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EXISTING LAWS WHICH AUTHORIZE
PSYCHOLOGISTS TO PERFORM
PROFESSIONAL SERVICES¹

LETA S. HOLLINGWORTH²

The Committee on Information and Legislation of the American Psychological Association, Section of Clinical Psychology, submits herewith for publication the following facts concerning existing laws which authorize psychologists to perform professional services.

In the United States the following laws have been passed:

1. ILLINOIS. Commitment of the Feeble-Minded—Passed 1915.

Section 20. When a child is brought before a juvenile court as a dependent or delinquent child, if it appears to the court on the testimony of a psychologist or of a physician, or other evidence that such a person or child is feeble-minded within the meaning of this Act, the court may adjourn the proceedings, and direct some suitable officer of the court, or other suitable person, to file a petition under this Act. . . .

Section 21. On the conviction by a court of record of competent jurisdiction of any person of any crime or misdemeanor, or of any violation of any statute of this State; or on a child brought before a juvenile court for any delinquency, being found liable to be sent to a reformatory school, a training school or an industrial school, the court is satisfied on the testimony of a physician or psychologist, or other evidence, that the person or child is feeble-minded within the meaning of this Act, may suspend sentence, or suspend entering an order sending this child to a reformatory, training or industrial school, and direct that a petition be filed under this Act. . . .

2. CALIFORNIA. Assembly Bill No. 602, Chapter 776. Approved June 1, 1917.

Section 16 (b). Those whose intelligence, in the judgment of one or more psychologists, when they have been examined by such psychologist or psychologists making use of standardized psychological tests

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and whatever supplementary material may be available, will not develop beyond the level of the average child of twelve years (if not insane) shall be held to be feeble-minded within the meaning of this Act.

Section 19. The judge of the said court must inquire into the condition or status of such supposedly feeble-minded or epileptic persons, for which purpose he may by subpoena require the attendance before him of a clinical psychologist and a reputable physician, or one of each, or two of either, to examine such person and testify as to his or her mentality. . . .

Section 39. The superintendent shall, at least two weeks before the discharge of any inmate, have made, by a trained clinical psychologist, an examination of the mental condition of such inmate, and a permanent record thereof shall be kept in the office of the superintendent. . . .

Section 42. Before any inmate who has been committed to the Pacific Colony, and who is feeble-minded or is afflicted with incurable chronic mania or dementia, shall be released or discharged therefrom, the board of trustees, on the recommendation of the superintendent, approved by a clinical psychologist holding the degree of Ph. D., and a physician qualified to serve under Section 19 of this Act, after they shall have made a careful investigation of all the circumstances of the case, may cause such person to be sterilized and such sterilization, whether with or without the consent of the inmate, shall be lawful. . . .

3. KANSAS. House Bill No. 620, supplemental to Chapter 70 of the General Statutes for the State of Kansas for 1915, and to Chapter 165 of the Sessions Laws for Kansas, 1917.

Section 1. That in all proceedings relating to feeble-minded persons . . . when no jury is demanded and the circumstances of the case are such that there appears to the probate judge to be no occasion for the impaneling of a jury . . . the probate judge shall appoint a commission of two qualified physicians, or one physician and one clinical psychologist, to be chosen by himself on account of their known competency and integrity, who shall make a personal examination of the person whose condition is to be inquired into, and shall determine whether or not such person be feeble-minded, and shall file with the probate court a report in writing of the results of their inquiries, together with their conclusions and recommendations. . . .

4. OREGON. Chapter 354 of the Laws of Oregon, passed in February, 1917.

Section 1. The county judge of any county of this state shall, upon the application of any citizen in writing setting forth that any person over five years of age is feeble-minded or who, by reason of feeble-mindedness, is criminally inclined, or is unsafe to be at large, or may procreate children, cause such person to be brought before him; . . . and the said county judge shall also cause to appear, at the same time and place, two or more competent physicians, or two or more competent physicians and psychologists. Said physicians or physicians and psychologists shall constitute an examining board, hereafter referred to as the "board."

5. WISCONSIN. Chapter 533, Laws of 1919.

Section 1. . . . In cases of alleged feeble-mindedness, the examination may be made by a clinical psychologist and a licensed physician skilled in mental diagnosis; but no person shall be recognized as a clinical psychologist unless he has received the doctorate degree in psychology, with work in neurology and psychiatry, and had had not less than two years of successful experience in clinical psychology work.

6. NEW YORK. Mental Deficiency Law, 1919.

Section 24. . . . The examination of the alleged mentally defective person must be made by two competent physicians, or by a competent physician and psychologist, duly qualified as by Section 25 of this chapter. . . . The physicians, or the physician and psychologist, making the examination of the alleged mentally defective person shall certify and report in writing to the judge or justice. . . .

Section 25. Qualified Examiners. The certificate of mental defect must show that such person is mentally defective, and may be made by two reputable physicians, graduates of an incorporated medical college, and duly licensed to practice medicine in the state of New York, who have been in the actual practice of their profession at least three years, or by one such physician and one psychologist, who shall have had two full years of post-graduate study in psychology at an incorporated university or college and three years of actual clinical experience.

7. SOUTH DAKOTA. Chapter 344, Session Laws of 1921. Relating to the segregation of the feeble-minded.

Section 1. The state commission for the control of the feeble-minded is hereby created. It shall consist of the Superintendent of the State School and Home for Feeble-Minded, and one physician, one psychologist, one sociologist, and one lawyer, to be appointed by the

governor. The appointive members shall serve for terms of four years, and shall, except the secretary, receive for their services the sum of five dollars for each day actually and necessarily devoted to the performance of their duties and their actual and necessary expenses. The said Superintendent of the State School and Home for Feeble-Minded shall be chairman of the board, and the psychologist appointed by the governor shall be the secretary. . . .

Abroad the following law has been passed :

1. TASMANIA. The Mental Deficiency Act, 1920. Part III, p. 10.

(1) Subject to the regulations, every person alleged to be a defective and liable to be dealt with under this Act shall undergo or be submitted to an examination (referred to in this Act as the prescribed examination) by two legally qualified medical practitioners, one of whom shall be approved by the board for the purposes of this Act; or by one legally qualified medical practitioner in conjunction with an examining psychologist approved by the board for the purposes of this Act.

(2) The examination shall comprise the ascertainment of, and investigation into, such particulars concerning the bodily (that is to say, physical and medical), mental, and social conditions, the pedagogical, personal and family history of the person alleged to be defective, as well as any other conditions or circumstances as may be sufficient to determine whether he is a defective: Provided that only a legally qualified medical practitioner shall make the examination into the bodily (that is to say, physical and medical) conditions.

P. 15. The governor may, from time to time, by Order-in-Council, establish a State Psychological Clinic (in this Act referred to as the "Clinic"), with auxiliary or branch clinics wherever he deems necessary, for the diagnosis of mental deficiency, the classification of mentally defective and other children, the instruction of teachers of special and other classes, and the study of mental deficiency, and for any other purpose appertaining thereto.

Respectfully submitted,
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