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## A Comparison of the Laws and Standards Pertaining to the Licensing of Foster Homes in Eight Eastern States

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A COMPARISON OF THE LAWS AND STANDARDS  
PERTAINING TO THE LICENSING OF FOSTER HOMES  
IN EIGHT EASTERN STATES

by  
Kathleen Winter

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

June

1955

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## CHAPTER I

### INTRODUCTION

#### PURPOSE

The purpose of this study is to analyze the laws in eight eastern states with respect to the licensing of foster homes for child care. Included will be emphasis on the social implications of these statutes. In accomplishing this three particular objectives have been kept in mind:

1. To view the various aspects of the laws of these states and to determine the extent to which they measure up to securing for the child in foster care those rights for every child as recognized in the Children's Charter.
2. To examine critically and objectively the extent to which these licensing laws secure the rights of the child in need of foster homes; the rights and obligations of the natural parents, guardians, or responsible relatives who must place the child; and the rights and obligations of foster parents.
3. To evaluate the effectiveness of the laws of the eight eastern states and to point up the similarities and differences in methods used and in standards required for the licensing of family foster homes used for child care.

#### NEED

The need for this study arises from the desire to understand how society views its responsibility for establishing

safeguards in relation to the care of dependent, homeless children. It is intended that this project will help to complete a similar study of the participation in licensing programs for child care throughout the forty eight states. It is planned that this study will contribute to the formulation of a workable philosophy regarding standards and criteria for sound planning for the care of children in foster homes.

Not only a sustained interest in the use of foster home care for the dependent child but experimentation with such homes for handicapped and delinquent children has made social agencies as well as courts, organizations and interested persons increasingly aware of the importance of licensing and state responsibility in this matter. Through funds made available to states under the ADC program of the Social Security Act, dependent children can be cared for in their own homes if there are relatives or parents who can care for them. There are, however, thousands of children whose care can not be given within their homes because of gross neglect or abuse by parents; death, permanent or temporary illness of parents; and handicaps or delinquent behavior of children which might be better treated in other than their own homes. These children must be provided for. This study will try to detail and to evaluate how eight eastern states have met some of their responsibility for protecting homeless children and children requiring special care away from their homes through licensing of foster homes.

## FOCUS

This project is to examine one facet of the broad responsibility of the state in regard to children needing to be placed outside their own home. That is the adequate legal protection of children through the licensing of foster homes. The states in this study, namely, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York and Rhode Island and Vermont were chosen to demonstrate similarities and differences in states having geographical proximity to each other. This thesis is part of a research project undertaken by 6 students from the Loyola University School of Social Work.

## METHOD

Careful perusal and examination of the laws and administrative practices of the eight states in this study was made. This included material requested from state licensing departments and from state departments of public welfare in seven of the eight states and from the state Bureau of Health in New Jersey, the one state not vesting determination of eligibility for child foster home care in its department of public welfare. It was necessary to request additional information from Massachusetts, New Jersey and Vermont. Schedules were set up for comparison and evaluation of the provisions of the state foster home licensing laws in each state. Schedules were also set up for comparison

and evaluation of the structure and function of the administrative units which carry out the foster home licensing laws in each of the states. Legal and social literature was scanned for background information and for criteria to enable sound evaluation of present licensing as revealed by the material obtained on each of the states.

### DEFINITIONS

For the sake of clarity in this study certain terms used frequently are defined as follows:

1. "Foster homes" and "boarding homes" are terms used interchangeably by the various state statutes. The same liberty has been taken in this study.
2. Throughout this paper the use of "foster homes" or "boarding homes" automatically implies that the homes are used by public or private agencies for children who are under their supervision, whereas "independent" foster homes have a different connotation and will be identified throughout the study by the use of the word "independent."
3. "Independent" foster or boarding homes are those homes which accept children for care who are not under the supervision of any agency, public or private.
4. A "licensed agency" or "authorized agency" is a public or private agency which functions as a child-placing agency and has been designated as an agent of a department of public welfare. In most states such an agency has placement and supervisory responsibility for a child in its care; in some states such a license also enables the agency to license or recommend for licensing those foster homes caring for children who are the responsibility of the agency.
5. For the sake of unity the term department of public welfare has been used to indicate the responsible administrative agency in charge of the welfare program

of the state although other titles may have been used from time to time by one of the states; example, "department of social welfare."

6. "Child" as referred to in this study means a male or female person under the age of sixteen years.



## CHAPTER II

### ANALYSIS OF LICENSING LAWS

#### HISTORY

The need of care for neglected, dependent and abandoned children has existed since early colonial days. The problem was met in colonial and pioneer days by such methods as placing children in work houses, almshouses and in many instances in penal institutions or asylums. In the middle 1800's the New York Children's Aid Society, founded by Charles Loring Brace, gathered up the "waifs" from the streets of New York City and placed them on farms in the middle west and upstate New York. This step did much to develop the movement toward providing foster homes for children and to awakening the public to the value of centering responsibility for the care of a child on a single person or family. This was the beginning of interstate placement of children. As a consequence, the states began to recognize that they needed to intervene in cases of parental neglect, abandonment and incompetency. The courts were subsequently drawn into legal action against parents who were deemed inadequate and grossly negligent of their children and children were removed from their natural homes.

During this period little attempt was made to help the

parents correct the homes. Children placed in foster homes frequently lost all family ties and family identity. The tragedy of this is obvious.

By the latter part of the eighteenth century movement into the use of orphanages was begun for the care and protection of homeless children. Here, in institutions often inadequately staffed and lacking in individual love and attention grew great numbers of needy, almost forgotten children. Minimum or sporadic physical, spiritual and emotional care was given these children. Usually they were expected to assist in performing work in the orphanage as a way of training them for future independence as well as a way to reduce the cost of supporting them.

The White House Conferences of 1909, 1919 and 1930, and the enactment of the Social Security Act of 1935 resulted in considerable movement by state, local and federal governments into fuller, more comprehensive care of dependent children. During the past twenty-five years, great strides have been made in preserving the family unit and making it possible for the child to remain in his own home. This has been possible through improved skills; in case work technique, alleviation of financial stress by ADC and other such monetary aid to families, day care for children and housekeeping programs. There still remains many lacks in services to children. Among these are foster home care for mentally retarded children, children with emotional and

behavior problems, Negro and other children of minority groups, chronically ill or convalescent children and children who require emergency and detention care. The focal interest of this project is to examine the stage of development of social thinking in each of the right Eastern states as reflected in its legislation for the licensing of such foster homes.

#### INTENT AND PURPOSE OF STATUTES

One of the ways in which the interests of the child needing placement can best be protected is by a good foster home licensing law. Dwight H. Ferguson has stated that "one of the basic purposes of licensing is to insure against certain risks which we as individuals are not able to assume . . . that the purpose of licensing is to protect the child by identification of these risks and by establishing safeguards to meet them."<sup>1</sup> Here is expressed what the public has come to regard as the basic purpose behind licensing.

Massachusetts, in its licensing law for the care and protection of children has stated its basic philosophy which is worthy of mention at this point: "It is hereby declared to be the policy of the commonwealth to direct its efforts, first, to the strengthening and encouragement of family life for the protection and care of children; to assist and encourage the use by

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<sup>1</sup>Dwight H. Ferguson, Public Welfare (October 1946), p. 9.

any family of all available resources to this end; and to provide substitute care of children only when the family itself or the resources available to the family are unable to provide the necessary care and protection to insure the rights of any child to sound health and normal physical, mental, spiritual and moral development. The purpose of this chapter (laws governing licensing of foster agencies) is to insure that the children of the commonwealth are protected against the harmful effects resulting from the absence, inability, inadequacy or destructive behavior of parents or parent substitutes, and to assure good substitute parental care in the event of the absence, temporary or permanent inability or unfitness of parents to provide care and protection for their children."<sup>2</sup>

It is with these statements in mind, that an attempt will be made to assess how successfully the laws governing the licensing of foster homes in the eight states named previously have met the various states' professed wishes and intentions.

#### COMPARISONS OF STATE REQUIREMENTS

An analysis of the statutes of the states in this study has brought out some general observations which lead one to examine more closely the adequacies of the laws governing licensing of foster homes. For example, the laws themselves range in length

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<sup>2</sup>Statutes of Massachusetts, Care and Protection of Children, Chapter 119, Section 1 (Amended by the Acts of 1954).

from a brief paragraph to several long pages. As will be discussed more thoroughly in a later part of this study some of the states give little attention to the licensing itself turning over full responsibility including the development of criteria and standards to their welfare departments. Others set up legal definitions to be used by welfare departments; and in all of the seven states delegating responsibility to the welfare departments, there are wide ranges of covered material which should be perused to understand how the law regards or handles the licensing of foster homes.

New York state's Article 6 of its Social Welfare Law is a lengthy, comprehensive article with minute and careful detailing of the material it includes, its provisions and responsibilities.<sup>3</sup> Vermont, on the other hand, details its laws governing the use of homes for children in six brief paragraphs. In order to illustrate how the state law defines its responsibilities toward children the author wishes to include excerpts from Vermont's law No. 227, Public Acts of 1949 as follows:

Homes for Children. The commissioner of social welfare or his agent shall take means to find suitable homes for all children under the care of the department of social welfare. In the case of children needing immediate relief, the commissioner or his agent shall arrange for temporary care in suitable homes which have been investigated and are approved by him, and such homes shall be paid a reasonable amount for care and maintenance. When a suitable foster home cannot be found, such child may be placed in a licensed institution incorporated for receiving dependent or neglected children and such child's board shall be paid

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<sup>3</sup>New York State Social Welfare Law, Article 6 Care and Protection of Children, (April 1953).

to such institution.

Visitation. Such commissioner or his agent shall visit a child, who has been placed in accordance with the preceding section, at least twice each year to ascertain the care, training and condition of the child. If the home in which the child is placed does not prove to be a suitable and proper place for such child, the commissioner may cancel the agreement with such homes and take the child for placement in another home, or in an institution.

In the above statements which are all inclusive of the state's intention to care for its homeless children there is no further delineation of what the state considers adequate care, or inadequate care for its children. The law does go on to say that overseers of the poor should report to the commissioner of social welfare any case of a dependent, neglected or delinquent child coming to the overseer's attention and there are minor stipulations covering penalty for operating a foster home without a license but beyond these statements the law remains silent. Connecticut, like Vermont, covers its regulations in a small pamphlet. Maine emphasizes prohibitions for the applicant and licensee rather than standards or duties of the licensing agency, or licensee of a foster home. As reported to the author by letter<sup>4</sup> Maine has not changed its law, or the provisions governing foster care for children for several years. New Jersey "certifies" foster and boarding homes through its local Boards of Health. In all of the states licenses are obtained without

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<sup>4</sup>Information in a letter to the author from Frank W. Haines, Director of Licensing, Bureau of Social Welfare, Augusta, Maine, December 9, 1954.

charge and in all of the states licenses are valid for a period of one year only. At the expiration of one year, the licensee must reapply. How the various states handle the reapplication; that is, how they reinvestigate, visit and reestablish eligibility is determined by their various state departments of public welfare and will be discussed at a later point in this study.

At this time it is necessary to recall information given in a prior portion of this study in order to look further at licensing of foster homes in the eight states in this report. It will be recalled that in seven of the states, New Jersey being the exception, authority to set up, and carry out the intention of the state law governing the licensing of foster homes is vested in the state departments of public welfare. This step, itself, is indicative of the development of social consciousness on the part of society and can be said to reflect recognition that those persons engaged in promoting the welfare of children are usually the persons most able to establish standards and criteria for good foster homes. Certainly it falls within the scope of social welfare to establish sound programs for the care of needy, homeless children. Hopefully, social welfare will continue to evaluate and improve the criteria already in practice. At present, however, perusal of the various states' regulations governing the licensing of boarding homes results in outstanding recognition that a heavy predominance of the standards fall strictly into requirements as to the physical

protections set up for the child and there is an amazing paucity of material reflecting the departments' standards as to the child's needs for emotional and spiritual protection. The author does not wish to minimize the need to protect the physical well being of the child, but to call attention, rather, to the other aspects of the child's development which must certainly be affected by the care given to him within the substitute home. As a point of illustration, it is noted that every law specifies safeguards as to fire hazards and there is a common requirement in each of the eight states studied, that drinking water in the foster home must be inspected by health departments and found to be free of contamination.

Various of the states specify requirements covering such things as sleeping space. Maine and New Jersey require certain numbers of cubic feet of air in the sleeping room.<sup>5</sup> New York specifies thirty square feet of floor space per bed in a room.<sup>6</sup> Vermont's requirements are significant in that they give recognition not only to the physical but to the moral and emotional needs of the child. As stated in a booklet issued to prospective foster parents they are

that each child shall be provided with a separate bed in a well-ventilated and lighted room . . . which shall not be a hall, store-room or dining room . . . that more than two children shall not be permitted to sleep in the same

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<sup>5</sup>State of Maine, Department of Health and Welfare, Bureau of Social Welfare, Rules and Regulations (Section A, article 6), p. 5.

<sup>6</sup>Rules of New York State Board of Social Welfare (January 1945), p. 3.



bed and they must be of the same sex . . . that foster children shall not sleep with adults . . . all babies shall have individual cribs . . . that no child over three years of age shall sleep in a room with an adult of the opposite sex . . . that no child over five years of age shall sleep in the same room with a child of the opposite sex and . . . that when one bed is provided for two children it shall be a double bed to assure comfort. . .<sup>7</sup>

Each of the eight states indicates awareness that housing is important; each of them indicates, albeit with subjective statements that "housing must be suitable for the care of children" that proximity to schools, churches and recreation facilities is important. Each of the states requires that a foster child have a medical examination before entering a boarding home. New Jersey says: "The applicant and all members of the household shall be free from disqualifying physical or mental handicaps. A written statement to that effect, signed by a duly licensed physician . . . shall be attached to the original application for license and, at the discretion of the Local Board of Health, with any renewal application. Such statement shall be based on a medical examination made not more than thirty days prior to the date of application. The examination shall include a chest x-ray for any person over fifteen years of age."<sup>8</sup> Attention is called to the fact that the above quoted

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<sup>7</sup>Minimum Standards and Regulations for Boarding Children, State of Vermont, Department of Social Welfare, p. 1.

<sup>8</sup>State of New Jersey, Proposed Code for Licensing and Conduct of Boarding Homes for Children, Section 6, Item b.

material is not, as yet, a law but is included in the state's proposed code. In a state vesting licensing in the health department this regulation and emphasis on health factors is understandable. In the other states only mention of the need for physical examination is made.

Other requirements for licensing of boarding homes and for determinations of eligibility for children being placed, cover who shall file the application in behalf of the child, when and how agency participation is expected, how many children shall be admitted to a home. As to the latter New York indicates the number should not exceed six; Vermont says four; Rhode Island states that not more than four children shall be in the home at one time and that at no time can the number of children in the home exceed the number for which the home was licensed. The eight states permit all of the children in a family to be placed together in one home if facilities are adequate and the home meets the other standards for licensing.

Attempts to guarantee some measure of natural, normal childhood experiences through the selection of healthy, happy foster parents is handled in various ways by the (various) states. Maine's regulations include that "the foster family should be well balanced, mature people who can offer good wholesome relationships to children and exercise good judgement in handling children."<sup>9</sup> Connecticut implies the same in its statement that

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<sup>9</sup>State of Maine, Rules and Regulations, (Section B, article 2). p. 6.

"The statute intends that the commissioner of Welfare shall take into consideration the mental, emotional and spiritual development of the child as is encompassed by the use of the words "well being, health and morality." Hence the agency must determine to the best of its ability through careful study whether the applicants are mentally, morally, and emotionally suitable to act as foster parents."<sup>10</sup>

Maine, New Hampshire and Vermont specify that the foster family shall be of the same religious faith as the child's. The other states indicate this should be arranged "whenever possible." New Hampshire's regulations say that the child should live near enough to a church to permit him to attend church and other church functions "regularly."

Before evaluating other aspects of the licensing programs in the states in this study the main requirements specified by Connecticut are listed as an example of the scope of such requirements:

The number of children to be cared for in the foster home shall not exceed four, except in cases where the facilities seem adequate, and the commissioner of Welfare approves, six children may be kept.

A certificate of approval from the local fire marshall must be secured.

When water is obtained from other than a public source, water must be approved by the State Department of Health.

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<sup>10</sup>State of Connecticut, Office of Commissioner of Welfare, Administrative Policies, (November, 1949), p. 1.

Housing must be reasonably good, with  
adequate sleeping arrangements  
house must be in a reasonably good neighborhood.

Family income must be sufficient for comfortable living.

All members of the foster family must pass a physical  
examination by a reputable physician.

The suitability of the foster parents to manage and  
make a child happy shall be determined by the commis-  
sioner of welfare of his agent, or the agent of a  
licensed private agency.<sup>11</sup>

The reader will recall that in "definitions" at the be-  
ginning of this study the author called attention to two kinds  
of boarding homes: those under the supervision of a public or  
private agency, and those known as "independent boarding homes."  
The latter, although licensed, are not under the supervision of  
any agency. At this point the author wishes to again mention  
that the requirements described in this chapter apply to both  
kinds of homes. At a later point, details covering how these  
homes are licensed will be discussed.

In all eight of the states in this study some form of in-  
vestigation is carried on prior to licensing. In four of the  
states, Connecticut, New Hampshire, New York and Rhode Island  
similar investigative regulations exist. In Vermont there is  
little difference, this difference covering chiefly, the type of  
the application form required. In the states here listed an ap-  
plicant must file, in writing, on a form prescribed by the state

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<sup>11</sup>Ibid., p. 2.

department. New York state requires that the application be in the handwriting of the prospective foster mother, an interesting requirement. While its purpose is not given it can be speculated that in this manner the state hopes to insure itself that the foster mother can read and write and therefore will be able to understand the terms of the foster care contract as well as able to follow written instructions and suggestions.

Generally the forms require dates and facts regarding the foster child, his family, the prospective foster family and its home. After the application has been received authorized persons are required to visit the home to evaluate its usefulness for child-care.

Certain definite requirements for inspecting are specified by the various states. New York says the "premises" shall be inspected; Rhode Island states that the fire chief, the building inspector and the sanitary inspector must pass on the building and its location whenever the home anticipates caring for two or more children. Connecticut requires that the department of welfare notify the selectmen in the district in which the prospective foster parents live. The selectmen are expected to report back to the state department any evidence seen or known which might result in the home not being authorized. Maine requires that both the State Fire Prevention department and the department of Health and Welfare must submit written reports concerning the home inspected prior to the issuance of a license. New Jersey, in which licensing resides with the local boards of health,

requires visitation and inspection of the home "by the health department" before certification of the home.<sup>12</sup>

Along with pre-licensing inspection of homes the states have, in varying ways, attempted to provide for periodic inspections. It will be recalled that in all of the eight states of this study the licenses for boarding homes are valid for one year only. At the end of that time the home reapplies for license and theoretically a review of the entire eligibility requirements takes place. It is certainly valid to question how thorough such a review can be in consideration of the volume of work this would entail particularly in regard to "independent foster homes" in which little or no contact has been carried on after the licensing of the home. It is easier to postulate that in boarding homes under the supervision of public or private agencies and in which regular visiting was part of the agency program, recertification might be more valid and effective. By and large it is noted that the terminology in the laws describing the function of investigation is broad and leaves to the agency actually carrying out the function a degree of flexibility in these matters. Each of the states has, however, incorporated certain ideas into its laws.

Both Connecticut and Rhode Island provide for "periodic investigation as shall safeguard the well being, health and

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<sup>12</sup>State of New Jersey, Department of Health, Code Guiding the Licensing and Conduct of Boarding Homes for Children, 1954, Section 2, item 2.4, p. 2.

morality of the child." Rhode Island has, it would appear, attempted to broaden its scope of responsibilities by adding that "within three months after receipt of notice that a child has been placed in an unlicensed home, the department of public welfare shall cause the child and home in which he has been placed to be visited . . . to determine if the home is suitable and shall continue to supervise the care of the child."<sup>13</sup>

New Jersey's regulations state that the local board of health must inspect the premises of a foster home when reapplication for license is made to insure sound physical, emotional and social well being of the child. Massachusetts, New Hampshire and New York are some what more authoritative by saying that the department of public welfare may visit the foster home at any time, but shall visit at least annually for the purpose of deciding regarding renewal of a license. New York authorizes its department of welfare to visit "at its discretion" and "shall if practicable" visit the homes four times a year, Vermont states that the licensing or supervising agency shall make visits to boarding homes "depending on the need." Vermont's law is unique in one respect. It states that the boarding parents "have a right to expect help from the licensing agency on questions relating to the welfare of children in boarding homes."<sup>14</sup>

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<sup>13</sup>Rhode Island Laws on Licensing and Regulation of Children's Boarding Homes, December 1949, Chapter 370, Section 2, p. 11.

<sup>14</sup>State of Vermont, Foster Home Licensing Law, Number 227, Section 2, p. 8.

A stipulation which holds interest in terms of how the public sees itself as responsible for insuring good homes for its children is revealed in the New Hampshire law regarding visitation and inspection. This law specifies that the solicitor of the county, the selectmen and public officials of the city and town may visit a foster home at any time for purposes of inspection. Inspection is defined as seeing each member of the household, inspection of the premises and interviewing four references.

In summation of the requirements governing the issuing of licenses to prospective boarding homes one other stipulation covered by statute requires some consideration. This is the one of record keeping. The author does not intend, at this time, to discuss the administrative record keeping which is concomitant with administration of the various agencies and departments but to discuss, rather, the records kept by the foster homes and of the state departments upon receipt of the applications from prospective foster parents. When one considers the overall problem of boarding out children, such a responsibility as keeping reports seems almost unimportant. Records and reports are important, however, as they keep in some unified form essential data as to the whereabouts and personal condition of the child, his family and the foster family. They also serve to give evidence of the continuity, adequacy and efficiency of the licensing process. Therefore, it is found that in each of the eight states there are some requirements covering this area of in the programs. In all states



applications are kept by state departments, usually the copy being kept at the state level and the original going to the licensing and investigation department or agency. In none of the states will a license be granted without the foster parent's participation in filing an application and a report of his situation.

Maine, New Jersey, New York and Rhode Island require that the foster home keep a register which must be available for inspection and up to date at all times. The date wished for in each of the states is similar to that of New York's which follows:

1. Name and detailed identifying information
2. Parentage and detailed identifying information
3. Person having custody
4. Religious faith of parent and child
5. Religious faith of family receiving or placing child
6. If child dies, state the cause of death
7. The dates of reception and discharge and any further disposition or change in care, custody or control of child
8. Reasons for any act performed in reference to such child, together with any other information the board may require.<sup>15</sup>

New Hampshire, New York and Rhode Island provide for the confidentiality of these records. When one considers, however, the provisions made as to who can inspect the homes (and this includes the registers) the confidentiality of the records can be questioned.

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<sup>15</sup> State of New York, Department of Social Welfare, Licenses and Certificates to Board Children, as Amended, January 16, 1945.

## STATUTES COVERING VIOLATIONS

The information given in the preceding portion of this report has indicated how the law provides for certain safeguards for the child placed in a foster home. The question must certainly arise: What of the child placed in a home which is inadequate, which violates the law? The question does not permit a simple answer. As in the case of all laws there may be a wide divergence between the purpose and intent of the law and its execution. It is not difficult to visualize the complexity of such a problem as would be entailed in knowing about and satisfactorily handling the mistreatment or neglect of children in the hundreds of boarding homes located throughout these eight states. Again, as has been mentioned previously, the problem lends itself to more efficient handling in those homes under social welfare supervision, private and public agency supervision. Even here, however, it is necessary to recognize that with the multitudinous duties which the personnel of the departments and agencies carry, close, consistent contacts with the homes must, at points, be impractical if not impossible. Also, in the many independent homes in which supervision is not given by the state it is possible that poor placements, inadequate homes and careless and indifferent foster parents might abound in number. Certainly a productive study might be made of this subject, but at this time the reader will recognize that the provisions made by the laws of the various states need to be the focus of this study.

The states have attempted to cover and to handle the possible violations of their regulations by certain statutes. These include laws permitting removal of the child from the home, penalties which can be imposed upon violators, methods of appeal, and revocations of licenses. Some states, such as Connecticut and Maine have made no provision within the context of their licensing laws, for the removal of children from harmful and/or inadequate homes. In these instances, however, a perusal of the laws governing the functions of the Juvenile courts reveals that the Juvenile court can assume authority and remand the child to other care. For example, in Connecticut, the Welfare commissioner, the Division of Child Welfare, or the county boards of management can be given authority for the care of the child.

Other states, however, have, in connection with statutes covering licensing, included sections of the laws to permit the removal of the child as follows:

Massachusetts stipulates that the department of welfare may revoke a license at any time, from an independent boarding home, for failure to comply with the licensing provisions, or for failure to properly provide for a child in its care. The department may, upon authorization of the court, permanently revoke a license which has been refused or revoked once, or may revoke the license of a home from which a child has been removed. The department of welfare may enter any independent boarding home "without actual force" and remove the child if there is evidence of abuse or neglect. If the home hinders the removal of the child

the department is authorized to secure the assistance of the court to enable forcible removal. This state imposes a fine of "not more than \$500" on "wilful" violators and appeals can be filed by the foster parents, or by the natural parent or guardian through the district court.<sup>16</sup>

New Hampshire gives the power to revoke the license to the department of public welfare. Notice of the grounds for revocation is sent, in writing and by registered mail, to the licensee. At the same time the rights of appeal are stated. In this state the department of public welfare may make recommendations to the licensee regarding improved care of the child and if these are not complied with may appeal for court ruling regarding the child. Meanwhile, the child may be taken into the custody of the department and placed elsewhere. Both the parents of the child and the foster parents are notified of the action of the department and may "within seven days of the notice of license revocation" file with the hearings board of the department of welfare for an appeal for a hearing. The hearing must be held in not less than seven nor more than twenty-one days. The appellant has the right to be represented by counsel, to present testimony and witnesses and can present hearsay evidence. Within ten days after the hearing, the board must render its decision in writing and include its reasons for decision. Penalties in this state include

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<sup>16</sup> Commonwealth of Massachusetts, Care and Protection of Children, Chapter 119, Amended by the Acts of 1954, Section 8.

finer not to exceed \$100 and/or imprisonment, not to exceed one  
year.<sup>17</sup>

New York state specifies that violators of its regulations are guilty of a misdemeanor and that violations may be prohibited by injunction. New York's department of welfare can order a child removed either from an independent or agency home within thirty days. If the order of removal is ignored, the officer of the county charged with the care of the child is notified to remove the child and failure to follow through with this order can result in the children's court, or other court having jurisdiction, being brought into legal disposition of the case. Any person "aggrieved by the decision of the department of public welfare may institute in the judicial district in which he lives a proceeding in which the reasonableness of the department's decision will be reviewed."<sup>18</sup>

Vermont stipulates that the department of public welfare may suspend, or revoke, any license and may remove a child from the foster home and place the child elsewhere if the regulations are violated and/or if it is found that the home is not a "proper place," or the house is "unsuitable" for the child. Imprisonment of one year and/or a fine of not more than \$100 can be imposed

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5. <sup>17</sup>Revised Laws of New Hampshire, 1949, Chapter 130, Section

<sup>18</sup>New York State Social Welfare Law, effective April 1953, Article 6, Title I, Sections 10, 371, 373, 391.

for violations with the board of social welfare department acting as a "fair hearing board" on appeals from either boarding homes or agencies.<sup>19</sup>

Rhode Island's law details provisions for the revocation of a license indicating that the department of public welfare may revoke the license when the boarding home is used without due regard to the best interests of the child, or in case of any violation of any law of the state in a manner disclosing moral turpitude, or upon evidence that the home is harboring a person of ill repute, or when such home is being conducted as a maternity hospital. Written notice of the revocation must be served on the licensee and the license returned at the direction of the department of welfare. The department of welfare gives notice of the revocation to the state department of health and to the board of health in the city or town in which the licensee resides. Rhode Island's law does not cover removal of the child from the home but does have coverage of penalties and appeals. In regard to the former a person found guilty and convicted for a first offense can be imprisoned for six months or less and be fined \$500 or less. After the revocation of the license the boarding mother in Rhode Island is given two weeks in which to make other plans for the child. The law also states that "opportunity for a hearing may be allowed."<sup>20</sup>

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<sup>19</sup>Vermont Statutes, Public Acts of 1949, Number 227, Sec. 2.

<sup>20</sup>Public Laws of the State of Rhode Island, 1949, Chapter 2111, Section 9.

The child in New Jersey is protected from neglect or cruelty by regulations imposed and enforced by the local board of health. There are no written regulations governing how a child is removed from a home, or under what circumstances, but since the local board of health can prosecute, revoke or deny a license it is reasonable to surmise that the board can also remove and replace a child. The author was unable to locate any evidence that a licensee has a right to appeal a decision to revoke, but since this state is in the process of revising its regulations regarding licensing it is hoped that this provision will be included in the eventual law.

It was mentioned earlier that neither Maine nor Connecticut have laws covering removal of the child from a foster home. These states do have, however, laws governing other phases of the improper use of homes. Maine provides that its department of welfare may revoke a license at any time that it finds any violations of its regulations. Imprisonment and fines may be imposed for violations but there is no written provisions for appeals in this state. Connecticut, on the other hand, has very definite coverage of appeals stipulating that any party to whom an application is denied or whose license is revoked may within ten days appeal to the superior court. Following the appeal the trial shall be "de novo" and the reasons for the denial or revocation shall be received as evidence. Costs for such trials shall be taxed in favor of the prevailing party as in civil actions but no costs shall be taxed against the department of welfare. Connecticut

also stipulates that the revocation of a license must await the hearing if an appeal follows the notice of revocation. This state, as do the others, requires that notice be given to the licensee in writing.<sup>21</sup>

#### LAWS COVERING OUT OF STATE CHILDREN

The information given in the preceding sections of this study have dealt, understandably, with the state's children; that is, those children who, through parental residence, are legal residents and therefore the responsibility of the state. There are, however, occasions in which children from other states are placed in states in which they have no claim to residence. Of the eight states in this study four, Connecticut, New Jersey, New York, and Rhode Island have statutes covering these children. Generally it is noted that there are similar safeguards in each of these statutes to guarantee that the state into which the child is brought will not find itself with a detrimental "charge" on its hands. Common regulations in the laws are as follows: first, that the agency sending the child into the state continues to have responsibility for the child, second, that a bond be posted insuring that the child will not become dependent, or be abandoned, third, that the child be removed from the new home within thirty days if he becomes a public charge or if within three years of entering

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<sup>21</sup>Social Welfare Laws of Connecticut, Revised 1953, Section 2640.



the state the child is committed to an institution, prison or is convicted by Juvenile court action. In these states it is unlawful to bring or to send a child into another state without first obtaining a license from the department of welfare in the state into which the child is being brought. Rhode Island protects the welfare of the child by requiring that the person or agency planning to send the child out of state must first have a certificate stating that the home to which the child is going is a suitable, appropriate one. Connecticut and Rhode Island require that the person or agency which brings the child into their states must report once a year to the department of public welfare giving information as to the location of the child and the child's welfare.

This chapter has described how the various laws of the states in this study have attempted through their licensing program to provide some degree of security and normal family care for children needing to be placed outside their own homes. The author has tried to incorporate some awareness of the social implications both of the state's responsibility and the child's dependency in such situations.

### CHAPTER III

#### ADMINISTRATION OF LICENSING LAWS

The administrative structures of the eight eastern states which comprise this study are complex and variable. This is due primarily to the different ways the states have structured their political subdivisions and the differing duties and responsibilities which time and tradition have placed upon local and state officials. An example of this may be seen in the law of New Hampshire which attempts to safe guard its foster children from mistreatment by a statement that selectmen and public officials of the city or town may visit a foster home at any time for purposes of inspection. This is reflective of a period in the nation's history when overseers of the poor, selectmen and local officials were the only citizens charged with responsibility for the needful people in the community. With full recognition of the good intention both of this law and of the selectmen carrying out their authority in a conscientious manner it is possible to question the criteria these people would use for judgment, condemnation or approval of a home. There has not been a clear or full delegation of authority or responsibility to trained people, and there is not unification either of understanding of the needs of a group such as placeable children or of administrative structures to carry out the duties concomitant with such responsibili-

ties. As a result, each state has handled the needs and provisions for care for these children in line with the state's stage of development of social thinking and social legislation.

There is one major characteristic of seven of the eight states in this study. This has been referred to previously but at this time a consideration of the statutory provisions for this structural arrangement may give some clarity to the general administrative programs throughout the states. This is the provision made in the seven states that responsibility for carrying out the foster home licensing laws resides in the state departments of public welfare. The greater number of the state departments of public welfare have two major functions in regard to the care of foster children. These are the licensing of independent foster or boarding homes which in some states entails full responsibility for visiting, inspecting and certifying the homes and secondly, the licensing of public and private agencies which in turn, in some states, entails responsibility for visiting, inspecting and supervising homes and certifying these to the state department for the final licensing. Usually the homes "certified" by the agencies are those used by them for children under their care and supervision.

The complex structure of the foster home licensing program in Maine is presented for consideration. Maine's licensing law has been in effect for several years although the procedures have changed from time to time. Chapter 22 of its statutes gives licensing of boarding homes for children to the department of Health

and Welfare, Bureau of Social Welfare.<sup>1</sup> Under the Bureau of Social Welfare there are two divisions; that of the Child Welfare and that of Licensing. The Child Welfare Division has responsibility for investigation for two types of homes; those which it uses for children under its jurisdiction and care and those known as "independent" foster homes. Upon completion of its investigations the Child Welfare Division refers its recommendations to the Division of Licensing.

Within the Child Welfare Division there are seven district offices located throughout the state. These offices are responsible for final recommendations to the Licensing Division.

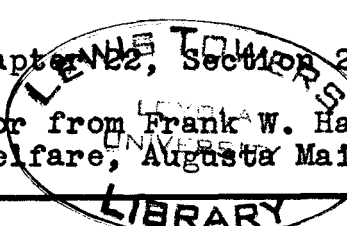
Throughout the state of Maine there are also a number of private child placing agencies. These agencies are not licensed by any statute but are given authority to operate in a licensing capacity by authority of the state department of public welfare. How the decision to license such an agency is made is contained in the following material from a letter to the author:

the Division of Licensing also issues license to several private welfare agencies, and if the Child Welfare Division believes that such child welfare agency has a staff which is able to recommend foster homes for licensing it allows the private agency staff to recommend the homes in the same manner that the Child Welfare Division recommends. If this is not so, the Child Welfare Division studies these homes upon request of the private agency. There are comparatively few of these, however.<sup>2</sup>

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<sup>1</sup>Revised Statutes of Maine, 1953, Chapter 22, Section 24.

<sup>2</sup>Information in a letter to the author from Frank W. Haines, Director of Licensing, Bureau of Social Welfare, Augusta Maine, December 9, 1954.



The Connecticut program differs from that in Maine in the following respect. Connecticut does not have a separate division responsible for the issue of licenses but vests this duty in the state department of welfare. Also, in Connecticut the Child Welfare Division studies, and if approval is given, grants a license to the private child caring agencies which enables them to license homes under their care and supervision. This differs, it will be seen, from Maine in that the private agency in Connecticut is given a blanket license whereas in Maine the agency can only recommend for licensing. In actual practice it might be assumed, however, that the private agencies in both states exert practically the same control though there is a difference in the rights and privileges.

A brief statement on the history of Connecticut's foster home licensing statutes is in order at this time. The State Welfare commissioner has had the responsibility for licensing of independent homes and private child placing agencies since 1921. In 1949 the General Statutes were revised clarifying many of the legal responsibilities of the department of public welfare for licensing.

In New York state the structure and function of the departments engaged in the licensing of foster homes is similar to those of Maine and Connecticut. In New York the Children's Division of the welfare department has district offices which investigate and "certify" independent foster homes to the state department. New York's Division of Foster Home Care and Licensing authorizes both

public and private agencies to act as licensing agents for homes used by these agencies. In New York, differing from the other states mentioned, the Department of Social Welfare district offices serve in more than a licensing capacity; they act as consultants and supervise the authorized agencies within their respective areas. This plan has special merit in that it encourages progressive cooperation and sound planning throughout the state.<sup>3</sup>

New York state's licensing laws differ from other states in another respect; that of the unique exception made for the City of New York. New York city does not certify to the state department of welfare homes which it uses for the care of its children, but certifies them to the New York City Board of Health. It is noted, however, that the same regulations, requirements, penalties for violations and other pre-requisites for licensing of New York City's boarding and foster homes are in effect as throughout the rest of the state.

Mention has been made of New Jersey's departure from the usual plan of having the state department of public welfare the final responsible agency in the licensing of boarding homes. It will be recalled that the local boards of health have complete responsibility and control over licensing of boarding homes in that state. In a letter from New Jersey's Department of Health the author learned that recently a committee had been appointed

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<sup>3</sup>Information in a letter to the author from Ruth Van Orden, Supervisor, Foster Home Care and Licensing, Albany, New York, December 14, 1954.

by the commissioner of health for the purpose of preparing a code governing the "conduct" of boarding homes for children. The writer thought that the code would be adopted. It is interesting to note that the code does not recommend that authority be taken away from the local boards of health but recommends, only that some standards of enlightened selection and requirements for licensing be accepted throughout the state. Without entering into a detailed description of the code (which by the standards now in operation in other states seems fairly comprehensive and flexible) the following excerpt from the writer's letter will give some idea of how difficult, complex and variable are New Jersey's licensing activities. "We have 570 local Boards of Health in this state. The type, amount and qualifications of the personnel in the local boards vary considerably. Some of them do not even have a licensed health officer. For this reason it would not be practical to set up and require certain standards for personnel engaged in evaluation of boarding homes. Usually the evaluation is done by the local public health nurse and we are trying through in-service training to increase their competency in this respect. We also encourage coordination and cooperation with social agencies which may assist the local boards through their personnel."<sup>4</sup>

Efficient administration of a program is based upon an under-

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<sup>4</sup>Information in a letter to the author from Dr. Renee Zwinder, Chief, Bureau of Maternal and Child Health, Trenton, New Jersey, January 17, 1955.

standing of the duties connected with the various functions of the organization. In this paper reference has been made to licensing of homes, to investigation and from time to time to supervision of homes. It should be noted that these are broad general terms descriptive of the functions of the personnel engaged in licensing. In actual practice, there are many functions connected with licensing which require skill and professional training so that it is understandable that social case-workers have become increasingly active in carrying out the intent of the licensing laws. It would seem further that the legislators of the states have become more aware of the contribution made by the social work profession to the execution of the programs of child care. This is evidenced by the fact that the states are requiring professional training in a number of instances and for an increasing number of positions. Although, as might be expected, no state provides for selection or criteria of performance of its workers by law, the various states have drawn up standards. These usually reflect the availability or unavailability of trained workers, plus the stage of development of the state's social work programs in toto. As mentioned previously, New Jersey does not require or employ social workers in its licensing program but does, it would seem from Dr. Zindwer's letter, turn to the professional worker for sound philosophy, social thinking and constructive handling of the persons involved in the licensing processes.

In New York state a worker engaged in the licensing program is required to have a bachelor's degree plus one year of social



work experience or a bachelor's degree plus one year of graduate study. Included in the program of New York's department is case-work with the foster families. In this work the social worker is not required to have more than a bachelor's degree unless the social worker wishes to qualify for a supervisory position which then requires the bachelor's degree plus two years of social work experience of which one year must have been in the child welfare field, or the bachelor's degree plus one year of graduate study and one year of child welfare experience.<sup>5</sup>

Civil Service standards must be met by social work personnel in the Division of Child Guardianship in Massachusetts. These qualifications are "four years within the past ten years of satisfactory full time paid employment must have been in a professional case-work capacity in a recognized public or private social work agency, offering direct service to families or individuals. The successful completion of two years of study in a recognized graduate school of social work may be substituted for the required experience, on the basis of one year of such study for each two years of the required experience."<sup>6</sup>

Connecticut, like Massachusetts, requires its workers to qualify through merit examinations. Some of its workers, however, are untrained and it was implied in material received from this

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<sup>5</sup>Information from letter, Ruth Van Orden, December 14, 1954.

<sup>6</sup>Information in a letter to the author from Gertrude A. Hartnett, Office of Policies and Procedures, Boston, Mass., December 15, 1954.

state, that an attempt is being made to interest recent graduates, even though inexperienced, to enter into employment with this program.<sup>7</sup>

The author does not wish to devote an undue amount of attention either to the job or personnel requirements connected with licensing of foster homes since the licensing itself is the focus of this study. Nevertheless, it is widely agreed that the comprehensive fulfillment of any program's intent must necessarily be contingent upon the qualifications of the persons who are engaged in its actual functioning. Therefore, Maine's stipulations regarding what functions its workers are expected to fulfill stand out among these states as a model which bears some attention. The following excerpts from its Child Welfare manual<sup>8</sup> are given:

**Child Welfare Worker:**

This is professional child welfare work. Employees are responsible for carrying out the laws which have been passed to protect the welfare of neglected and dependent children. . . . Workers furnish case work service to neglected children . . . committed to the custody of the Department. Whether in their own homes or in foster homes, the objective of casework service is to attain for each child the best possible adjustment to life. Child welfare workers are part of a district staff. They work under the supervision of trained, experienced supervisors. . . .

Examples of work performed: Studies formal and informal complaints of neglect of children . . . Studies and approves foster homes for children in the custody of the

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<sup>7</sup>Information from a letter to the author from John Stratton, Institution Consultant, Hartford, Connecticut, January 4, 1955.

<sup>8</sup>State of Maine, Department of Health and Welfare, Manual on Licensing, Chapter 8, Section A, p. 2.

Department (after casework attempts to strengthen and improve conditions in the child's own home have failed) . . . gives continuing supervision and casework service after children are placed . . . works with the parents of committed children toward the establishment of a home that would be adequate physically and secure emotionally to which the child might return . . . works with local welfare and judicial officials . . . to bring about more complete overall planning for children. . .

The manual then goes on to discuss other positions, supervisory and administrative. These will not be described but they are noteworthy since they reaffirm the objectives discussed under that of Child Welfare worker; in addition, they develop the sound, professional approach to the problem of placement of needful children and are so worded as to lend both inspiration and professional guidance to workers in general.

Repeatedly throughout this study reference has been made to private child-placing agencies. It will be recalled that in seven of the eight states which comprise this study departments of welfare have been authorized to set up and execute the states' foster home programs. In each of these states private child placing agencies have been authorized to act as agents of the welfare departments. Massachusetts' statutes include a separate section regarding licensing of private agencies, but in the other six states private agency licensing reposes within the regulations and provisions of the department of welfare in each state.

In all states in which the department of public welfare has delegated the function of licensing foster homes to private agencies, such agencies are expected to maintain certain standards and

assume prescribed responsibilities. In New York, for example, based on the provisions of the law and the welfare board rulings, the responsibilities of the authorized child placing agencies in relation to boarding homes are:

- I. To investigate prospective foster homes
  - A. To receive applications
  - B. To investigate applications
- II. To certify approved foster homes
  - A. Issue certificates and registers
  - B. Secure exceptions to board rules
  - C. Give written consent for placement of child by another authorized agency or by a parent or guardian
- III. To supervise certified homes
- IV. To reinvestigate certified homes and renew certificates
- V. To report on certified homes' discontinues and to secure certificates and registers from such homes.<sup>9</sup>

New Hampshire's regulations governing the standards which shall be in effect in private child placing agencies is included here to give some understanding of how this state regards its criteria for licensing such agencies. Although all of the states do not explain each of the provisions as clearly as is found in New Hampshire's welfare law there is a general agreement in all states on the over all approach to this licensing. New Hampshire's provisions are as follows:

I. ADMINISTRATION

- A. The agency shall be legally organized and its objects and purposes expressly stated in its charter, articles of incorporation, constitution or other published

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<sup>9</sup>State of New York, Department of Social Welfare, Bulletin No. 1d, Albany, New York, Revised March 22, 1945.

material. Copy of such material shall accompany application blank.

- B. Each agency shall be so organized that the responsibility for the agency's practices, procedures and administrative policies is vested in an advisory board or local governing body composed of not less than three responsible citizens or in a religious organization.

## II. FINANCING

- A. Each agency shall maintain at all times adequate financial resources to meet the minimum standards required by the rules and regulations of the state Board of Public Welfare and shall furnish annually and at such other times as may be requested by the State Department of Public Welfare satisfactory evidence of such financial ability.

## III. INTAKE POLICY

- A. Each agency shall adopt written policies in regard to accepting children for placement
- B. Each agency shall secure and record sufficient social information before placement to determine that placement of a child in a foster home is in the best interests of the child.

## IV. PLACEMENT AND SUPERVISION OF CHILDREN

- A. Each agency shall use only those boarding homes and child caring institutions which are licensed by the State Department of Public Welfare
- B. Each agency shall submit to the Department of Public Welfare (foster home application) an application signed by the agency executive before using a home
- C. Boarding homes must be re-licensed annually upon receiving notice from the State Department of Public Welfare.<sup>10</sup>

Seven of the state licensing laws provide that the department of welfare shall inspect and investigate the agency applying for license or authorization for the care and placing of children. Maine, New Hampshire and Rhode Island specify that this shall be an annual inspection; New York specifies every six years; Massa-

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<sup>10</sup>New Hampshire State Department of Public Welfare, Rules and Regulations and Standards for Licensing, Chapter 2, p. 5.

chusetts requires an investigation every three years, and Vermont and Connecticut do not specify a definite period for inspections. A provisional license is granted to agencies which "temporarily" are unable to meet state standards in Massachusetts, New Hampshire and Vermont. There is usually a time limit allowed for compliance with standards. Seven of the states vest power to deny renewal of a license and power to revoke the agency's license in the department of public welfare. In Connecticut, Massachusetts, New Hampshire, New York, and Vermont the licensed agency has the same privilege as the individual or foster parent to appeal the decision, denial or revocation of the license. New Jersey, as in other areas of licensing, differs from the other states having no state or department of welfare control over its private agencies.

In conclusion, it is suggested by one of the states that the power and responsibility of the private agency be broadened to permit the agency to investigate, license and supervise what are now known as "independent" boarding homes within the geographical areas served by the agency. There is much that could be said in favor of this suggestion.

## CHAPTER IV

### CONCLUSIONS

This study has shown that in each of the eight states which comprise this report; namely, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont, foster or boarding home care is provided for children who are in need of substitute family care. In seven of these states, New Jersey being the exception, there has been statutory provision for the licensing of foster homes at the state level. Specifically, in these seven states the law has designated the state departments of social welfare as the agency responsible for the licensing of homes for children needing placement. In New Jersey, responsibility for the licensing of these homes has been retained at the local level and under the various Boards of Health. The major function of the State Board of Health is standard setting.

Traditionally the need for foster or boarding home care was determined and supplied by the local officials whenever reality factors in the child's environment made it necessary to move him from his own home. Some of these are well known, such as death of one or both of the child's parents, desertion by one or both, mental or physical incapacities of the parents and gross acts of cruelty or neglect of the child. In recent years foster home care has taken on another and broader functioning than formerly.

The trend toward placement of delinquent children in foster homes rather than in penal or correctional institutions demonstrates the development in social thinking as regards the potential values of foster or boarding home programs. Regardless of the reason for placing a child, however, it is becoming more widely recognized that the child should, if at all possible, remain within his own family setting. There has been gradual acceptance of this concept after years of thinking along the lines of removing children from inadequate homes. As Miss Gordon has so well pointed out "caseworkers found it hard to explain, why children who had spent long years in foster homes where they seemed happy, sought out their own parents--even neglectful ones--and invested all their energy and affection in establishing and maintaining a home with them."<sup>1</sup> A consequence of the gradual recognition of the value of the child's own home resulted in a broadening of case work services designed to help families stay together. Nevertheless, material studied for this thesis showed that the need for substitute family care is great and deserves continued and conscientious attention. It is with this great need that this study has been concerned.

Certain general observations emerge from the material considered in this study: The laws themselves are lacking in comprehensiveness in many instances are confusing and difficult to inter-

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<sup>1</sup>Henrietta L. Gordon, "Limitations of Foster Home Care," Children's Bureau Publication, Washington, D.C., July 1948.



pret because there is not uniform terminology from state to state. Also the laws are complex in that they may cover a number of different provisions at one time. For example, Connecticut's Welfare Law, Section 2638 in one paragraph includes legislation covering orphan asylums, children's homes, care in institutions, reports which must be filed by institutional managers, requisites for licenses granted by the commissioner of welfare, the number of children who may be cared for in any licensed home, and stipulations covering reports which must be filed with the commissioner concerning the number and causes of death of any children being cared for, plus the average cost of support per capita.

As this study has demonstrated, the welfare departments in seven of the states have written their own regulations incorporating more of the intent of the law than of its legalistic terminology. This has made for flexibility and has permitted the development of progressive state regulations to meet changing conditions that might be peculiar to the state.

Most of the state laws carry provisions for penalties for violations of regulations. It was also noted that in a number of the states appeals and decisions were vested in the courts. Four of the states Massachusetts, New Hampshire, New York and Vermont provide for removal of the child from homes in which there has been gross neglect or abuse.

It is noticeable that in each of the states there are "independent" foster homes which, once they have met qualifications for licenses require no further study, attention or supervision

until the end of the licensed year when they must again apply for and qualify for licensing. Maine, Rhode Island and Vermont mention that consultative services through their Division of Child Welfare are available to them. The other five states make no reference to services. It was also noted that in Rhode Island there was no licensing, investigation or penalty for inadequate care applicable to independent boarding homes caring for only one child. A sound licensing law should cover all children with no exceptions. This discrimination against one child is contradictory to the basic philosophy of the Children's Charter and the Social Security Act. Seventeen of the nineteen points covered in the Children's Charter begin with the words "For Every Child." The Social Security Act under Title V extends aid to the states in order that all children needing care and protection might be reached through governmental services.

Reminiscent of colonial days and archaic regulations is New Hampshire's visitation provisions which permit town officials to visit and evaluate homes.

A consideration which seems important is the place of licensing in relation to the Child Welfare program. Recognition of the weighting in foster home evaluations of the physical characteristics as against the emotional security that can be offered and the ability of the foster parents to meet special problems and needs of children is more clearly demonstrated when an agency, public or private has responsibility for both licensing and placement. The writer believes where there is a division of responsibility be-

tween licensing and casework services, it is advisable that there be a close working relationship between the two divisions in order for licensing to be a constructive procedure. In Connecticut, New York and Rhode Island responsibility for licensing foster homes is delegated to authorized private and public child placing agencies. These agencies also give case work services to the children, natural and foster parents. The responsibility for issuing the license in Maine is vested in a separate licensing division. There is, however, close cooperation between the licensing division and the division of child welfare. Evaluation and recommendation of the homes comes from the Field Consultant of the Child Welfare Division. The Division of licensing usually accepts this recommendation. Not sufficient material was available to determine clearly the separation of these functions in the state of Massachusetts, New Hampshire and Vermont.

In New Jersey where home finding and licensing is the responsibility of local boards of health, removed completely from the department or agency placing the child, difficulties for matching the child with the licensed home might be greater. This would, of course, depend upon the degree of cooperation between the two departments.

Miss Virginia Fenske has said that a sound licensing law should provide that a state agency concerned with the welfare of children must "pass not only upon the original incorporation of a children's agency . . . but also upon all amendments to the orig-

inal incorporation."<sup>2</sup> This brings out the need felt by some Child Welfare workers for some form of state consultative programs. A majority of the states have such, but material received does not clearly define its functions in each state. There is some indication however, that consultative services provided by the children's Division are used more frequently by public agencies than by private agencies. It would be the author's opinion that consultation services, clearly defined, should be a part of every state's licensing program and that this area might lend itself to further study. In relation to Miss Fenske's opinion regarding private agency and state welfare department's continued cooperation it was noted that in a few instances the states do indicate that changes in programs and policies within the private agencies must have the approval of the licensing departments.

This study revealed that in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont there are further licensing regulations common to each of them. These are that the licenses granted are valid for only one year, that some form of inspection is needed prior to licensing and re-licensing of that applications must be filed in writing, and that reports covering vital statistics about the child and foster home are generally required in all of the states.

There is a wide range of administrative structuring and func-

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<sup>2</sup>Virginia Fenske, "State Protects Children Living Away From Their Own Homes," Children's Bureau Publication, Washington, D.C., March 1948.

tioning from state to state. Some closer coordination between states might result in the clarification of purposes and goals in sound licensing without causing any state to lose its identity.

This study also revealed wide differences in personnel requirements and indicated the range in duties and responsibilities. As indicated in the introduction to this study it was difficult to obtain written material from the states to help in an understanding of the licensing laws and their usefulness. As some of the states said in their letters to the author, they have not formulated policies to cover many of the areas of attention which constructive licensing and programming should include. It was noted, however, that in those states, such as Maine, Massachusetts and New York, in which attempts have been made to formulate and organize licensing programs these attempts were sound, incorporated progressive planning and were being constantly evaluated and, when needed, revised.

In summary, the licensing regulations for the eight states which comprised this study are frequently out of date, do not provide for all the children needing placement, do not cover all children in placement, and are often complex and confusing. Since it is true, however, that emphasis on good licensing began as recently as the 1930's, it is possible to commend the various states for their steady, conscientious movement toward the ideals of child care set up by the Children's Charter.

Licensing, this study has shown, has moved beyond mere inves-

tigation into sound programming and concern for children whose futures must necessarily reflect how they were cared for today.

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