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Maine Department of Health and Welfare

Division of Child Welfare

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Child Welfare Needs And Problems In Maine*

ALBERT F. HANWELL, M.S.W.**

The 1930 White House Conference on Child Health and Protection gave America the Children's Charter, a statement of the conditions and services which children should have as a natural right and as the first right of citizenship. This statement has stimulated and guided services for children over the past thirty years. On November 20, 1959 the 14th General Assembly of the United Nations unanimously approved a similar statement, called a Declaration of the Rights of the Child. The 1960 White House Conference on Children and Youth had as its theme: "To provide opportunities for children and youth to realize their full potential for a creative life in freedom and dignity." Some 7,000 delegates gathered in Washington to assess the needs of children in today's changing times and to recommend ways of meeting these needs; some 1,600 recommendations will be forthcoming soon.

The natural rights of children, therefore, have been well defined and the needs of children have been currently reviewed. This knowledge in itself is meaningless, however, unless children benefit by it. The responsibility for protecting and assuring the rights of children and thereby meeting their needs rests on their parents and on the community. When either fails to live up to this responsibility, child neglect results. Children are neglected because of parental inadequacies when they are deprived spiritually, emotionally, physically or economically or when they are the victims of abuse and exploitation. In the broader sense they are neglected by community failures and attitudes when they are the victims of prejudice and discrimination, community indifference or a lack of community resources and facilities.

The March 31, 1960 statistical reports of the Department of Mental Health and Corrections show that on that date there were 5,560 inmates in the state institutions, 598 individuals on parole, and 3,382 on probation. Reports of the Division of Vital Statistics show that in 1958 there were 741 illegitimate births in Maine or 3.2 per cent of all births during that year. This rate is

higher, incidentally, than the rate of white illegitimate births in most other parts of the country. The latest available figures on divorce show that in 1959, 1,977 divorces were granted in Maine. This is an increase of 5.6 per cent over the number of divorces in 1958.

These figures are only an indication of the number of people in the State with emotional or social maladjustments. For the most part these individuals are the victims of neglect, at least in its broader implications. That they need help from community agencies is without question; but if society is ever to cut through the vicious circle of neglect, delinquency, crime, illegitimacy, mental illness, etc., basic programs serving children must be strengthened. Society has been picking up the pieces, in a sense, and not giving enough attention to prevention of emotional and social ills.

The Division of Child Welfare has a tremendous responsibility assigned by statute in services to children. An indication of the volume and scope of the job is the fact that as of March 31, 1960 there were 3,676 children in this Division's total caseload. Of this number, 2,249 children were under care; 2,087 had been committed by the courts either as neglected or delinquent children or as children involved in divorce actions; 132 had been received under the voluntary application of parents; and 30 had been committed for care pending hearing on neglect complaints. Of the 1,427 children in the Division's service program, most were children referred because of parental neglect and were receiving protective casework service. Also included in this figure were children for whom Maine was providing service for an out-of-state agency; children involved in divorce action for whom social studies were being conducted at the request of the superior courts; and children receiving other varied services. During the last calendar year 79 children under care were legally adopted. This Division has the responsibility for licensing boarding homes for children. As of April 30, 1960, there were 782 licenses in effect and 243 pending applications. It is the responsibility of the Division to license 23 private child-caring agencies and institutions and to administer the special appropriations which some of these agencies and institutions receive.

These figures alone do not give a picture of the total

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volume of the job. Case workers are actively engaged with the families of children known to the Division for the purpose either of helping to maintain the own home for the child, or working towards the earliest possible return of the child to the family, or of freeing a child for adoption if there is no sound plan within the family. Child Welfare workers spend a good deal of time with foster parents, schools, courts, and other agencies and community people around planning for children. Much time is spent in screening intake, foster home and adoptive home applications, and in recruiting and studying foster homes and adoptive homes.

Reference is now made to some needs and problems in the area of direct services to children. Under statute the State is authorized to receive children under 18 years of age into foster care on the voluntary application of parent or guardian. Because of insufficient funds, the voluntary intake has necessarily been limited to infants under six months of age for whom adoption is requested. The only children the Division is able to receive for voluntary foster home or group care are children who are without legal settlement in Maine. The cost of care for these children is financed by the Division of General Relief within this Department. The accident of settlement therefore determines whether or not this kind of service can be provided when a child needs it. The number of unsettled children referred is very small, and for all practical purposes, therefore, the voluntary placement program is comprised mainly of infants who are to be placed for adoption.

Concern is felt in the program aimed at the strengthening of family life for the care and protection of children. One of the casework treatment plans which is, of course, needed at times in work with children in their own homes is temporary foster care. When this need is not recognized by parents or when for other reasons removal of parental custody is in the best interests of children, neglect action in court is appropriate. However, when this need is recognized by parents and there is no sound reason why they should be deprived of custody of their children, why in a democratic society should the State not be able to afford them the opportunity of meeting the needs of their children in a voluntary way? Many children needing temporary foster care either must wait until their family situation deteriorates further to the point where legal neglect can be established or are committed to custody through a stretching process of the neglect statute. In either event an injustice is done to these children and to their parents.

In January of this year, through the use of Federal funds which became available for other purposes because of staff vacancies, the voluntary placement program was expanded until the end of the present fiscal year to demonstrate this need. To date 28 children have been received under the expanded program. These are children for whom foster care could not have been provided, at least in a voluntary way.

Services to unmarried mothers, although excellent in some areas of our State, are not readily available or adequate in many other areas. In the State program, unless the unwed mother is under the Division's care, casework help is the only service that can be offered her prior to confinement. The Division would like to be able to offer her as complete a service as can be offered any child under care. It is just as important to consider with the unmarried mother the type of living arrangement best suited to her needs as it is to plan for a child the type of placement which will best meet his needs. It is just as important to help the unmarried mother with planning for her medical, legal, financial, educational, and vocational needs as it is for children under care. With a full range of services available to the unwed mother in all sections of our State, a forward step would be taken toward the elimination of black and gray market adoptions.

One of the recommendations which is expected to come out of this year's White House Conference is that all states, by legislature, require that adoptive placement be made only by authorized or licensed child welfare agencies except in cases of children to be adopted by step-parents or blood relatives and in these cases there should be an appropriate social study and consent process as a basis for recommendation to the proper court. In this State most adoptions are independent of social agencies. During the last calendar year, out of 916 adoptions only 177 were made by public and private agencies. In the opinion of many, Maine's adoption statute is very loose and does not offer sufficient protections to the child, the adoptive couple, and the natural parent or parents. It is perfectly possible, for example, for a couple to come in from out of state and adopt a child in one day. If it is not possible to realize passage of such legislation in the near future, it is hoped that at least the State's adoption law can be strengthened to the point of requiring a mandatory social investigation on every adoption petition. The probate judges then would have before them impartial, complete, and factual reports on which to base their decisions similar to the reports presented to the superior court justices in divorce cases involving custody of children.

In its recent publication on "Adoption of Children," the American Academy of Pediatrics states:

"Adoption requires the skills, time, and co-ordinated efforts of persons of many professions, particularly the social worker, physician, and lawyer. It is not realistic to believe that any one person, whatever his interest, capabilities and profession, can adequately conduct the entire procedure alone.

"The physician has both direct and indirect responsibilities in adoption. The direct responsibilities revolve around service to the three parties concerned, the natural parents, the child and the prospective adoptive couple. The indirect responsibilities are those rendered as a consultant to, or later as a member of, a social

agency practicing adoption, as a member of a hospital staff, as an educator, and as a citizen.”

Maine’s neglect statute also needs revision. Under the allegations of the present law, it is very difficult to establish emotional neglect. A child who is emotionally deprived is not able to develop into a healthy personality and needs the protection of law when his parents are not able or willing to help meet these needs. Although improved socio-economic conditions have helped to decrease physical neglect, it has helped to increase emotional neglect. The existing neglect statute gives the State full parental rights over children committed as neglected. These are actually more rights than are needed to carry out the State’s responsibilities to these children. It seems reasonable to assume that the more rights and responsibilities that can safely be left with parents, the greater the opportunities would be to help parents function more adequately in their parental role and move toward the objective of re-establishing a home for their children. If the neglect statute is weakened in this respect, however, it would be essential that provision also be made for termination of parental rights when this would be in the best interests of the child. Such a provision would allow a child needing adoptive planning to be freed for adoption when parents are unwilling or unavailable to give consent.

The Division’s Court Project in Cumberland County has been in operation almost two years now. This is a special staff unit working with the Cumberland County Superior Court in divorce cases involving children. There is a real need to expand the Court Project to all other counties in our State. This will not be possible, however, until the necessary staff is acquired.

There is certainly a need for more and varied community resources to help prevent family breakdown such as homemaker service, day foster care, day group care, more family agencies, more child guidance clinics, etc.; a need recognized by all interested in welfare of chil-

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dren. There is a need to develop methods of detecting emotional disturbances in children at an earlier stage so that social agencies can more effectively do a preventive job. Many children are severely neglected before they are referred and work with such families is no brief or easy task.

Finally, there is a need for better community planning for children both on an area and on a state-wide basis so that gaps in services to children can eventually be closed. Public and private agencies and institutions have a joint responsibility in community planning. It behooves all to scrutinize programs continually to be sure that the services being rendered are meeting the needs of children today. Moreover, programs should be seen in relation to overall planning for services to children. There is only so much public money and so much private money available for child welfare services. The most efficient use of these funds is of paramount importance.

The child welfare needs and problems in Maine are many. More staff is needed, expanded programs, new programs, a revised statute, and sounder community planning. Meeting these needs is a formidable task but a task which must be undertaken if the neglected children of today are not to become the inadequate parents of tomorrow. Prevention is the real challenge to be faced in child welfare today. Prevention will not be effective, however, until basic programs serving children are so strengthened that the fundamental objectives of these programs can be realized.