 | 28 | 2 | 1 | 4 | 22 | 32 |

¹ Figures for children under almshouse care are for 20 counties only.

WARDS OF THE CHILDREN'S HOME SOCIETIES

CHILDREN UNDER CARE WITHIN TWO YEARS

On September 30, 1921, the North Dakota Children's Home Society had under supervision 305 children (43 in the receiving home and 262 in family homes); the South Dakota Children's Home Society had under supervision 332 children (19 in the receiving home and 313 in family homes). The two societies had released 344 children from supervision during the two years preceding September 30, 1921. Some data in regard to all these children were obtained from the records of the two societies. Over four-fifths of the 981 children under care during the two years were permanent wards of the societies (9 children committed for temporary care later becoming permanent wards).

The following tables show the ages of children under care of the children's home societies on September 30, 1921, or on date of release; and the ages at which children under care of the children's home societies within two years ended September 30, 1921, were received, by the type of care for which received:

Ages on September 30, 1921, or on date of release of children under care of the children's home societies within two years ended September 30, 1921

| Ages on Sept. 30, 1921, or on date of release | Children under care within two years ended Sept. 30, 1921 | | |
|---|---|---------------------------|--|
| | Total | Under care Sept. 30, 1921 | Released from care within two years ended Sept. 30, 1921 |
| Total children..... | 981 | 637 | 344 |
| Under 6 months..... | 91 | 26 | 65 |
| 6 months, under 1 year..... | 63 | 21 | 42 |
| 1 year, under 3 years..... | 116 | 63 | 53 |
| 3 years, under 5 years..... | 75 | 54 | 21 |
| 5 years, under 7 years..... | 70 | 44 | 26 |
| 7 years, under 10 years..... | 125 | 87 | 38 |
| 10 years, under 16 years..... | 259 | 226 | 33 |
| 16 years, under 18 years..... | 134 | 81 | 53 |
| Not reported..... | 48 | 35 | 13 |

Ages at which children under care of the children's home societies within two years ended September 30, 1921, were received, by type of care for which they were received

| Ages at which received | Children under care within two years ended Sept. 30, 1921 | | |
|-------------------------------|---|-----------------|-----------------|
| | Total | Permanent wards | Temporary wards |
| Total children..... | 981 | 1 791 | 1 190 |
| Under 6 months..... | 413 | 379 | 34 |
| 6 months, under 1 year..... | 33 | 26 | 7 |
| 1 year, under 3 years..... | 87 | 64 | 23 |
| 3 years, under 5 years..... | 84 | 62 | 22 |
| 5 years, under 7 years..... | 98 | 71 | 27 |
| 7 years, under 10 years..... | 134 | 101 | 33 |
| 10 years, under 16 years..... | 104 | 75 | 29 |
| 16 years, under 18 years..... | 5 | 1 | 4 |
| Not reported..... | 23 | 12 | 11 |

¹ Includes 9 children committed first as temporary wards and later as permanent wards.

² Includes 14 children for whom type of care was not reported.

Of the children received under 6 months of age for permanent or for temporary care 82 per cent were of illegitimate birth. Nearly one-half of the permanent wards and one-sixth of the temporary wards (about 400 of the children) were of illegitimate birth. Nine-tenths (91 per cent) of the children of illegitimate birth were committed to the permanent care of the societies, but only three-fourths (74 per cent) of the children of legitimate birth had been committed for permanent care.

The following table shows the sources from which the children were received by the children's home societies. (The reasons for which the children were received and the parental status of the children received for care by the societies are shown on pp. 39, 41).

Sources from which the children's home societies had received the children who were under their care within two years ended September 30, 1921

| Source from which received | Children under care within two years ended Sept, 30, 1921 | | | |
|---------------------------------|---|--------------------------------|-----------------------|------------------------------|
| | Total | Permanent wards ¹ — | | Temporary wards ² |
| | | Of legitimate birth | Of illegitimate birth | |
| Total children..... | 981 | 428 | 363 | 190 |
| Both parents..... | 26 | 22 | 1 | 3 |
| Father..... | 58 | 51 | 1 | 6 |
| Mother..... | 475 | 104 | 326 | 45 |
| Other relatives..... | 9 | 3 | 1 | 5 |
| Court..... | 306 | 215 | 18 | 73 |
| Public official..... | 12 | 2 | 2 | 8 |
| State board..... | 2 | — | — | 2 |
| Social agency..... | 35 | 15 | 6 | 14 |
| Foster parents or guardian..... | 11 | 7 | 4 | — |
| Private individual..... | 4 | — | — | 4 |
| Other sources..... | 3 | 2 | 1 | — |
| Not reported..... | 40 | 7 | 3 | 30 |

¹ Includes 9 children committed first as temporary wards and later as permanent wards.

² About one-sixth of the temporary wards were of illegitimate birth.

³ Includes 14 children for whom type of care was not reported.

Of the 872 children under care of the children's home societies whose birthplace was ascertained, 558 had been born within the State in which they had been received, 80 (including 36 infants under 6 months of age) had been born in adjoining States, 23 in a more distant State, and 11 outside the United States. For 109 of the children birthplace was not reported. The fathers of 633 children were reported to be white, 4 were Negroes, and 4 were Indians. For 340 of the children the race of the father was not reported. Among the white children were 239 whose fathers were reported as foreign born.²

CHILDREN PLACED IN FAMILY HOMES

Both the children's home societies placed their wards in family homes under supervision as soon as the proper arrangements could be made. Of the children under care during the period studied 793 had been placed in family homes; 188 had not been placed prior to their release or before September 30, 1921. Ninety-one per cent of the children had remained in the receiving homes of the societies less than one year pending placement. The following table shows the length of time the wards of the societies remained in the receiving homes before placement:

² The nationalities of the fathers of foreign birth were reported as follows: German, 65; Norwegian, 34; Irish, 27; Swedish, 19; English, 18; Canadian, 13; Danish, 11; Bohemian, 11; and a few Scotch, French, Russian, and Polish.

Length of time the wards of the children's home societies remained in the receiving homes before placement

| Length of time in receiving home | Number of wards of the societies | | |
|-----------------------------------|----------------------------------|-----------------|-----------------|
| | Total | Permanent wards | Temporary wards |
| Total children..... | 981 | 791 | 1 190 |
| Less than 1 month..... | 354 | 297 | 57 |
| 1 month, less than 3 months..... | 251 | 204 | 47 |
| 3 months, less than 6 months..... | 144 | 119 | 25 |
| 6 months, less than 1 year..... | 99 | 79 | 20 |
| 1 year, less than 2 years..... | 57 | 32 | 25 |
| 2 years, less than 3 years..... | 14 | 8 | 6 |
| 3 years, less than 4 years..... | 7 | 4 | 3 |
| 6 years or more..... | 2 | 2 | 4 |
| Time not reported..... | 12 | 8 | 4 |
| Never in institution..... | 41 | 38 | 3 |

¹ Includes 14 children for whom the type of care was not reported.

Of the 793 children who had been placed in homes over 75 per cent had been in only one home while under care. About one-fourth of the children who remained in the first home in which they were placed by the societies had been under care from five to nine years, and one-fifth had been under care for 10 or more years.

The following table shows the length of time the wards of the societies were under care, by the number of homes in which placed:

Length of time the wards of the children's home societies placed in one home or in two or more homes, or not placed in homes, were under care of the societies

| Length of time under care | Number of wards of the societies— | | | |
|-----------------------------------|-----------------------------------|--------------------|-----------------------------|---------------------|
| | Total | Placed in one home | Placed in two or more homes | Not placed in homes |
| Total children..... | 981 | 606 | 1 187 | 188 |
| Less than 1 year..... | 330 | 162 | 16 | ¹ 152 |
| 1 year, less than 2 years..... | 110 | 69 | 16 | 25 |
| 2 years, less than 3 years..... | 52 | 34 | 9 | 9 |
| 3 years, less than 4 years..... | 39 | 30 | 8 | 1 |
| 4 years, less than 5 years..... | 56 | 39 | 17 | ----- |
| 5 years, less than 6 years..... | 59 | 40 | 19 | ----- |
| 6 years, less than 7 years..... | 50 | 37 | 13 | ----- |
| 7 years, less than 8 years..... | 40 | 28 | 12 | ----- |
| 8 years, less than 9 years..... | 33 | 16 | 17 | ----- |
| 9 years, less than 10 years..... | 44 | 28 | 16 | ----- |
| 10 years, less than 15 years..... | 138 | 100 | 38 | ----- |
| 15 years, less than 18 years..... | 23 | 19 | 4 | ----- |
| Not reported..... | 7 | 4 | 2 | 1 |

¹ Of these children 128 had been in 2 homes, 36 in 3 homes, 17 in 4 homes, 4 in from 5 to 7 homes.

² Of these 54 were less than 1 month old, 49 were from 1 to 2 months, 21 were from 3 to 5 months, and 28 were from 6 to 11 months old.

CHILDREN RELEASED FROM SUPERVISION BY THE SOCIETIES

Nearly 38 per cent of the children whom the societies had released within the period studied were legally adopted. All but 15 of the children were adopted into the first home in which they were placed; 13 children had been in 1 home prior to placement in their adoptive home; and 2 children had been in 2 homes previously. Ten of the children who were placed a second or third time prior to adoption had been under care of the society for less than one year.

More than one-half of the children released but not adopted were temporary wards of the societies.

One hundred and thirty-three of the 214 children who were released but not adopted had not been placed in family homes. Of these children 114 had been under supervision for less than 1 year; 8 for 1 year; 9 for 2 years; 1 for 3 years; for 1 child the time was not reported.

Of the children released from care during the two years nearly three-fifths had been in family homes under the supervision of the societies, half of them having been in only one home. Nearly three-fifths of the children released who had been in family homes had been under supervision less than one year. The following tables show the length of time during which the children released by the societies had remained under care, by type of release and number of placements:

Length of time during which the children released within the two years ended September 30, 1921, remained under care of the children's home societies, by type of release

| Length of time under care | Number of children released within two years ended Sept. 30, 1921 | | |
|--------------------------------|---|------------------|--|
| | Total | Children adopted | Children released who were not adopted |
| Total children..... | 344 | 130 | 1 214 |
| Less than 1 year..... | 233 | 100 | 133 |
| 1 year, less than 3 years..... | 51 | 22 | 29 |
| 3 years or more..... | 53 | 7 | 46 |
| Not reported..... | 7 | 1 | 6 |

¹ Of these children 89 were returned to their parents, 13 to relatives or friends, and 42 were sent to other institutions; 44 were released because they had attained their majority; and 26 died.

Length of time during which the children who were released by the children's home societies within the two years ended September 30, 1921, had remained under care of the societies, by number of placements

| Length of time under care | Number of children released within two years ended Sept. 30, 1921 | | | |
|-----------------------------------|---|--------------------|-----------------------------|---------------------|
| | Total | Placed in one home | Placed in two or more homes | Not placed in homes |
| Total children..... | 344 | 169 | 1 42 | 133 |
| Less than 1 year..... | 233 | 107 | 12 | 114 |
| 1 year, less than 2 years..... | 29 | 18 | 3 | 8 |
| 2 years, less than 3 years..... | 22 | 12 | 1 | 9 |
| 3 years, less than 4 years..... | 3 | 1 | 1 | 1 |
| 4 years, less than 5 years..... | 4 | 2 | 2 | — |
| 5 years, less than 6 years..... | 2 | 1 | 1 | — |
| 6 years, less than 7 years..... | 5 | 3 | 2 | — |
| 7 years, less than 8 years..... | 4 | 3 | 1 | — |
| 8 years, less than 9 years..... | 6 | 1 | 5 | — |
| 9 years, less than 10 years..... | 8 | 5 | 3 | — |
| 10 years, less than 15 years..... | 16 | 8 | 8 | — |
| 15 years, less than 18 years..... | 5 | 4 | 1 | — |
| Not reported..... | 7 | 4 | 2 | 1 |

¹ Of these children 30 had been in 2 homes, 7 in 3 homes, 2 in 4 homes, 1 in 5 homes.

WARDS OF OTHER CHILD-CARING AGENCIES

The three agencies included in this group are: (1) The Lutheran Home-Finding Society, under control of the board of charities of the Lutheran Church, with headquarters in Minneapolis, Minn.; (2) the Child-Rescue Society of the Church of the Brethren, in Kenmore, N. Dak.; and (3) the State Humane and Society for the Friendless, in Bismarck, N. Dak.

On September 30, 1921, these three agencies had under care 86 children. Thirty-eight of the children were under 5 years of age (9 of these were less than 1 year old); 21 children were between 5 and 9; 22 were between 10 and 15; and 1 child was between 16 and 18 years old; the ages of 4 children were not reported. Within the two years ended September 30, 1921, 24 children had been released. Over nine-tenths of the children for whom information on the type of care was obtained were committed as permanent wards to these agencies. Illegitimate birth was reported for 39 of them.

The place of birth was reported for 87 of the 110 children who had been under care at some time during the period studied. Nearly three-fourths of this number (64) had been born in the State in which they were living when received by the agency; 13 were born in an adjoining State and 7 in a more distant State. Three were foreign born. When they were received by the agencies 35 children were under 6 months of age, 5 were between 6 months and 1 year of age, 14 were between 1 and 4 years, 25 were between 5 and 9 years, 18 were between 10 and 15 years, and 1 was between 16 and 18 years old. For 12 children age was not reported.

The sources from which the children under care of these three agencies within two years ended September 30, 1921, were received, the reasons for receiving them, and the parental status of the children when received are shown on pages 39, 41.

All but 16 of the 110 children under care during the period studied had been placed in family homes. The records showed one placement each for 73 children. These children had been under care for periods ranging from less than 1 month to 3 years. Nineteen children had been placed in 2 or more homes (3 in 3 homes and 1 in 7 homes). The supervision had continued less than one year for 6 of the 19 children, one year for 6, and two or three years for 5. The period of supervision was not reported for 2 children.

Of the 24 children released within the period studied, 19 had been made permanent wards of the agencies; 10 of these were under 5 years of age, 6 were between 5 and 9, and 3 were between 10 and 15 years of age (the ages of 5 children were not reported). Nine of the 19 children released were adopted, 7 were transferred to other agencies, 1 was returned to relatives, 1 died, and 1 married. The supervision had continued for less than one year for 12 of these children (less than one month for 6 of them), one year for 7, and two years for the remaining child.

CHILDREN IN INSTITUTIONS FOR DEPENDENT CHILDREN

The institutions included in this group were St. John's Orphanage in Fargo, N. Dak., and the Bethesda Children's Home in Beresford, S. Dak.³

On September 30, 1921, 142 children were being cared for by the two institutions (93 by St. John's Orphanage and 49 by the Bethesda Home). During the two years preceding that date 150 children had been released (140 from the orphanage and 10 from Bethesda Home). Of the total 292 children under care during the period studied 10 were reported as of illegitimate birth, 17 children were orphans, 162 were half orphans. Very few infants or very young children were received by these institutions. Only 11 children under 1 year of age were received during the period studied; 90 were between 1 and 4 years of age when received; 132 were between 5 and 9 years; 49 between 10 and 15; 1 was between 16 and 18 years old. The ages of 9 children were not reported.

Of the 150 children released from care, 124 were returned to their parents or relatives; 9 were released to other institutions or agencies; 3 died; 4 were placed in family homes. For 10 children there was no report. Of these children 112 had been under care a year or less (54 of these had been in the institutions less than a month); 29 for 2 to 5 years; and 4 for 6 or more years; time under care was not reported for 5 children.

The sources from which the children were received by the institutions, and the parental status of the children when received for care, are shown on pages 39, 41.

CHILDREN IN MATERNITY HOMES⁴

Information was obtained concerning 257 children and girls under 18 years of age who were being cared for in 6 of the 8 maternity homes visited during the study (see pp. 10, 12). Illegitimacy was reported as the reason for receiving 170 of the children.

The Florence Crittenton Home in Fargo, N. Dak., had in its care 15 infants and 15 girls under 18 years of age, including 8 mothers with their babies, 7 girls under 18 who were not mothers, and 7 babies whose mothers were not included in this study because they were over 18 years old. During the previous two-year period there had been released 40 girls who were under 18 years of age when received and 72 infants who had been born in the home or had been received before they were 6 months of age.

Of the 87 infants who had been under care of the Florence Crittenton Home at some time in the two-year period all but 2 were of illegitimate birth, and all but 6 had been born in the home. There were 27 unmarried mothers among the 40 girls who had been released and the 15 who were still under care. Ten of these 27 unmarried mothers were 17 years of age when received; 7 were 16 years of age, 3 were 15, 6 were 14, and 1 was only 12 years of age. Of the 28 girls who were not mothers 15 had been sent to the home because they had been delinquent, 6 because they were dependent

³In these institutions there were many children that could not be classed precisely as "dependent," as their families were paying for all or part of their maintenance. Of the total number of children under care within the period studied, 123 were supported by their families, 22 by their county of residence, and 138 by the institutions or by others.

⁴For discussion of maternity homes in the two States, see pp. 10, 12.

or neglected, 1 for medical treatment, and the remaining 6 because they were pregnant. One-half of these girls were received through court commitment.

Following are the reasons for release of the 112 girls and infants who left the Florence Crittenton Home during the period of the study, and the length of time during which they remained under care:

| Reason for release from Florence Crittenton Home | Number of girls and infants | Time under care of Florence Crittenton Home | Number of girls and infants |
|---|--------------------------------|--|--------------------------------|
| Total..... | 112 | Total..... | 112 |
| Girls..... | 40 | Less than 1 month..... | 15 |
| Released to: | | 1 month, less than 3 months..... | 12 |
| Parents..... | 19 | 3 months, less than 6 months..... | 38 |
| Relatives or friends..... | 5 | 6 months, less than 1 year..... | 25 |
| Other agency..... | 5 | 1 year, less than 2 years..... | 18 |
| Married..... | 1 | 2 years or more..... | 4 |
| Became self-supporting..... | 4 | | |
| Became of age..... | 2 | | |
| Not reported..... | 4 | | |
| Infants..... | 72 | | |
| Released with mother..... | 60 | | |
| Adopted from institution..... | 2 | | |
| Died..... | 10 | | |

The records were poorly kept in the remaining three maternity homes in North Dakota from which statistical data were obtained. Little information was available beyond the number of children who had been under care, the name of the mother, the date of birth of the child, the attending physician, and the date of discharge. Other social data were given from memory by the women in charge. At the time of the study 1 of the homes reported 6 children under care and 2 reported 2 each (the other 2 homes visited reported no children under care). During the preceding two-year period 105 children had been released from care by these three homes. All but 10 of the total 115 children under care within the two years had been born in the homes. Eighty-four of them were of illegitimate birth.

The time under care was not reported for 15 of the children released from care; 68 had been in the homes less than a month, 17 between 1 and 3 months, and 5 from 3 to 6 months. The reasons given for release were as follows:

| Reason for release | Number of children | Reason for release | Number of children |
|--|-----------------------|--------------------|-----------------------|
| Total..... | 105 | Adopted..... | 8 |
| Released with their mothers..... | 79 | Died..... | 3 |
| Released to friends..... | 1 | Not reported..... | 6 |
| Released to other agency or institution..... | 8 | | |

In South Dakota the House of Mercy and the Kenna Hospital, both in Sioux Falls, had cared for 16 persons under 18 years of age within the period studied. Seven of the 9 girls cared for by the House of Mercy were delinquents whom the court had placed there for detention.

CHILDREN IN ALMSHOUSES *

Twenty-one children were in the 6 almshouses caring for children in the 20 counties studied on September 30, 1921; and 85 had been discharged the two preceding years.⁵ Of these 106 children 63 had been admitted with their mothers, and 11 had been born in the hospitals connected with 2 of the almshouses. Four children were reported to be of illegitimate birth. The maximum age reported for a child admitted was 16; more than three-fourths of them had been under 10 years of age when admitted, and more than one-half of these were under 5. The parental status of the children when received by the almshouses has been shown in the table on page 41.

The following tables show the ages of the children under almshouse care on September 30, 1921; the ages of those discharged within the previous two years; and the length of time during which the children had been under almshouse care before September 30, 1921, or the date of discharge:

Ages of children under almshouse care on September 30, 1921, and the ages of those released within the previous two years, on date of release

| Ages on Sept. 30, 1921, or on date of release | Number of children under almshouse care within two years ended Sept. 30, 1921 | | |
|---|---|-------------------------------|------------------------------|
| | Total | Released within 2-year period | Under care on Sept. 30, 1921 |
| Total..... | 106 | 185 | 21 |
| Under 6 months..... | 12 | 12 | ----- |
| 6 months, under 1 year..... | 1 | 1 | ----- |
| 1 year, under 5 years..... | 20 | 19 | 1 |
| 5 years, under 10 years..... | 32 | 25 | 7 |
| 10 years, under 16 years..... | 26 | 16 | 10 |
| 16 years, under 18 years..... | 1 | ----- | 1 |
| Not reported..... | 14 | 12 | 2 |

¹Of these children 54 were discharged with their mothers (having been admitted with them); 9 were released to relatives, 7 to other agencies or institutions; 2 were adopted, and 1 became self-supporting.

Length of time during which children had been under almshouse care before September 30, 1921, or before the date of their release

| Length of time under care | Number of children under almshouse care | | |
|----------------------------------|---|---------------------------------------|----------------|
| | Total | Within two years ended Sept. 30, 1921 | Sept. 30, 1921 |
| Total children..... | 106 | 85 | 21 |
| Less than 1 year..... | 61 | 54 | 7 |
| 1 year, less than 5 years..... | 29 | 20 | 9 |
| 5 years, less than 10 years..... | 4 | ----- | 4 |
| 10 years or more..... | 2 | 1 | 1 |
| Not reported..... | 10 | 10 | ----- |

⁵ For discussion of almshouse care in the 10 counties studied in each State, see pp. 13-15.

⁶ The study did not include children who were sent only for medical treatment to the county hospitals connected with the almshouses.

The following 12 case histories are illustrative of the types of children under care in the almshouses studied by the agents of the Children's Bureau:

A father, mother, and six children came to an almshouse, having previously spent a year there. The father was feeble-minded and could not provide for his wife and children. Later the case was taken to court, as the parents wished to surrender their children to a home, and the children were eager to go. Five children were committed to a child-placing agency. The parents kept the youngest child (an infant) and soon left the county.

Two boys, 6 and 8 years old, were at an almshouse temporarily until their mother and stepfather, who were traveling "show people" from Canada, could be located. The children had been abandoned at a boarding home by their mother, who had promised to send \$16 a week for their board. After a month had passed and the mother had not returned nor sent any money, the policewoman and the juvenile commissioner, at the request of the manager of the home, sent the children to the county almshouse. Soon after this the mother sent a part of what she owed to the boarding home. The county commissioners were reported to have secured information of her whereabouts and expected to return the children to her.

A widow with four children was earning \$25 a month as housekeeper. Her oldest son was working away from home but was not contributing to the family support; a second son was in the State training school; a 16-year-old daughter and a 6-year-old son lived with the mother at her place of employment. Losing her position, the mother placed the 6-year-old boy in an almshouse. In a little over a month she obtained a position where she could have him with her. At the time of the agent's visit the mother and the 2 children were keeping house in 2 rooms over a store 2 doors from the restaurant where the mother was employed as a cook at \$14 a week. The girl was helping her mother, and the boy, then 7 years old, was attending school in the second grade.

A 7-year-old girl, whose parents were divorced, was left by her father with the policewoman and was unsuccessfully placed in two family homes. The maternal grandparents had attempted to care for the child for some time after the parents' separation. It was reported that the girl was "too rough" to be cared for in family homes and she was sent to the almshouse because there was no other place for her. After two years in this institution she was committed to the State training school until majority, on the charge of delinquency and neglect. An older sister had been in the State training school for two years. The father was alcoholic, and the mother had been arrested several times, and both were reported to be degenerate.

An unmarried mother, who had received confinement care at the county hospital, remained at the almshouse eight months after the birth of her baby in order to pay for her care. When the child was a month old the mother boarded him for a month in a family home, then released him to a child-placing agency for adoption.

A mother with nine children from 1 to 16 years of age came to a county almshouse because she was unable to provide for her family. After two years she took the children away and made another attempt to become self-supporting, only to return the following year. One 15-year-old daughter did not return, as she had obtained work and was supporting herself.

Through the efforts of the city commissioner of the poor two little girls 6 and 7 years old, found living over a café with their father, were taken to an almshouse. They had been running the streets most of the time and were not receiving proper care. The parents had separated, and the four children had been in a private boarding home for a short time. The youngest two had been provided for in permanent homes, but the two others had been returned to the father. Though mentally deficient he was able to earn his living by driving an automobile. The mother came from a family with a poor reputation and was on the streets most of the time.

At Christmas the parents began to live together again, and at their request the two children were returned to them. In a month they had separated once more, and the children were sent back to the almshouse. That they would remain there was almost certain, since the parents would not surrender them for adoption. A paternal aunt would have taken them, but her income was not considered sufficient to warrant her assuming the care of these two children in addition to her own family.

The commissioner in one county, although opposed in general to committing children to almshouses, had placed a 12-year-old boy in the county almshouse pending the finding of a suitable family home. At the time of the study the child had been in the almshouse a year and a half. The father was dead and the mother had deserted, leaving three children. The caretaker of the almshouse and his wife were very kind to the boy and treated him quite as their own. He ate at the family table and was kept as much as possible from the parts of the building where the older inmates lived. Although he had to walk 4 miles in order to attend school the records showed that his attendance had been very regular. Out of school hours he did farm work and chores to help pay for his board. The commissioner was satisfied that the boy had as good a home as could be provided under the circumstances.

Another 12-year-old boy who had been living in the same almshouse 1½ years had been taken away by his uncle on the day prior to the agent's visit. His father was dead, his stepmother was old, feeble, and financially unable to care for him, and the commissioner had placed him in the almshouse until arrangements could be made for his permanent care. The boy's uncles were communicated with, and one of them consented to take him to his own home in a distant State, provided the county paid half the expense of travel. The boy was in the fifth grade of school but on account of poor health had attended very irregularly and had missed about two-thirds of the term.

A woman and her three children, between 2 and 5 years of age, had been in this same almshouse six months during the previous winter. The father of the children had deserted and left the mother without means of support. In the spring the family returned to the city, and the mother was given help by the county.

A mother who had left her husband and filed a petition for divorce was working in a steam laundry but was unable to support her two children and applied to the county for aid. The policewoman found that the younger boy was being boarded but that the mother and an 8-year-old son were doing light housekeeping in one room. This boy was sent to an almshouse; but in about 10 months his father, who had remarried after the granting of the divorce, asked that the son be given into his care and the request was granted. After nine months the policewoman brought the case before the juvenile court on a charge of neglect. She had found the boy in a box car about midnight afraid to go home because the stepmother whipped him. The court awarded the boy to his mother, who had remarried and who was anxious to have him because her husband was willing to support him. The boy remained with his mother for six months and was then sent to a private school.

Three children, aged 2, 9, and 11 years, respectively, whose mother had died four months before the visit of the Children's Bureau agent, were living in the outskirts of the town in a one-room shack with their father, who was employed in a near-by lumber yard. The oldest brother worked on a farm and was self-supporting; two other brothers who had been in the State training school on delinquency charges were not living at home; the oldest sister was married, but her family was continuously in want; the juvenile commissioner made investigation and found that the two older children were attending school but that the 2-year-old child was locked in the shack with the dog during the father's working hours. The commissioner, determining the children to be neglected, placed them in the county almshouse. After three months they were returned to the father on the condition that his married daughter should come and care for them. The married daughter, with a family of her own to care for, failed to look after the three small children who were living with their father in two rooms in another part of the house which they had rented. The policewoman investigated the conditions under which the family were living, and eight months from the time the children had left the almshouse they were returned to it by a court order which placed them under the guardianship of the policewoman. Later the oldest child was placed in a free home. The other two children, who at the time of the visit of the Children's Bureau agent had been at the almshouse two years, were attending the one-room rural school near by. The father, who worked on farms during the summer and obtained employment irregularly as a laborer during the winter, visited the children frequently. He claimed that he had clothed them during all their stay at the almshouse. He had a very poor reputation, as his associates were of questionable character.

CHILDREN RECEIVING AID IN THEIR OWN HOMES

Information in regard to dependent children receiving aid in their own homes, obtained from 50 counties in North Dakota and 54 counties in South Dakota, showed that on May 1, 1921, 87 of these 104 counties were giving such assistance. The total number of families reported as receiving aid on that date was 1,168 (619 in North Dakota, 549 in South Dakota), and the number of children benefited was 3,396 (1,808 in North Dakota, 1,588 in South Dakota).

The following tables show the number of counties in North Dakota and South Dakota in which the specified numbers of families were given aid in their own homes, the causes of dependency in the families aided, and the number of children for whom aid was received, by ages of the children:

Number of counties in North Dakota and South Dakota in which specified numbers of families were given aid

| Number of families aided in county | Number of counties reporting the giving of aid | | | Number of families aided in county | Number of counties reporting the giving of aid | | |
|------------------------------------|--|-----------------|-----------------|------------------------------------|--|-----------------|-----------------|
| | Total | In North Dakota | In South Dakota | | Total | In North Dakota | In South Dakota |
| Total counties reporting aid given | 87 | 43 | 44 | 5 families..... | 5 | 3 | 2 |
| 1 family..... | 4 | 2 | 2 | 6 families, less than 11..... | 23 | 13 | 10 |
| 2 families..... | 4 | 1 | 3 | 11 families, less than 16..... | 16 | 5 | 11 |
| 3 families..... | 5 | 1 | 4 | 16 families, less than 21..... | 11 | 9 | 2 |
| 4 families..... | 4 | 1 | 3 | 21 families, less than 26..... | 6 | 3 | 3 |
| | | | | 26 families, less than 51..... | 7 | 4 | 3 |
| | | | | 51 or more families..... | 2 | 1 | 1 |

¹ Aid to 98 families was reported in this county in South Dakota.

Causes of dependency in the families aided in North Dakota and South Dakota

| Cause of dependency | Number of families aided | | | Cause of dependency | Number of families aided | | |
|-----------------------|--------------------------|--------------|--------------|--|--------------------------|--------------|--------------|
| | Total | North Dakota | South Dakota | | Total | North Dakota | South Dakota |
| Total families..... | 1, 168 | 619 | 549 | Husbands physically incapacitated or mentally defective..... | 35 | 11 | 24 |
| Mother widowed..... | 898 | 457 | 441 | Husbands in prison..... | 11 | 4 | 7 |
| Mother deserted..... | 38 | 37 | 1 | Not reported..... | 119 | 85 | 34 |
| Mother divorced..... | 65 | 23 | 42 | | | | |
| Mother unmarried..... | 2 | 2 | | | | | |

Number of children for whom aid was received in North Dakota and South Dakota, by age of the children

| Ages on May 1, 1921 | Number of children for whom aid was received | | | Ages on May 1, 1921 | Number of children for whom aid was received | | |
|-----------------------------|--|--------------|--------------|-------------------------------|--|--------------|--------------|
| | Total | North Dakota | South Dakota | | Total | North Dakota | South Dakota |
| Total children..... | 3, 396 | 1, 808 | 1, 588 | 7 years, under 10 years..... | 634 | 361 | 273 |
| Under 4 years..... | 338 | 203 | 135 | 10 years, under 14 years..... | 756 | 413 | 343 |
| 4 years, under 7 years..... | 553 | 331 | 222 | 14 years and over..... | 127 | 14 | 113 |
| | | | | Not reported..... | 988 | 486 | 502 |

In connection with the age limitation in the North Dakota law (14 years) an analysis was made of the number of children between 14 and 16 years of age as compared with the children under 14 years of age in 205 families for which this information was available. It was found that 603 children in these families were under 14 years of age (190 were from 10 to 13, 184 were from 7 to 9, 141 were from 4 to 6, and 88 were under 4 years of age); 85 children were 14 years of age or over.

The monthly grant per family ranged from \$10 to \$55 in the 87 counties which furnished information. In 45 of them it ranged from \$25 to \$34.99. The average for North Dakota was \$30.84 per family and \$10.56 per child; for South Dakota, \$21.60 per family and \$7.47 per child.

The following tables show the average monthly grant per family and the monthly allowance per child in the two States:

Average monthly grant in families receiving aid from counties in North Dakota and South Dakota

| Average monthly grant per family | Number of counties reporting | | | Average monthly grant per family | Number of counties reporting | | |
|----------------------------------|------------------------------|--------------|--------------|----------------------------------|------------------------------|--------------|--------------|
| | Total | North Dakota | South Dakota | | Total | North Dakota | South Dakota |
| Total..... | 87 | 43 | 44 | \$30, under \$35..... | 18 | 14 | 4 |
| \$10, under \$15..... | 2 | 1 | 1 | \$35, under \$40..... | 8 | 6 | 2 |
| \$15, under \$20..... | 11 | | 11 | \$40, under \$45..... | 1 | | 1 |
| \$20, under \$25..... | 16 | 4 | 12 | \$45, under \$50..... | 2 | 2 | |
| \$25, under \$30..... | 27 | 14 | 13 | \$50, under \$55..... | 1 | 1 | |
| | | | | \$55..... | 1 | 1 | |

Average monthly allowance of dependent children receiving aid in their own homes in North Dakota and South Dakota

| Average monthly allowance per child | Number of counties reporting | | | Average monthly allowance per child | Number of counties reporting | | |
|-------------------------------------|------------------------------|--------------|--------------|-------------------------------------|------------------------------|--------------|--------------|
| | Total | North Dakota | South Dakota | | Total | North Dakota | South Dakota |
| Total..... | 87 | 43 | 44 | \$9.00, under \$11.00..... | 24 | 12 | 12 |
| \$2.50, under \$5.00..... | 2 | ----- | 2 | \$11.00, under \$13.00..... | 22 | 15 | 7 |
| \$5.00, under \$7.00..... | 12 | 4 | 8 | \$13.00, under \$15.00..... | 4 | 4 | ----- |
| \$7.00, under \$9.00..... | 21 | 6 | 15 | \$15.00..... | 2 | 2 | ----- |

The officials of 58 counties in the two States complied with the request for information regarding the number of families having any income in addition to the grant made by the court, and fairly complete data were furnished by 40 counties. In 20 of these counties there were families having no other income than the mothers' pension. Of the 327 families covered by the reports 79 (or 24 per cent) had no other income than the mothers' pension, and 76 per cent had other income.

CHILDREN DEALT WITH BY JUVENILE COURTS

The jurisdiction of the juvenile court in both States included dependent and neglected children under 18 years of age.⁷ As no differentiation was made between dependency and neglect in the records it was not possible to obtain accurate data for the two types of cases separately, and in this analysis both groups have had to be considered together.

In North Dakota the number of children who came to the attention of the juvenile courts because of dependency or neglect was ascertained for the 10 counties especially studied and for 25 others from which information was obtained from the juvenile commissioners. In 9 of these 35 counties no cases of dependency or neglect were reported by the juvenile court. The replies to questionnaires from other counties of the State did not indicate whether the juvenile court handled cases of dependent children. The juvenile-court records studied and the reports of the juvenile commissioners in 26 counties gave a total of 217 dependent and neglected children dealt with during the year ended September 30, 1921. Of these children 185 (85 per cent) were handled entirely by the juvenile commissioners. Only 18 children were referred by the commissioners to the judge for formal hearing, and only 14 cases were reported as heard only by the judge.

The 217 children were from 112 families. One dependent child was reported for each of 71 families, 2 for each of 18 families, and 3 for each of 9 families. The number of dependent children in 10 other families ranged from 4 to 6; and in the remaining 4 families there were from 7 to 10 children. The following lists show the status of children under 18 years of age dealt with by the juvenile courts of 26 counties in North Dakota on charges of dependency and

⁷ N. Dak., Comp. Laws 1913, sec. 11402; S. Dak., Rev. Code 1919, sec. 9972.

neglect within the year ended September 30, 1921, and the disposition made by the courts of the cases of these dependent and neglected children:

| Status when dealt with by juvenile court | Number of children | Status when dealt with by juvenile court | Number of children |
|--|--------------------|---|--------------------|
| Total | 217 | Child with parent and step-parent | 11 |
| Child with both parents | 39 | Child with neither parent | 39 |
| Child with one parent | 127 | Both parents dead | 3 |
| Mother unmarried | 17 | One parent dead, other absent | 20 |
| Father dead or deserted | 20 | Child not with parents for other reasons or reason not reported | 16 |
| Mother dead or deserted | 43 | Not reported | 1 |
| Father absent for other reason | 28 | | |
| Mother absent for other reason | 19 | | |

| Disposition made by juvenile court | Number of children | Disposition made by juvenile court | Number of children |
|------------------------------------|--------------------|-------------------------------------|--------------------|
| Total | 217 | Final disposition made ⁸ | 172 |
| Temporary care provided | 27 | Left in own home | 93 |
| In home of relatives | 1 | Placed in family home | 29 |
| In family home | 3 | Placed with child-caring agency | 22 |
| With a child-caring agency | 11 | Placed with other relatives | 15 |
| In boarding homes | 12 | Other | 13 |
| | | Not reported | 18 |

The following table shows the ages of children dealt with by the juvenile courts of 26 counties of North Dakota on charges of dependency or neglect within the year ended September 30, 1921:

Ages of children dealt with by the juvenile courts of 26 counties of North Dakota on charges of dependency or neglect within the year ended September 30, 1921

| Ages when dealt with by the courts | Children dealt with by the juvenile courts on charges of dependency and neglect | | | |
|------------------------------------|---|------|-------|------------------------------------|
| | Total | Boys | Girls | Not reported whether boys or girls |
| Total children | 217 | 103 | 90 | 24 |
| Under 1 year | 13 | 7 | 5 | 1 |
| 1 year, under 7 years | 33 | 12 | 20 | 1 |
| 7 years, under 14 years | 70 | 43 | 24 | 3 |
| 14 years and over | 28 | 13 | 13 | 2 |
| Age not reported | 73 | 28 | 28 | 17 |

Concerning the dependent and neglected children before the South Dakota courts very little information was obtained. In 4 of the 10 counties especially studied the courts had declared 50 such children

⁸ Includes 22 children for whom temporary care had previously been provided; 7 children placed temporarily in boarding homes were later placed permanently (3 in family homes, 2 returned to their parents, and 2 sent to child-caring agencies); 2 children placed temporarily with child-caring agencies were permanently placed through return to father or foster parent; 8 children temporarily placed in family homes were later placed permanently (3 in other family homes, 3 returned to the mothers, 1 to the father, and 1 placed in an orphanage); 5 children placed temporarily with relatives were later placed permanently (3 sent to the fathers and 2 to a school).

(from 41 families) to be wards of the juvenile court within the year ended September 30, 1921. Of the 38 children who had been declared dependent in one of these counties⁹ 17 were of illegitimate birth and had been surrendered for adoption prior to 6 months of age.

CHILDREN WHO WERE PERMANENTLY REMOVED FROM THEIR HOMES

As a part of this study special consideration was given to the children who had been removed permanently from their own homes or from the custody of their mothers. These children had been deprived of normal home life because of poverty or misfortune, or the circumstances of their birth, or neglect or mistreatment by their parents.

The children born out of wedlock came to the agencies' care usually in early infancy; with few exceptions these children had never had homes of their own. This group is not included in the present discussion, but facts concerning such children are presented in a separate section of this report (see p. 63).

Permanent removal of children from the custody of their parents was effected through order of the juvenile court, action of the county commissioners, or surrender by parents or persons standing in the place of parents.¹⁰ In cases of neglect (usually reported by interested neighbors or town officials) the juvenile court, if it found the parents to be unfit guardians, either permanently removed the children from their parents or committed them to a child-caring agency pending return to the care and custody of the parents when home conditions should make this possible.

NUMBER OF CHILDREN AND NUMBER OF FAMILIES FROM WHICH THEY WERE REMOVED

For 135 children who had been permanently removed from their homes in the two States data were obtained through visits to parents or other relatives (when they could be found), court officials and county officers, and the heads of child-caring institutions and agencies which had assumed care of the children or which had removed them from their homes and obtained parental surrender in order to permit placing for adoption. The number of families represented (62) was not large, but the conditions ascertained may be considered fairly typical of those surrounding the whole group of children who were received under agency care because both parents had shifted their obligations, because one or both parents had been deemed unfit, or because a parent left alone had been unable to care for the children (see p. 40). Of the 135 children, 58 (43 per cent) were half orphans, the mothers of 25 and the fathers of 33 having died.

⁹ A considerable number of these children originally came from other counties in various parts of the State. The secretary of the welfare organization in the principal city of the State suggested that this county, which was large and rather densely populated, had more than its proportional share of dependency because dependent families naturally sought a city where they believed they could obtain employment or where they would have opportunity to obtain aid. It is also doubtless true that in this county, where the juvenile court was well organized and there was a wider knowledge of its work, there came to the attention of the court some cases which would not have been referred for court action in other counties of the State.

¹⁰ See page 58. For 1923 legislation on the transfer of the custody of children, see Appendix A, p. 111.

HOME CONDITIONS AT TIME OF REMOVAL

In 8 of the 62 families the children had been removed from the custody of both parents; the parents in 6 of these families were found to be unfit guardians; in 2 they were unable to provide proper care (in 1 family the mother was insane and the father was an unfit guardian, and in another both parents were bad-tempered and abusive deaf mutes). In 26 families the children were living with the mother at the time of removal. The fathers in these families were dead (9 instances), in the penitentiary (2 instances), or had deserted, or were divorced or separated from the mothers. Eleven mothers in these same families were reported unfit guardians, 13 were unable to provide support, 1 was insane, and 1 did not want her child. In 18 families the children removed had been living with their fathers. The mothers were dead (13 instances) or insane (2 instances) or had deserted. In these families 6 fathers were unfit guardians, 11 were unable to provide proper care, and 1 father was unwilling to care for his children. In 4 families there were stepmothers, 1 being an unfit guardian, 2 cruel and neglectful, and 1 stepmother unable to give proper care because the father had died. There were 3 instances of removal of children from grandparents who were unable to provide proper support, both parents having previously deserted, or 1 parent having died and the other deserted. In 2 instances children were removed from foster parents who were unfit guardians, and in 1, from foster parents who were unwilling to provide support, inasmuch as the children's own mother was causing trouble.

Investigation of the character of the parents of the children resulted in obtaining information concerning 34 fathers and 38 mothers. Undesirable characteristics were reported for all except 1 or 2 of the fathers. Six fathers were immoral (including 2 who were also intemperate); 8 others were intemperate; 3 had been in the penitentiary and 1 other had a court record; 3 were mentally defective, in addition to being immoral, intemperate, or incompetent; 2 were insane. Others having unfavorable characteristics were designated as degenerate, brutal, shiftless, lazy, bad-tempered, or unreliable. The characteristics reported for all except 4 mothers were similarly undesirable. Fifteen mothers were reported to have been immoral or were known as prostitutes (1 of the 15 also was intemperate, 1 gambled, 2 were neglectful, and 4 were mentally defective); 2 other mothers were mentally defective and 5 were insane; 3 mothers were not interested in their children, and 1 was neglectful. In the case of one mother, two older sons had left because they were disgusted with their mother's conduct. The other mothers reported as having unfavorable characteristics were designated as cruel, untruthful, incompetent, or bad-tempered.

HOME CONDITIONS AT TIME OF INQUIRY

At the time of the Children's Bureau study a further inquiry was made regarding the status at that time of the 62 families from which children had been removed. Both parents in 1 family were dead; both parents of another were in the State penitentiary; in 2 families nothing was known of the whereabouts of both parents; in 2 families the parents were divorced; both parents of 1 family were

in the almshouse. Nine fathers were dead, 1 father was in the penitentiary, 1 father had left the State, 2 fathers had deserted, 1 father was an imbecile, and another father was rooming in poor quarters, and the mothers in these 15 families were dead or insane, had left the State, or were working and unable to provide homes for the children.

Eight fathers were maintaining homes; 2 of these were living on a farm (1 had 1 child with him); 1 in a one-room shack; 1 father was boarding and had his 2 boys with him; another had a housekeeper of doubtful reputation, with 2 legitimate and 2 illegitimate children with her (2 of the father's children were also in the home); the parental grandparents were keeping house for 1 father (a widower) and 3 of his children; the kind of home maintained by 2 fathers was not reported although it was known that 1 had one of his children with him and 1 was raising another family.

Six mothers were maintaining homes; four of them were working to keep up the home for the children who remained with them but could not assume responsibility for their other children. One of these mothers was divorced, and the husbands of the others were dead or had deserted.

The parents were living together in four families (in one case the home was in another State, one mother was of doubtful reputation). In 10 families a parent and a step parent were in the home. In one family in which a mother and stepfather were in the home, the father had also remarried and was maintaining a home. The mother had one child with her. There was no information regarding 12 homes, and it is probable that most of them had been completely broken up.

MANNER OF REMOVAL

Forty-three per cent of the children were removed from the control of their parents or guardians through court order, and 2 per cent had been removed by county commissioners; 22 per cent were received by child-caring agencies through surrender from the mother, 19 per cent through surrender from the father, and 9 per cent from both parents; and 4 per cent were removed from grandparents, step-parents, or foster parents. There was no report of the source from which 1 per cent of the children were received by child-caring agencies.

About 67 per cent of the 135 children had been under the care of an institution or agency prior to their final removal from the custody of their parents or guardians. The institution or agency finally receiving them had previously given many of them temporary care or attention.

AGES OF CHILDREN

Eighty-two per cent of the children of illegitimate birth received from their mothers into the custody of child-caring institutions and agencies (discussed in a later section of this report) were under 1 year of age at the time of surrender. Only 4.4 per cent of the 135 children of legitimate birth found to have been thus surrendered from the 62 families investigated were under 1 year of age at the time of surrender; and less than one-half were under 7 years of age. The ages at time of removal of the 135 children were as follows:

| Ages at time of removal | Number of children | Ages at time of removal | Number of children |
|-------------------------------------|--------------------|--------------------------|--------------------|
| Total | 135 | 7 years, under 11 years | 49 |
| Under 1 year | 6 | 11 years, under 15 years | 21 |
| 1 st year, under 3 years | 15 | 15 years | 3 |
| 3 years, under 7 years | 39 | Age not reported | 2 |

The following case stories are illustrative of the types of homes from which children were permanently removed:

Shortly before the birth of her third child a mother left the father because he mistreated her. She took a 4-year-old child with her to her parents' home and left a younger child with the father. The mother died at the time of her confinement, but the baby lived. For almost two years the grandparents cared for this infant and the other child thus left in their charge. Then the grandmother became pregnant. Being financially unable to provide longer for these two grandchildren the grandparents gave them into the care of the State children's home society. The agent of this society tried to prevail upon the father to support the children. He refused to do so and surrendered the children to the society, which placed both of them in foster homes.

The juvenile court removed five children from a feeble-minded mother whose husband had been dead about six months. The mother not only led an immoral life herself but forced two of her daughters to do likewise, "for any amount from 25 cents up." The oldest girl, not quite 15 years of age, was pregnant. Although all five children were of school age, none was in school at the time of the study. The home was filthy, and the children did not have sufficient food or clothing. The father had had a court record for theft, had never provided well for the family, and during some months before his death had been unable to work. For about three months before the children were removed the mother had been drawing a mothers' pension of \$20 a month. A previous attempt to remove the children had been unsuccessful. The court sent four children to the children's home society, and the pregnant girl to a rescue home.

The juvenile court removed five children from their home because their mother was not able to provide for them, and sent them to the children's home society. The father was in the State penitentiary. He had previously been employed in a lumber camp but was said to be so lazy that he had earned very little. The paternal grandfather, who worked in the same lumber camp, had been contributing to the support of the family. The children were bright and apparently normal, and the mother was reported to be "good and very industrious." There was no record of her receiving a mothers' pension after her husband had been sent to the penitentiary. The youngest child was returned to the mother later; but the four other children were in foster homes at the time of the Children's Bureau study, and one of them was known to have been adopted.

Two of three children in one family were surrendered, an infant 3 months of age remaining in the home. The 73-year-old father was receiving a Civil War pension, and the 20-year-old mother was irregularly employed at day work. The father was reported to be "an old reprobate," and the mother was mentally deranged and wholly incompetent to care for the children. They had surrendered the children on the ground of inability to provide for them.

Five years later the juvenile court removed the third child, together with a fourth who had been born after the removal of the two older children. The father had been dead about a year, the mother's mental derangement had become aggravated, her employment had become more irregular, and the home conditions had grown steadily worse. A local welfare agency had been

granting relief, and the mother was also in receipt of a mother's pension. Neighbors had finally made formal complaint and the mother was taken before the insanity board, which declared her insane. The two younger children were given into the custody of the children's home society and placed in foster homes as the two older children had been.

A family of nine children was cared for by the paternal grandparents for nearly a year following the death of their mother. When the father remarried they returned to his home. The father went to work in the woods of the Northwest shortly after his remarriage but sent no money home, and the stepmother was unsuccessful in her efforts to support the family by taking in washings. She was also reported to have whipped the children cruelly without cause. The court removed six children from the home, as being "in peril of health and morality by cruel and bad treatment by the grave misconduct of their said father and stepmother." The father later returned to the neighborhood for a short time but did not live with his wife, and he went West again, where he was reported to have remarried sometime before the death of the stepmother, who had worked as a domestic after being relieved of the care of her stepchildren. Although she had never appeared to have much money, the stepmother left, at her death, an estate of \$2,300.

Two little girls whose mother was dead were removed from their father by the court on the charge that the father had not money enough to educate them and had failed to send them to school. The case was reported by a juvenile officer who was investigating the cause of the children's nonattendance. For a year they had not attended school but worked on the farm which the father rented. The father was reported to be a man of violent temper and had not provided adequate or proper food, clothing, or a fit home. The children slept in the barn, where horses and cows were kept, in a room with one window devoid of glass or other protection. The children were insufficiently clothed and very dirty. The county paid for the maintenance of the children for one year at an orphanage and at the end of that time ordered that they be placed in free homes for adoption.

The mother of eight children was violent, intemperate, and lazy, allowing the family to live in squalor and filth, and was regarded as insane. The father was said to have had one of the best farms in the district when he began farming, but he became alcoholic, failed with the farm, and was obliged finally to give it over to his brother and move out of the State to a tenant farm. The children were not sufficiently clothed or fed, and the older ones were in the habit of begging food. An uncle to whose house, about a mile distant, they went for milk, sought to have the children removed from the parents by court order, on the ground that the parents were neglecting them and the home was unfit. Seven of the children were committed to the children's home society for placement for adoption, the mother being allowed to keep the 10-months-old baby.

The mother of four children had recurring periods of insanity every two or three months and was finally taken to the State hospital for the insane. The oldest girl and the father tried to keep the home together for a while. The father was almost blind and unable to care for his family. A neighbor cared for the youngest three children until the father released two of them—little boys—to a child-caring agency for adoption, after which she adopted the youngest child. The oldest girl remained with her father for awhile but was later placed in an orphanage. The father then disappeared.

Four children were surrendered to the State children's home society by the mother less than a year after the father's desertion. The mother was reported to be a prostitute, and although the father was described as "thoroughly bad," he was considered to be of better character than she. The oldest child, a boy, was placed three times before he found a permanent

home. As soon as he became old enough he joined the United States Navy. At the time of the study (he had passed his majority) he was serving a term in jail. One of the girls did not stay more than a few months in any of the eight homes in which she was placed. She was even returned to the agency from a home into which she had been legally adopted. Finally, she was placed in the House of the Good Shepherd located in a city of a neighboring State.

A family of 10 children had been left in the care of their worthless father. The mother had frozen to death. The house was a mere shack, bare and dirty, and the children were badly neglected. The father did practically nothing, and the two or three older children who were employed were unable to support the entire family. The younger children attended school irregularly. Neighbors did what they could for the family, but conditions were too hopeless to be coped with successfully in this way, and the family was finally completely broken up. No certain traces could be found at the time of the study of most of the children. It was known that two of them had been surrendered by the father to the children's home society and placed in foster homes, where they remained until they became of age. One of the younger children had been sent to an aunt in another State, and one of the older boys had been killed. It was believed that the youngest child had died, and that one of the girls had married.

Nine months previous to the time of the study a 6-year-old boy was removed by the juvenile court from the foster home where he had been left by his father, and committed to the children's home society. The home in which he had been living was a tar-paper shack, and the foster mother was a little, old, crippled fortune teller, many years the senior of her husband. The family income was almost entirely dependent on the fortune-telling business, which was usually very poor. The old woman received some aid from a welfare society, but she was really a beggar. She was known to be immoral, and was syphilitic. Her husband was said to have deserted, but to have returned when he was sick. The boy had been kept out of school to do the housework and cooking and to wheel the foster mother about. Just before he was removed she had become angry and had cut a gash in his heel by throwing a butcher knife at him.

A 4-year-old girl and two older children were surrendered by their mother for adoption because the father had deserted her and she was not able to care for the children. Being a migratory laborer she found it too difficult to carry the children around from place to place. She earned her living by hiring out as a cook to the thrashers, and had followed the gang north from one of the Southern States.

The mother of three boys died of the influenza after giving birth to a fourth child. The mother had had no use of her legs since the birth of her first child, who was a cripple as the result of congenital syphilis. The father had been brutal to his wife and supported a woman of low character. The mother's relatives were unable to care for the children, and they were placed out for adoption, with the exception of the crippled child. This boy was taken by his father to his paternal grandmother, where he remained nine months. At the time of the study he was in a private school where he was being supported by his father.

The mother of a little girl had died nine years before the father surrendered the child to a child-caring agency. An older daughter had been the housekeeper, but when she married there was no one to look after the home. The father had irregular employment as a day laborer, and was not earning enough to employ a housekeeper. The child was indentured, but after being placed twice she returned home. She became delinquent, and a charitable organization placed her in a home for delinquent girls.

A case of extreme cruelty and neglect involved six children. They were all taken away from the parents, who were sent to the State penitentiary for 25 years on the charge of brutally beating to death one of the children. The father was a heavy drinker and so brutal to the children that they were all afraid of him. It was said that the mother, who had had 14 children, tried to starve 2 of the 7 who were then living. All the children were terribly neglected and undernourished. The oldest boy had rickets and could not walk until he was 3 years old; then he became paralyzed in both legs and was helpless. He had never been sent to school, and for weeks at a time he was shut in the garret where he could not be observed by the neighbors. Although everything possible was done for him when the child-caring agency took him, he died 11 months later. The mother appeared to have an especial hatred for one of her children because the girl had told her father of her mother's improper conduct with another man, and whenever the father was angry at his wife he made the child relate the story before the mother and anyone else who might be present. One morning the mother found this girl in bed later than usual and beat her with a stick until the father came into the room. The next day the mother dealt her a blow with a cracker box and threw her out of doors into the cold, where the father found her dead. One of the boys had all the toes of one foot and the big toe of the other foot frozen off as he stayed out of the house in the cold, unwilling to go in because he feared he would be beaten on account of a mishap.

CHILDREN BORN OUT OF WEDLOCK

CHILDREN OF ILLEGITIMATE BIRTH AMONG WARDS OF AGENCIES AND INSTITUTIONS

North Dakota and South Dakota were not included in the birth-registration area at the time of the study (North Dakota was admitted in 1924), therefore adequate data relating to the number of illegitimate births were not available. The only index of the extent of the problem of illegitimacy that this study attempted to obtain was its prevalence among dependent children under the care of agencies and institutions. The figures indicate that more than one-third of the problem of child dependency in these two States was attributable to the more complicated problem of illegitimacy. Illegitimate birth was reported for 340 children (36 per cent) out of a total of 941 recorded as under care of the institutions and agencies on September 30, 1921. The institutions and agencies had received for permanent care 266 (78 per cent) of these 340 children, and for nearly nine-tenths of the 266 children the mother herself had signed the transferring document. Most of these children came into the care of the agencies in early infancy, and few had ever had homes with their own kindred. Strangers had assumed their custody because their fathers had evaded their obligations to provide support and the mothers were unable to care for them without assistance or were unfit guardians.

The records of agencies and institutions furnished information regarding the ages of 208 mothers at the birth of the child. Almost one-sixth were under 18 years of age. The following list shows the ages of the mothers:

| Age at birth of child | Number of mothers | Age at birth of child | Number of mothers |
|--------------------------------|----------------------|---------------------------------|----------------------|
| Total mothers ----- | 208 | 15 years, under 20 years—Contd. | |
| Under 15 years ----- | 4 | 17 years, under 18 ----- | 12 |
| 15 years, under 20 years ----- | 65 | 18 years, under 19 ----- | 18 |
| | | 19 years, under 20 ----- | 18 |
| 15 years, under 16 ----- | 7 | 20 years, under 25 years ----- | 96 |
| 16 years, under 17 ----- | 10 | 25 years and over ----- | 43 |

The occupations reported for these mothers were as follows:

| Occupation | Number of mothers | Occupation | Number of mothers |
|---|----------------------|----------------------------------|----------------------|
| Total mothers ----- | 208 | Teachers ----- | 12 |
| Domestic servants and house-keepers ----- | 60 | Clerks and stenographers ----- | 12 |
| Waitresses and other hotel and restaurant workers ----- | 12 | Other occupations ----- | 15 |
| | | No occupation, school girl ----- | 5 |
| | | Not reported ----- | 92 |

As has been stated, most of the children for whom information was obtained had been received by the agency or institution through releases signed by the mother; very few children were committed through court. A law passed in North Dakota in 1919 made it unlawful to separate a child under 6 months of age from the mother,

except upon her written consent.¹ The enforcement of this law was vested in the juvenile court which investigated any cases of violation reported to it. The exception destroyed the effectiveness of the act and even seemed to place the sanction of the law upon the custom of receiving children through parental release instead of upon commitment by a court or other authorized public agency.²

Nine-tenths of the 318 infants received without their mothers had been separated from them at less than 1 year of age, and more than four-fifths of them had been separated at less than 6 months of age. The ages of the children at separation were as follows:

| Ages at separation | Number of children | Ages at separation | Number of children |
|-----------------------------|--------------------|------------------------------|--------------------|
| Total children..... | 318 | 2 years, under 3 years..... | 5 |
| Under 6 months..... | 255 | 3 years, under 4 years..... | 1 |
| 6 months, under 1 year..... | 24 | 4 years, under 5 years..... | 4 |
| 1 year, under 2 years..... | 13 | 5 years, under 10 years..... | 8 |
| | | Not reported..... | 8 |

To safeguard the lives of the infants the children's home societies refused to accept any under 1 month of age. These agencies encouraged the mothers to release the children after this age in order that they might be adopted into normal homes and given better maintenance and educational advantages than the mothers usually were able to provide, and that the mothers might have a better chance of self-support and marriage. Care in a maternity home that permitted the surrender of the infant for adoption after a month enabled an unmarried mother to conceal her motherhood and thus avoid social stigma as well as the responsibility of caring for her child. As has been stated, the Florence Crittenton Home in Fargo, N. Dak., and the House of Mercy in Sioux Falls, S. Dak., attempted to keep the mothers and infants together not only for six months but permanently if it appeared desirable. The Florence Crittenton Home required a mother under 18 years of age to remain in the home a year, and a mother over 18 years to remain for six months, unless she returned to her parental home with the child. But many mothers who took their babies home, soon released them to child-placing agencies.

THE ILLEGITIMATE BIRTHS IN 20 COUNTIES

The county in which Fargo, the largest city in North Dakota, is located had a larger number of illegitimate births than were recorded for any other of the counties studied. Its large number of maternity cases may probably be attributed to its situation on the eastern boundary of the State, its railroad connections, and its facilities for confinement care—2 general hospitals, 3 licensed maternity hospitals, and 2 licensed boarding homes, and the hospital connected with the county almshouse. Expectant mothers came from near-by Minnesota cities as well as from all over North Dakota. Another county had two general hospitals where many unmarried mothers received confinement care. These hospitals were in Grand Forks, near Fargo, and many of the infants of illegitimate birth were taken to Fargo by their mothers to be boarded or surrendered to child-placing agen-

¹ N. Dak. Laws of 1919, ch. 77, sec. 1.

² In 1921 an amendment to the juvenile court act made it unlawful for the juvenile commissioners to separate a child thus, but did not repeat the qualifying clause (N. Dak., Laws of 1921, ch. 83, sec. 1). The 1919 law, but not the 1921 amendment, was repealed in 1923. See Appendix A, p. 111.

cies. Forty-five children were thus transferred from one county to the other, according to the reports of agencies and institutions. In a third county 24 illegitimate children were reported, and in another 13. In the remaining 6 counties studied in North Dakota there were 28 illegitimate births (6 in 1 year in a town in 1 of these counties). In one of these six counties the native marriage customs of the large German-Russian population still prevailed, and it was stated that many of the marriages occurred after the girl had become pregnant. Only two children born out of wedlock had been recorded as surrendered for placing out or adoption in this county.

In South Dakota, in one of the more populous counties which contains a city of some size, the county birth register for the year 1921 showed that 42 of the 1,173 live births (3.6 per cent) were illegitimate.³ This percentage of illegitimacy is higher than that prevailing in most cities in the United States, according to the 1920 figures for illegitimate births in cities for which such information is available.⁴ The same percentage was found for the longer period October 1, 1920, to June 1, 1922. A comparison of the births registered for 1921 with the records of institutions and hospitals during that year showed 18 additional illegitimate births, 12 of them in two of the city hospitals. These births, if on the county register at all, were recorded either as legitimate or under a different name than that appearing on the hospital or institution record. (The mothers often used different names for each of several children born out of wedlock.) It was not always possible to check up on the register the cases learned of from other sources, as sometimes the only fact ascertainable was the date of birth. The addition of these 18 cases would increase the percentage of illegitimate births in the county to 5 per cent.

In another county in South Dakota 7 of the 363 births in the calendar year 1921 were recorded as illegitimate. The clerk stated that this number was an increase over 1920. The mothers were from 16 to 26 years of age, 5 being under 21. One baby died, the disposition made of one was unknown, and five were taken home by their mothers (one mother was married later). All the illegitimate births reported were hospital cases. The superintendent of the hospital said that the mothers were encouraged to keep their babies if possible, but in the last few years several children had been given out for adoption shortly after birth. One child (of a 16-year-old mother) had been adopted by a man and wife who were employed at a near-by institution. Since they could not care for the child there, they left her in the hospital to be brought up, and at 2 years of age she still knew her adoptive parents only through their visits to her at the hospital. Birth-record data were not available in one of the larger counties investigated, but social workers and agencies supplied some information. Many unmarried mothers whose homes were in this county went out of the State for confinement. It was said that fewer cases came to the attention of the agencies in 1921 than in 1920, yet within six months, between the autumn of 1921 and the spring of 1922, one social worker had handled six cases of unmarried mothers, all young, some under 16 years of age. Three had kept their babies

³ The mothers of 23 of these 42 illegitimate children were from outside the county, and some were from outside the State.

⁴ See Illegitimacy as a Child-Welfare Problem, Part 3, p. 239 (U. S. Children's Bureau Publication No. 128, Washington, 1924).

with them; one was trying to find an adoptive home; one took her baby into the home of the paternal grandparents outside the county; the disposition of the other two children was not known. One father had paid the mother's hospital expenses.

Two well-known social workers expressed the opinion that the State laws dealing with illegitimacy should be more stringent and that every possible effort should be made to discover the father and to hold him responsible for the support of the child. It is evident that the need for protection by the State does not necessarily end when the mother or other relatives keep the child. Frequently these unwelcome babies become objects of neglect, largely through the inability of the mother to provide a comfortable living for herself and child. The responsibility then falls upon the State or a social agency.

The following case stories illustrate the disposition made of children of illegitimate birth in the two States, and to some extent the condition of the mothers:

A girl had left home when she was in the seventh grade in school and obtained work in the local hotel. Her father was a miner, there were nine other children in the family, and the home was reported to be very poor. This girl at the age of 17 years was sent by the juvenile court of the county to a maternity home for confinement. The father of her child was a 19-year-old boy who worked in a drug store in the same town, and whom the girl did not wish to prosecute. When she left the maternity home she became a domestic on a farm near by.

The juvenile court of one county sent a 14-year-old girl, who was in the seventh grade in school, to a maternity home. After her child was born she returned with it to her home on a farm. The father, who was 40 years of age, lived in another State.

A 16-year-old girl was in the first year of high school, and also had been keeping house for her father since the death of her mother. She left school because of pregnancy and went to a maternity home, remaining for four months after the birth of the baby. She then went to live with a sister. The father of the child was a widower 31 years of age. He was prosecuted on a charge of bastardy, and the court ordered that he settle with the mother of his child by paying her \$1,000 in monthly installments of \$50.

A 19-year-old girl who had been teaching school in another part of the State came to the city two months before her confinement and asked for care at a relief agency. After the birth of the baby in a hospital the mother returned to her relatives, leaving the infant with the institution, which placed it for adoption.

A mother came with the youngest two of her four children to one of the social agencies of the city and asked for work. She said that her husband had deserted her over a year before, leaving her to prove her claim on the homestead where they had been living. He had gone to work in a railroad town some distance away and become infatuated with a young girl. The mother in the meantime had become illegitimately pregnant. To escape criticism of the neighbors who had helped her in proving her claim she left home, taking the two older children to their paternal grandparents in another State. She would not remain there as she was anxious to conceal her condition from them. After several attempts to obtain work in other places she came to the city seeking a position in one of the hospitals, where she could later be confined. This was made possible through efforts of a welfare worker, and the two children were temporarily cared for in a boarding home. The baby, born about six weeks later, was surrendered by the mother to a home-finding society, which placed it for adoption in a farmer's family in another county.

Twins, the illegitimate children of a white woman and her employer, a Chinese restaurant keeper, were kept for a month, after being deserted by their mother, by a neighbor in the town, after which they were placed out by a home-finding society in another part of the State. When last heard from they were "not doing well." Although the mother later married and was in such comfortable circumstances that she could afford to care for the children, neither she nor her husband, a white man, was willing to have them because of their Eurasian characteristics.

A young unmarried mother was trying to support herself and her baby by working in a small hotel where she earned \$6 a week in addition to room and board. The baby was sickly and was continually losing weight. An effort to locate the father and obtain support from him brought no results. The doctor said that the baby would die if it was not placed in a suitable home, where it could have good food and better attention, but the mother refused to give up the child. A welfare agency was giving as much assistance as it could.

A mother, thought to be slightly insane, tried to starve her illegitimate infant and finally abandoned it in an empty house when it was about 2 months old. A woman in the town cared for the child for six weeks, then the village board took the matter before the juvenile court. The child became a ward of the court and was sent to the children's home society for placement in a free home. The mother did not answer the court summons, and it was said that she had gone to another part of the State. She had previously deserted her husband and an older child of legitimate birth who was being cared for by the grandmother.

A child whose mother had died six months after the birth was being cared for by its maternal grandmother. She had nursed the grandchild with a child of her own of about the same age, at the same time caring for the baby of another daughter who had died a short time before. The home was wretched, and the grandmother was too overburdened with the care of three infants to give proper attention to any of them. The visiting nurse had made repeated calls in this home.

OPERATION OF THE 1917 ILLEGITIMACY LAW IN NORTH DAKOTA

In 1917 North Dakota enacted a law declaring every child to be the legitimate child of its natural parents, entitled to support and education, and capable of inheriting from its natural parents and from their kindred, whether the father was single or married to another person than the mother of the child.⁵ Action to establish proof of paternity might be brought by any mother of a child born out of wedlock within one year after the birth of the child. If the alleged father was dead at the time of the trial the mother was not a competent witness. The father's written admission of paternity was sufficient for the entering of judgment. Provisions of an earlier law,⁶ which still remained in force, stated that if action for proof of paternity was brought and paternity was established the court should render such judgment as might seem necessary to secure, with the assistance of the mother, maintenance and education of the child "until such time as the child is likely to be able to support itself." The county commissioners were empowered to prosecute the father if the mother failed to do so and the child was likely to become a public charge.

⁵ N. Dak., Laws of 1917, ch. 70. For 1923 legislation see Appendix A, p. 117.

⁶ N. Dak., Comp. Laws 1913, secs. 10483-10500.

The very broad and idealistic provisions of the first section of the 1917 act concerning the status of the child and his inheritance rights accorded poorly with the limitations of the sections providing for determination of paternity and obtaining support from the father, which in practice proved very inadequate. The restriction of action to the period within one year from the birth of the child made the obtaining of support particularly difficult, and the provisions for support were quite indefinite.

In the absence of more adequate vital-statistics data, the only possible method of estimating the extent to which unmarried mothers availed themselves of these statutory provisions designed for their protection was to ascertain the number of court actions initiated to prove paternity within a given period, and to compare this with the number of illegitimate children who were under 1 year of age when received within the same period by the agencies and institutions covered in the study. Accordingly the clerk of the district court in each of the 53 counties in the State was requested to state: (1) The number of "proof of paternity" cases initiated in the county during the previous fiscal year; (2) the number of such cases in which paternity was established and support ordered; (3) the number of cases in which paternity was not proved; (4) the number of cases pending at the end of the year. Replies were received from 27 counties, furnishing data which were doubtless fairly representative for the State. One case was reported in each of 5 counties and 2 cases in each of 5 other counties. There were 3 cases in 1 other county and 4 cases in each of the remaining 2 counties. In 14 counties no cases had been initiated. The total number of such cases reported was 26. Yet the agencies and institutions had received in one year 237 illegitimate infants under 1 year of age, and the residences reported for their respective mothers were distributed over 43 counties.

If the ratio of court to dependency cases in all these 43 counties averaged the same as for the 27 reporting on the question of court action, the number of such court cases in one year would be 41, or only one-sixth as many cases to establish paternity as there were children under 1 year of age coming to the attention of the agencies and institutions.

The following additional information in regard to the paternity cases prosecuted was furnished in reply to the requests made to the clerks of the district courts. Support was ordered by the court in 11 cases,⁷ 3 cases were settled out of court—1 for \$500, 1 through marriage, and 1 on terms which were not reported; 2 cases were "settled or dismissed"—the terms of the settlement were not reported; in 1 case paternity was not proved; 1 child died before support was ordered; and 8 cases were pending at the end of the year.

The details of three cases in which the court ordered payment of support were as follows, as reported by the clerk of the court:

In one case tried in the district court of this county the jury returned a verdict that the young man was the father of the child. The court order was as follows: "It is hereby ordered and adjudged that the defendant pay to the clerk of

⁷ The amounts ordered were reported as follows: \$10 per month for the support of the child until he is 14 years old; \$10 per month until fifteenth birthday; \$12.50 per month in addition to the expense incident to the birth of the child; settlement for \$300; settlement for \$500; the court ordered the defendant to pay a fine of \$1,000 for the support of the child; \$200 cash payments; \$25 each quarter until a total of \$1,200 is paid; \$12 per month.

this court, to be paid by him to the said ——— the sum of \$50 as lying-in expenses, same to be paid as follows: \$25 to be paid on or before the 1st day of January, 1922, and \$25 to be paid on or before the 1st day of February, 1922; and that the defendant pay to the clerk of this court the sum of \$10 per month on the first day of each and every month commencing with the first day of January, 1922, until the child born to ——— on the 18th day of August, 1921, shall reach the age of fifteen (15) years, said payments so made to be paid by the clerk of this court to the said ———. That the defendant pay the costs of this action, estimated at the sum of \$16.

"That defendant give bond with good and sufficient securities thereon in the sum of one thousand dollars to be approved by the clerk of this court, conditioned for the faithful payment by defendant of the payments hereinbefore ordered. That until such bond be given and approved the defendant be and remain in the custody of the sheriff of ——— County, North Dakota, and until the further order of this court."

This young man served ninety days in jail, and under our law was discharged. Bond has not been furnished, and payments have not been made. I have given you this case to show that the unfortunate girl and her child is not protected under our law.

We had two cases in which the court's judgment was rendered last year and our jury found the paternity of the father in each of them.

The court's orders were to pay for the upbringing of the child at the rate of \$15 per month until the child reaches the age of 16.

In both cases the party was irresponsible in a financial way, and there was no money received by the mother. So the fathers were sentenced to 90 days in the county jail, and judgment was ordered in each case for \$2,880 which is the sum computed at the rate of \$15 per month for a period of sixteen years. These sentences were carried out, but as the parties responsible for the paternity of the child are financially worthless the judgment does not mean anything.

A bastardy case came before the circuit court of one county during the year of the Children's Bureau study. Trial by jury was had and a verdict of guilty rendered. The defendant was ordered to pay to the clerk of the county court, in addition to costs, \$2,760 in the following manner: Sixty dollars on or before July 1 and October 1, 1921; \$120 on or before January 1 and April 1, 1922; \$60 on or before the 1st day of January, April, July, and October of each year, beginning with July, 1922, until the total sum of \$2,760 had been paid. The money was to be used for the support of the child in a manner to be directed by the court. The defendant was granted a stay of 120 days in which to perfect appeal following motion for a new trial. During this time plaintiff and defendant came to an agreement which was accepted by the court. The father gave the mother Government bonds, the total value of which, according to current quotations, was \$1,685.47. The funds were given by the mother to a relative, who was also given the custody of the child, with the provision that if ever the mother wished the child the guardian was to give him to her, together with \$115 per year until the child was 15 years old. Provision was also made that if the child died the money was to go to the mother exactly as if she had taken back the child, but she was to pay to the guardian \$250 for expenses connected with the death. The guardian was to pay \$100 of the costs ordered by the court.

In reply to a question regarding the results and the value of the 1917 amendment the following opinions were given by the clerks of the district courts:

We have had no cases in this court of this nature since this law became active, but in my opinion the law is a good one, as it placed an obligation on the father of an illegitimate child, whereas formerly the entire responsibility lay solely on the mother.

Relative to section 1, chapter 70. In my opinion this is a very good law. However, I believe that it should go a little further and provide a more stringent method of enforcing support of the child.

I believe this is a splendid law.

As to the workings of section 1, chapter 70, of the amendment to our law—the law makes the child an equal heir at the death of the father; but as these cases are generally between young people and in the course of a lifetime they may be thousands of miles apart, and such things are generally forgotten in the course of years, it would not seem to me to be helping the child any. As to the judgment against the father, I would like to know what protection the child would have when the judgment is worthless. It seems to the writer that 90 days in jail is a small price for the father to pay when the child and mother have to suffer the stigma of bastardy all their lives.

I believe that this law has greatly lowered the number of so-called bastardy cases in this State, for the simple reason that if paternity of the child is proved the child takes the name of its father the same as if it had been born in lawful wedlock. The father of the child can be prosecuted and forced to care for and educate the child after the paternity of such child has been established.

As to the practical value of the section * * *, I consider this very good.

I do not believe that in this county the enactment of the law of 1917 brought any results other than those attained under the prior law, as the number of cases in which paternity was established before the present law became effective approximates in numbers those now determined; and, as I recall, some provision was made in each case for the education and support of the children. Under the present law, the support and education, of course, can not be made mandatory unless the paternity of the child is established. However, when the paternity has been established, the State may prosecute the father for non-support, the same as though the child had been born in lawful wedlock. Usually in such cases, the court makes an order directing the payment of certain sums, and in the default of the defendant, he is taken into custody.

Personally, I believe that the present law is as good if not better than anything we have had, both in its effect for the good of the child as well as the good of society.

The law, if enforced, will go a long way in checking this evil in our State.

There were no cases brought before the district court in this county for the determination of paternity or securing support of illegitimate children during the last fiscal year. A number of prosecutions were commenced under the bastardy law, but in every instance settlements were effected out of court. No cases have ever been instituted in this county under the provisions of chapter 70 of the laws of 1917 to establish paternity, and it is therefore difficult to express any opinion as to the practical value of this statute. I believe, however, that in certain cases it can be made good use of, and I feel that it is a wise piece of legislation.

DEPENDENT CHILDREN BROUGHT INTO THE TWO STATES FOR PLACEMENT

LEGAL PROVISIONS

In North Dakota, at the time of the Children's Bureau study, child-caring associations or societies incorporated in any other State were required to file a bond of \$500 with the treasurer of the county in North Dakota where a child or children from outside the State were to be placed for adoption or otherwise, guaranteeing that the child had no contagious or incurable disease and no deformity, and was not feeble-minded or of a vicious character, and that the out-of-State association or society would promptly receive and remove the child if it became a public charge within five years after being brought into North Dakota. The county officials were responsible for enforcement of this law. It did not apply to relatives wishing to adopt or care for children from another State; and North Dakota agencies might assume the guardianship of children from child-caring agencies in other States without the filing of a bond, the transfer of legal papers of assignment being the only requirement of the law for the transfer of legal guardianship from one society to another.¹ Some dependent children who were brought into the State through transfer from one society to another were not placed in homes by the outside agency, but were received by the North Dakota society for placement, remaining under its care and supervision until adoption; the North Dakota society then became legally responsible. If the child had been placed in the adoptive home by the outside society, and legal guardianship transferred, the North Dakota society, in practice, was responsible chiefly for the consent to adoption. According to the law an unmarried mother, who was without means, from another State who was received in a maternity home in North Dakota might be taken with her child, after her confinement, to the State of residence, accompanied by some person authorized by the judge of the district court.²

The South Dakota law had practically the same provisions as that of North Dakota.³ Any person having under his care and custody a child brought from another State without previous filing of a \$500 bond was required to notify the State board of charities and corrections immediately, giving the name of the child, its age, date of arrival, and from whom received. The board was to transmit this information to the county court of the county in which the child was placed, and it was the duty of the court to make investigation from time to time and to take such action as might be necessary for the protection and benefit of the child and the people of the State. The person having custody of such child could be compelled to appear before the court from time to time to report concerning the condition of the child until his adoption had taken place.

¹ N. Dak., Comp. Laws 1913, secs. 5107, 5108. For 1923 legislation regarding the "importation" of dependent children, see Appendix A, p. 113.

² N. Dak., Laws of 1915, ch. 183, sec. 11.

³ S. Dak., Laws of 1915, ch. 119, sec. 21 (Rev. Code 1919, sec. 9992).

PLACEMENT OF EASTERN CHILDREN IN NORTH DAKOTA

In three of the North Dakota counties children were found to have been brought in for placement in free homes for adoption by New York organizations caring for children. The information was obtained from press items advertising the arrival of the children and reporting the placements in the county, from court records of adoption, and from social workers and other persons having direct knowledge of the procedure. Complete data were not obtainable.

In one county it was stated that an agent of one of the New York societies came nearly every year to the county seat, seeking homes in which to place the children. In the early summer of 1919 and of 1921 the agent had visited the county and placed 4 children (2 boys of 4 and 6 years, and 2 girls of 2½ and 3 years), who were legally adopted. It was said that the agent had investigated the homes and placed the children on trial, stating that she would remove a child from any foster home which did not prove satisfactory. Applications for children of special types were also filed with the agent, the children being brought later to the applicant. The families who had in the past adopted children had been well to do.

The same agency brought 4 children to another county in December, 1921. The only information obtained regarding these children was from a woman who had traveled on the train which brought the children and the representative of the agency in charge of them. It was reported that 5 more children had been taken off the train at another city, and that altogether 26 children had been brought to North Dakota at this time and placed in different parts of the State. No clue to the whereabouts of these children could be obtained.

Children placed in X County were from another New York organization. Thirteen children (8 boys, 5 girls) from 1 to 12 years of age were brought to Y in April, 1914, and one was sent by request at a later date. The news items advising the public of the "distribution" of the children in this county were very illuminating. In the fall of 1913 a daily paper of Y reported with large headlines that arrangements were being made by a New York child-placing organization for the arrival in that city of "about a dozen young orphaned children." The "distribution" was to be made at the opera house some three weeks later. Prospective parents were assured that "no expense was attached to the delivery of the child." There was a difference of opinion between the court officials and the society as to the interpretation of the law regarding bond, and the plan fell through, the children being taken instead to Iowa. Wide newspaper publicity was given to this society's second importation the following spring.

Newspaper accounts read by the agents of the Children's Bureau were as follows:

[April 7, 1914]

DISTRIBUTION OF ORPHAN CHILDREN

Miss _____ of New York City was in Y yesterday and made arrangements for distribution of orphan children at this point. Miss _____ was here last fall and partly arranged to have the distribution made in November, but owing to unforeseen reasons arising at the time the distribution did not occur as intended. All the necessary details have now been arranged with the

State and county officials, and the distribution of about a dozen children ranging in age from 2 to 14 years, both boys and girls, will be made at the Opera House, beginning at 2 o'clock on April 24. For particulars apply to any member of the local committee who have consented to assist the agent in the distribution. The committee consists of the following residents of Y: (Seven members are named.)

For further information see small bills. The children came from orphanages of New York City and State.

[April 13, 1914]

HOMELESS CHILDREN COMING FRIDAY

Thirteen homeless children will be brought to Y by New York society

Friday afternoon at 2 o'clock at the Opera House there will be a public meeting, at which will be present 13 children brought from New York for adoption by Y or North Dakota residents. The children range from a baby 1 year old to a little girl 12 years of age. They are in charge of Miss _____ of the _____ Society, New York. Last fall, the society through Miss _____ placed between 1,300 and 1,400 homeless children. *STOP*

The party left New York for Y Tuesday. The following are the children to be brought here: (The names and ages of the children were given, including two sisters of 6 and 11 years, a brother and sister of 8 and 12 years, 2 brothers of 7 and 10 years, a brother and sister of 3 and 5 years, a brother and sister of 1 and 4 years, and two boys each of 6 years.)

[April 17, 1914]

HOMELESS CHILDREN

Distribution at Y Opera House, Friday, April 24

Next Friday, April 24, about a dozen homeless children from the East will arrive in Y and will be distributed to persons who may desire to adopt such children into their homes. The distribution will be made at the Opera House at 2 o'clock p. m. Information regarding this matter has been heretofore printed and announced in posters and by other advertising. A committee of citizens will supervise the distribution, to which committee applications must be made. These children are of various ages, of both sexes. The agents in charge of the distribution are authorized to give the necessary legal possession of the children and will furnish all proper information to those who may adopt any child.

[April 24, 1914]

ORPHAN CHILDREN ARRIVE FROM NEW YORK

Fourteen little ones brought here for distribution

According to announcement made heretofore a number of small children, in age from 1 to 13 years, arrived to-day from New York in charge of agents, _____. The children were taken to the G Hotel, where they remained during the morning, and at 2 o'clock were at the Opera House, where a large number of people assembled to witness the distribution of the children and get further information in regard to them.

Rev. _____ was present and offered the benediction, and Miss _____ spoke at some length, giving a sketch of the society's work and the manner of teaching, training, and caring for the children left in its charge.

There were 6 boys and 8 girls, and it was stated that the older boys had been taught at a farm school and were somewhat familiar with farm life. Of the 1,400 children placed in homes by the speaker, 88 per cent had turned out satisfactory to those who had taken them, and only 2 per cent of that number had died.

All applications for children were submitted to a committee of Y citizens, including the two ladies in charge.

The children were well-dressed and well-behaved youngsters, and, being orphans, naturally excited considerable sympathy from many who were present. A complete record, as far as known, of the birth, parentage, and other circumstances regarding each child was given to the successful applicant.

[April 25, 1914]

HOMELESS CHILDREN FOUND FRIENDS

The agents, ———, have disposed of all the children brought here for adoption or care by families with the exception of two boys, ———, who have not yet been placed—but probably will be in the course of the next few days. At the distribution held Friday afternoon at the opera house, the following children were placed in various homes: (Two sisters of 7 and 12 years were placed in one home, two sisters of 3 and 5 in another, two brothers of 7 and 10 in a third; a girl of 4 years was placed in one home, while her baby brother aged 1 year was placed in another; two boys of 6 years and a girl of 10 were placed each in a separate home.)

Miss ———, in charge of the children, left New York City Tuesday with 19 children, 14 coming to Y and 5 being sent to various homes in Iowa, Kansas, and South Dakota.

The children are delighted to be taken into families. They are kept at the ——— society for no stated time, but their manners, morals, and education are looked after before being taken to outside localities.

The society engaged in this work is an old one, having been in existence over 60 years and having placed 58,000 children, besides finding employment for a large number of older boys who have been placed in position to earn their living. * * * It costs \$50 to place a child and superintend his condition until the age of 18 for girls and 21 for boys. The sum of \$279.58 was paid out for railroad tickets for the party on leaving New York.

Eighty-seven per cent of the children placed in homes do well, 2 per cent have died, 8 per cent returned to New York to friends and relatives, two and three-fourths per cent leave and disappear, and one-fourth of one per cent commit petty crimes. It is probable that another lot of children will be brought to North Dakota to some other locality, but not in the immediate future.

"Miss ——— and Miss ——— will remain in the city for about a week. * * * The expenses of the society are mostly provided by contributions of New York residents.

[May 5, 1914]

THREE MORE CHILDREN FIND HOMES

Easy distribution of the children from New York City

Miss ——— and Miss ———, agents of the ——— of New York, who have been in the city since the distribution of the children, Friday, April 24, left last night for Memphis, Tenn., where they will attend the National Conference of Charities and Corrections. * * *

There is no necessity for legal adoption of any child distributed by the society until after a reasonable time has elapsed, to determine whether the relationship will be congenial or not. These children are visited in their homes from time to time by the agents of the society, in order to determine the conditions that prevail and whether the arrangements will be for the benefit of the child as well as agreeable to the foster parents. If, for any reason, it is found that the child is not doing well, or that the family is not satisfied with the arrangement, the children are removed by the society. Oftentimes the children are legally adopted, and the results have been published heretofore as to the large percentage of children who have been successful and satisfactory members of the family which has provided them a home.

Other details of the distribution were learned from a citizen of Y who had served on the committee which passed on the applications. Though the meeting in the opera house was the only official opportunity for choice, some of the people had already looked over the children when they arrived by train the previous evening, or had visited the hotel at which they were stopping. At the distribution those who desired to take a child were allowed to indicate their preferences on slips of paper, which were distributed through the audience.

It was reported that annual supervision was given by the agents of the society for the first five years, but it was not known whether this was by representatives of the society sent out from New York. A former juvenile commissioner of the county for a time made reports on blank forms supplied by the society concerning the school grade attained by the children, their attendance at church and Sunday school, their physical appearance, and whether they fitted into the home or would have to be replaced.

Many of the children did not prove to have been satisfactorily placed. Some examples were cited:

Two of the girls were placed with an elderly couple, who found the girls difficult to manage and very "untruthful." They were replaced many times, and the last known of either of them was that one was in a distant town in North Dakota. Another child had to be replaced because the foster parents proved to be "foul-mouthed," and had a very bad influence on the child.

Two little girls of 3 and 5 years, were taken into the home of one of the leading citizens of the city. They were supposed to be sisters, but the foster parents became convinced that they had at least different fathers. Since the children continually talked about "little Lucy," another sister, the foster parents decided to send to the New York society for this child and take her into their home, in order that the three sisters might be brought up together. The foster father arranged with the society to meet the child in Chicago, to which city its agent was also to bring a small boy for placement in the home of a friend of the foster father's family. The boy was ill with diphtheria when he arrived at that city, and the foster father caught it from him.

It soon developed, however, that not only was Lucy mentally deficient but also one of the other little girls. The foster parents found that they were unable to train these two children at all, although they made every effort to do so. These children therefore were returned to the New York society and at the time of inquiry were in a colony for the feeble-minded. The other child proved to be very bright and in 1922, at 10 years of age, was in the sixth grade in school; but the foster parents had postponed adopting her because of their unpleasant experience with her two sisters, although they fully expected to do so finally.

At the time of the study little information seemed to be available as to the ultimate fate of these children. Only three of them were still in Y in 1922. Although a careful search of the court records of adoption was made by an agent of the Children's Bureau the only records found were for two children both of whom were adopted in 1919, five years after the placement. The opinion was expressed by one informant that, aside from two or three, the children were "undesirables, whom the society wished to be rid of and thought they could give to the people out West who would not know any better." One foster father said he did not feel that careful consideration was given to the child's history before making a placement. He expressed his own feeling, as well as that of a number of others who were cognizant of the facts of this "importation," when he said that, if he could prevent it, there would never be another group of children placed in the city under the same methods and circumstances as these children had been placed.

DISTRIBUTION OF EASTERN CHILDREN IN SOUTH DAKOTA

A similar distribution was known to have occurred in South Dakota in March, 1914, when a child-caring agency from the East brought a number of children to W for placement.⁴ The day of arrival was announced through the local papers a week in advance, and the public was told that "two dozen homeless waifs," ranging in age from 4 to 14 years, would be given away at the City Hall to "people wanting children, upon the recommendation of a committee of representative citizens."

The arrangements of the society for the disposal of the children were made by its agent, who came to W in advance. It was the intention of the agent and the committee to dispose of all the children on one day.

At the appointed time several hundred people gathered in the City Hall and looked over the 12 children, who were given seats on the platform where they could be inspected easily. A few questions were asked of the applicants for children as to their ability to support them and their intention to treat them as members of their families.

Nine of the children were actually placed in homes on the day of the meeting. Two others were placed a few days afterwards. One, a boy of high-school age, had not been given a home a week later, and it was not reported what became of him. Another New York child, not spoken of in the papers, was placed in a W home about that time. This boy caused considerable trouble, was shifted from one home to another, and was finally returned to New York. He had recently been seen again in South Dakota, having attained his majority.

In connection with the survey of placed-out children an effort was made to locate these New York children and to discover if possible how satisfactory the placements had been.

Three boys were known to have been legally adopted—one of them within the year of placement, and the others 4 and 5 years later. Consent to adoption had been given in the case of one girl, but no record of its completion was found, probably because the family had removed to another county. This girl was said to have been placed in a "good home." Three children were placed with people in other counties, one with a widow, "pretty old to take so young a child." One girl of 12 was returned, supposedly, to the New York society, although very vague information was secured in this instance. No trace whatever was found of the three other children, who, according to the news articles at the time were placed with families in the county outside W.

Considerable comment was aroused at the time, and there were press items in the newspapers of various cities in the eastern part of the State. The only city mentioned in connection with the affair was W, although it was vaguely rumored that the society had placed some children in other cities of the State.

The accompanying articles from the daily papers of W, S, and C, throw interesting sidelights on the method of placement.

⁴ At this time there was no law in South Dakota regulating the bringing in of children from other States. (See footnote 3, p. 71.)

[March 2, 1914]

TO FIND HOMES FOR CHILDREN

New York organization to place homeless youngsters with W families

Two dozen homeless waifs from the City of New York, ranging in age from 4 to 14 years, will be given to W people on Friday of next week. That is, they will be given to people wanting children upon the recommendation of a committee of representative citizens.

Arrangements for the disposal of the children had been made by Miss _____, agent of the _____ Society of New York, who was in W on Saturday. The children are well disciplined, having come from various orphanages.

Aside from the necessary recommendations from the committee, which is composed of seven citizens, the foster parents must agree to treat the children in every way as members of the family, sending them to school, church, Sabbath school, and properly caring for them until they are 18 years of age. Protestant children will be placed in Protestant homes and Catholic children in Catholic homes.

The society which is bringing the children to the city is one of the largest organizations of the kind in the world. It is given financial support by a number of wealthy men in the East, and no collections are taken or support solicited in any way. Last year the funds handled by the society aggregated over \$750,000. During this period, 10,992 children were taught and partly fed and clothed, 6,356 boys and girls were sheltered in lodging houses, and 2,446 were provided with employment. There were 539 homeless children provided with homes, many of them to be legally adopted. The society also maintains numerous homes, shelters, and schools for its dependents.

The children will be at the City Hall on Friday afternoon, March 13, at 2 o'clock. Addresses will be given at that time by Miss _____, visiting and placing agent, and _____, of New York City * * *.

[March 14, 1914]

NINE CHILDREN FIND NEW HOMES

Girls are favorites of foster parents, according to yesterday's distribution

Five hundred interested persons had their eyes fixed on the rostrum at the City Hall Auditorium yesterday afternoon, when nine children brought out from New York City by the _____ were given into the care of their foster parents, who were only too eager to claim them.

No show troupe ever had more attention than did the dozen somewhat frightened "kiddies" who sat in a row on the stage. In the eyes of many women was the glister of tears; somehow it seemed to them, unused to such scenes, almost like an auction block.

If the grown-ups who looked over the children thought it was a prize drawing, and some apparently had that idea, they soon had positive information from Miss _____ and Miss _____, the guardian angels of the homeless tots from the East.

"I want that boy," declared one blustering assertive man.

"Do you own your home?" came the question from Miss _____.

"Yes, and it's one of the best in the country, with furnace, hardwood floors, bath, and" _____

"Never mind about that," broke in Miss _____. "What church do you go to?"

And thus it went on, every applicant for children, and one little fair-haired maiden had twenty-five prospective parents wanting her, went through the "third degree" in the Council Chamber, while the two agents and the members of the local committee quizzed and questioned them over their ability to care for a child and give it the start in life that it had been thus far denied.

Somehow, a sort of hysteria pervaded the feminine part of the audience. In groups the women talked over the event, and many women, with more children than they could give proper care, impetuously asked for one of the little strangers. So frequent were the refusals, that many realized that instead

of conferring a favor, a favor was granted to those who were so fortunate as to receive a child.

There were three brothers on the stage, with the homely cognomen of ———, that were attracting much attention. The older, a freckle-face, red-haired urchin of 11 years, seemed to be unaware that his younger brothers would soon be separated from him. Two little girls, one four and the other two, with golden tresses, and smiles as radiant as their hair, were a portion of another small family that was separated.

The children were given out as the foster parents of each had been examined by the committee and approved. A boy aged 6 and his two sisters aged 4 and 2 were placed in three families living in different towns; two brothers of 11 and 7 were placed in families living in different towns, while a third brother, 5 years of age, was a few days later placed in a third home. A 9-year-old boy, another whose age was not given, and two girls of 12 and 2½ years, were also placed in different homes.

Three of the children, boys, were not placed. One ———, who is 13 years old, is ready to enter the high school, and the agents are desirous of placing him in a home where he may receive an ample education. His mental gifts are extraordinary, and it is hoped to find a home where he may receive advantages. ———, aged 6, and ———, aged 5, were not placed yesterday.

Miss ——— and Miss ——— will probably be in W for a week. They will visit the homes in which the children have been placed and possibly find places for the three boys who were left. * * *

[March 17, 1914]

W NEEDS CHILDREN

A hundred apply for twelve children consigned to the city

W, March 16.—The biggest meeting that has been held in many a day gathered here at the City Hall Friday afternoon to see 12 little children on the platform. No child spoke a word in way of entertainment. They were brought to W from New York City by two women representing the ——— Society of that place, to be placed in homes in this vicinity.

Fully 2,000 people presented themselves for admission and more than 300 were turned away for want of standing room in the hall. About 100 applications were considered for the 12 children, and many people had to be disappointed. People came from all over the southern part of the State, and in fact most of the little ones were placed outside the city.

The women who brought these children were very much pleased with the reception they got and the demand for the unfortunate little people. They will remain in W for a few days longer, receiving and considering more applications, and expect to return in the near future with another bevy of the homeless children.

[March 19, 1914]

HOMELESS WAIFS ARE WELL PLACED

So report agents of children's society after visiting them

The nine little tots placed in homes last Friday by the Misses ——— and ———, agents for the ——— Society of New York, are all in happy surroundings. This was reported to-day by the two young women, who have visited all the little people in their new homes.

"We feel that we were very fortunate," said Miss ——— to-day, "in the homes that have been provided for the youngsters. In some of them the children already are a part of the family, and we are very happy over the situation. We will finish visiting the children in their new homes to-day."

Since the meeting at the City Hall Auditorium on Friday afternoon, when nine of the children were placed, two of the boys who were left have been placed. One of them, ———, aged 5, was placed in the family of ———, who lives on route No. ——— out of ———. ——— aged 7, has been taken by ———, of ———.

One lad, ———, has not been given a home yet. This is the lad who is practically ready to enter high school and whom the agents felt desirous of placing in a home where he would be given superior educational advantages. For the present he is in the ——— home.

The agent of the New York society remained in the city a few days and visited the homes of the foster parents. Aside from some correspondence in regard to the return to New York of a boy who had proved unsatisfactory, no evidences were found that follow-up work was carried on by the society that had placed the children.

ADOPTIONS PROCEDURE

In North Dakota the district court had original jurisdiction over adoption cases, or in counties where the county court had been given increased jurisdiction the county court had jurisdiction.¹ In South Dakota adoptions were made through the county court.² Therefore in both States a large number of adoption cases came before the court in which juvenile-court jurisdiction was lodged.

The judges and other officials concerned in adoption procedure were interviewed and court records for one year were studied in 20 counties in the two States. It was found that the courts made little investigation and few home visits to guard against the adoption of children into unsuitable foster homes, or to be sure that children ought to be removed from their own parents. Investigations for this purpose were reported in only 4 of the 10 counties studied in North Dakota, and in these counties they were not systematically made in all cases. In South Dakota there was no definite policy in regard to adoptions in any of the 10 counties studied. Although it is possible that records of applications for adoption which the court did not grant were not filed, it is not likely that many applications for adoption were denied. Only one county in the State had a paid probation officer or other person who might be made responsible for some investigation regarding the foster home or the history of the child. In this county there was no investigation of the prospective home in the case of a child not already known to the court; but where the child had been declared dependent and a ward of the court, the probation officer, who was also the guardian in such a case, gave consent to the adoption only after investigation either by home visit or by some other method.

One county judge said that he "satisfied" himself as to the desirability of the adoption but admitted that a little conversation with the foster parents in court was sufficient to satisfy him. In two counties the judges worked in cooperation with the local representatives of the Red Cross, who made investigation if they were not already familiar with the case. On account of the comparatively small populations of the counties it was not unlikely that the judges usually had either direct or indirect personal knowledge in most of the adoption cases that came up. In one county it was stated that investigations of the homes were not made but that testimony regarding the fitness of the petitioners was taken in court from one or more persons. In two counties the investigations were very casual and were made only in special cases. The judge sometimes requested the juvenile commissioner to make an investigation, and if children

¹ N. Dak., Comp. Laws 1913, sec. 4446. For 1923 legislation see Appendix A, p. 110.

² S. Dak., Rev. Code 1919, sec. 206.

had been removed from their homes by court order and placed out and adoption had followed, the foster homes had been investigated before the placement. In the latter case there may have been some supervision of the foster homes before adoption. In four counties court officers reported that they visited prospective foster homes of children they had removed from the custody of their parents and placed in family homes. Such investigations were apparently most often made at the time of placement, and there was little later supervision. If the family finally decided to adopt the child the earlier investigation was usually considered sufficient unless adverse reports concerning the home had been received.

The judges stated that they always required the presence of the prospective foster parents at the time the petition for adoption was presented, and took sworn statements as to their ability (especially financially) to care for the child. In many instances the judges knew the petitioners, and a home investigation was not considered necessary. Often the adoption papers were drawn up by attorneys, and the only contact the court had with the case was the final hearing, when the attorney presented the petition and the judge granted it. Frequently the superintendents of home-finding societies drew up the legal papers for foster parents, since they had notarial power and usually were legal guardians either through court action or through the parents' release of the children to the societies.

Doubtless a number of children had been placed in free homes for adoption without the filing of adoption papers. This might occur when the superintendent of the home-finding society had made out the papers and sent them to the prospective foster parents for filing with the district court, and they had omitted to file because they did not wish a public record of the case to be made. The \$5 fee required by the court seemed to some foster parents unnecessary expenditure; and sometimes families living in the country could not go to the county seat during the session of the district court.

NUMBER OF CHILDREN ADOPTED

The records showed that of the 126 children adopted in the 20 counties during the year ended September 30, 1921, 65 were of illegitimate birth and 56 of legitimate birth; for 5 children the birth status was not given. Among the legitimate children there were 29 half orphans and 4 orphans. The parents of 10 were separated or divorced; both parents of 5 children were in the home; 2 children had been abandoned; and the status of 6 was not reported. Nearly one-half of the total number of adopted children were under 1 year of age at the time of adoption. The ages of the children adopted were as follows:

| Ages at time of adoption | Number of children | Ages at time of adoption | Number of children |
|----------------------------|--------------------|-------------------------------|--------------------|
| Total children..... | 126 | 6 years, under 11 years..... | 15 |
| Under one year..... | 59 | 11 years, under 16 years..... | 10 |
| 1 year, under 6 years..... | 32 | 16 years and over..... | 6 |
| | | Not reported..... | 4 |

UNSATISFACTORY PLACEMENTS

In North Dakota several instances of unsuitable placements were reported from such sources as a juvenile-court commissioner, a county social worker, a county nurse, and a superintendent of schools. (The first three cases cited below were reported by such officers.) In all but 3 of the 20 counties of South Dakota the agents of the Children's Bureau found unsatisfactory placements and adoptions, indicating insufficient preliminary investigation.

A 4-months-old girl was adopted in 1915 by a railroad fireman (who was earning from \$100 to \$150 a month) and his wife. Three years after the adoption the foster father obtained a divorce on grounds of infidelity, and was awarded the custody of the child. About a year later a complaint that the child was not receiving proper care was filed in the juvenile court. The court declared the child to be dependent, and placed her in a family home, the foster mother in the home being appointed her guardian. The foster father paid for the child's board, and lived in an adjacent house.

After the father's desertion eight children of a family were removed from the home because of the mother's inability to provide for them. One child, born after her father's desertion, was left with the mother. Later the mother died, and a social worker who had visited the mother kept the little girl in her own home for a while because the mother had asked her to care for the child. When the child was 7 years old it became necessary to make a change, and she was adopted by a family without a trial placement. The financial ability and character of the foster father had been investigated with sufficient thoroughness, but the character of the foster mother had not been ascertained. Very soon the neighbors reported that the girl was being abused, and close supervision of the case for two months indicated the reports to be true. "Because of jealousy" the foster mother had forbidden the child to associate with other children or even to leave the house. If she disobeyed her punishment was so severe that it amounted to abuse. It was therefore necessary to withdraw the decree of adoption, and the child was removed from the foster home after having been in it for only six months.

A 3-months-old child born out of wedlock was left by the mother in the home of her sister-in-law, with whom she had previously lived and to whose home she had come from Minnesota for her confinement. The welfare worker and the State's attorney did not approve of the home of the sister-in-law for the placement of the child and advised the mother to take the child with her back to Minnesota, where she had a sister willing to adopt it. The mother led the welfare worker to believe that she would do so but went away leaving the child with the sister-in-law, who without the knowledge of the welfare worker and without investigation by the court was permitted to adopt it. The welfare worker's previous report stated: "Mrs. _____ does not have a very clear reputation and neglects her own children. The home is not one in which I would wish to place a child."

A boy of 3 or 4 years and a girl a little less than a year old were living in a home in which they had been placed by a local organization. Nothing was known regarding the parentage of the boy, but the Children's Bureau agents found a court record of the dependency of the girl when she was adopted by the people with whom she was living. She was an illegitimate child whose mother had come from outside the county for confinement and left her child at the maternity hospital where it was born. The foster mother of these children was feeble-minded. The foster father was a laborer whose employment was very irregular; he was not considered "a good provider." The foster mother had been divorced twice before her present marriage. The family had had help from the Salvation Army, the county, and the local relief organization. They lived in a one-room shack but claimed that this was a temporary arrangement, as they were building a three-room shack.

Nothing was known regarding the early life of a 15-year-old boy except that he was said to have been adopted several years before from an orphanage. His foster father, a carpenter, was irregularly employed; his foster mother, a domestic, died during the winter of the study. The boy was in the seventh grade but could not do the work, having been placed there only because of his age and physical development. He was one of the most incorrigible boys in the school, the teachers had given up trying to do anything with him, and a mental test had indicated his mental age to be 10 years. At the time of the visit the father and the boy were "baching," the boy doing all the work. The agents were not able to verify the fact of his adoption, but the teachers were confident that he had been legally adopted.

Through some agency a husband and wife received an attractive little girl, who proved, however, to be incapable of mental development. The foster mother tried sending her to a private school and had private tutors for her but finally gave up in despair and had her placed in the State school for the feeble-minded. This woman was educated and refined and doubtless would have been a good foster mother. An application previously made to the South Dakota Children's Home for a child for adoption had been refused, however, because of the reputation of the husband.

An infant less than a month old was brought by his mother to the manager of a small maternity hospital. The mother was obviously relieved to find a place for the child and promised to pay for his board. She was required to sign the following statement: "I agree to allow Mrs. _____ to adopt out my baby if I fail to pay board for four weeks without sending her a notice why I failed and arranging for further payments." When the Children's Bureau agents were in the county three months later, no board had been paid, but a letter had been received stating that the mother was ill but would soon be able to pay for the child's board and begging that the child be not placed for adoption. Although the letter was supposed to be from a friend of the mother's, the signature on the adoption agreement and that of the letter were apparently in the same writing. The manager of the home was in doubt as to what to do with the baby. She stated that she had never placed a child, but would not hesitate to do so if the occasion arose.

The history of one adoption indicates the methods used by a "baby farm," well known throughout the State, which had ceased operation at the time of the investigation. A 3-months-old boy had been placed there for temporary care by his mother when she went to join the father in Montana, where he had gone to work. She paid regularly for the baby's care and had money-order receipts to show for her payments. About seven months later she returned, asked for her child, and found that 3 months after she had left the child the manager had him brought before the court, stating that he had been abandoned by his parents. The child was declared dependent, the superintendent of a children's home was made his guardian, and he was adopted within two months. When the mother made inquiry the superintendent, as was customary, refused to give any information of the child's whereabouts. The mother continued her search for the next two years, during which time she was divorced and remarried. She finally engaged a lawyer to handle the case, and it came up in the juvenile court, where an order was issued that the foster parents should be allowed to keep the child. The mother then appealed to the circuit court, but the appeal was later set aside upon agreement to abide by the decision of the juvenile court.

DELINQUENT CHILDREN IN THE TWO STATES

THE EXTENT OF CHILD DELINQUENCY

A total of 532 delinquent children under 18 years of age were reported as coming to the attention of the North Dakota courts within the year ended September 30, 1921. Data for an analysis of the extent of juvenile delinquency were obtained from the records of the juvenile commissioners and the records of the clerks of the district courts in the 10 counties especially studied, from juvenile commissioners for 25 other counties, and from the clerks of the courts of 2 counties. Fairly complete material was obtained from 16 additional counties through the questionnaires filled out by the local committees.¹ It was reported that in 8 of these counties there had been no cases during the year, and the report from 1 county was incomplete. Thus some information was obtained from all the 53 counties of the State, with cases of juvenile delinquency reported from 44 of them.

The police courts of Fargo, N. Dak., had dealt with 44 children, which although not a technical violation was not in accordance with the spirit of the law.² In 4 of the 10 counties especially studied the district courts had handled the cases of 18 delinquent children with the formal procedure of the regular session. In other localities scattered instances were mentioned of children's cases heard by justices of the peace, but no records of them were available. Juvenile-court judges or juvenile commissioners had dealt with 470 of the 532 children reported. Because of the incompleteness of the records and of the information for some counties, the number of children is probably somewhat understated.

The 470 children coming to the attention of the juvenile courts included those whose cases were heard and disposed of by the juvenile commissioners acting as referees, those referred by them to the judge for final order of removal from home or commitment to an institution, and those heard by the judges without preliminary hearing before commissioners. The type of hearing—whether an informal one before a commissioner or a formal one before the judge—was ascertained from the records of 387 cases in the 10 counties especially studied; the questionnaires from the other counties did not report the type of hearing. The amount of work of the juvenile court which was handled exclusively by the juvenile commissioners is shown by the fact that four-fifths (309) of the 387 cases were disposed of by them; only one-eighth (48) were referred to judges after hearing by the commissioner; and about one-twelfth (30) were reported as heard as only before the judges, mostly in the two districts in which there were no commissioners.

¹ For discussion of the juvenile court law and the powers of the commissioners, see pp. 17-18. For copies of form and questionnaire used in this study, see Appendix C, p. 124.

² N. Dak., Comp. Laws 1913, secs. 11412, 11416.

In South Dakota 228 delinquent children under 18 years of age were reported as coming before the courts in the 10 counties studied within the year ended September 30, 1921. The juvenile courts had dealt with 211 of these children, the circuit courts with 8, the police courts with 7, and the municipal courts with 2. No information was obtained concerning the other counties of South Dakota.³

TYPES OF COMMUNITY FROM WHICH CHILDREN WERE REPORTED

Although in North Dakota only 5 per cent of the child population (of 7 to 17 years) lived in the 3 cities having a population of over 10,000, nevertheless 45 per cent of the delinquent children reported were from these communities. The 9 cities in the State having a population of from 2,500 to 10,000, whose child population was 6 per cent of the child population of the State, furnished 26 per cent of the delinquent children dealt with by the juvenile courts. The rural communities, with a child population of 89 per cent of the total child population, furnished 29 per cent of the delinquent children.

In South Dakota 207 of the 228 cases of juvenile delinquency which came before the courts in the 10 counties studied were from urban communities, although somewhat less than one-half of the total population in these 10 counties was urban.⁴

It can not be assumed that the relatively small proportion of delinquency reported from rural communities in both States indicates an actually smaller amount of rural than urban delinquency. Cities admittedly have temptations and facilities for delinquency that do not exist in rural communities, and undoubtedly many delinquencies which would come to the attention of the authorities if committed in a city are overlooked in the country. The preponderance of such cases in the cities may be accounted for also by the fact that the juvenile courts were in the county seats, which were usually the principal towns. The existence of the juvenile court in the town thus made the people aware that juvenile delinquents should be dealt with by it. In the widely scattered rural populations the delinquencies of children seldom came to the attention of a probation officer or other person connected with the juvenile court, and many places may have been quite unaware of the juvenile-court system of the State.

STATUS AND AGES OF CHILDREN WHEN DEALT WITH BY THE COURTS

Very meager records had been made of the type of home and the parental status of the delinquent children dealt with by the North Dakota juvenile courts and commissioners. Such brief statements as the following were typical: "Father drinks"; "father alcoholic, mother hysterical"; "home dirty, father moonshiner, mother alcoholic"; "father bootlegger, has been in penitentiary for larceny"; "large family, mother poor housekeeper." A few records stated that the home was "good," a few others that it was "unfit."

³ For discussion of South Dakota juvenile court law and procedure, see pp. 29-35.

⁴ See footnote 3, p. 1.

Some information from each of the 10 counties studied in South Dakota was obtained through local people, especially teachers and county officials, concerning the parental status of 92 children and the type of home for 33 children. The homes of only 10 of these 33 were reported as good or fair; one was reported as "unpleasant" for the child, and the remaining 22 as poor, questionable, or of low standard. Twelve families were reported as having two or more children with delinquency records; in one family in which four children were delinquent, two others had delinquency records previous to the year of the study. In five families the parents were reported to have been immoral. Feeble-mindedness or insanity was reported in five families involving nine children appearing before the courts on delinquency charges.

The following table shows the status of the children when dealt with by the courts in North Dakota and South Dakota on charges of delinquency:

Status of children dealt with by the courts in North Dakota and South Dakota on charges of delinquency within the year ended September 30, 1921

| Status when dealt with | Children dealt with by the courts within the year ended Sept. 30, 1921 | | | Status when dealt with | Children dealt with by the courts within the year ended Sept. 30, 1921 | | |
|---|--|-----------------|-----------------|--|--|-----------------|-----------------|
| | Total | In North Dakota | In South Dakota | | Total | In North Dakota | In South Dakota |
| Total children..... | 760 | 532 | 228 | Child with step-parents.. | 20 | 10 | 10 |
| Child with both parents.. | 121 | 82 | 39 | Child with neither parent..... | 15 | 9 | 6 |
| Child with one parent.... | 92 | 55 | 37 | Parents dead..... | 3 | 2 | 1 |
| Mother dead..... | 8 | 4 | 4 | One parent dead, other unwilling or unable to support child..... | 8 | 5 | 3 |
| Father dead..... | 16 | 10 | 6 | Whereabouts of one parent not known, other not providing home..... | 4 | 2 | 2 |
| Parents divorced or separated..... | 14 | 6 | 8 | Not reported..... | 512 | 376 | 136 |
| One parent deserted or whereabouts of one parent unknown..... | 53 | 35 | 18 | | | | |
| One parent in correctional institution.... | 1 | | 1 | | | | |

¹ Includes 62 children dealt with by police courts and by the district courts in regular session in North Dakota.

The ages of 319 of the 470 delinquent children dealt with by the juvenile courts of North Dakota and of 150 of the 228 delinquent children dealt with by the courts of South Dakota were reported. Among the children dealt with by other than juvenile courts in North Dakota the greater number were 16 or 17 years of age. Among the boys dealt with by juvenile courts in North Dakota the number who were from 14 to 15 years of age was greater than the number in any other age group. More girls were in the age group 16 to 17 years of age than in any other. One hundred and eight boys and six girls in North Dakota were under 14 years of age. In South Dakota more than two-thirds of the boys and more than four-fifths of the girls were from 14 to 17 years of age, inclusive.

The following table shows the ages of the children dealt with by the courts in North Dakota and South Dakota on charges of delinquency within the year ended September 30, 1921:

Ages of the children dealt with by the courts in North Dakota and South Dakota on charges of delinquency within the year ended September 30, 1921

| Ages when dealt with by the courts | Children dealt with by the courts within the year ended Sept. 30, 1921 | | | | | | | |
|------------------------------------|--|-----------------|------|-------|------------------|-----------------|------|-------|
| | Total | In North Dakota | | | | In South Dakota | | |
| | | Total | Boys | Girls | Sex not reported | Total | Boys | Girls |
| Total children | 760 | 532 | 376 | 94 | 1 62 | 228 | 177 | 51 |
| Under 10 years | 25 | 19 | 17 | 1 | 1 | 6 | 5 | 1 |
| 10 years, under 12 years | 38 | 33 | 30 | 1 | 2 | 5 | 3 | 2 |
| 12 years, under 14 years | 100 | 68 | 61 | 4 | 3 | 32 | 28 | 4 |
| 14 years, under 16 years | 155 | 115 | 78 | 23 | 14 | 40 | 28 | 12 |
| 16 years, under 18 years | 207 | 140 | 68 | 31 | 41 | 67 | 45 | 22 |
| 18 years and over | 2 5 | 2 5 | 2 5 | | | | | |
| Not reported | 230 | 152 | 117 | 34 | 1 | 78 | 68 | 10 |

¹ These children were dealt with by the police courts and the district courts in regular session in North Dakota.

² Four boys between 18 and 21 years of age, who had been implicated in delinquencies with younger boys, were heard before a juvenile commissioner upon their agreement to place themselves under the jurisdiction of the juvenile court.

OFFENSES WITH WHICH CHILDREN WERE CHARGED

The type of offense charged was ascertained for 465 of the 470 children dealt with by the juvenile courts and for the 62 children dealt with by police courts and district courts in regular session (these being chiefly charged with violations of city ordinances) in North Dakota within the year ended September 30, 1921.

The type of offense charged was ascertained for 215 of the 228 children dealt with by the South Dakota courts within the year ended September 30, 1921.

The following table shows the offenses with which the children dealt with by the courts on charges of delinquency in North Dakota and South Dakota were charged within the year ended September 30, 1921 :

Offenses with which boys and girls dealt with by the courts on charges of delinquency in North Dakota and South Dakota were charged within the year ended September 30, 1921

| Offense | Children dealt with by the courts within the year ended Sept. 30, 1921 | | | | | | | |
|-----------------------------|--|-----------------|------|-------|------------------|-----------------|------|-------|
| | Total | In North Dakota | | | | In South Dakota | | |
| | | Total | Boys | Girls | Sex not reported | Total | Boys | Girls |
| Total children | 760 | 532 | 377 | 94 | 1 62 | 228 | 177 | 51 |
| Theft or attempted theft: | | | | | | | | |
| Breaking and entering | 46 | 27 | 25 | | 2 | 19 | 19 | |
| Burglary | 77 | 64 | 61 | 1 | 2 | 13 | 13 | |
| Larceny | 145 | 92 | 82 | 4 | 6 | 53 | 47 | 6 |
| Stealing automobiles | 23 | 23 | 21 | | 2 | | | |
| Other | 26 | 12 | 11 | | 1 | 14 | 14 | |

¹ These 62 children were dealt with by the police courts and the district courts in regular session in North Dakota.

Offenses with which boys and girls dealt with by the courts on charges of delinquency in North Dakota and South Dakota were charged within the year ended September 30, 1921—Continued

| Offense | Children dealt with by the courts within the year ended Sept. 30, 1921 | | | | | | | |
|--|--|-----------------|------|-------|------------------|-----------------|------|-------|
| | Total | In North Dakota | | | | In South Dakota | | |
| | | Total | Boys | Girls | Sex not reported | Total | Boys | Girls |
| Truancy, running away, vagrancy, incorrigibility: | | | | | | | | |
| Incorrigibility..... | 89 | 69 | 45 | 24 | | | | |
| Running away..... | 32 | 15 | 8 | 7 | 20 | 11 | 9 | |
| Truancy..... | 27 | 25 | 21 | 4 | 17 | 6 | 11 | |
| Vagrancy and begging..... | 3 | 3 | | | 2 | 1 | 1 | |
| Offenses against morals: Immorality. | 93 | 67 | 17 | 42 | 3 | | | |
| Injury or attempted injury to persons: Assault..... | 6 | 6 | 3 | 1 | 8 | 9 | 17 | |
| Offenses due to carelessness, spirit of play, or mischief: | | | | | | | | |
| Carrying concealed weapons or discharging firearms..... | 13 | 12 | 3 | | 9 | 1 | | |
| Destruction of property..... | 18 | 14 | 14 | | 4 | 3 | 1 | |
| Disorderly conduct or disturbing the peace..... | 56 | 45 | 26 | 8 | 11 | 10 | 1 | |
| Gambling on Sunday..... | 4 | 4 | 4 | | | | | |
| Incendiarism..... | 3 | | | | 3 | 3 | | |
| Malicious mischief..... | 21 | 16 | 15 | | 1 | 5 | | |
| Minor in pool hall or public dance hall..... | 5 | 5 | 2 | | 3 | | | |
| Shooting craps..... | 12 | | | | 12 | 12 | | |
| Smoking in public..... | 6 | 6 | 6 | | | | | |
| Speeding or other traffic violations..... | 14 | 12 | | | 12 | 2 | | |
| Trespassing..... | 2 | | | | 2 | 2 | | |
| Other: | | | | | | | | |
| Addicted to snuff..... | 2 | 2 | 2 | | | | | |
| Intoxication..... | 8 | 8 | 7 | 1 | | | | |
| Violating city ordinances..... | 11 | | | | 11 | 8 | 3 | |
| Not reported..... | 18 | 5 | 3 | 2 | 13 | 11 | 2 | |

No information with regard to "gang" delinquency was obtained in the North Dakota counties studied. In 10 counties in South Dakota information concerning the prevalence of this form of delinquency was obtained. Very little indication of this was found. In one city a boys' gang had perfected a system for stealing, repainting, and then using or selling bicycles and was charged with the theft of 23 bicycles. The 13-year-old leader of the gang, who was alleged to have stolen 13 of these 23 bicycles, was finally arrested and brought before the judge of the police court, who by agreement with the judge of the circuit court, handled all juvenile cases in the county in which the city was situated. Before his arrest this boy had been warned by the police and by the judge of the police court. At the hearing, on the day of the arrest, the judge said that the boy was "considered to be on probation" and ordered him to report. The boy reported only a few times, being shrewd enough to know the limits of police-court power, although the judge warned him that if he ever came into the court again he would be committed to the State training school at Plankinton. In four months the boy was arrested for the systematic stealing of automobile coils, and the judge of the police court then formally referred the case to the judge of the juvenile court; but about a month later when the Children's Bureau agents were in the county the case had not yet been heard and apparently there was no record of it in the juvenile court. No other organized boys' gang was mentioned in the court records or referred to by local people, although in several of the counties a number of boys had joined in a delinquent act. For instance, one group had

been arrested for disturbing the peace at a public meeting; another for entering a store and destroying property, a third group for frightening smaller boys, a fourth for malicious mischief. But nothing in the records of the cases indicated gang organizations.

PREVIOUS DELINQUENCY

The records of the juvenile commissioners in North Dakota were very incomplete as to previous delinquencies of the children coming to their attention, and the records of formal court hearings before the judges did not report previous delinquencies unless there had been commitment to an institution. Information on previous delinquency was reported for only 36 of the 387 children in the 10 North Dakota counties especially studied. Of these 8 had no previous record; 13 boys and 2 girls had been delinquent once previously; 3 boys and 1 girl had been delinquent twice; 2 boys, three times; 1 boy, six times; 1 boy, seven times; 2 boys, "a number of times." For three boys the number of times was not reported, but it was known that they had been delinquent before. Previous commitment to the training school was reported for three boys and one girl. The juvenile court had dealt previously with 2 of the 18 children dealt with by the district court in regular session.

DETENTION PENDING HEARING

Facts with regard to the detention of children pending hearing were not fully reported on the records examined in North Dakota. Information was obtained for 261 of the 470 children dealt with by the juvenile courts, but no information was available regarding the 62 children dealt with by the police courts and the district courts in regular session. The policy of the courts was to release the child, allowing him to remain in the custody of his parents during the interval between apprehension or the reporting of the case to the juvenile commissioner and the hearing. Eighty-one of the children had been so released. Many of the children were brought to the commissioner's office by an officer or the petitioner in the case and the hearing was held immediately; 119 cases were reported as being heard on the day on which they came to the attention of the commissioner. Of the remaining 61 children for whom information was obtained, 34 were detained in jail pending hearing; 19 children were detained in the custody of the sheriff, which probably meant that the children were held in jail by the sheriff, although it was known that a sheriff sometimes detained children in his own quarters connected with the jail; 8 other children were detained in the custody of the policewoman, a juvenile officer, the children's home society, a hospital, the Young Women's Christian Association, or the home of a relative. Forty-four of the 61 children detained in jail or elsewhere were 14 years of age or over, 14 boys were under 14 (10 of these boys under 14 years of age were detained in jail), and the age of 3 boys was not reported. Of the children 14 years of age or over, 13 boys and 11 girls were detained in jail; 4 of these girls were 14 or 15 years of age, 5 were 16, and 2 were 17. Four of the 9 girls detained in other places were 14 or 15 years of age, 3 were 16, and 2 were 17.

The facts concerning detention pending hearing were reported for 129 of the 228 children who came before the courts of the 10

South Dakota counties studied. Of the 120 children heard in the juvenile court, for whom information concerning detention pending hearing was reported (in 91 cases no data on this point were obtained) 101 either were taken into court immediately upon arrest or were placed in the custody of parents, 18 were held in jail, and 1 was held in the custody of the sheriff (in the sheriff's home). Fourteen children were known to have been held in county jails, of whom at least 3 (a boy of 12 years, a boy of 13, and a girl of 14) were held in violation of the law forbidding the holding of a child under 15 years of age in jail; the ages of 2 boys held in county jails were not reported. One of the seven minors whose cases were heard by a police court (a girl 17 years of age) had been detained in the county jail. Four children, including a 14-year-old girl, had been held at a police station. Three 17-year-old minors among the 8 minors heard in a circuit court were held in the county jail. Four children, including a 14-year-old girl, had been held at a police station. Three 17-year-old minors among the 8 minors heard in a circuit court were held in the county jail. The girl who was brought before a municipal court was reported to have been held in the county jail.

DISPOSITION OF CASES

The following table shows the disposition made in the cases of children dealt with by the courts in North Dakota and South Dakota on charges of delinquency within the year ended September 30, 1921:

Disposition of cases of children dealt with by the courts in North Dakota and South Dakota on charges of delinquency within the year ended September 30, 1921

| Disposition of cases | Children dealt with by the courts within the year ended Sept. 30, 1921 | | | | |
|--|--|-----------------|-----------------|--|-----------------|
| | Total | In North Dakota | | | In South Dakota |
| | | Total | Juvenile courts | Police courts and district courts in regular session | All courts |
| Total children..... | 760 | 532 | 470 | 62 | 228 |
| Dismissed..... | 168 | 87 | 67 | 20 | 81 |
| Case continued..... | 16 | 16 | 14 | 2 | ----- |
| Fined, ordered to make restitution, or placed in family homes..... | 82 | 62 | 53 | 9 | 20 |
| Placed on probation..... | 250 | 173 | 164 | 9 | 77 |
| Returned to own home..... | 24 | 18 | 18 | ----- | 4 6 |
| Committed to institution..... | 82 | 47 | 2 47 | ----- | 35 |
| Committed to jail..... | 20 | 16 | 1 | 15 | 4 |
| Other..... | 15 | 14 | 12 | 2 | 6 1 |
| Not reported..... | 103 | 99 | 94 | 5 | 4 |

¹ Of these 164 children placed on probation, 19 were ordered to make restitution in connection with their offense (in addition to 19 other children ordered to make restitution), and 7 were under suspended sentence to the State training school.

² Of the children sent to institutions, 6 boys and 23 girls were sent to the State training school; 7 girls were sent to the Florence Crittenton Home; 1 boy was sent to the State institution for the feeble-minded; 1 boy to the North Dakota Children's Home Society; 1 boy and 1 girl to the Lutheran Children's Orphanage in Minnesota; 1 boy to an Indian school until of age; and 6 girls to Catholic institutions in another State.

³ These 2 boys were sentenced to 30 days' hard labor in the harvest fields.

⁴ Three of these children were regarded as on probation and were expected to report to the judge by letter (they lived outside the town in which their cases were heard).

⁵ Of the children sent to institutions 1 child was sent to a Catholic institution in another State, 4 children on parole were returned to the State training school, and 30 children were sent to the State training school.

⁶ A 17-year-old boy sent to the State penitentiary.

Three of the boys sentenced to jail in South Dakota were 16-year-old boys who had stolen an automobile. Two of the boys had been sentenced to 30 days, and 1 for 20 days. As their sentence covered a part of the school term the judge sent books to the jail for them to read and required them to study their lessons and to make reports to their teachers. They had been fined small amounts and were to be committed to the State training school at the end of their jail sentences unless in the opinion of the court their conduct merited probation. The 17-year-old boy sentenced to the State penitentiary in South Dakota was charged with larceny. His case had been heard in the circuit court, to which it had been transferred by the county court.⁵ His sentence was for an indefinite period of not less than 1 nor more than 10 years. The court record stated: "Little is known about this young man, as he is a total stranger in this part of the country; he has fired on some stationary engines."

The following South Dakota case is an interesting story of the treatment of children who were both feeble-minded and delinquent:

In the R family both the parents and all their eight children had been in the school for the feeble-minded at Redfield. Nothing was known about the character of the father, but the mother was reported as being of low grade, dirty, and slovenly. The father was discharged from the institution and got employment at a roundhouse. Then the mother and some of the children were discharged, but at least four of the children remained in the institution. Within a year the mother had another baby. This child died in early infancy, and a private agency had the children in the State institution for the feeble-minded sent home for the funeral, promising to return them a day or so afterward. They were never returned.

During the year covered by the study at least four of the children became known to the juvenile court. The 14-year-old girl was brought in on a charge of incorrigibility. She was reported to be staying out late at night with undesirable companions and was associating with a young man of questionable reputation, who bought her pretty clothes and took her to dances and the moving pictures. She was placed on probation to a nurse at a clinic, where she was given a job, and she was reported to have improved during the four months she remained there. After four months she left the State to visit relatives and later returned to take care of her mother who was about to have another baby. Her record at the school and the home for the feeble-minded stated that she was profane and had a reputation for thieving but that she could do certain kinds of work under supervision.

The 13-year-old boy was brought into court also on a charge of incorrigibility—he had been loitering on the streets and associating with bad companions. He, too, was put on probation. The records of the institution for the feeble-minded said that he could care for himself but was inclined to run away and be disobedient. The 9-year-old girl was brought into court charged with larceny and was also placed on probation. No institutional record for her was available, but she was known to have been at Redfield for a time. The 8-year-old boy was brought into court on a charge of larceny and was committed to the State training school. It was reported that he had been able to take care of himself at Redfield but that he had been profane and disobedient and inclined to run away. It is interesting to note that not one of the children was returned to the institution which they had left so unceremoniously.

Two of the remaining four children had been in the State training school; one was released on parole and later married; the other escaped from the school and stole a car, and his whereabouts was not known at the time of the study. The school nurse reported the family as shiftless and hopeless to deal with—it was known to every relief agency in the city. The county judge said that he hoped to recommit the mother to Redfield as soon as she was a little stronger.

⁵ See S. Dak., Rev. Code 1919, sec. 9984.

COMMUNITY MEASURES FOR THE PREVENTION OF DELINQUENCY

RECREATIONAL FACILITIES

IN CITIES AND LARGE TOWNS

In the cities and towns of over 5,000 population in the counties studied considerable work had been done toward providing supervised recreation, arranging for athletic work in schools, organizing boys' clubs and parents' clubs, and supervising public dances. There were playgrounds in many parks and school yards, and municipal swimming pools had been established.

In a number of cities Rotary Clubs had taken up recreational problems and done much constructive work. At the time of the Children's Bureau study their efforts had been almost entirely with boys. The Rotary Club in Bismarck, N. Dak., employed a recreational leader who in May, 1921, began to direct the boys' work and organized clubs to which all boys over 12 years of age were eligible. Their program was described as fourfold—"physical, mental, social, and spiritual." During the winter about 300 boys had belonged to these clubs, which met weekly for athletic work and lectures and had two intergrade basket-ball teams. Two athletic clubs had been formed for the summer by the clubs at two of the schools. The recreational leader had conducted four summer camps for boys. Baseball diamonds and running tracks were to be provided on each of the school grounds. Recreational work for girls had not yet been organized, but the boys' director hoped to start such work in the near future and to train women from the Business and Professional Women's Club to take charge of it. The Rotary Club in Jamestown, N. Dak., had fostered a boys' band, paying its leader. Plans were under way for a boys' summer camp with a director in charge.

Boy Scout work was well organized in all the large cities and some smaller ones. Devils Lake, N. Dak., for example, was very proud of its Boy Scout band of about 60 pieces, which a local newspaper stated was "known throughout the Northwest as one of the most efficient musical organizations of the kind in the country." The directors of the Devils Lake Civic and Commerce Association had pledged \$4,000 for maintaining the band, and free Saturday afternoon concerts were to be given during the summer. Another newspaper item stated: "Employment of a trained Boy Scout worker and salaried general director of boys' welfare activities here continuously is assured by donations from various organizations of the city, such as lodges, women's clubs, civic and commerce associations, and so on * * *. More than 700 boys of from 6 to 18 years would receive the benefit of the trained leader."

In one of the smaller cities three Boy Scout troops had already been organized with a membership of about 75 boys; two of these were connected with churches; the third, originally organized by a church, had become independent. The Odd Fellows and Elks were also organizing troops at the time of the Children's Bureau study. The Rotarians had purchased a river site of 53 acres for the Boy Scouts' summer camp.

Little club work for girls was reported. One of the branches of the Young Women's Christian Association in North Dakota had a high-school girls' club of 216 members and a "girls' reserve" group of about 100 members. In one city the woman's community council had arranged to have a room in one of the schoolhouses open every evening for two months for the social activities of working girls. A chaperon was in charge.

Physical training was given in the schools of a number of the cities and towns, and such sports as football, basket ball, and track work formed part of the program. Athletic directors had been employed in some of the schools. Frequently the gymnasium work and sports had been organized for the boys only.

A judge in a South Dakota county had organized a boys' chess club of about 50 members and had obtained the use of a room in the Carnegie Library for their weekly meetings. He hoped to prevail upon a local organization to donate to this boys' club an unused room where the boys might drop in to read or play games and to spend the time which they might otherwise waste on the streets. Another judge had taken a very active interest in the delinquent boys that came before him. He conducted a small circulating library by loaning any of his own books which were interesting to boys. He also joined with the boys in their swimming and other recreations.

IN SMALL TOWNS AND RURAL COMMUNITIES

In the small towns and rural districts little had been done to provide recreation for the children. In communities of 300 to 1,000 people, and even in cities with populations up to 5,000, parents and public-minded citizens often declared that it was no wonder that the children got into mischief, since there was "absolutely nothing for them to do, and no place for them to obtain recreation except the streets or the pool rooms." The State law prohibiting minors from frequenting pool rooms and bowling alleys was enforced effectively in some places, very poorly in others. In the small towns and villages the pool rooms and bowling alleys were said to be the "hangouts for all the toughs in town." In many places an effort had been made to get the children off the streets at night by curfew regulations, the curfew hour varying from 9 to 9:30 p. m. The curfew was enforced by the town constable or the justice of the peace.

A few Boy Scout troops were reported in the rural communities, but the persons interested reported that it was difficult to keep the organizations going. In one small town the Methodist minister had organized a boys' club known as the "Young Knights of America." It resembled the Boy Scouts in its activities but had no age restriction, all the boys in town being eligible for membership. In some of the rural school districts boys' and girls' industrial clubs had

been organized under the supervision of either the county agent or a club leader from the State agricultural college. Their activities were educational and industrial rather than recreational, but a local newspaper reported "a lively interest in the organization of new clubs all over the county. Flourishing sewing clubs for the girls and potato clubs, baby beef, sow and litter, and sheep clubs for the boys had already been formed in various places in the county, and several clubs of the same type were being planned in other localities." A number of school districts reported that "lyceum" courses were given during the year. The school grounds in many of the small towns and rural districts had some playground apparatus, even if only a couple of swings and a toboggan. There was almost no supervision over school-yard playgrounds, except the little that teachers could give during recess.

One homesteading county lacked recreation for both adults and children. The county agent, one of the few persons who came into contact with the people in the most remote and inaccessible parts of the county, had made some attempt to overcome the disadvantages of its great isolation. For instance, he had a motion-picture machine with which he showed educational films furnished by the United States Department of Agriculture. In some sections remote from railroads children as old as 14 years of age had never seen a motion picture, and when he showed a film illustrating how to clean out a henhouse, this familiar subject received tremendous applause.

ACTIVITIES FOR PREVENTING DELINQUENCY

The Juvenile Welfare Committee of Sioux Falls, S. Dak. (organized about two years before the Children's Bureau study) was doing preventive and constructive work among boys in that city. There were about 35 members, including representatives of the Rotary Club, Young Men's Christian Association, Lions' Club, Knights of Columbus, and other men's clubs and organizations, also the superintendent of the children's home society, the judge of the juvenile court, the juvenile probation officer, and the secretary of the family-welfare society. Any men's club in the city could be represented by a member acceptable to the other persons on the committee. This committee met biweekly to discuss problems concerning the boys of the community and had subcommittees on recreation, dance halls, cigarettes and pool rooms, and on publicity. The probation officer of the juvenile court sometimes called on members to act as volunteer probation officers, and he reported very good results from such volunteer service. The committee had had printed and distributed to pool rooms and cigar stands signs which gave warning that it was against the law to sell cigarettes to minors or to allow minors in pool rooms. It had also stopped the sale at news stands of certain papers and magazines which it considered unfit for children to read and which the probation officer found circulating widely among young boys. The committee was glad to have referred to it for discussion and action any problems concerning the welfare of either boys or girls.

The judge in one county was making a successful attempt to interest influential men in delinquent boys. Three of his friends were acting as "big brothers" to three boys on probation, whose

home surroundings were especially bad. These men were seeing that the boys had jobs outside school hours and were following their work at school. The boys also reported to the judge. He planned to interest women of the community in any future cases of delinquent girls. In Leonard, N. Dak., a town of 300 population in Cass County, a "Committee for Public Welfare" was organized in December, 1921. The aim of this welfare committee was to look after all matters of public welfare, and especially to examine into the causes of delinquency of boys. Its 9 members included 2 ministers, the local doctor, the cashier of the bank, a retired farmer, the wife of the school principal, and 2 other prominent women. At the time of the visit of the Children's Bureau agent this committee had already been influential in stopping some of the lawlessness among the boys.

A few cities in the counties studied had policewomen. Their work was chiefly preventive, consisting of patrol duty in public parks and on the streets, and supervision of public dances. Cases of pregnant unmarried girls often came to their attention, and were handled unofficially, sometimes by communication with the girl's parents, or by dealing with the man whom the girl named as father of the child, or by finding employment for the girl before confinement. Since there were no records of the work of this type done by the policewomen it was impossible to determine its exact nature or extent. In all the cities in North Dakota in which there were public dance halls some supervision by a person with the power of a policewoman had been provided, and girls under 18 years of age were forbidden to attend the dances unchaperoned. However, in Fargo and Grand Forks, where two or three dances might be going on at the same time, there was only one supervisor, the policewoman, who did this work in addition to her other police duties. In Bismarck the county welfare worker had been given the duty (with police power) of supervising the two dance halls in which the dances were held three nights a week. In Devils Lake the policewoman, a part-time worker, did all the supervising of public dances. In Jamestown and Dickinson public dances were not held regularly, and a special policewoman was employed whenever a dance was given. In these two cities the policewoman was present the entire evening at every dance.¹

¹In 1925 North Dakota passed a law providing for the regulation and licensing of public dance halls. N. Dak., Laws of 1925, ch. 128.

CONCLUSIONS

The provision made in North Dakota in 1922 for the care and protection of children who, because of dependency, delinquency, or mental or physical handicaps, were in special need of the State's guardianship, the legislation needed, and the laws enacted in 1923 as a result of the recommendations of the Children's Code Commission, are summarized in the following pages. Conditions in South Dakota were found to be very similar to those in North Dakota, and the same general recommendations are applicable to both States. Because the South Dakota study was somewhat less complete than the North Dakota study, for reasons already stated, and no such comprehensive body of legislation was proposed or enacted in South Dakota this part of the report has reference only to North Dakota.¹

As a result of the 1923 legislation, North Dakota now has on its statute books a collection of laws for the care and protection of dependent and neglected children which is one of the finest in the United States. It will be of interest to compare the protection afforded by the present laws (see p. 103 for summary of this legislation and pp. 109-121 for texts of laws) with the situation existing in 1922 and with accepted child-welfare standards as summarized in the following pages.

SUMMARY OF CONDITIONS IN 1922 IN NORTH DAKOTA AS COMPARED WITH ACCEPTED CHILD-WELFARE STANDARDS

The provision made in North Dakota in 1922 for the care and protection of children may be measured by the criteria set forth in the Minimum Standards for Child Welfare Adopted by the Washington and Regional Conferences on Child Welfare in 1919.² The preliminary statement in the section of the standards referring to children in need of special care deals with the fundamental rights of childhood—normal home life, opportunities for education, recreation, vocational preparation for life, and moral, religious, and physical

¹ On the recommendation of the South Dakota Child-Welfare Commission in its first biennial report to the State legislature, bills on the following subjects were presented to the 1921 session and enacted into law: Appointment of county child-welfare boards to be composed of two citizens and the county superintendent of schools, the county superintendent of health, and the county judge as ex officio members (S. Dak., Laws of 1921, ch. 142). Creation of a division of child hygiene in the State board of health (*ibid.*, ch. 371, sec. 2). Removal of girls from the State training school for delinquent children and provision of a new institution for them (S. Dak., Rev. Code 1919, sec. 5509, as amended by Laws of 1921, ch. 391). Increase of the school-attendance age requirement to 17 years unless a child had completed the eighth grade or was otherwise exempt under the law (*ibid.*, sec. 7642, as amended by Laws of 1921, ch. 199, sec. 1, subdiv. 1). Increase of the "mothers' allowance" grant from \$15 a month for the first child and \$7 for each additional child to \$22.50 for the first child and \$10 for each additional child (*ibid.*, sec. 10023, as amended by Laws of 1919, ch. 263, as amended by Laws of 1921, ch. 291, sec. 1). Appointment of women probation officers in cases affecting girls and of paid probation officers in counties having a population of 15,000 or more (*ibid.*, sec. 9995, as amended by Laws of 1921, ch. 141, sec. 1). Exclusion of the general public from hearings of children's cases and establishment of the privacy of records in juvenile cases (*ibid.*, sec. 9998, as amended by Laws of 1921, ch. 141, sec. 2). In 1923 South Dakota passed the uniform illegitimacy act, which was passed also in North Dakota in that year (see p. 104 and footnote 4, Appendix A, p. 117) (S. Dak., Laws of 1923, ch. 295).

² U. S. Children's Bureau Publication No. 62, pp. 10-14. Washington, 1920.

development—and the responsibility of the State with reference to children in need of special care. The conditions in North Dakota will be discussed under substantially the same headings as those used in the standards.

STATE SUPERVISION

The minimum standards for child welfare recommend the licensing, inspection, and supervision of child-caring agencies and institutions by a State board of charities or similar body, and the incorporation of private organizations caring for children, subject to the approval of such a State board. The North Dakota law provided for incorporation by the secretary of State of private agencies engaging in placing out dependent or neglected children. Maternity hospitals, boarding homes for children, or persons or agencies engaging in placing children in family homes were required to obtain licenses from the district court of the counties in which they were situated. There was no State supervision of institutions or agencies.

ASSISTANCE TO MOTHERS

The standards affirm that the policy of assistance to mothers who are competent to care for their own children is well established, and that it is generally recognized that the amounts should be sufficient to enable the mother to maintain her children suitably in her own home without resorting to such outside employment as will necessitate leaving her children without proper care and oversight. It is further stated that the amount required can be determined only by careful and competent case study, renewed from time to time to meet changing conditions. Most of the counties in North Dakota granted aid to mothers of dependent children. The law permitted a maximum monthly grant of \$15 per child; in half the counties reporting the amounts granted, the average per child was from \$5 to \$11. A large proportion of the families were reported as having no income other than the grants for dependent children. The inquiry indicated that there was very little real social investigation into the conditions in the homes, and practically no supervision of the families receiving aid, in order to safeguard the welfare of the children. The age limitation of 14 years was not in conformity with the compulsory education and child labor laws.

REMOVAL OF CHILDREN FROM THEIR HOMES AND CHILD PLACING

The standards assert that no child should be permanently removed from his home unless it is impossible so to reconstruct family conditions or build and supplement family resources as to make the home safe for the child, or so to supervise the child as to make his continuance in the home safe for the community. The application of this standard depends upon the type of social case work that is done. Legal provision for supervisory authority by the State would make it possible to set standards with reference to the acceptance of children dealt with by agencies and institutions, and to assist such organizations in promoting reconstructive work with families. A State program of county organization for the care and protection of children would be especially effective in preventing abuses

largely attributable to the inadequate staffs of the child-caring agencies and the inaccessibility of social agencies to sparsely settled communities.

The standards require adequate study of the child and his family and of the prospective foster home before placement, and supervision after placement, consent of a State department or a court before the legal guardianship of a child is transferred, and investigation before a child's custody is awarded in adoption.

In North Dakota there was no State supervision over the placing-out work done by agencies or institutions. Other States have found this a necessary public policy for the protection of children. The inadequacy of the staffs of the agencies studied prevented them from maintaining a high grade of investigation before placement and of later supervision. Conditions in this comparatively new State were such that abuses perhaps were less prevalent than might be the case in some other localities if similar lack of investigation and supervision existed. But the study revealed serious need for raising the standards of agency work involving dependent children.

Legal guardianship could be transferred without court action or the authorization of a public agency. It was noted in the study that 69 per cent of the children received for permanent care by a large child-caring agency were removed from the custody of their parents through a release signed by the parents, in contrast with 24 per cent who were removed by a court order, and 7 per cent who were received from other agencies or individuals (many of whom had previously been received through assignment by the parents).

In only two or three localities was there any evidence of an effort to make adequate inquiry into the circumstances surrounding adoptions. Legislation that will safeguard the rights and welfare of children placed for adoption is being recognized increasingly as a necessary part of a State program for child protection. The requirements should include an investigation of the reasons for removal from the custody of the parent or parents and the possibility of avoiding such removal, as well as investigation into the character of the prospective foster home. A period of placement before the child's custody is legally awarded makes it possible to continue the oversight of the child until it is known that conditions are satisfactory.

CHILDREN IN INSTITUTIONS FOR DEPENDENTS

According to the standards the stay of children in institutions for dependents should be as brief as possible, and while they remain there their condition should approximate as nearly as possible that of normal family life. It is a fortunate circumstance in the history of child-caring work in North Dakota that from the beginning the great majority of dependent children have been placed by agencies in family homes. Besides the receiving home of the Children's Home Society, there is only one institution in the State primarily for the care of dependent children.

Two situations that needed correcting were observed, however. One was the commitment of dependent children to the State training school, the institution for the training of delinquent children.

The other was the practice in some counties of keeping children in almshouses. Although the almshouses gave the children, in general, the best kind of care possible in institutions designed mainly to provide for a class of unfortunate adults, they obviously could not be desirable homes for children.

PROTECTION OF CHILDREN BORN OUT OF WEDLOCK

The standards recommend that, except in unusual cases, both parents of a child born out of wedlock should be held responsible for the child during minority, recognizing that the care of the child by his mother is highly desirable, particularly during the nursing months. They also recommend consent of a State department or a court before the surrender of the child outside his own family is permitted, and suitable provision for establishing paternity and guaranteeing to the children the rights naturally belonging to children born in wedlock, asserting that the fathers of children born out of wedlock should be under the same financial responsibilities and legal liabilities as other fathers.

The North Dakota law contained two notable provisions, but one of them was vitiated and the other nullified by sections with which they were combined. The first was the section of the illegitimacy law passed in 1917, declaring every child to be the legitimate child of its natural parents. This provision was excellent so far as it concerned the rights of the child to inheritance and support, but the sections of the law dealing with proof of paternity needed revision to make more readily applicable the benefit of the law legitimizing children born out of wedlock. The returns from the counties cited in this report indicate how infrequently such action was taken. An astonishingly large number of children of illegitimate birth taken under the permanent care of agencies were removed from the custody of the mother with no apparent attempt to apply the law in their behalf. In one year 237 children born out of wedlock from 43 counties were cared for by agencies supported by private funds and by payments made by the persons relinquishing children to them, whereas only 26 cases for determination of paternity and support of the child by the father were reported by the district courts of 27 counties. (See p. 68.)

The second law referred to, passed in 1919, was "An act making it unlawful to separate or cause to be separated any child under 6 months of age from its mother," etc. This contained the qualification that such separation should not occur "without written consent of the mother," which destroyed the apparent purpose of the act. The qualification was further unfortunate in that it appeared to place the sanction of law upon the custom of receiving children through parental release instead of through commitment by a court or other authorized public agency. In fact, 79 per cent of the children of illegitimate birth cared for by the four child-caring agencies in North Dakota within the period of the study were received from the mothers when less than 6 months of age. (See p. 64.)

CARE OF PHYSICALLY HANDICAPPED CHILDREN

According to the standards special care and educational opportunities for deaf, blind, and crippled children should be provided

in the public educational system, local or State. In North Dakota the State schools for the deaf and the blind furnished education and maintenance during the school term for children of school age. A small number of younger children had been given special training at State expense in a home for blind babies in another State. There was no local provision for training blind or deaf children, nor any special provision, State or local, for the training of crippled children. Some orthopedic treatment for crippled children had been provided through private funds. Some material concerning physically handicapped children which the agents of the children's bureau gathered in the course of the field study was sent to the North Dakota Children's Code Commission for possible use by them in their proposed inquiry into this problem. Because of its incomplete character, this material has not been incorporated in this report.

CARE OF MENTALLY DEFECTIVE CHILDREN

The standards recommend that the State should assume responsibility for thorough study of the extent of feeble-mindedness and subnormality in the school and general population. They also would require that adequate provision be made for mentally defective children in need of institutional care, although custodial care should not be resorted to if adjustment within the community is possible, and that special schools or classes with qualified teachers and adequate equipment be provided for such defective children as may be properly cared for outside of institutions. Further, it is asserted that it is the duty of the State to provide for supervision and after care of feeble-minded persons at large in the community, especially those paroled from institutions.

The Children's Bureau found the facilities for clinical study to determine mental condition very limited in North Dakota. Special training for subnormal or defective children was provided in only a few places. There was a long waiting list of children for whom application had been made for admission to the State institution for the feeble-minded. There were also numerous instances of feeble-minded persons whose condition apparently made it desirable that custodial care should be provided for them, or such supervision as would safeguard them and the community.

Because a more comprehensive study seemed desirable than could be made in connection with the Children's Bureau survey of State conditions relating to children in need of special care, it was suggested that the National Committee for Mental Hygiene be asked to study the prevalence of mental defect in the State and the need for further care and protection of children and adults so handicapped (see p. 2).

JUVENILE COURTS

The standards recommend a court organization in every locality providing for separate hearings of children's cases; a special method of detention for children, entirely apart from that provided for adult offenders; adequate investigation in every case, and provision for mental and physical examinations; supervision or probation by trained officers (such officers in girls' cases to be women); and a system of recording and filing social as well as legal information.

They also recommend that the procedure should be under chancery jurisdiction and that juvenile records should not stand as criminal records against the children; and in order to safeguard juvenile victims of sex offenses they favor the extension of the jurisdiction of the juvenile court to deal with adult sex offenders against children, or if these cases are dealt with in other courts, the exercise of special precautions for the protection of children. Whenever possible, according to the standards, such administrative duties as child placing and relief should not be required of the juvenile court but should be administered by agencies organized for that purpose.

North Dakota had a law (not yet in full force at the time of the bureau's study) apparently designed to offset the disadvantages of having the juvenile jurisdiction in a court (the district court) which serves a large number of counties. The juvenile commissioners provided for in the law had not been employed in all the judicial districts of the State. Their duties combined those of a referee, probation officer, investigator, and—in practice—general social worker to whom all types of complaints were made.

Undoubtedly there was much in this plan that had already proved of value, especially in dealing with delinquency problems in rural communities, and much that could be developed if an adequate number of commissioners or assistants are provided, or if some plan for social work in the counties is evolved. It is obviously impossible for the two or more commissioners in large districts to handle the work without local assistance in investigation, supervision, and efforts toward the prevention of juvenile delinquency. Even with the use of volunteer probation officers, which had been the custom, there was little evidence of effective probationary supervision.

Although in general the principles governing juvenile-court procedure were followed, there were, nevertheless, instances of formality in the hearings and other features that reverted to the procedure used in other types of court. In a number of counties children charged with serious or minor offenses were heard in regular sessions of the district court and in police courts. Records against such children were entered in the regular dockets of these courts.

Very few facilities for physical or mental examinations of children were available to the courts. There was no legal prohibition of jail detention of children, and detention in jails was not uncommon in the counties covered by the study. However, in general the commendable practice was followed of keeping children in their own homes pending hearing. With the possible exception of one or two of the largest counties, the numbers of children requiring detention were so small as to make the provision of special detention homes unnecessary. Arrangements for occasional detention in family boarding homes could doubtless be made in most cases.

Records in many courts were very inadequate. Offenses of adults against children were not under the jurisdiction of the juvenile court, but were handled through the formal procedure of the district court in public session (few cases of this nature were reported as having come before the North Dakota courts).

Because of the absence of agencies dealing with dependency cases, and sometimes in cities where such agencies were available, the juvenile commissioners frequently undertook to deal with this type of need.

SPECIAL NEEDS IN RURAL COMMUNITIES

The standards call for the application of the best principles of child care to rural needs, and for the adaptation of agencies for rural service to the needs of rural communities, with the county as the best administrative unit. The social work available to sparsely settled communities and rural sections in the largely rural State of North Dakota was limited almost entirely to the public-health nursing that reached the school children in a few rural districts. Except for public outdoor relief, assistance to families in necessitous circumstances was given only in the larger cities. Protection of children against destitution and neglect and organized effort for the prevention of juvenile delinquency in rural communities were needed. Resources for child-welfare work reaching into the remotest parts of the counties, and affording protection to city and country children alike should decrease the problem of dependency, neglect, and delinquency, and give to the handicapped child the special help needed to make him a useful member of the community.³

LEGISLATION NEEDED, AS INDICATED BY THE STUDY

The facts revealed by the North Dakota study indicated the need for State supervision over institutions and agencies and over placing out of dependent children, and for State supervision or promotion of the work of juvenile courts, probation, and parole from institutions. State regulation of the child welfare work of the State Humane Society, which received a small State subsidy, was also needed. The mothers' aid law required amendment to provide for some form of State supervision or assistance in its administration, and for raising the age to which aid might be granted to 16 years, in order to comply with compulsory school attendance and child labor laws. Changes in the law relating to "importation" of dependent children, which would place its administration under State auspices, were needed. The law in effect at the time of the study provided for a bond of \$500 to each county, apparently for any number of children brought in by a society, and left the matter entirely in the hands of the county officials.

Control of parental release of dependent children to the permanent custody of institutions or agencies, provision for investigation in adoption cases which would cover the need for removal from the custody of the parent or parents and conditions in the prospective adoptive home, prohibition of commitment of dependent children to the State training school, and regulation of the keeping of children in almshouses, were subjects on which legislative action was required.

A separate State training school for delinquent girls was urgently required. Boys and girls were kept in the same institution. The

³ Under the act for the promotion of the welfare and hygiene of maternity and infancy, enacted into law in 1921 (42 Stat. 135), each State which cooperates with the Federal Government receives \$5,000 outright, an additional \$5,000 is available to each State, if matched, and a further sum is distributed among the States on the basis of population. The work is directed particularly to the rural districts, isolated groups, or special elements among the population. Little or no work is done in the larger centers except for training or demonstration purposes, surveys, or consultation work. Child-health conferences and general health and nutrition work for children of preschool age and expectant mothers constitute the major activities. (See reports on the Promotion of the Welfare and Hygiene of Maternity and Infancy, U. S. Children's Bureau Publications Nos. 137, 146, and 156, Washington, 1924, 1925, and 1926.)

law relating to contributing to the delinquency of minors required amendment.

Changes in the nonsupport law were needed, and also in the law relating to the establishment of paternity of children of illegitimate birth, making that law more practicable and coordinating the earlier sections of the law with the last section, which provided for support as if born in wedlock.

It was desirable that training within the State, instead of in a distant State, should be provided for blind and deaf children under the age of admission to the State schools, and that provision for the treatment and training of crippled children should be made. Increase in the facilities for the care of mentally defective children in the State institution, and provision for public-school training of subnormal and defective children not requiring custodial care, were needed.

The creation of a new State board or official, or the designation of an existing State board, to have administration of laws relating to State supervision of institutions, maternity homes, and child placing, and to promote juvenile-court work throughout the State, was needed. The duties of such a board or official (who might be termed State commissioner of public welfare), should include the following:

Promotion of a constructive program of State public welfare, especially through encouragement of county organization of constructive social work.

Administration of laws relating to State supervision of agencies and institutions and placing out of dependent children.

Supervision of county administration of mothers' allowances, and possibly of poor relief.

Promotion of juvenile-court and probation work throughout the State.

The study also suggested the need for county superintendents of public welfare, whose duties might include the following:

Promotion and safeguarding of recreation.

Promotion of public-health activities.

Seeking out cases of dependency, delinquency, and defect, and building up preventive and reconstructive work.

Coordination of charitable effort in the county.

Service as probation officer for juveniles, when no other officer is provided in the county.

Service as parole officer for juveniles and adults released from all State institutions, including insane, feeble-minded, delinquent, etc.

Assistance to the county judge in the administration of mothers' allowances by investigation and supervision.

Assistance to the county commissioners in the administration of public relief to families.

Enforcement of school attendance laws, when no other officer is provided by the county or State.

Acting as agent of the State board of public welfare in the administration of laws relating to child protection.

LEGISLATION ENACTED IN NORTH DAKOTA IN 1923

As a result of the recommendations of the North Dakota Children's Code Commission, 25 bills were submitted to the legislature, which

enacted 20 of them into law. The most important law provided for making effective the child-protective measures existing or recommended for enactment by extending the powers and duties of the State board of administration, the agency controlling State institutions. This board was given power to license and supervise maternity hospitals and homes and child-helping and child-placing organizations; to investigate adoptions and homes in which children are placed for permanent care; to accept the guardianship of children committed to its care by courts; to cooperate with the juvenile courts in investigations and upon request of the courts to act as probation officers and assist in establishing standards of juvenile-court administration; to cooperate with county courts in the administration of the mothers' pension law; to obtain the enforcement of laws relating to children of illegitimate birth, child labor laws, desertion and nonsupport laws, and other laws for the protection of children; to cooperate with the superintendent of public instruction and the county superintendent of schools in the enforcement of the compulsory education law; to receive and provide for feeble-minded persons committed to its guardianship by courts; to act as parole officers of juveniles on request of courts or institutions; to inquire into such home and community conditions as tend to promote delinquency and neglect; and to promote remedial or preventive measures.⁴

Other important bills passed related to the following:⁵

1. Provision for enforcing parental responsibility for the support of children born out of wedlock.⁶

2. Amendment of the mothers' pension law, raising the age to 16 years⁷ and making certain other changes.

3. Prohibition of the assumption of permanent care of children by any person other than the parents or relatives, or by any partnership, association or corporation, except upon court order or decree.

4. Amendment of the laws dealing with adoption of children, providing for notice to the State board of administration, investigation by the board, and a six-month trial period.

5. Definition and regulation of maternity hospitals, providing for licensing, and prohibiting maternity hospitals from disposing of infants by placing them in family homes for adoption or otherwise.

6. Prohibition of the placing out of children by maternity hospitals, maternity homes, or private persons without a license from the State board of administration.

7. Licensing and regulation of homes and institutions caring for more than three children under 18 years of age.

8. Licensing and regulation of persons or corporations engaged in the placement of children in family homes for permanent or temporary care.

9. Amendment of the law relating to the bringing of dependent children into the State or taking them from the State, placing the jurisdiction in the hands of the State board of administration instead of the county officials as before.

⁴ For text of the law, see Appendix A, p. 109. Upon the enactment of this law a child-welfare bureau was organized (July 1, 1923) as a division of the State board.

⁵ For text of the laws, see Appendix A, p. 109.

⁶ This law is substantially the uniform illegitimacy act drafted by the National Conference of Commissioners on Uniform Laws. (Appendix A, p. 117.) The law declaring every child to be the legitimate child of its natural parents was repealed.

⁷ In 1925 the age was reduced to 15.

10. Provision for the care and treatment of crippled children through arrangement made by the State board of administration with hospitals within the State equipped to give the necessary medical and surgical service.

11. Prohibition of the placing of dependent children in almshouses or in institutions in which delinquent children are kept.⁸

12. Incorporation of societies for the care and placement of children.

13. Abandonment or neglect of wife or child and nonsupport of family.

14. Indecent liberty with person of a child.

15. Amendment of the act relating to the rights of both parents to the custody, services, and earnings of a legitimate unmarried minor child.

16. Amendment of the act relating to abandonment of children.

The bills which failed to pass dealt with the following matters:

1. Appointment of county child-welfare boards to act for the State board of administration in furthering the interests and welfare of all children in the county.⁹

2. Creation of a juvenile-research bureau in connection with the State university.

3. Regulation of the employment of children in street trades.

4. Commitment and care of the feeble-minded.

5. Amendment of the juvenile court act.

The four bills listed as 2, 3, 4, and 5 passed the upper house of the legislature.¹⁰

⁸ See footnote 9, p. 8.

⁹ This bill failed of passage in the senate. For text, see Appendix B, p. 122.

¹⁰ Laws enacted in 1925 in North Dakota concerning the welfare of children relate to the administration of mothers' allowances (Laws of 1925, ch. 165); the regulation of public dance halls (*ibid.*, ch. 128), and the State training school, raising the maximum age of commitment to this institution from 20 to 21 years and otherwise amending the law governing the institution (*ibid.*, ch. 196). The appropriation to the board of administration for the administration of child-welfare laws was \$11,000 for the biennium July 1, 1925, to June 30, 1927 (*ibid.*, ch. 17).

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APPENDIXES

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APPENDIX

Appendix A.—LAWS RELATING TO CHILD WELFARE ENACTED IN NORTH DAKOTA IN 1923

POWERS AND DUTIES OF BOARD OF ADMINISTRATION

Powers and duties.—In addition to the other duties prescribed by law the board of administration shall have the following duties and powers:

(a) To license, supervise, and regulate hospitals and lying-in places, which receive women for maternity care, homes and institutions receiving children for temporary or permanent care, and all other child-helping and child-placing organizations (except such hospitals, institutions, or organizations as are fully supported by, and under, the direction, control, and management of the State):

(b) To investigate the homes into which children are placed for permanent care or adoption, and to withdraw all such children who are found to be in unsuitable homes:

(c) To investigate petitions for the adoption of children, as such petitioners are referred by courts of competent jurisdiction to the board, and to report to such courts as to the suitability of the home and the child each to the other:

(d) To accept the guardianship of the persons of children who may be committed to its care by courts of competent jurisdiction as neglected, delinquent, dependent, or defective, and to make such provision for children so committed, as are within the resources of the board, and as will afford them proper care and protection:

(e) To cooperate with the juvenile courts of the State in the investigation of all cases of delinquency, dependency, and neglect, to act upon requests of such courts as probation officers, and to assist in the establishing of uniform, humane, and efficient standards of juvenile court administration:

(f) To cooperate with county commissioners or the county courts of the State in the administration of the (county allowance) mother's pension law by investigation, upon request of such courts, or county commissioners, of all applications for such allowance, by friendly visiting and supervision after such allowances have been granted, and to assist in the establishment of the most enlightened standards of administration:

(g) To secure the enforcement of laws relating to the establishment of the paternity of illegitimate children and the fulfillment of the maternal and paternal obligation toward such children; to assist the unmarried pregnant woman and unmarried mother in such ways as will protect the health, well-being, and general interests of her child:

(h) To secure the enforcement of the child labor laws, laws relating to sex offenses involving children, cruelty to and abuse of children, and the contributing by adults to the delinquency and neglect of children, and laws relating to the nonsupport and desertion of children:

(i) To cooperate with the superintendent of public instruction and the county superintendent of schools in the enforcement of the compulsory education law:

(j) To receive and provide for such feeble-minded persons as may be committed to its guardianship by courts of competent jurisdiction:

(k) To cooperate with the boards of county commissioners in the selection of child-welfare workers and boards:

(l) To act as parole officers of juveniles upon the request of courts or of superintendents of institutions of the state to which dependent, neglected, handicapped, or delinquent children may be committed:

(m) To secure the enforcement of all laws for the protection of neglected, dependent, delinquent, illegitimate, and defective children, and those in need of the special care and guardianship of the State, to take the initiative in

protecting and conserving the rights and interests of such children, to inquire into such home and community environmental conditions as tend to create delinquency and neglect and to promote such remedial or preventive measures as will strengthen parental responsibility and stimulate wholesome community life, and to perform such other duties as may be conferred upon the board by the laws and statutes of this State. [Laws of 1923, ch. 150, sec. 1.]

Salaries and expenses.—The board shall have authority to employ and fix the salary of an executive officer and such agents as shall be necessary to carry out the purpose of this act, and to pay such expenses as are incidental to the performance of such duties. [Ibid., sec. 2.]

Repeal.—All acts or parts of acts inconsistent herewith are hereby repealed. [Ibid., sec. 3.]

ADOPTION

Consent; notice; hearing.—Except as herein provided no adoption of a minor child shall be permitted without the consent of its parent or parents, but the consent of a parent who has abandoned the child, or can not be found, or who is insane or otherwise incapacitated from giving consent, or who has lost custody of the child through divorce proceedings or the order of a juvenile court, may be dispensed with, and consent may be given by the guardian, if there be one, or if there be no guardian by the board of administration. In case of illegitimacy the consent of the mother shall suffice; provided, however, that her consent may be dispensed with for any of the reasons hereinbefore stated.

When the parents of any minor child are dead, or have abandoned it, and can not be found, and such child has no duly appointed guardian in the State, the court shall order a hearing with three weekly published notices to be given, the last publication to be at least ten days before the time set for the hearing. In every such case the court shall cause such further notice to be given to the known kindred of the child as shall appear to be just and practicable; provided, that if there be no duly appointed guardian, a parent who has lost custody of the child through divorce proceedings, and the father of an illegitimate child who has acknowledged its paternity in writing, or against whom paternity has been duly adjudged, shall be served with notice in such manner as the court shall direct in all cases where the residence is known or can be ascertained. [Comp. Laws 1913, sec. 4444, as amended and reenacted by Laws of 1923, ch. 151, sec. 1.]

Jurisdiction; petition; notice to board of administration; investigation and report; trial residence; records.—Any person may petition the district court, or county court having increased jurisdiction, in the county in which he is a resident, for leave to adopt a minor child, and if desired for a change of the child's name. Such petition by a person having a husband or wife shall not be granted unless the husband or wife joins therein.

Upon the filing of such petition the court shall require notice to be sent to the board of administration, together with a copy of the petition so filed. It shall then be the duty of the board to verify the allegations of the petition; to investigate the conditions and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption; and to make proper inquiry to determine whether the proposed foster home is a suitable home for the child. The board shall as soon as practicable submit to the court a full report in writing with a recommendation as to the granting of the petition and any other information regarding the child or the proposed foster home which the court shall require, and no petition shall be granted until the child shall have lived for six months in the proposed foster home; provided, however, that such investigation and period of residence may be waived by the court in exceptional cases upon good cause shown and when the court is satisfied that the proposed home and the child are suited to each other. Provided, that in all such cases the board shall receive notice of the filing of the petition and a copy thereof, together with the order of the court waiving investigation.

The files and records of the court in adoption proceedings shall not be open to inspection or copy by other persons than the parties interested and their attorneys and representatives of the board of administration, except upon an order of the court expressly permitting the same. [Ibid., sec. 4446, as amended and reenacted by Laws of 1923, ch. 151, sec. 2.]

Repeal.—All acts or parts of acts in conflict herewith are hereby repealed. [Laws of 1923, ch. 151, sec. 3.]

TRANSFER OF RIGHTS IN CHILDREN

Assignment of children prohibited.—No person, partnership, voluntary association, or corporation, other than the parents or relatives of a child, may assume the permanent care and custody of a child under the age of eighteen years, unless authorized so to do by an order or decree of a district court having jurisdiction. No parent shall assign, or otherwise transfer his rights or duties with respect to the care and custody of his child under eighteen years of age, and any such transfer or assignment, written or otherwise, hereafter made shall be void. Provided, that this section shall not affect the right of the parent to consent in writing to the legal adoption of his child, but such written consent shall not operate to transfer any right in the child in the absence of a decree by the district court. [Laws of 1923, ch. 152, sec. 1.]

Repeal.—Chapter 77, Laws of 1919, and all other acts or parts of acts inconsistent herewith, are hereby repealed. [Ibid., sec. 2.]

Penalty.—Any person who violates any of the provisions of this act shall upon conviction be guilty of a misdemeanor. [Ibid., sec. 3.]

MOTHERS' PENSIONS

Allowance to mothers.—In every county in the State of North Dakota any mother who has one or more children under the age of sixteen years,¹ who are dependent upon her for support, shall receive an allowance of fifteen dollars a month for each such child, or such portion of it as becomes necessary for the support of each such child, such sum to be paid out of the county treasury as hereinafter provided. Said dependency of child or children must be due to death of father or his inability or unfitness to support them by reason of physical or mental ailment or to his confinement in a penal institution, when such inability extends over a period of at least six months. [Laws of 1915, ch. 185, sec. 1, as amended and reenacted by Laws of 1923, ch. 156, sec. 1.]

Conditions of allowance.—Such allowances shall be made by the county court^a only with the approval of the county commissioners and only upon the following conditions:

- (1) The child or children for whose benefit the allowance is made must be living with the mother;
- (2) The allowance shall be made only when in its absence the mother would be unable to maintain a suitable home for her children;
- (3) The mother must in the judgment of the county court be a proper person morally, physically, and mentally for the bringing up of her children;
- (4) When the allowance shall be necessary in the judgment of the county court to save the child or children from neglect;
- (5) When the mother has been a resident of the county in which the application is made at least one year previous to the making of such application;
- (6) When the mother is a citizen of the United States, or has legally declared her intention to become a citizen;
- (7) When it appears that any mother, whose children are dependent by reason of the nonsupport, abandonment or desertion of her husband for six months or longer, has made criminal complaint against such husband, or father of the children, and has assisted and will continue to assist in all reasonable efforts to locate and to prosecute him.
- (8) When it appears that the father of the dependent children is physically or mentally unable or unfit to support them, he must be under proper and reasonable treatment for the possible removal of such defect.
- (9) Each applicant under this act shall make a full disclosure of all of her real and personal property, if any, and shall not be eligible for an allowance when in the opinion of the court she has sufficient real and personal property to provide for the needs of her children.
- (10) If the county court finds that the funds allowed under this act are not judicially [sic] used it may order the allowance made in supplies and provisions in which case it shall be administered by the county child-welfare board, if

¹ By an amendment of 1925 this age has been reduced to 15 years. N. Dak., Laws of 1925, ch. 165, sec. 1.

^a By an amendment of 1925 the administration of the law is placed under the county commissioners.

there be one, or by some proper person appointed by the court.² [Ibid., sec. 2.]

When allowance shall cease.—When any child shall reach the age of sixteen years any allowance made to such mother for the benefit of such child shall cease. [Ibid., sec. 3.]

Investigation.—Before making any order of allowance under this act it shall be the duty of the court, either through the judge in person or a probation officer designated for that purpose, to make inquiry as to all the points necessary to establish the right to such allowance, and particularly to inquire whether the surroundings of the household, including its members, are such as to make for the good character of children growing up therein; to ascertain all the financial resources of the family, including the ability of its members of working age to contribute to its support, and if need be to urge upon such members, their proper contribution; to take all lawful means to secure support for the family from relatives under legal obligation to render such support; to ascertain the ability of other relatives to assist the family, and to interview individual societies and other agencies which may be deemed appropriate sources of such assistance. Every family to which an allowance has been made shall be visited at its home by a representative of the court at least once in three months, and after each visit the person making the same shall make and keep on file as a part of the official record of the case a detailed statement of the condition of the home and family, and all other data which may assist in determining the wisdom of the allowance granted and the advisability of its continuance. [Ibid., sec. 4.]

Duties of county officers.—In each case where an allowance is made under the provisions of this act and approved by the board of county commissioners an entry to that effect shall be made upon the records of the county court making such allowance, and the county judge shall notify the county commissioners, county auditor, and county treasurer that such allowance will be made, and it shall be the duty of such officers to make provision for paying such allowance monthly until notified by the court that it shall be discontinued. [Ibid., sec. 5.]

Application; hearing.—Applications shall be made in writing to the county court by a person desiring aid or by some citizen in her behalf, stating her residence, whether the applicant is a citizen or has declared her intention to become a citizen, the number of dependent children, their ages, and a detailed statement of her real and personal property, if any, and of her income, if any, together with an estimate of her probable needs in order to maintain her home. The court shall set a day for a hearing, giving notice in writing to the county commissioner of the district in which such woman resides, and to the county child-welfare board, if there be one. The hearing shall be not less than fifteen days from the date of such notice. Any interested taxpayer may file a statement with the court, or may appear in person on the day set for the hearing, in support of, or protest against, the granting of such application, and may appeal to the district court for reversal or modification of the action of the county court or³ the Board of County Commissioners on such application. [Ibid., sec. 6.]

Duties of board of administration.—It shall be the duty of the board of administration to promote efficiency and uniformity in the administration of this act, and to that end it shall advise and cooperate with county courts with respect to methods of investigation, oversight and record keeping; shall in cooperation with the county judges advise, recommend and distribute blank forms and shall assist the county judges in such other ways as may be requested by them. [Ibid., sec. 7.]

Purpose of act.—The purpose of this act is hereby declared to be to enable the State and its several counties to cooperate with the responsible mothers in rearing future citizens. The court may at any time alter, modify, or discontinue any allowance granted whenever it shall appear that such purpose is not being fulfilled. It is the further purpose of this act to provide permanent aid to such mothers and their children as come within its provisions. All temporary aid shall be granted under such laws as exist for that purpose. [Ibid., sec. 8.]

² By an amendment of 1925 the words "appointed by the court" are replaced by the words "appointed by the commissioners" (N. Dak., Laws of 1925, ch. 165, sec. 2, subdiv. 10).

³ By an amendment of 1925 the words "the county court or" are omitted (N. Dak., Laws of 1925, ch. 165, sec. 6).

Cancellation.—All mothers' pensions granted prior to the time of the taking effect of this article, under the laws now enforced, are by this act cancelled and no further payments shall be made thereunder. [Ibid., sec. 9.]

Penalty for violation.—Any person fraudulently procuring or attempting to procure an allowance under this act shall be guilty of a misdemeanor, unless the fraudulent act shall constitute a felony under the laws of the State. [Ibid., sec. 10.]

IMPORTATION AND EXPORTATION OF CHILDREN

Importation of children.—Any person, partnership, voluntary association, or corporation which undertakes to bring or send children from any State into this State for placement in family homes, shall first procure a license from the board of administration and file with that board a bond to the State in the sum of one thousand dollars, to be approved by the attorney general, conditioned that no child will be brought into the State who is incorrigible, unsound of mind or body, or likely to become a public charge; that any child so brought in will be promptly removed upon notice from the board; that upon the placing of children brought into the State in family homes a report will be made to the board; and that all the provisions of the statutes relating to the placement of children will be complied with. Provided, however, that this section shall not apply to a resident of the State who personally brings a child into the State for permanent care or adoption into his own family, except that in such case he shall report to the board his own name and address, the name of the child, and the name and address of the person, organization, or institution from which the child was received. [Laws of 1923, ch. 159, sec. 1.]

Exportation of children.—No person, partnership, voluntary association, or corporation shall take or send any child out of the State for placement in a family home in another State without first securing the consent of the board of administration so to do, and without first reporting to that board the name and address of any child so taken or sent and the name and address of the family which is to receive the child, together with such information concerning the family and the child as the board may require. Provided, however, that this section shall not apply to a parent who personally removes his child from the State. [Ibid., sec. 2.]

Penalty.—Any person who violates any of the provisions of this act shall be guilty of a misdemeanor. [Ibid., sec. 3.]

Repeal.—Sections 5103 and 5108 of the Compiled Laws for 1913, and all acts or parts of acts inconsistent herewith are hereby repealed. [Ibid., sec. 4.]

CHILDREN'S HOMES

License required.—Any person, partnership, voluntary association, or corporation which owns or operates a home or institution receiving, during the calendar year, more than three children under the age of eighteen years, shall procure annually from the board of administration a license so to do; provided, however, that this act shall not apply when the children received by such person are related to him by blood or marriage; and provided, further, that this act shall not apply to any home or institution under the management and control of the State. [Laws of 1923, ch. 161, sec. 1.]

License, how granted.—Licenses under this act shall be granted by the board of administration and shall be in force and effect for a period not exceeding one year. Such licenses shall be issued to reputable and responsible persons upon a showing that the premises to be used are in fit sanitary condition and properly equipped to provide good care for all children who may be received. It shall also appear that the persons in active charge of such a home or institution, and their assistants, are properly qualified to carry on efficiently the duties required of them; that such home or institution is likely to be conducted for the public good in accordance with sound social policy, and with due regard to the health, morality, and well-being of all children cared for therein; and that the institution or home will be maintained according to the standards prescribed for its conduct by the rules and regulations of the board. [Ibid., sec. 2.]

License, how revoked.—The board of administration shall have authority to revoke the license of any home or institution upon a proper showing that any of the conditions set forth in section 2 as prerequisites for the issuance

of the license, no longer obtain, or that the license was issued upon fraudulent or untrue representations; or that the owner or proprietor of such home or institution has violated any of the rules and regulations of the board of administration, or has been guilty of the violation of any law of the State disclosing moral turpitude. [Ibid., sec. 3.]

License; hearing when denied.—Before any application for a license under the provisions of this act shall be denied, or before revocation of any such license shall take place, written charges as to the reasons therefor shall be served upon the applicant or licensee, who shall have the right to a hearing before the board of administration, if such hearing is requested within ten days after service of the written charges. [Ibid., sec. 4.]

Appeal.—There shall be an appeal to the district court from any decision of the board of administration denying an application or revoking a license. The procedure of such appeal shall be the same as far as applicable as in the case of appeal from a decision of the board of county commissioners. The written notices and decisions shall be treated as pleadings. The appeal may be brought on for hearing summarily by an order to show cause. Either party may appeal to the supreme court within five days after notice of filing the decision in the manner provided for appeals in a civil action. No revocation shall be effective until the determination of an appeal. [Ibid., sec. 5.]

Authority of board of administration.—The board of administration may prescribe forms for the registration and record of all children cared for in any home or institution licensed under this act, and shall make such reasonable rules and regulations for the conduct of such place as are necessary to carry out the purposes of this act. The board and its authorized agents, may inspect such licensed premises at any time, and shall have full and free access to every part thereof. All records shall be open for their inspection and they shall have authority to see and interview all children cared for therein. [Ibid., sec. 6.]

Records protected.—No agent of the board shall disclose the contents of the records of homes or institutions licensed under this act, or of reports which may be received therefrom, except in a judicial proceeding, or to officers of the law or other legally constituted boards of agencies, or to persons having a definite interest in the well-being of the child or children concerned and who are in a position to serve their interests should that be necessary. [Ibid., sec. 7.]

Acts prohibited.—No licensee under the provisions of this act shall hold himself out as having authority to dispose of any child, or advertise that he will give children for adoption, or hold himself out, directly or indirectly, as being able to dispose of children, unless he shall have been expressly licensed so to do by the Board of Administration in accordance with law. [Ibid., sec. 8.]

Penalty.—Every person who violates any of the provisions of this act shall upon conviction be guilty of a misdemeanor. [Ibid., sec. 9.]

Repeal.—Chapter 183, Session Laws of 1915, and all acts or parts of acts inconsistent herewith, are hereby repealed. [Ibid., sec. 10.]

PLACING OF CHILDREN IN FAMILY HOMES

License required.—Any person, partnership, voluntary association, or corporation, which undertakes to place children in family homes for temporary or permanent care, shall procure annually from the State board of administration a license so to do, and shall be known, and is hereinafter referred to, as a child-placing agency. [Laws of 1923, ch. 162, sec. 1.]

License, how granted.—Licenses for the conduct of child-placing agencies shall be issued by the board of administration upon application and shall be granted for a period not exceeding one year. Such licenses shall be issued 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. [Ibid., sec. 2.]

License, how revoked.—The board of administration shall have the authority to revoke the license of any child-placing agency upon a proper showing that any of the conditions set forth in section 2 as prerequisites for the issuance of the license no longer obtain, or that the license was issued upon fraudulent

or untrue representations, or that the licensee has violated any of the rules and regulations of the board of administration, or has been guilty of the violation of any State law disclosing moral turpitude. [Ibid., sec. 3.]

License, hearing when denied.—Before any application for license to conduct a child-placing agency shall be denied, or before the revocation of any such license shall take place, written charges as to the reasons therefor shall be served upon the applicant or licensee, who shall have the right to a hearing before the board if such a hearing is requested within ten days after service of the written charges. [Ibid., sec. 4.]

Appeal.—There shall be an appeal to the district court from any decision of the board denying an application or revoking a license. The procedure on such appeal shall be the same so far as applicable as in the case of appeal from a decision of the board of county commissioners. The written notices and decisions shall be treated as pleadings. The appeal may be brought on for hearing summarily by an order to show cause. Either party may appeal to the supreme court within five days after notice of filing the decision in the manner provided for appeals in a civil action. No revocation shall be effective until the determination of an appeal. [Ibid., sec. 5.]

License, form.—The license shall state the name of the licensee and his address, shall set forth the number of children who may be placed by such licensee during the terms for which the license is issued, and shall indicate whether the licensee is authorized to find temporary or permanent homes for children, or both. [Ibid., sec. 6.]

Authority of board of administration.—The board of administration may prescribe the forms for the registration and record of children placed by such child-placing agency, and shall make such reasonable rules and regulations in connection with such placements as are necessary to carry out the purposes of this act. All records shall be open to the inspection of the board. [Ibid., sec. 7.]

Duties of licensees.—Every licensee shall keep a full record and social history of each child received for placement and a similar record and history of his family. No child shall be placed in any foster home until adequate investigation has been made as to the suitability of the proposed foster parents and their home surroundings. The licensee shall report to the board of administration the name and address of each child to be placed in a permanent foster home, the name and address of the proposed foster parents, and such other facts and information as shall be requested by the board. It shall thereupon be the duty of the board to visit the proposed foster home and make such other inquiries and investigations as may be necessary to ascertain whether the home is a suitable one for the child, and shall continue to visit and supervise in such manner as it may deem necessary. Whenever satisfied that a child has been placed in an unsuitable home the board may order its return to the agency which has placed it, and if such order is not obeyed within thirty days it may revoke the license of the agency so placing and shall itself take charge of, and provide for, the child. [Ibid., sec. 8.]

Placement contract.—Every child-placing agency, upon placing a child in a foster home, shall enter into a written agreement with the persons taking the child, which shall provide that the placing agency shall have access at all reasonable times to such child, and to the home in which he is living, and for the return of the child to the placing agency whenever in the opinion of such agency, or of the board of administration, the best interest of the child shall require. [Ibid., sec. 9.]

Penalty.—Every person who violates any provision of this act shall upon conviction be guilty of misdemeanor. [Ibid., sec. 10.]

Repeal.—Chapter 183 of the Session Laws of 1915, and all acts or parts of acts inconsistent herewith, are hereby repealed. [Ibid., sec. 11.]

BABY FARMING

License required.—It shall be unlawful for any midwife, or other person or corporation, maintaining a maternity hospital, or lying-in hospital, or for any private midwife or nurse, or any other person or corporation caring for children, to place children in family homes for adoption, or otherwise, without a license so to do from the board of administration. [Comp. Laws 1913, sec. 9607, as amended and reenacted by Laws of 1923, ch. 163, sec. 1.]

Penalty.—Any person who violates the provisions of Section 9607, Compiled Laws for 1913, shall upon conviction be guilty of a misdemeanor. [Ibid., sec. 9608, as amended and reenacted by Laws of 1923, ch. 163, sec. 2.]

MATERNITY HOSPITALS

License required.—Any person, partnership, voluntary association, or corporation, which owns or operates a maternity hospital, as hereinafter defined, shall secure annually from the board of administration a license so to do. [Laws of 1923, ch. 164, sec. 1.]

Maternity hospital defined.—A maternity hospital is defined as any hospital, or other premises, where more than one woman is received during any period of six months for shelter, care, or treatment during pregnancy, or delivery, or within ten days after delivery; provided, that this act shall not apply to any hospital, or other premises, owned or operated by the State. [Ibid., sec. 2.]

Licenses, to whom granted.—Licenses for the operation of maternity hospitals shall be issued by the board of administration and shall be in force and effect for a period not exceeding one year. Licenses shall be granted to reputable and responsible persons upon a showing that the premises to be used as a maternity hospital are in fit sanitary condition and properly equipped to provide good care and treatment. It also shall appear that the persons in active charge of the hospital, and their assistants, are qualified by training and experience to carry on efficiently the duties required of them; that the hospital is likely to be conducted for the public good, and in accordance with sound social policy; and that the health and well-being of the infants born therein, and the health, morality, and well-being of the parties treated therein, will be properly safeguarded. [Ibid., sec. 3.]

License, revocation.—The board of administration shall have authority to revoke a license of any maternity hospital upon a proper showing that any of the conditions set forth in section 3 as prerequisites for the issuance of the license no longer obtain, or that the license was issued upon fraudulent or untrue representations or that the owner or operator of such hospital has violated any of the rules and regulations of the board, or has been guilty of the violations of any law of the State disclosing moral turpitude. Before any application for license to conduct a maternity hospital shall be denied or before revocation of any such license shall take place, written charges as to the reasons therefor shall be served upon the applicant or licensee, who shall have the right to a hearing before the board, if such hearing is requested within ten days after service of the written charges. [Ibid., sec. 4.]

Appeal.—There shall be an appeal to the district court from any decision of the board denying an application or revoking a license. The procedure on such appeal shall be the same so far as applicable as in the case of appeal from a decision of the board of county commissioners. The written notices and decisions shall be treated as pleadings. The appeal may be brought on for hearing summarily by an order to show cause. Either party may appeal to the supreme court within five days after notice of filing the decision in the manner provided for appeals in a civil action. No revocation shall be effective until the determination of an appeal. [Ibid., sec. 5.]

Form of license.—The license shall state the name of the licensee, designate the premises to which the license is applicable, and the number of patients who may be received in such premises at any one time. [Ibid., sec. 6.]

Regulation by board of administration.—The board of administration may prescribe forms for the registration and record of persons cared for in maternity hospitals and shall make such reasonable rules and regulations for the conduct of such hospitals as are necessary to carry out the purposes of this act. The board and its authorized agents may inspect such hospitals at any time and shall have full and free access to every part thereof. The records shall be open for their inspection and they shall have authority to see and interview patients therein. [Ibid., sec. 7.]

Attendance on births.—Every birth occurring in a maternity hospital shall be attended by a legally qualified physician or midwife. The licensee of the hospital shall report to the board of administration all births occurring within the hospital. These reports shall be made within twenty-four hours after the birth occurs and on blanks to be provided by the board for that purpose. [Ibid., sec. 8.]

Records protected.—No agent of the board of administration or of any board of health, or the licensee, shall disclose the contents of the records of maternity hospitals or of the reports received therefrom, except in a judicial proceeding, or to officers of the law or other legally constituted boards of agencies or to persons having a direct interest in the well-being of the patient, or her infant, and in a position to serve their interests should that be necessary. [Ibid., sec. 9.]

Disposing of infants prohibited.—No licensee of a maternity hospital shall undertake, directly or indirectly, to dispose of infants by placing them in family homes for adoption or otherwise. No licensee as an inducement to a woman to go to any maternity hospital for confinement care shall in any way offer to dispose of any child, or advertise that he will give children for adoption or hold himself out, directly or indirectly, as being able to dispose of children. [Ibid., sec. 10.]

Penalty.—Every person who violates any of the provisions of this act, or who makes any false statements on reports to the board of administration shall upon conviction be guilty of a misdemeanor. [Ibid., sec. 11.]

Repeal.—Chapter 183 of the Laws of 1915, and all other acts or parts of acts inconsistent herewith, are hereby repealed. [Ibid., sec. 12.]

UNIFORM ILLEGITIMACY ACT ⁴

Obligation of parents.—The parents of a child born out of wedlock and not legitimated (in this act referred to as "the child") owe the child necessary maintenance, education, and support. The parents are liable for the child's funeral expenses. The father is also liable for the expenses of the mother's pregnancy and confinement. The obligation of the parents to support the child under the laws for the support of poor relatives applies to children born out of wedlock. [Laws of 1923, ch. 165, sec. 1.]

Recovery by mother from father.—The mother may recover from the father a reasonable share of the necessary support of the child. In the absence of a previous demand in writing, served personally or by registered mail addressed to the father at his last known residence, not more than two years' support furnished prior to the bringing of the action may be recovered from the father. [Ibid., sec. 2.]

Recovery by others than mother.—The obligation of the father as herein provided creates also a cause of action on behalf of the legal representatives of the mother, or on behalf of third persons furnishing support or defraying the reasonable expenses thereof, where paternity has been judicially established by proceedings brought by the mother by or on behalf of the child, or by the authorities charged with its support, or where paternity has been acknowledged by the father in writing or by the part performance of the obligations imposed upon him. [Ibid., sec. 3.]

Discharge of the father's obligation.—The obligation of the father other than under the laws providing for the support of poor relatives is discharged by complying with a judicial decree for support or with the terms of a judicially approved settlement. The legal adoption of the child into another family discharges the obligation for the period subsequent to the adoption. [Ibid., sec. 4.]

*Liability of the father's estate.*⁵—The obligation of the father where his paternity has been judicially established in his life time, or has been acknowledged by him in writing, signed in the presence of two witnesses and the execution of which has been acknowledged by him in addition before an officer authorized to take acknowledgments, is enforceable against his estate and in such an amount as the court may determine, having regard to the age of the child, the ability of the mother to support it, the amount of property left by

⁴ This is substantially the same as the uniform illegitimacy act approved by the National Conference of Commissioners on Uniform State Laws at its annual meeting in 1922, and recommended to the legislatures of the various States. Attention is called by footnotes to sections wherein the North Dakota law differs from this act.

⁵ In the uniform act (see footnote 4, p. 117) this section is: "The obligation of the father, where his paternity has been judicially established in his life time, or has been acknowledged by him in writing or by the part performance of his obligations, is enforceable against his estate in such an amount as the court may determine, having regard to the age of the child, the ability of the mother to support it, the amount of property left by the father, the number, age, and financial condition of the lawful issue, if any, and the rights of the widow, if any. The court may direct the discharge of the obligation by periodical payments or by the payment of a lump sum."

the father, the number, age, and financial condition of the lawful issue, if any, and the rights of the widow, if any. The court may direct the discharge of the obligation by periodical payments or by the payment of a lump sum. [Ibid., sec. 5.]

Complainants.—The proceeding to compel support may be brought by the mother, or, if the child is or is likely to be a public charge, by the authorities charged with its support. After the death of the mother or in case of her disability, it may also be brought by the child, acting through its guardian or next friend. If the proceeding is brought by the public authorities, the mother if living shall be made a party defendant. [Ibid., sec. 6.]

Time of bringing complaint.—The proceedings may be instituted during the pregnancy of the mother or after the birth of the child, but, except with the consent of the person charged with being the father, the trial shall not be had until after the birth of the child, unless such person wishes to admit the truth of the accusation.⁶ [Ibid., sec. 7.]

Complaint, where brought.—The complaint may be to any judge or magistrate having power to commit for trial. [Ibid., sec. 8.]

Form of complaint.—The complaint shall be in writing or oral, and in the presence of the complainant reduced to writing by the judge or the clerk of court. It shall be verified by oath or affirmation of complainant. [Ibid., sec. 9.]

Substance of complaint.—The complainant shall charge the person named as defendant with being the father of the child and demand that he shall be brought before the judge to answer the charge. [Ibid., sec. 10.]

Process.—The judge shall issue his warrant for the apprehension of the defendant, directed to any officer in the State authorized to execute warrants, and such warrant may be executed in any part of the State. With the consent of a complainant, a summons may be issued in the first instance as in other civil cases, instead of a warrant, which summons shall be personally served. [Ibid., sec. 11.]

Preliminary hearing.—Upon the return of the warrant or the summons showing service on the defendant the judge before whom the complaint was made, or any other judge sitting for him, shall proceed to examine the complainant and other witnesses and receive any other evidence that may be produced touching the charge, unless the defendant shall admit the truth of the charge in which case the court shall proceed to hear such evidence as may be necessary and to enter judgment against the defendant declaring paternity and for the support of the child. At any such preliminary hearing the court shall exclude the general public from the room where such trial or hearing is had, admitting only the persons interested directly in the case, including officers of the court and witnesses.⁷ The defendant shall have a right to be present at the examination and to contravert the charges if he so desires. The examination shall be reduced to writing. [Ibid., sec. 12.]

Result of hearing.—If the examination fails to show probable cause, the defendant shall be discharged without prejudice to further proceedings. If the examination shows probable cause, the judge shall bind the defendant in bond or recognizance, with sufficient security, to appear at the next term of the district court to be held in the county. On neglect or refusal to furnish such security, he shall commit the defendant to jail to be held to answer the complaint. The warrant, the examination reduced to writing, and the security, shall be returned to the district court. [Ibid., sec. 13.]

Continuance of trial.—If the child is not born at the time set for trial, the case shall, unless the defendant consents to trial, be continued until the child is born, and the defendant shall remain bound or held until trial. [Ibid., sec. 14.]

Trial.—The trial shall be by jury, if either party demands a jury, otherwise by the court, and shall be conducted as in other civil cases. [Ibid., sec. 15.]

Absence of defendant.—If the defendant fails to appear, the security for his appearance shall be forfeited and shall be applied on account of the pay-

⁶ The uniform illegitimacy act (see footnote 4, p. 117) does not contain the words "unless such person wishes to admit the truth of the accusation."

⁷ In the uniform act (see footnote 4, p. 117) this section to this point is as follows: "Upon the return of the warrant, or upon return of the summons showing service on the defendant, the judge or magistrate before whom the complaint was made, or, in his absence, any other judge or magistrate having power to commit, shall proceed to examine the complainant and any other witnesses and receive any other evidence that may be produced, touching the charge."

ment of the judgment, but the trial shall proceed as if he were present; and the court shall upon the findings of the judge, or the verdict of the jury, make such orders as if the defendant were in court. [Ibid., sec. 16.]

Effect of death or absence or insanity of mother.—If after the complaint the mother dies or becomes insane or can not be found within the jurisdiction, the proceeding does not abate, but the child shall be substituted as complainant. The testimony of the mother taken in writing at the preliminary hearing, or her deposition taken as in other civil cases, may in any such case be read in evidence, and in all cases shall be read in evidence, if demanded by the defendant. [Ibid., sec. 17.]

Death of defendant.—In case of the death of the defendant, after the preliminary hearing, the action may be prosecuted against the personal representatives of the deceased with like effect as if he were living, subject as regards the measure of support to the provisions of section 6, except that no arrest of such personal representative shall take place or bond be required of him. [Ibid., sec. 18.]

Finding for defendant.—If the verdict of the jury or the finding of the court at the trial be in favor of the defendant and there be a motion for a new trial, he shall be held until such motion be disposed of; and if a new trial is granted, the same course shall be pursued as in case of a continuance. [Ibid., sec. 19.]

Judgment.—If the finding or verdict be against the defendant, the court shall give judgment against him declaring paternity and for the support of the child from the date of its birth. The judgment shall be for annual amounts, equal or varying, having regard to the obligation of the father under section 1, as the court directs, until the child reaches the age of sixteen years. The payments may be required to be made at such periods or intervals as the Court directs. In addition to providing for support the judgment may also provide for the payment of the necessary expenses incurred by or for the mother in connection with the birth of the child. [Ibid., sec. 20.]

Payment to trustee.—The court may require the payments to be made to the board of administration, or the county child welfare board, if there be one, or to any other suitable and proper trustee or guardian.⁸ The trustee shall report to the court annually, or oftener as directed by the court, the amounts received and paid over. [Ibid., sec. 21.]

Security; commitment; probation.—The court may require the father to give security by bond with sureties, for the payment of the judgment. In default of such security, when required, the court may commit him to jail. After one year the person so committed may be discharged (in accordance with the law relating to the discharge of insolvent debtors), but his liability to pay the judgment shall not be thereby affected. Instead of committing the father to jail, or as a condition of his release from jail, the court may commit him to the custody of a probation officer, upon such terms regarding payments and personal reports as the court may direct. Upon violation of the terms imposed, the court may commit or recommit the father to jail. [Ibid., sec. 22.]

Enforcement on default.—Where security is given and default is made in any payment, the court shall cite the parties bound by the security, requiring them to show cause why judgment should not be given against them and execution issued thereon. If the amount due and unpaid be not paid before the return day of the citation, and no cause be shown to the contrary, judgment shall be rendered against those served the citation for the amount due and unpaid, together with costs, and execution shall issue therefor, saving all remedies upon the bond for future defaults. The judgment shall be enforceable as other judgments. [Ibid., sec. 23.]

Contempt of process.—The court also has power, on default as aforesaid, to adjudge the father in contempt and to order him committed to jail in the same manner and with the same powers as in case of commitment for default in giving security. The commitment of the father shall not operate to stay execution upon the judgment on the bond. [Ibid., sec. 24.]

Agreement or compromise.—An agreement or compromise made by the mother or child, or some authorized person on their behalf, with the father concerning the support of the child shall be binding upon the mother and

⁸ In the uniform act (see footnote 4, p. 117) this section to this point is: "The court may require the payments to be made to the mother, or to some person or corporation to be designated by the court as trustee. The payments shall be directed to be made to a trustee if the mother does not reside within the jurisdiction of the court."

the child only when adequate provision is fully secured by payment or otherwise and when approved by a court having jurisdiction to compel support of the child. The performance of the agreement or compromise when so approved shall bar other remedies of the mother or child for the support of the child. [Ibid., sec. 25.]

Continued jurisdiction.—The court has continuing jurisdiction over proceedings brought to compel support and to increase or decrease the amount thereof, until the judgment of the court has been completely satisfied, and also has continuing jurisdiction to determine custody in accordance with the interest of the child. [Ibid., sec. 26.]

Failure to support.—The failure of the father, without lawful excuse, to support the child where the same is not in his custody, and where paternity has been judicially established, or has been acknowledged by him in writing or by the part performance of his obligations, is a misdemeanor, punishable by a fine not exceeding one thousand dollars or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment. The failure of the parent to support the child where the same is in his or her custody shall be governed by the laws applicable to the failure to support a legitimate child. [Ibid., sec. 27.]

Failure to carry out judgment.—The failure, without lawful excuse, of a father to comply with and carry out a judgment for the support of the child whether the child be a resident in the jurisdiction where the judgment was rendered or not, is a misdemeanor punishable by fine not exceeding one thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment. [Ibid., sec. 28.]

Probation.—Upon a prosecution under the provision of section 28 [27] or section 29 [28], on entry of a plea of guilty or after conviction, the court, instead of imposing sentence or of committing the father to jail, or as a condition of his release from jail, may commit him to the custody of a probation officer, upon such terms as to payment of support to or on behalf of the mother or child, and as to personal reports, as the court may direct. Upon violation of the terms imposed, the court may proceed to impose the sentence and commit or recommit to jail in accordance with the sentence. [Ibid., sec. 29.]

Concurrence of remedies.—A criminal prosecution brought in accordance with the provisions of section 28 [27] or section 29 [28] shall not be a bar to, or be barred by, civil proceedings to compel support; but money paid toward the support of the child under the provisions of section 30 [29] shall be allowed for and credited in determining or enforcing any civil liability. [Ibid., sec. 30.]

Limitation of action.—Proceedings to enforce the obligation of the father shall not be brought after the lapse of more than two years from the birth of the child, unless paternity has been judicially established, or has been acknowledged by the father in writing or by the furnishing of support. [Ibid., sec. 31.]

Available district.—Jurisdiction over proceedings to compel support is vested in the district court of the country in which the alleged father is permanently or temporarily resident, or in which the mother of the child resides or is found. It is not a bar to the jurisdiction of the court of the county where the complaining mother or child resides in another State. Notice of any such proceeding shall be given by the clerk of the district court to the board of administration and such board thereupon shall advise or assist the complainant or the court in such proceeding. [Ibid., sec. 32.]

Judgment of other State.—The judgment of the court of another State rendered in proceedings to compel support of a child born out of wedlock, and directing payment either of a fixed sum or of sums payable from time to time, may be sued in this State and be made a domestic judgment so far as not inconsistent with the laws of this State, and the same remedies may thereupon be had upon such judgment as if it had been recovered originally in this State. [Ibid., sec. 33.]

Reference to relation of mother and child.—In all records, certificates, or other papers hereafter made or executed (other than birth records and certificates or records of judicial proceedings in which the question of birth out of wedlock is at issue) requiring a declaration by or notice to the mother of a child born out of wedlock or otherwise requiring a reference to the relation of a mother to such a child, it shall be sufficient for all purposes to refer to the mother as the parent having the sole custody of the child or to the

child as being in the sole custody of the mother, and no explicit reference need be made to illegitimacy, and the term natural shall be deemed equivalent to the term illegitimate when referring to parentage or birth out of wedlock. [Ibid., sec. 34.]

Construction of act.—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those States which enact it. [Ibid., sec. 35.]

Brief title—name of act.—The act may be cited as the Uniform Illegitimacy Act. [Ibid., sec. 36.]

Operation and repealing clause.—This act applies to all cases of birth out of wedlock where birth occurs after this act takes effect, except that section 35 [34] applies to all cases occurring after this act takes effect. As to all such cases all acts or parts of acts inconsistent with this act are hereby repealed. [Ibid., sec. 37.]

DESERTION OR NONSUPPORT OF WIFE OR CHILD

Desertion and nonsupport of child or pregnant wife; penalty.—Every parent or other person having legal responsibility for the care or support of a child who is under the age of sixteen years, and unable to support himself by lawful employment, who deserts and fails to care for and support such child with intent wholly to abandon him, and every husband, who, without lawful excuse, deserts and fails to support his wife, while pregnant, with intent wholly to abandon her, is guilty of a felony and upon conviction shall be punished therefor by imprisonment in the State prison for not more than five years. Desertion or a failure to support a child or pregnant wife for a period of three months shall be presumptive evidence of intention wholly to abandon. [Laws of 1923, ch. 166, sec. 1.]

Nonsupport of wife or child; penalty; bond and suspense of judgment; suit on breach of bond.—Every man who, without lawful excuse, wilfully fails to furnish proper food, shelter, clothing or medical attendance to his wife; and every person having legal responsibility for the care or support of a child who is under sixteen years of age, unable to support himself by lawful employment, who wilfully fails to make proper provision for such child is guilty of a felony, and upon conviction thereof shall be punished therefor by imprisonment in the State penitentiary for not more than five years, but, before the trial, with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalty hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, may make an order accepting the bond of the defendant to the State, in such amount and with such sureties as the court prescribes and approves, conditioned to furnish the wife or child with proper food, shelter, clothing and medical attention, for such a period, not exceeding five years, as the court may order, and in such a case, if there has been a plea of guilty or a conviction, judgment shall be suspended until some condition of the bond is violated. The bond may, in the discretion of the court, be conditioned upon the payment of a specified sum of money at stated intervals. Upon the filing of an affidavit showing the violation of any of the conditions of the bond, the accused shall be heard upon an order to show cause, and if the charge be sustained the court may proceed with the trial of the defendant under the original charge, or pronounce sentence under the original conviction, or enforce the suspended sentence, as the case may be. The wife or child, and any person furnishing necessary food, shelter, clothing and medical attendance to either, may sue upon the bond for a breach of any condition thereof. [Ibid., sec. 2.]

Evidence of relationship.—In any prosecution for desertion or for failure to support a wife or child no other or greater evidence shall be required to prove the relationship of the defendant to such wife or child than is or shall be required to prove such relationship in a civil action. [Ibid., sec. 3.]

Repeal.—Section 9589, 9590, 9591, 9592, 9593, 9594, 9595, 9596, 9597, 9598, 9599, 9600, 9602, and 9603, Compiled Laws of 1913, and all acts or parts of acts inconsistent herewith repealed. [Ibid., sec. 4.]

⁹This applies (as stated in the subtitle of the law) to Comp. Laws 1913, secs. 10483-10500, and Laws of 1917, ch. 70.

**Appendix B.—BILL WHICH WAS RECOMMENDED BUT
FAILED OF PASSAGE IN NORTH DAKOTA IN 1923**

COUNTY CHILD-WELFARE BOARDS

[Senate Bill No. 173]

For an Act to Authorize the Appointment of County Child Welfare Boards and to Define Their Powers and Duties, and to Repeal Section 19, Chapter 177, Laws of 1919.

Be It Enacted by the Legislative Assembly of the State of North Dakota:

SECTION 1. When the board of county commissioners shall determine the same to be necessary, a county child-welfare board, consisting of five members, shall be organized. The county superintendent of schools and a member of the board of county commissioners, selected by that board, shall be members *ex officio*. The county commissioners shall select three other citizens, resident in the county, without regard to political affiliation and upon the basis of their special fitness by reason of training and experience and character to serve in such capacity. There shall be persons of all sexes on the board. The original appointive members shall serve for one, two, and three years respectively. Thereafter all members shall be appointed for three years, or until their lawfully appointed successors have been duly qualified. Each appointive member shall file an oath of office with the county auditor. The members shall serve without compensation but shall be reimbursed for all necessary expenses incurred in attendance upon board meetings, or otherwise, in the discharge of their official duties.

SEC. 2. The board shall have offices in the courthouse, at the county seat, and shall hold an annual meeting on a fixed date to be designated by the board. In addition to the annual meeting, the board shall hold monthly meetings on a fixed date, to be designated by the board, and such special meetings, from time to time, as in its judgment may be necessary. Provided, that any monthly meeting may be dispensed with when, in the judgment of the chairman and secretary, such meeting is unnecessary and after due notice to the board members. The board shall elect annually from its membership a chairman and secretary. Full records shall be kept of all the proceedings and transactions of the board. The board shall report annually to the board of administration, the records of its work, together with such recommendations for the protection of childhood as may to it seem necessary.

SEC. 3. The board shall have authority to appoint an executive officer, who shall be known as the executive secretary of the board and who may occupy other positions, such as overseer of the poor, whose duties may be performed in connection with his or her duties as such secretary. Such officer shall be a person of training and experience in social work, without regard to political affiliation. The executive shall have such salary as may be fixed by the board and shall serve during its pleasure. The executive secretary shall appoint such properly trained assistants as shall be authorized and approved by the board and at such salaries as shall be designated by it. The board is authorized to pay the necessary traveling expenses of its agents and such other expense as is incidental to the discharge of the lawful duties of such agents and such necessary expenses as may be incurred for office supplies and general equipment. All expenses herein authorized and incurred by the board shall be paid out of the county treasury, upon the approval of the board of county commissioners.

SEC. 4. It shall be the duty of the board:

(a) To act as the county agent of the board of administration, in the performance of all duties imposed by law upon the board, and to report regularly to the board on the status and treatment of all cases coming to its attention or under its supervision; (b) To take the initiative in furthering the interest and welfare of all children in the county, who are not already

adequately protected by proper inquiry into such home and community environmental conditions as tend to create delinquency and neglect and by promoting such remedial or preventive measures as will strengthen parental responsibility and stimulate wholesome community life.

SEC. 5. A child-welfare board created under the provisions of this act may be dissolved upon a request for such dissolution by resolution passed by the board of county commissioners. Provided, that before such resolution is acted upon by the board of county commissioners notice shall be published for ten days in an official newspaper in the county that such resolution is before the board for consideration.

SEC. 6. Section 19 of chapter 177 of the laws of 1911, and all acts or parts of acts inconsistent herewith, are hereby repealed.

Referred to committee on women's and children's welfare.

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Appendix C.—FORMS AND QUESTIONNAIRES USED IN THE STUDY

UNITED STATES DEPARTMENT OF LABOR
CHILDREN'S BUREAU
WASHINGTON

I. CHILDREN UNDER CARE OF INSTITUTIONS AND AGENCIES

Schedule No. _____

Institution or agency: _____ Date: _____

Name of child: _____ LN Sex: _____ Race: _____

Date of birth: _____ Age: _____ Birthplace: _____

Date received: _____ Source: _____ Perm. or Temp. Care: _____

Nationality—Father: _____ Mother: _____

Reason for receiving: _____

Maintenance: by State. _____ County: _____ Family: _____

Agency (specify): _____ Other: _____

Length of time in inst. or under agency care (dates, etc.) _____

Disposition (Specify, in chronological order, placements, parole, released, returned, etc., with dates; type of placement—free home, for adoption, boarding, with relatives): _____

Interest of relatives (frequency of visits to inst.; agency visits to child's original home and present home, etc.) _____

Family and home conditions:

Mother—dead, living, M. W. D. Sep. Des.

Father—dead, living, M. W. D. Sep.

Economic conditions _____

Other _____

Child's physical, mental and behavior characteristics (specify if exam.): _____

Child's social history (school attendance, dependency, delinquency, etc.): _____

Present address of child: _____ Removed from: _____

Present address of parents: _____

II. OUTLINE FOR STUDY OF DEPENDENT CHILDREN

Schedule No. _____
Agent _____

1. Institutions or agencies
2. Name of child
3. Class of case
4. Present address of child
5. Type of present home
6. Place of birth
7. Original address
8. Date of birth
9. Leg. _____ Illeg. _____
10. Name of father
11. Address
12. Name of mother
13. Address
14. Nativity of fa. _____ mo. _____
15. Yrs. in U. S. _____ mo. fa. _____
16. Color of fa. _____ mo. _____
17. Yrs. in State _____ mo. fa. _____
in co. or city.

IV. REPORT FOR INVESTIGATION OF HANDICAPPED CHILDREN

(INDIVIDUAL RECORD)

County: Town: Type: F. M. Deaf
 Rural: Crippled Blind
 Source of information: Date:
 Name of child: Sex Age:
 Degree of defect: (For FM.—Idiot or imbecile, (helpless, etc.); high-grade; state if examined, by whom, and diagnosis. For Crippled, degree of disability, character of handicap. For deaf or blind, complete or partial disability.)
 Institutional history, if any: (Name of inst., date entered, date discharged, training given, etc.)
 Present occupation, if employed: (kind of work, wages, etc.)
 School history: Present grade (or grade left school), notes re training, etc.
 Personal history and characteristics:
 Family history (especially economic conditions, character of home, etc.)

V. JUVENILE COURT—INDIVIDUAL CASE DATA

(Data re child brought before court because of delinquency, neglect, or dependency—October 1, 1920—September 30, 1921)

COUNTY: Town: TYPE: Del., Negl., Dep.
 Rural: Sex: Age:
 Name of child:
 Charge: (character of offense, etc.)
 Disposition pending hearing (where was child kept—specify place and length of time, if not in own home):
 Disposition by court: Dismissed On file (note later action)
 Fined, amount Restitution ordered, amount
 Placed on probation, time, by whom supervised (note if brought in again for violation of probation—with action taken.)
 Committed to institution—name of inst. and terms of com.
 Placed in family home—specify terms, etc.
 Child's previous court record (dates, charges and dispositions):
 School grade, September, 1921:
 Brief notes re child's social history, family history, etc.:

VI. PREVENTION AND TREATMENT OF JUVENILE DELINQUENCY

State: County:
 Informant:

How many children came before your juvenile court (county court or the juvenile commissioner (cases from the county)) during the past year? (Oct. 1, 1920—Oct. 1, 1921, or last fiscal year of court.)

| Age | Boys | Girls |
|---------------|-------|-------|
| Under 7 years | ----- | ----- |
| 7-10 | ----- | ----- |
| 10 and 11 | ----- | ----- |
| 12 and 13 | ----- | ----- |
| 14 and 15 | ----- | ----- |
| 16 years | ----- | ----- |
| 17 | ----- | ----- |

For what offenses were they brought before the court? (Give no. for each.)

| | Boys | Girls |
|--|------|-------|
| Truancy ----- | | |
| Incorrigibility ----- | | |
| Larceny ----- | | |
| Burglary and robbery ----- | | |
| Discharging fire-arms or carrying concealed weapons ----- | | |
| Disturbing the peace ----- | | |
| Stealing automobiles ----- | | |
| Speeding or other traffic violations ----- | | |
| Immorality (sex offenses) ----- | | |
| Incendiarism ----- | | |
| Vagrancy ----- | | |
| Other ----- | | |

Does the judge hold special hearings for children's cases, excluding the public? How frequently?

What assistance has the judge in gaining information concerning the child's home conditions and needs, and in supervising children whom he places on probation? (Specify whether by men or women, whether they give all or part time, and their other occupations.)

How many children were placed on probation last year?

How many boys and how many girls were sent to the State industrial schools last year? What were the terms of commitment?

How many boys and how many girls were sent to other institutions (give names), or were placed in charge of agencies or placed in private homes because of delinquency or incorrigibility?

Custody of children pending court hearing, or until taken to an institution? Is a local institution other than a jail used for such temporary care (give name)? Does the court make arrangements with a family in the community to care for such children temporarily? Other means of care?

Have any children under 16 years of age been kept in jail in your county during the past year? State time in jail for each, and reason for keeping them there. Specify.

Are the children brought before the court given physical or mental examinations? By whom?

Are there any children in the county on parole from the State industrial school? Who supervises them?

What are the special legislative needs for the prevention of juvenile delinquency, and for dealing constructively with juvenile delinquents, and with adults responsible for contributing to delinquency of children?

VII. MOTHERS' PENSIONS

State:

County:

Informant:

The Children's Bureau is making a survey of Mothers' Pensions Administration throughout the United States. Data concerning your county will be valuable for inclusion in this study.

Were any Mothers' Pensions granted by your county court during the past year? If so, please fill out attached form, giving data on families, children, and amounts of grants.

Are the funds available in your county for this kind of aid to children in their own homes sufficient to cover the needs, both as to number of families aided, and the amounts given to the families?

Do you know of any mother of dependent children needing such aid and not receiving it? What is the reason?

Do you know of any mothers receiving such aid who in your opinion should not receive it?

Are any changes needed in the present mothers' pension law of your State or in the methods of local administration, in order to make it more effective in safeguarding child welfare?

VIII. CARE AND PROTECTION OF FEEBLE-MINDED CHILDREN

- State: _____ County: _____ Informant: _____
- Are there any feeble-minded children in your county who should be sent to the State institution for the feeble-minded? (If possible, give sex and ages, and present whereabouts of such children.)
- Has the State institution for feeble-minded been able to care for all the feeble-minded who should be sent there, or is there need for more rooms?
- Is the institution, in your experience, equipped to give the children the types of training they can profit by?
- Does the State institution for feeble-minded send feeble-minded children back to the community from which they were received? If so, what are the rules in regard to length of stay in the institution, or training given before release?
- Is there any supervision over the feeble-minded children who are returned to their homes? By whom is this supervision given?
- Are there any subnormal or feeble-minded children in the county who should have training—especially domestic or industrial—that they are not now receiving? Are your schools equipped to give such special training?
- Needs: Is there need for further institutional provision for the feeble-minded, or for changes in your laws relating to the prevention of mental defect or the protection of mentally defective children? Can your schools provide adequately (public schools) for the training of subnormal and feeble-minded children who do not need to be sent to the State institution?

IX. RECREATION¹

- State: _____ County: _____ Informant: _____
- IN THE TOWNS:**
- What recreational facilities stimulated or provided for by the public?
- Outdoor? _____ Indoor? _____
- IN THE COUNTRY DISTRICTS:**
- What kinds of organized athletics are there for boys?
- For girls:
- Other group activities?
- Are there suitable meeting-places for young people?
- Commercialized amusements: Kinds?
- Any that tend to lead young people into delinquency?
- Public dance halls: Character.
- Licensed? _____ Supervised? _____ By whom? _____
- Pool rooms: Regulations regarding? _____ Enforcement? _____
- What is needed to insure wholesome and adequate recreational facilities?
- What are the young people of the small town and rural communities actually doing for amusement?²
- Where do they spend their evenings?
- Have you noticed any objectionable tendencies of a considerable number of young people in your town _____ In the country?
- What are they?

X. CHILD LABOR AND SCHOOL ATTENDANCE³

¹ Information concerning recreation in connection with schools is requested on the child labor and school attendance questionnaire (No. X).

² This and the following questions were added at the request of the North Dakota Child-Welfare Commission.

³ The information obtained from this questionnaire was not used in the present report.

XI. DEPENDENCY AND NEGLECT

State:

County:
Informant:

How many dependency cases were heard before your Juvenile (county) court during the past year? (Oct. 1, 1920–Oct. 1, 1921, or last fiscal year of court).

How many neglect cases?

How many children were removed from parental control, through court action? (give ages, if possible)

Because of poverty?

Because child was illegitimate and the mother wanted to give it up?

Because of neglect of parent or guardian?

What disposition was made of these children?

Number committed to the Home-Finding Society

Number committed to other agencies or institutions (give number to each)

Number placed directly by the judge in family homes for adoption, and number placed by him in free or boarding homes

Did the court remove any children from the custody of their parents temporarily?

How many during the year, and how were they provided for?

Total number of adoption cases in the county court during the year?

Were any applications for adoption refused? Why?

Do you know of any adoptions that have proved detrimental to the child, or any children who have been placed in homes of poor character?

What appeared to be the reasons for the failure?

Were there any children under 18 years of age (including infants with their mothers) in your county farm (almshouse) during the past year?

Give ages

Are there any children in your almshouse now (ages, etc.)? Reason?

What legislative measures or administrative changes are needed for the prevention of child dependency and neglect, for the further protection of dependent children, and for dealing effectively with parents who neglect or abuse their children?

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