



1952

An Analysis of Known Independent Interstate Adoptions in Illinois

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Recommended Citation

Lane, Helen Joan, "An Analysis of Known Independent Interstate Adoptions in Illinois" (1952). *Master's Theses*. Paper 1092.
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**AN ANALYSIS OF KNOWN INDEPENDENT INTERSTATE
ADOPTIONS IN ILLINOIS**

by

Helen Joan Lane

**A Thesis Submitted to the Faculty of the School of
Social Work of Loyola University in Partial
Fulfillment of the Requirements for the
Degree of Master of Social Work**

February

1952

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INTRODUCTION

The purpose of this study is to define the extent of the legal and social safeguards existing in 73 cases of independent interstate adoptions, known to Region 2 (Chicago Office), Division of Child Welfare of the Illinois Department of Public Welfare between January 1, 1946 and December 31, 1949. The entire number of interstate court order adoptions, closed during this period, were reviewed. Only those cases in which the children had been born in maternity hospitals in the Region 2 area, within one year prior to the filing of the adoption petition, were included in the study group. The group, limited in this way, totaled 73 cases.

For purposes of studying the 73 cases, a schedule was constructed covering five sections: the child, the natural mother, the adoptive parents, agency action, and legal action. By means of this schedule objective data was brought together for tabulation.

Legislation which applies to the children in the study group includes The Illinois Adoption Law, The Illinois Maternity Hospital Law, and the interstate placement laws of those states in which these children were placed. However, legal and social safeguards existed for them only in the Adoption Law since the other laws were found either to be largely ineffective or were completely by-passed. The findings which showed themselves to be of primary importance were related to the administration of certain sections in the Adoption Law, specifically those having to do with jurisdiction, with the six

months' residence requirement for the child in the adoptive home, and with the social investigation.

The study is divided into three divisions. The first division embraces a discussion of the provisions in the adoption law which relate to the questions of jurisdiction, the six months residence requirement, the social investigation, and the consent of the natural parent or parents. These questions are discussed as they apply specifically to independent adoptions involving two states. The second division presents the function of the Division of Child Welfare of the Illinois Department of Public Welfare in independent, interstate adoptions. This, also, involves some understanding of the function of the Division in administering sections of the Maternity Hospital Law. The third division is composed of the case analysis which includes both general aspects in the 73 cases and specific aspects of particular cases.

CHAPTER I

THE ILLINOIS ADOPTION LAW AND INDEPENDENT INTERSTATE ADOPTIONS

This chapter is focused on an analysis of four provisions in the Illinois Adoption Law in their application to independent adoptive placements, in other states, of children from Illinois. The provisions are those relative to the questions of (1) jurisdiction of the Illinois Court; (2) the six months residence of the child in the adoptive home, which also embraces the question of supervision; (3) the social investigation of the allegations¹ in the adoptive petition; and, (4) the consent of the natural parent, parents or other persons so designated in the law, which also involves the question of termination of parental rights. These four provisions are discussed first, as they apply to independent, interstate, adoptions; and, second, in relation to recent thinking as presented by the United States Children's Bureau.²

The first of these provisions is found in Article 1, Section 1-1 of the Illinois Adoption Law. This section sets forth the courts which have jurisdiction in matters of adoption and the basis for such jurisdiction, and states that:

1 Subjects or statements asserted in the petition.

2 Essentials of Adoption Law and Procedure. Federal Security Agency, Children's Bureau Publication #331, 1949.

Any reputable person, including a husband or wife desiring to adopt the child of the other spouse, may petition the Circuit or County Court of the county in which he resides, or the county in which such child is found, for leave to adopt a minor child and, if desired, for a change of the child's name; but the prayer of such petition by a person having a husband or wife, shall not be granted unless such husband or wife joins therein and when they so join, the adoption shall be by them jointly.³

As the law reads, it does not require that either the child or the adoptive petitioners be residents of Illinois in order to become parties to an adoption petition in Illinois. This is true because the broad phrase "where the child is found" is included in the law. Therefore, the basis for jurisdiction in interstate adoptive placements of children from Illinois, is established by the portion of this section reading that "any reputable person may petition the Circuit or County Court of the county in which such child is found, for leave to adopt a minor child." This eliminates the portion of the section which designates that the person petitioning to adopt a child may petition the court of the county in which such petitioner resides. In independent adoptive placements in other states, jurisdiction of the Illinois Court is based solely on where the child is found.

According to the writer's knowledge, the phrase, "where the child is found," may be interpreted in the Adoption Law to mean physical presence of the child in the county at the time of the filing of the petition. In adoptions in which the petitions are filed by non-residents of Illinois, the phrase "where the child is found" may also be defined, in individual cases, as that

³ Illinois Revised Statutes, 1917, Durdette Smith Company.

Illinois county in which the child has legal residence. There are times, however, in which neither the child nor the adoptive parents are residents of the Illinois county where filing takes place, but, because the child is physically present in this county at the time of such filing, the county court may retain jurisdiction in the matter of adoption. As a result, it sometimes happens that the Illinois county which assumes jurisdiction, may be only the place in which the child is bodily transferred from the natural parent to an adoptive parent. Insofar as such petitions are filed on the basis of the physical presence of the child in the county, the Illinois law is thus adhered to in terms of formalities.

Situations such as these are more likely to occur in Cook County than in other counties because of the tendency on the part of unmarried mothers to come to an urban area to give birth to their babies and, subsequently, to relinquish those babies for adoption. Many of these mothers come to Chicago from neighboring states and are not residents of the state of Illinois. When these children are released for adoption in Cook County, they may be placed with residents of other states, but since, under the law, they are assumed to be found in Cook County, the petitions are filed in Cook County. Jurisdiction of the Illinois Court is thus established in relation to independent adoptive placements in other states of children "found" in Illinois.

In connection with this question of jurisdiction, the United States Children's Bureau considers that provisions relative to jurisdiction, namely, those stating who may adopt and who may be adopted, should be specific enough to apply only to petitioners residing within the jurisdictional area of the

court in which the petition is filed. In addition, the Bureau considers that the child should actually be living in the jurisdictional area covered by the court. This has reference to the locality in which the child is placed and not the locality in which he lived prior to placement. This means that the legal residence of the child, as determined by his residence prior to placement, is less important than either the legal residence of the adoptive parents or the actual place of abode of the child during the adoption process. The Bureau further indicates that, "In some cases it may be desirable to have the adoption proceedings in a place other than the county or district in which the petitioners reside, but in all cases, jurisdiction should be restricted to a court of the state in which the petitioners reside."

These suggestions indicate the need for clarification of the question of jurisdiction in order to allow the right of petition only to those persons having legal residence in the state, and/or to persons living in the state during the complete adoption process. These conclusions are based, at least partially, on the fact that adequate studies of adoptive homes, as well as adequate supervision during the time of placement are difficult to carry out when proceedings are initiated in a court having no jurisdiction over the petitioners. From a strictly legal standpoint such conclusions are sound because proceedings undertaken in a court having jurisdiction over the petitioners, are less subject to attack on the basis of technicalities, than are proceedings carried on outside the jurisdictional area of the court.

The second provision in the law which has a direct bearing on the present study, has to do with the six month residence requirement of the

child in the adoptive home. This provision embraces the question of supervision and is contained in Article 3, Section 3-2 of the law which reads as follows:

No decree of adoption shall be entered unless and until the child sought to be adopted has resided in the home of the petitioner for a period of at least six consecutive months immediately preceding the filing of the petition, except that, for good cause specifically shown of record, the court may, in its discretion, waive such residence requirement.¹¹

Petitions for adoption may not be filed until the child has resided in the adoptive home for a period of at least six months prior to the filing of the petition. This requirement may be modified, at the court's discretion through the use of the waiver clause. Because this clause is incorporated in the section, petitions may be filed at any of the following times in relation to the placement of the child: 1) six months after placement, 2) any time during the six month period, or 3) at the time of placement. Filing is done, in the second and third instances, by the court's use of the waiver clause. Although the waiver clause is used in these cases, permitting the filing of the petitions before the six month period is up, it is generally true that the adoption hearings are not set until six months have elapsed since the time of placement. This means that the six months residence of the child in the adoptive home must be completed before the adoption hearing, but need not be completed before the petition is filed.

Since use of the waiver allows the petition to be filed prior to the

¹¹ Ibid.

completion of the six month period, there is some time for supervision. The length of time, however, varies since the six month period begins to run from the time of placement and not from the time the petition is filed. For example, if the petition is filed at the time the child is placed, a six month period of time is allowed for supervision; if the petition is filed three months after placement, a three month period of time is allowed for supervision; and if the petition is filed six months after placement there is no time for supervision of the placement. The problem of providing adequate supervision is made more acute since the time consumed in referring the matter to the proper out-of-state agency, often reduces the allowable supervisory period.

In regard to these questions of the probationary period and supervision, the Children's Bureau emphasizes the necessity for a minimum six month period in the adoptive home before the hearing is set. The Bureau further states that this six month period should be under the supervision of a designated department within the state program or of an agency authorized by the state to carry out such supervision. This means that the complete six month residence period should be a supervised period. In addition, the law should make clear that the six month period of supervision be considered to have begun on the date of the filing of the petition, if the child is already in the home. This would mean that, in independent placements, regardless of the date of placement, the period of supervision should always be calculated from the date of the filing of the petition. This would allow a six month period of time for supervision in all cases. Furthermore, the residence requirement would be shortened through the use of the waiver only when the entire period

of residence, irrespective of length, had been under supervision and developments during this time indicated that no further supervision was necessary. Actually, according to the Illinois Law, the waiver is not used as a means for shortening supervision, since supervision is initiated only after the filing of the petition. Its only purpose appears to be that of permitting petitions to be filed before the six month placement is completed. In this way in independent placements in other states it actually becomes a device which the court uses in order to retain jurisdiction within the state of Illinois. Since hearings are not set until six months after placement, some supervision is possible, particularly when the placement of the child and the filing of the petition occur at the same time.

The third provision which bears on the present study relates to the question of the social investigation and is contained in Article 3, Section 3-1 of the Adoption Law which provides for a social investigation of the child and of the petitioners prior to the adoption decree. This section reads as follows:

Upon the filing of the petition, and before the return day designated in the summons issued thereon, the court will specifically designate either a licensed child welfare agency, probation officer of the court, or some other suitable agency or person, to investigate, accurately, fully and promptly, the allegations contained in the petition; the character, reputation and general standing in the community of the petitioner; and whether the petitioner is a proper person to adopt the child and the child is a proper subject of adoption. The information obtained as a result of such investigation shall be reduced to writing and presented to the court on or before the return day designated in the summons.⁵

⁵ Ibid.

As a matter of practice it is found that the court designates any one of a number of parties to make the social investigation and in no way is obliged to designate any particular party. The law is broad, in this respect, because its application must be practicable in all areas of the state. There are Illinois counties which have no probation officer or licensed child welfare agency, and for the benefit of these areas the phrase, "or some other suitable agency or person" is incorporated in the law. Throughout Illinois, in independent interstate adoptions, frequently the courts delegate such responsibility to the Division of Child Welfare of the Illinois Department of Public Welfare. The Division, in turn, requests the State Department of the state in which the petitioner reside to make a social investigation.

This section of the law also defines, broadly, what type of facts should be forthcoming from the social investigation. Two questions are covered, "whether the petitioner is a proper person to adopt the child, and (whether) the child is a proper subject of adoption." These questions imply that the social investigation should include (1) contacts with the natural parent or parents for purposes of obtaining information on the child's social history, and (2) contacts with the adoptive parents to determine their fitness as parents of a specific child.

In an effort to answer both questions, the Division initiates the social investigation by contacting and interviewing the natural parent or parents, whenever this is possible. The Division then writes to the state department of welfare of that state in which the petitioners reside, informing the state of the adoptive placement, requesting an investigation of the

adoptive home, and enclosing any social history on the child which has been obtained. On receipt of the completed investigation the Division then summarizes the material in topical form and this report is sent to the court. It must be stressed at this point that the findings reported to the court are used by the court to determine its action. However, the court is not bound by the findings in arriving at its decision.

In regard to this same question, the suggestions made by the Children's Bureau are for the most part in agreement with the Illinois law and its application. There are, however, two matters in regard to the social investigation on which there appear to be a difference in emphasis. The first relates to the legal provision setting forth who should make the investigation. On this point the Bureau states that this provision in the law should be specific to include only the state department of welfare or an agency it so designates. However, the Illinois law, in this regard, is specific only insofar as a person or agency can be deemed "suitable". The second point of difference relates to the administration of the law. The Bureau and the administrators of the Illinois law are in agreement that the final decision in adoption always rests with the court and the social investigation in no way should impair the discretion of the court. However, the Bureau is of the opinion that the judicial decision should not be made unless or until, the social investigation shows that such decision is advisable. Some administrators on the contrary, approaching adoption from a strictly legal standpoint, do not consider that a greater understanding of the social factors makes for a more just and impartial legal decision.

In discussing the three topics thus far, the interstate aspects of independent adoptions were considered in detail. The fourth topic, that of consent of the natural parent, presents no specific ramifications relative to adoptions involving two states, but is discussed in relation to all independent adoptions legally processed in Illinois, including out of state adoptive placements. The question of consent is included in the larger question of termination of parental rights, which must also be considered in this discussion.

The persons or agencies which have the right to consent to adoption are clearly specified in various sections of the law as follows:

1. Consent of both parents if living.
2. Consent of one parent if the other is dead.
3. Consent of only the mother if the child is born out of wedlock unless the child has been legitimated.
4. Consent of a legal guardian when authority to consent to adopt has been legally acquired.
5. Consent of the child if he is 14 years or upwards.
6. Consent of a guardian ad litem should both parents be dead and there is no guardian or near relative to consent to the adoption, nor a licensed child welfare agency that has been authorized to consent to the adoption.⁶

Consent to a child's adoption does not constitute the termination of parental rights unless there is a judicial sanction. This means that, unless there is a court hearing, at which time an order is entered declaring the child to be under the guardianship of someone other than the natural parent, and including a clause by which such guardian alone can consent to an adoption, the legal rights of the natural parent to the child are not permanently severed. Such court action may occur in two ways, (1) it may be entered into

⁶ Ibid.

voluntarily by the natural parent, or (2) it may be initiated by someone other than the natural parent on particular grounds stated in the law and in opposition to the wishes of the natural parent. In the second instance, such grounds may be "depravity, open and notorious adultery, habitual drunkenness for one year prior to the filing of the petition, extreme and repeated cruelty to the child, abandonment, and/or desertion of the child for more than six months next preceding the filing of the petition".⁷

In independent adoptions legally processed in Illinois, consent to adoption is usually executed by the parent before the county clerk. Judicial sanction, that is, a court hearing in which an order is entered severing all legal rights of the natural parent to the child, does not occur until the adoption decree is entered. Furthermore, it is assumed by the court at the time the petition for adoption is filed, that the consent was given voluntarily by the natural parent who, at such time, was fully aware of the future implications of the consent. This is too much to be assumed, even at the time of filing, particularly when legal rights of the child, the adoptive parents, and the natural parent, are determined largely on the manner in which the consent is obtained.

Relative to the question of consent, independent adoptive petitions are filed, setting forth the consent of the natural parent to the adoption and the desire of the petitioners to adopt a specific child. In some petitions an added statement is included, charging the natural parent with abandonment, for

⁷ Ibid., Article 4, Section 4-2.

a period of six months prior to the filing of the petition. In these latter instances the court allows the charge of abandonment to be included in the petition because of the fact that the child has lived with the adoptive parent for at least six months prior to the petition. However, if the court assumes, at the time of the petition, that an adoption decree will be entered, and such decree is based on the voluntary consent of the natural parent, it does not appear to be reasonable that the charge of abandonment is justly incorporated in the petition.

These are some of the problems relative to the question of consent as the Illinois law is administered in independent adoptive placements, both within and outside the state. The Children's Bureau recommendations on this point are in complete agreement with the Illinois law. The Bureau's thinking is based on the broad recommendation that termination of parental rights always precedes the beginning of adoption proceedings. This procedure of complete termination of parental rights would eliminate any assumptions the court is now forced to make in independent adoptions. Furthermore, during the complete adoption process the legal responsibility for the child would be clearly defined by means of the judicial sanction. This then, represents the thinking presented by the Children's Bureau relative to the questions of consent and the termination of parental rights.

This chapter outlines four provisions in the Illinois Adoption Law, as they apply to independent, interstate adoptive placements. These provisions are those pertaining to the questions of jurisdiction, the six month residence of the child in the adoptive home, the social investigation, and

the consent of the natural parent. Problems in relation to these questions are presented as they occur in independent placements involving two states; and are, namely, difficulties in obtaining adequate social investigations, time pressures which make supervision insufficient, and questionable situations in regard to jurisdiction. It is seen that these difficulties stem from inadequate specification in some sections of the law itself, and also from the manner in which the law is applied.

CHAPTER II

THE FUNCTION OF THE DIVISION OF CHILD WELFARE IN RELATION TO INDEPENDENT INTERSTATE ADOPTIONS

This chapter focuses specifically on the administration of the provision in the adoption law covering social investigations in independent interstate adoptions as that administration is delegated to the Division of Child Welfare. Since the Division usually has no knowledge of such placements prior to the filing of the petition, it becomes active when the court order is received. This activity embraces the investigation which covers two questions stated in Article 3, Section 3-1 of the law; namely, "whether the petitioner is a proper person to adopt the child", and whether "the child is a proper subject of adoption". Since the scope of the social study includes both the child and the adoptive parents, contacts with the natural parent or parents, as well as contacts with the adoptive parents and child, are indicated and advisable.

In regard to the first question, (whether the petitioner is a proper person to adopt), the fact that these petitioners reside in states other than Illinois, makes it necessary for the Division to contact the welfare departments of those states and to request, from those departments, evaluations of the prospective homes. In connection with the second question, (whether the child is a proper subject of adoption), the Division locates and interviews natural parents in order to determine, to some extent, the natural background

and potentialities of the child. This information is sent to the welfare department of the other state which, in turn, designates the local agency which will be responsible for the investigation.

In all cases it is made clear to the state that independent adoptive placements are permitted in Illinois, that the information desired is for the purpose of making a report to the court, and that the Division cannot govern the action the court might take, regardless of its own approval or disapproval of the placement. It is also made clear that the Division cannot authorize the return of any child to Illinois and cannot sign guarantees,⁸ if these are required by the interstate laws or regulations in force in those states in which the children are placed.

On receipt of the completed adoptive home evaluation from the state involved, the Division prepares the findings for the court in topical form which includes information on the following points:

1. The foster mother.
2. The foster father.
3. Employment and finances.
4. Neighborhood and housing.
5. Health.
6. Religion.
7. Marriage date.
8. The child's background.
9. Remarks or recommendations.

The comments are brief and include only factual information. They usually consist of general statements regarding the adjustment of the child

⁸.A written statement declaring responsibility for the child. Guaranty may also be in form of a bond.

in the home and rarely include recommendations. When recommendations are made, they are stated as recommendations by that agency investigating the adoptive home. These reports are signed by the Judge at the final hearing and are subsequently returned to the Division by the court.

The basic difficulty involved in social investigations such as these, stems from the fact that the child is already in the home prior to the investigation. The purpose of the home study becomes that of approving the home if it is possible, and removal of the child only in case something is crudely or drastically wrong with the home. There may be many factors present in these placements that indicate existing and potential social problems, but, in the face of the natural emotional tie that has developed between the adoptive parents and the child, social agencies are reluctant to recommend that the child be removed.

In relation to cases in which more than one state is involved it is doubtful that the state in which the petitioners reside would assume legal responsibility for the child, since Illinois has assumed jurisdiction in the adoptive procedure. Furthermore, interstate laws regulating the importation of children are set up for the protection of the states into which children are taken, as well as for the child's protection. Although interstate laws are ignored by parties arranging the placements, the existence of those laws indicates that the state, other than Illinois, would bear no legal responsibility for the child should he become dependent. Therefore, the natural parent, or the state in which the natural parent resides, would be responsible should the child become dependent. However, in many such cases, the natural

parent cannot be located and the Illinois residence of the natural parent cannot be ascertained. This means that the legal responsibility for the children involved, should they become dependent before the petition is acted upon, is not clearly defined nor is it assumed by either state. Insofar as Illinois retains jurisdiction in the adoption proceedings, the legal responsibility during the adoption process would appear to rest with Illinois, also.

In view of these problems, which are inherent in independent interstate adoptions, it is apparent why such social investigations, so handicapped, fail to achieve their real purpose, that of providing the court with objective recommendations which can be constructively influential in the court's decision.

It is now necessary to clarify where independent, interstate adoptions are embraced in the complete picture of adoptive services of the Division of Child Welfare. This involves an understanding of the functions of the Division under certain sections of the Illinois Maternity Hospital Law, and the services it offers to unmarried mothers under this law. In most instances, unmarried mothers do not come to the attention of the Division unless they have no other way of meeting their problem. Usually the unmarried mother does not come to the attention of the Division for planning for her child until she is hospitalised, and then she becomes known only because of the operation of the following provisions of the Maternity Hospital Law:

Section 1. No hospital or institution licensed under this act, or persons connected with such hospital or institution, shall place children for adoption or care in foster family homes, or anywhere outside of the custody of their mothers, unless the hospital or institution shall be licensed as a child welfare agency as provided by law, except with the written consent of the State Department of Public Welfare.

Section 3. No child from such maternity or lying in hospital shall be placed in a family home or be legally adopted until such home shall have been investigated and approved by the State Department of Public Welfare.

Section 5. Any manager, superintendent or person in charge of such maternity or lying in hospital who fails or refuses to procure a license as provided in Section 1, thereof, or anyone who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and fined not less than \$50.00, or by imprisonment in the county jail for not to exceed one year, or both fine and imprisonment in the discretion of the court.

Approved as amended July 1, 1939.

These sections of the law have been circulated to hospitals throughout Illinois by the Division on the "Report of the Maternity Hospital". In accordance with this law, a report is made to the Division by the hospital for each child born out of wedlock, and all other children who are to live away from their own parents, except those children dismissed to licensed child placing agencies. This report should be submitted immediately following the birth of the child.

The Division, under Section 3, makes pre-placement investigations of the particular home designated by the mother's agent in cases of natural mothers wishing to place their children independently for adoption. This is done after possible alternative plans are made known to the mother to accept or reject as she wishes. These alternative plans might be in the use of the Aid to Dependent Children program or the services of a licensed child placing

agency. If the mother would reject such planning, the Division will investigate the particular prospective adoptive home that she, or her agent, has named. If the home is approved, it becomes licensed for foster care, the child is placed and supervised in the home, and after the six months residence period required by law, the petition is filed for adoption.

In this way, the Division gives such independent placements some social controls as those placements made by licensed child placing agencies, though there is no opportunity for matching the child to the home. The child as well as the natural mother and the adoptive parents, are safe-guarded to some extent by the pre-placement investigation and the supervised probationary period. Through the efforts of the Division and the cooperation of hospital administrators and staff, some of the hazards of independent placements have been avoided.

However, should a mother, contemplating an independent adoptive placement of her child, be dismissed from the hospital with her child, the Maternity Hospital Law is no longer applicable. There are several reasons why such a dismissal may take place. The mother may be uncertain about her plans while still in the hospital; in her desire for secrecy she may falsify her marital status and her intention for placing the child may be unknown to the hospital staff. Through previous help of an intermediary, such as a relative, physician, or an attorney, plans for the child's transfer to prospective adoptive parents may be arranged for after dismissal from the hospital.

As stated previously, generally, independent placements of this

kind, including the study group, do not become known to the Division prior to the filing of the petition to adopt. Under provision in the Adoption Law, the Division is then ordered to investigate the petitioners and child as proper parties for the adoption. Through an understanding of the services offered by the Division under the Maternity Hospital Law, it is apparent that the group of independent, interstate adoptions, involved in this study are only a small segment of the total number serviced. It is also true that, although these children were all born in hospitals in Illinois, the Maternity Hospital Law was not effective for the various reasons stated, and consequently, the children received no protection from this law.

In summary, the Division of Child Welfare functions in independent, interstate adoptions under Article 3, Section 3-1 of the Illinois Adoption Law. The court orders the Division to make a social investigation at the time the petition is filed and after the child is placed with the adoptive parents. The Division notifies the state department in which the petitioners reside that the placement has taken place, and requests an evaluation of the adoptive home from the other state department. When the investigation is completed, the Division submits its findings to the court.

The independent, interstate adoptions involved in the present study, and in relation to the total group of cases serviced by the Division under the Maternity Hospital Law, represent cases in which this law was completely ineffective even though it applied to all the children involved at the time they were born.

CHAPTER III
THE STUDY GROUP

This chapter focuses on a discussion of the case material in relation to the provisions in the laws which apply to that material, namely the Maternity Hospital Law, the Illinois Adoption Law, and certain interstate laws. Findings in regard to the Maternity Hospital Law and the interstate laws are brief, and are included here only to indicate to what extent these laws have been ineffective. Findings in relation to the Adoption Law constitute the main part of the chapter and this discussion embraces the questions of residence, social investigation, and jurisdiction.

The Maternity Hospital Law applied to the entire group of 73 cases at the time the children were born but in 66 of these cases the law was either completely ineffective or was bypassed. Only 7 of the 73 cases were referred to the Division of Child Welfare through prompt maternity hospital reporting and these 7 mothers were interviewed by a caseworker during their hospitalization. In these interviews the caseworker interpreted the services of child placing agencies and their availability. Six of the mothers were not interested in such services and stated that a plan had been worked out with the help of a physician. One mother accepted referral to an agency. The case was accepted but, due to intake restrictions, service was later refused and the mother then accepted help from a physician. In these seven cases, the mothers left the hospitals with their babies and the Maternity

Hospital Law was no longer applicable.

Although maternity hospital reports were received by the Division on a larger number of cases, frequently the reports were late and reached the Division after the mothers had left the hospitals with their babies. Some of these late reports indicated that the mother would keep her child while other reports stated that plans for the baby's placement were already initiated by an agent of the mother, that is, by a relative, physician, or an attorney. No reports were obtained on some of the cases, which was probably due to falsification by the mother of her marital status. This, then, indicates the extent to which maternity hospital reporting was found to be effective in case material.

The entire group of 73 cases including the seven cases previously known, became known to the Division at the time the adoptive petition was filed. At this time the Division was ordered by the court, under the Illinois Adoption Law, to investigate the allegations in the petitions.

The 73 cases were divided into three groups based on the lapse of time between the placement of the child and the filing of the petition. Group I consisted of 23 cases in which there was a lapse of six months or more; in Group II, including 20 cases, the interval varied from one to six months; in Group III, in which there were 30 cases, the date of the filing of the petition was close to the date of placement so there was no appreciable lapse of time. The following table shows these three groupings, broken down into monthly intervals, in relation to the lapse of time between placement and petition.

TABLE I
LAPSE OF TIME BETWEEN PLACEMENT AND PETITION

Lapse of time	Group I 23	Group II 20	Group III 30	Total 73
0-1 Month			30	30
1-2 Months		13		13
2-3 Months		2		2
3-4 Months		2		2
4-5 Months		2		2
5-6 Months		1		1
6-7 Months	10			10
7-8 Months	8			8
8-9 Months	1			1
9-10 Months	4			4

Fifty of the 73 petitions were filed before the six months residence period was over and this called for use of the waiver clause. Hearings on these 50 cases were not set until after the children were in the homes for six months from date of placement. Therefore, if filing of the petition took place during the second month of placement, there was a four month waiting period until the entry of the final decree. The waiting periods constituted time in which social investigations were made and in which some supervision was possible. The length of supervision, however, varied with the lapse of time.

The greater the span between the filing the date of placement of the petition, the less time there was for adequate supervision.

Those cases gaining the maximum social controls through the use of the waiver clause were the 30 cases comprising the third group. In these cases, the Division became active within the first month of placement. The five to six-month waiting period constituted a probationary period in which follow-up contacts and supervision in the adoptive homes were possible. Similar controls were present in the second group, particularly in relation to the 13 of the 20 cases, in which the lapse of time did not exceed one to two months. However, in the first group of 23 in which the waiver clause was not used and the lapse of time exceeded six months, no time for supervision was allowed. In this group, activity of the social agencies consisted largely of one contact which was used as a basis for the court report. Obviously, in the first group, the filing of the petition was held up merely for the fulfillment of the six-month residence requirement. This factor, in reality, prevented the court's early knowledge of the placement, allowed no time for supervision, and offered no more legal safeguards than those present in the other two groups.

The use of the waiver clause offered some protections for the children involved in 50 of the 73 cases comprising the second and third groups. This is seen in the following discussion of the social investigation. The social investigation took place between the date of the filing of the petition and the date of the final hearing. Cases were opened by the Division on receipt of the court order. The investigations were initiated with attempts

to locate the natural mothers, and material obtained in the mothers' interviews was sent to the out of state agencies with the requests for evaluations of the adoptive placements. When the evaluations were received the Division reported the findings to the court. The cases were closed when the reports, initialed by the judge at the final hearing, were returned to the Division. The length of time the Division was active varied in relation to the three groups as they were defined under the topic of residence requirement. The following table shows this length of time according to monthly intervals on the 73 cases.

TABLE II
LENGTH OF TIME ADOPTIONS WERE ACTIVE

Length of time Active	Group I 23	Group II 20	Group III 30	Total 73
1-2 Months	10	2	0	12
2-3 Months	6	3	0	9
3-4 Months	2	2	0	4
4-5 Months	0	3	0	3
5-6 Months	1	5	19	25
6-7 Months	1	3	7	11
7-8 Months	0	2	4	6
8-9 Months	1	0	0	1
9-10 Months	2	0	0	2

Of the 73 cases, 28 were active for less than a five-month period of time, while 45 were active for five months or more. In the 28 cases the petitions were filed three to nine months after the children were placed. These cases included 18 of the 23 cases in Group I and 10 of the 20 cases in Group II. The 45 cases, active for a period of five months or more, included 5 cases from Group I, 10 cases from Group II, and the total number, or 30 cases, from Group III. Discounting the 5 cases of Group I, the petitions on the 40 cases were filed before or during the second month of placement, allowing ample time for the investigation and some follow-up supervision. It was impossible to determine from the case material why 4 of the 5 cases from Group I were active so much longer than the others of that group. However, in one of these 5, the hearing was delayed through the efforts of the Division in order that a psychometric examination might be given to the child. This case was the only one of the entire 73 in which an extension of time was allowed for purposes of further evaluation of the placement. This, then, indicates the length of time allowed in the 73 cases for the social investigation and supervision of the adoptive homes.

When the Division located and interviewed natural mothers, more specific evaluations of the placements were reached. The availability of mothers for interviewing was dependent to a great extent on the lapse of time between placement and petition and varied according to the three groups of cases. Of the 72 natural mothers,⁹ 43 were located and interviewed. The

⁹ One mother had relinquished twins for adoption. The twins were placed in separate adoptive homes.

following table indicates the number of mothers located in relation to the three groups of cases.

TABLE III
NUMBER OF NATURAL MOTHERS CONTACTED

	Group I 22	Group II 20	Group III 30	Total 72
Those Contacted	8	12	23	43
Those Unknown	14	8	7	29

Twenty-three of the 43 mothers located were those in which the adoptive petitions were filed close to the time placements were made. Four of these 23 mothers were seen during their hospitalization through referrals from the maternity hospitals while 19 were first seen in the office one to two months after placement of their children. It was found largely from this group of mothers that, in many instances, they had had direct contacts with the adoptive parents at the time the children were transferred.

Of the 8 mothers in Group I, in which the petitions were filed six months after placement, 3 had been seen in the hospitals as a result of maternity hospital reporting. No history material was obtained at that time on these 3 and they could not be located six months later when the adoptive petitions were filed. It was generally true that the mothers from Groups I and II, seen three months or more after placement, were less willing than those of Group III to discuss the situation with a caseworker and many facts were falsified or withheld. The fact that 29 of the 72 mothers were completely

unknown, prevented the obtaining of any specific evaluations of these placements. This, then, represents to what extent the social investigations were limited in the 73 cases by the length of time allowed for supervision of the adoptive placement and by the unavailability of the natural mothers.

Consideration is now given to the provision in the Adoption Law relative to the question of jurisdiction and the way in which this question was applied to the 73 cases. The interpretation of the section in the Adoption Law setting forth the basis for jurisdiction of the Cook County Court varied in the 73 cases. As was discussed in Chapter I, the legal phrase, "where the child is found" is often interpreted to mean physical presence of the child in the county at the time of the petition. In order that jurisdiction be retained in Cook County in the 73 cases, modification of this interpretation was necessary. In Groups I and II, which constituted 43 of the 73 cases, the children were placed in homes of out of state residents prior to the filing of the petition. In these 43 cases jurisdiction was retained on the basis of one of two alternatives. First, either the children were returned to Cook County for the purpose of filing the petition and establishing physical presence in the county at the time of filing; or, second, the phrase "where the child is found" was interpreted to mean past physical presence of the child in Cook County. It is unlikely that in all 43 cases the children were returned because of the extensive distances involved in some cases, but, because of the nature of the case records this point could not be established. The use of either of these two alternatives acted as a means of retaining jurisdiction in the 43 cases in which the children were physically present in

Cook County.

In the 30 cases composing Group III, physical presence of the child in Cook County was apparent since transfer of the children to the adoptive parents coincided with the filing of the petition. Modification of the phrase was not necessary, and jurisdiction of the Cook County Court was existent without question. The entire study group, however, lacked the protections of a court having jurisdictional residence over the petitioners. Legal action taken at the time of the adoption hearing was the only protection gained by these 73 cases under the jurisdiction of the Cook County Court since Cook County assumed jurisdiction only in the matter of the adoption. At no time between the date of placement and the date of the final decree would it have been possible to clearly define Cook County's total responsibility for these children in case of their becoming legally dependent children.

This completes the discussion of the 73 cases as they are related to the three provisions in the Illinois Adoption Law. Consideration is now given to those interstate laws which applied to children in the case material. The particular interstate laws applying to the study group were those importation laws of the states in which the children were placed since Illinois has no law regulating the exportation of children. The following table shows the distribution of the 73 adoptive homes according to states.

TABLE IV
DISTRIBUTION ACCORDING TO STATE

State	Number of Homes
Total	73
California	9
Colorado	1
Connecticut	1
District of Columbia	1
Indiana	7
Iowa	4
Kentucky	4
Michigan	11
Minnesota	3
Missouri	2
Nebraska	1
New Mexico	1
New York	7
Ohio	1
Oklahoma	1
Oregon	1
Texas	3
Washington	1
West Virginia	2
Wisconsin	12

At the time these children were placed for adoption, 34 states had laws regulating the importation of children. Four additional states had no special interstate placement law but supervision of interstate placements was included in their laws setting forth powers and duties of the state public welfare agency. Two interstate laws of states in which children in the study group were placed specified that the law only applied to dependent children. These states were Indiana and Kentucky which involved placements of 11 children of the study group. In two other states the interstate laws exempt children placed for adoption. These states were Iowa and Minnesota involving 7 placements in the study group. The states where placements were made having no importation laws were California, Colorado, New Mexico, Oklahoma, and Washington, as well as the District of Columbia. The placements made in these states numbered 14. Therefore, the 32 adoptive placements in those named states were not subject to interstate laws. Forty-one placements, however, were made in 10 states having interstate laws stating that consent, approval of license must first be obtained from the state welfare agency. These states included Connecticut, Michigan, Missouri, Nebraska, New York, Ohio, Oregon, Texas, West Virginia, and Wisconsin. Of the 10 states in which these 41 placements were made, 8 state laws also required bonds or other guaranty. In these 41 placements then, it is seen that these requirements under the interstate laws, set up for the legal and social protection of the children as well as for the states, were not enforced and were completely ineffective.

CHAPTER IV
SELECTED CASES

This chapter presents selected cases from the study group which exemplify (1) problems in administering sections of the Maternity Hospital Law, (2) difficulties surrounding the question of jurisdiction of the Cook County Probate Court, and (3) situations, completely void of social safeguards which are the results of haste on the part of those arranging the placements. These cases do not represent extreme situations in the study group, but rather point out circumstances which may be frequently found throughout the entire group.

The case of Miss S. indicates some of the difficulties the Division was faced with in administering those sections of the Maternity Hospital Law delegated to it.

On 1-23-46 a maternity hospital notified the Division by telephone that five-day old Baby S. was to be placed for adoption. Miss S., the baby's mother, meanwhile notified the attending physician that she did not wish to keep her baby and asked him to recommend an adoptive home. Since the Division had been notified, a caseworker visited the mother in the hospital the same day and explained available child placing agency services to her. Miss S. accepted referral to a child placing agency for an adoptive placement of the child since she believed she would be unable to care for her child in the future. Later in the day, the attending physician telephoned to say that he had recommended a home to the mother. The caseworker explained that Miss S. had requested the services of a child placing agency, but the maternity hospital superintendent objected to this, stating that the child was not of the religious faith required for the agency's intake. The agency, fearing conflict with the maternity hospital, refused to accept

the child for placement and requested the Division to refer it to another agency.

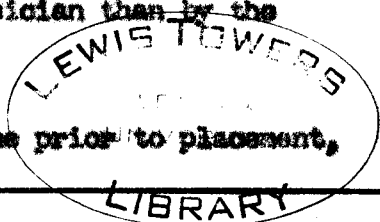
Two days later the caseworker from the Division visited Miss S. in the hospital and the problem of change in referral was explained to her. The attending physician refused to leave the room and directed the mother's thinking and planning. During the interview, Miss S. finally stated that she had voluntarily changed her mind and preferred to have the child placed in the home (in Michigan) suggested by the physician. The next day the mother left the hospital with her baby.

The case was closed on 1-3-46 and reopened on 9-4-46 upon receipt of a letter from the attorney for the petitioners (Michigan residents) and a court order for investigation of the adoption. The probationary period was over. A letter was sent to the Michigan Department of Social Welfare requesting an investigation of the petitioners and the information obtained about the natural mother was included in the letter.

In four weeks the social history on the adoptive parents was received from Michigan, one contact had been made. The adoption was not recommended because so little was known about the child's history, though the child appeared to be adjusting well. Within the month the adoption was made final.

In this case several problems are indicated. The case points up the present restrictive character of child placing agencies which, to a certain extent, furthers some such independent adoptions. Had it been possible for the mother to follow through immediately with the referral to the agency, there would have been no need of an independent plan. The undue interest of the attending physician, following the referral to the Division, further complicated the situation. However, from the mother's point of view, her immediate needs were being met more adequately by the physician than by the Division.

Had it been possible to investigate the Home prior to placement,



the probationary period of six months would also have been a supervisory period. As the case developed, the petition was not filed until the probationary period was over, allowing only time for one contact and for reporting.

The ineffectiveness of the Maternity Hospital Law in the case material stems from a number of factors which have been discussed in the previous chapter and cited here. The law itself offered possibilities in protecting the needs of the children involved. However, cooperation of the various parties including hospital administrators, physicians, attorneys and child placing agencies appeared to be lacking.

When the cases came to the Division by court order, the Division proceeded with the investigation, assuming the court's jurisdiction in the matter of the petition. In all cases jurisdiction was based on the phrase in the Adoption Law "where the child was found" since the petitioners resided in other states. Through the efforts of the social investigation in one particular case, the case of Baby M., jurisdiction was found to be invalid.

On 11-29-48 the Division received a letter from an attorney with the court order for investigation. The petition charged the natural parents with abandonment. The Division attempted to contact the natural parents with no success. The Division then requested a social investigation of the adoptive parents in Michigan. It was explained to the Michigan agency that the child had been given to the adoptive parents in Cook County.

On 1-10-49 the Division was informed by Michigan that investigation revealed that the child had been transferred in Michigan. A conference with the attorney, judge, and caseworker from the Division revealed that the attorney felt Illinois had jurisdiction since the natural parents had had residence in Illinois. It was pointed out that the law said nothing about residence of the natural parents. The attorney, wishing Illinois to retain jurisdiction, suggested two possibilities. First, that the

mother get the baby from the adoptive parents. This was objected to by the judge who stated the attorney had no jurisdiction in this matter. Secondly, the attorney suggested the adoptive parents come to Chicago for a two-week residence period. This, also, met with objection, and it was finally ruled that the adoption could not take place in Illinois. In March, 1949, the adoptive parents filed a dependency petition in Michigan and the adoption was later completed in Michigan.

This case indicates jurisdictional problems which stem fundamentally from the broad statements in the adoption law. The question of what constitutes residency was pointed up. Although a two-week period of the adoptive petitioners would hardly be considered residence in any court, it is essential that residents and non-residents be determined easily. Should the child have been transferred in Cook County, it is very possible the adoption would have been completed in Cook County. This problem was seen in this case as only the suggestion of the attorney. If this were the case, the phrase "where the child is found" is interpreted in terms of possibly a one-day transfer of the child from the natural mother to the adoptive parents. Such a loose interpretation was probably not in the minds of the legislators when the broad phrase was incorporated in the law. Since the adoption was made final in a court in Michigan having residential jurisdiction, the possibility of future invalidation of the adoption on jurisdictional grounds is minimal.

Because of the nature of the adoptive arrangements, throughout the study group there was a total lack of matching the particular child to the particular adoptive home. Aside from this, immediate pressing problems presenting considerable question to the advisability of the adoption were present in specific instances. In such cases the most that could be hoped

for was an extension of the probationary period in which the adoptive parents might benefit from agency help and supervision. The case of Baby C. illustrates how one situation of this nature was completely void of social controls.

On 10-2-48 the Division's first contact was made with an unmarried mother through the efforts of the attorney. Baby C. had been born on 7-10-48 in a Chicago hospital and given to foster parents on 8-29-48. In this interview adequate information on the natural parentage was obtained and on the general health and delivery. The mother told of her former attempts at an agency placement, having contacted two child placing agencies which would not accept her. She then decided to keep the child and took the baby with her from the hospital to a home of a cousin. The cousin suggested a family attorney who made placement plans. The mother appeared extremely upset during the interview and it was suggested that she wait before signing the consent to the adoption. The mother, however, signed the consent the same day.

On 11-24-48 a letter was sent to Iowa requesting a social history on the adoptive parents. In nine days a preliminary report was sent by Iowa stating that the adoptive mother had been in the hospital for a four week period due to an "emotional upset". The child was in the care of a neighbor. The caseworker was unable to contact the foster parents directly at this time.

Iowa would not recommend that the waiting time be shortened as was requested by the attorney. It was stated that the situation was not very promising. The social history was received stating that the adoptive mother was definitely emotionally unstable. There was present real objection to the adoption.

The Division was in accord with Iowa and asked that further supervisory visits be made. This was carried out and by February, instability of the mother was still indicated and the father was out of the home much of the time. Added information was obtained that the adoptive parents had paid \$2,000.00 for the baby to an "Association". The father denied this, saying that it was only a reasonable sum.

On 4-27-49 Iowa informed the Division that the adoption had been completed. On investigation, it was learned through the attorney that the adoption had been completed on 3-2-49 in Cook County Court. A minister in Iowa had made the study on the adoptive home which was accepted by the court.

Again, in this case, it is seen that agency flexibility may have prevented the independent placement. The fact that the attorney's efforts were more immediate was appealing to the natural mother. In the mother's interview, taking place months after the placement of the child, all that can be hoped for is some information on the child's family history. Rarely at that point is a complete change in plans acceptable to the mother or indicated.

The main factor to be considered in this case is the limitation placed on both the Division and the Iowa Department by the court's acceptance of a layman's investigation overriding the total efforts of the Division and completely defeating its purpose for services in this case. Undoubtedly the court felt the best interests of the child were considered in the decision. It is doubtful, however, that the court was aware of many facts revealed in the Division's contacts with the Iowa Department.

Another factor which is seen time and again throughout the cases is the indication of large sums of money involved in the adoption arrangements. Often there is no possibility of establishing facts in this regard because of denials and the fears of the parties involved.

Direct contacts made between natural mothers and adoptive parents offered further complicating circumstances. The particular social problems these direct contacts caused in these interstate cases were largely offset by distance and varied residences of the natural parent and adoptive parents and

would not be as paramount as in cases in which both families were living in the same community. However, when a natural parent knows who and where the adoptive parents are, there is always the danger of complications. This is seen in the following case which represents one of the direct placements made by the natural mother to the adoptive parents.

On 9-8-48 the adoptive parents, natural mother, and attorney were seen in the Division office. The adoptive parents wished to take the child to West Virginia on the following day. The worker tried to discourage the hasty manner of proceeding and explained that West Virginia should be aware of the child's being placed in a foundling home pending the home study and encouraged the adoptive parents to go ahead with their plan, since their home would surely be approved. The adoptive parents left Chicago the next day with the baby.

The following day, the natural mother notified the Division that she really wanted to keep the baby. She explained the financial arrangement made in which the adoptive parents had given her \$500.00, plus legal and medical expenses. The mother hoped she could have the baby returned and pay back the money. The money was referred to United Charities Legal Aid Bureau.

West Virginia was informed about the child's being placed in the home, the mother's desire to have the child returned, and request for investigation was made should the adoption plans continue.

The mother contacted the adoptive parents personally, asking that the child be returned to her. The adoptive parents were unwilling to give the child up. The investigation of the home was made and the adoption was made final on 1-11-49. It was difficult to know if the mother really wanted the child back. Legal Aid Bureau had refused her services due to her salary and the mother engaged no other attorney.

This situation shows that the adoptive parents were subjected to a most unhappy experience since they had entered into this type of adoption in such a hurried manner. The fact that the natural mother had dealt directly

with the adoptive parents made it even more difficult when she wanted to keep the baby and contacted the adoptive parents personally. There may be a constant fear in the minds of the adoptive parents regarding personal contacts of the mother in the future.

Also, there is present here the whole question of such an attorney's using his legal knowledge in defeating the purpose of child placing laws and policies. Again such action is done in hopes of meeting the client's immediate need in the most expedient way. Had there been an opportunity to work out the feelings of the natural mother, the whole problem would have been eliminated. The entire situation was one in which injustice was done to the adoptive parents and the natural mother in an attorney's effort to circumvent the law.

With regard to source of arrangements another problem, widespread in the case material, is that of the attorney's and physician's complete disregard of social factors as well as their uncooperative attitude in bringing forth information. This attitude seen in the following case appears almost childish and unaccountable.

On 8-8-46 the Division received a Maternity Hospital report stating that a mother would not keep her twin babies and wished to have them adopted. It was further stated the mother had left the hospital on 8-7-46 with her babies, and an attorney was making all the arrangements.

On 3-10-47 the Division received a letter from an attorney with the court order for investigation of the adoption. On further contact with the attorney he stated he did not know how his petitioners learned of the natural mother or the baby. The Division requested an investigation of the adoptive parents in Wisconsin. The natural mother could not be located.

On 4-7-47 the social history was received from Wisconsin with a letter stating the home could not be approved because no information on the child's background was had. The attorney was further questioned by the Division as to the mother's whereabouts and on 5-1-47 he brought the mother to the office. The mother stated that she had given both babies to the attorney and she did not know where he had placed them, having no objection to the twins' being separated. She further stated that had she known of an agency before delivery, she would have accepted agency services. The attorney then explained his total procedure in the placement stating he had felt guilty about separating the twins and revealed the home also in Wisconsin where the other twin had been placed. The adoption was completed on 5-21-47.

The point in question in this case, is the attorney's complete disregard of the social factors involved. The Division sought to have a cooperative working relationship with the other profession involved in order to serve the child's best interests. The attorney was uncooperative and withheld such needed information.

Again the need for more prompt Maternity Hospital reporting was indicated. It was also revealed in the social investigation that the adoptive parents had tried unsuccessfully over a period of years to adopt through an agency. This factor alone needs such consideration in social agencies' attempts to reduce independent adoptions.

The cases presented here have indicated only those circumstances which were real and existing at the time the Division was active on the cases. What future problems which may come about resulting from lack of matching the child and the adoptive parents, physically and intellectually is a question open for speculation.

CHAPTER V
CONCLUSIONS

In conclusion, this study shows that social factors, which should be of primary consideration in adoptions, were actually given little attention in these cases. On the contrary, the legal aspects of the adoption process were given the main emphasis. Regarding the social factors, the social agencies involved in these cases, the Region 2, Division of Child Welfare of the Illinois Department of Public Welfare, and the corresponding agencies in the other states, were limited primarily by the fact that these cases were unknown prior to the adoptive petition. The Division's contacts with the natural mothers could be used only for obtaining social histories on the children. The out-of-state agencies initiated contacts with the adoptive homes with the idea of recommending the placements if this were at all possible. A change in placement plans could not be hoped for, although it may have been indicated as being in the best interests of the child. All possible consideration was given to the tie that had already developed between the child and the adoptive parents. Because of this viewpoint many social factors were disregarded in these cases. Although from this type of study we can, for the most part, only predict social problems which may arise at a future time, history material strongly indicates the possibility of such future problems.

Furthermore, the Division of Child Welfare had an opportunity to offer some social controls in these cases by contacting the mothers at time

of hospitalization under provisions of the Maternity Hospital Law. However, in these cases, maternity hospital reporting achieved little in the way of fostering good adoption procedures, but served only as a barrier to be overcome by those initiating the independent plans for placement.

In regard to the legal safeguards present in this group of cases, it was seen that the six month residence requirement for the child in the home could not always be considered a supervised probationary period since social action was initiated at the time of petition, not at the time of placement. This problem could be remedied if the law should clearly state that computation of the six months should begin on the date of filing the petition if the child is already in the home. This specification in no way would hamper the court to waive the six month requirement at its own discretion. However, in these cases it is doubtful that such waiver would be in keeping with the best interests of these children.

Under the administration of the Adoption Law alone, there can be no certainty of having pre-placement studies of the adoptive homes. Only by enforcement of interstate placement laws would such studies be legally certain. Since Illinois has no law governing the exportation of children, the enforcement of interstate placement laws of other states would determine the chances of obtaining pre-placement studies in these cases as a matter of course. Should Illinois desire cooperation of this kind from out-of-state agencies, it would be essential and advisable for Illinois to accept legal responsibility for the children until they become legally adopted. Unless Illinois assumes full legal responsibility for these children until the adoption decree is

entered, no legal safeguards are present during the adoption process. If the Illinois court assumes total legal responsibility for these children, the issuance of guaranties to the other states is indicated assuring them of Illinois' responsibility to these children.

Although, in these cases cited, the intent of the law was fulfilled to the extent that the child was given legal status, a name, and the right of inheritance, there is little or nothing to assure that the child obtained, through his adoption, the love, security, and home life, which are generally regarded as being a child's birthright.

BIBLIOGRAPHY

Primary Source Material

- Illinois Revised Statutes, Adoption of Children. Chicago, Smith-Hurd Publishing Co., 1947.
- Illinois Revised Statutes, Maternity Hospitals. Chicago, Smith-Hurd Publishing Co., 1947.
- Midwest Conference on Interstate and International Placement of Children, Summary Report. Washington, United State's Children's Bureau, March, 1948.
- Midwest Conference on Interstate and International Placement, Minutes. Washington, United State's Children's Bureau, October, 1948.
- Smith, Evelyn. Interstate Placement Laws. Washington, United State's Children's Bureau, March, 1949.

Secondary Source Material

- Colby, Mary R. Problems and Procedures in Adoption. Washington, United State's Children's Bureau, Publication #262, 1941.
- Essentials of Adoption Law and Procedure. Washington, United State's Children's Bureau, Publication #331, 1949.
- Laws Related to Interstate Placement of Dependent Children. Washington, United State's Children's Bureau, Publication #139, 1924.
- D. F. Puttee and M. R. Colby. The Illegitimate Child in Illinois. Chicago, University of Chicago Press, 1937.
- Weissman, Irving, et al. Guardianship, A Way of Fulfilling Public Responsibility for Children. Washington, United State's Children's Bureau, Publication #350, 1949.