

P U B L I C H E A R I N G

before

ASSEMBLY COMMITTEE ON INSTITUTIONS, PUBLIC HEALTH & WELFARE

on

SENATE BILLS NO. 108 to 119, Inclusive
(Child Welfare)

Held:

March 29, 1962
Assembly Chamber
State House
Trenton, New Jersey

Members of Committee Present:

Assemblyman Maurice V. Brady (Chairman)

Assemblyman Charles E. Farrington

also

Senator Anthony J. Grossi

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ASSEMBLYMAN MAURICE V. BRADY (CHAIRMAN): Is there anybody in the room who wishes to testify this morning and has not signed the paper here?

This public hearing is called today to go over Senate Bills 108 to 119. These bills have been introduced in the Senate as an outgrowth of an Investigation Committee which was created by resolution in 1959. After two years of hearings, the Committee has come up with these series of bills, incorporating their recommendations.

I would like at this time to ask all of the ones who are going to testify, if they have a long brief, rather than read it all, to read the parts they would like to refer to and then submit the whole brief to us here and it will be put in the minutes.

I am Assemblyman Maurice Brady, Chairman of this Committee, and on my left is Assemblyman Charles Farrington.

At this time, the first gentleman I would like to hear is Mr. Lloyd Wescott, President of the Board of Control of the Department of Institutions and Agencies of the State of New Jersey. Mr. Wescott.

LLOYD B. WESCOTT: I am Lloyd B. Wescott, President of the Board of Control of the Department of Institutions and Agencies. My statement today is on behalf of the Department, and more specifically on behalf of the Board of Control.

I would like to say at the outset that the members of the Board of Control, the Commissioner and other principal officers of the Department, and the citizen Board members and

staff of the Board of Child Welfare, have been giving serious and active attention to the findings and recommendations of the Welfare Investigating Committee of the New Jersey Legislature on a continuous basis since the organization of the Committee about two years ago. We did not wait upon the formal publication of the Committee's report in August, 1961. Still less did we wait upon the formal introduction into the current session of the Legislature of specific statutory proposals. We did not have the opportunity to participate in the preparation of such statutory proposals, nor to review and comment upon them, in advance of their introduction.

Some of the findings and recommendations of the Welfare Investigating Committee served to affirm the existence of certain operational and policy problems in the administration of the child welfare service programs of which the Department was already aware prior to the initiation of the Committee's activities. In this respect, the Welfare Investigating Committee has performed a constructive service which the Department values and appreciates.

Some measures to correct and strengthen these weak points had already been put in motion prior to the Committee's organization; such measures were continued on an expanding basis during the period that the Committee was holding its hearings and preparing its Report; and progressive implementation has continued subsequent to the publication of the Report.

The Report is focussed on conditions that existed, or were alleged to have existed, in 1959 and earlier. The package of bills, S 108 through S 119, currently before this House of

Assembly, are similarly focussed. Some of the conditions which these bills are designed to correct no longer exist; others have been improved or are in the process of improvement through administrative action for which no legislative enactments are required; a few, in the opinion of the Department and the Board of Control, merit legislation but of a character and content somewhat different from that contained in the bills before you.

Following this statement from me, a statement will be presented by Mr. Morse Archer, Chairman of the Board of Managers of the State Board of Child Welfare. He will offer comment directed specifically to individual bills. His statement is endorsed by and will accurately reflect the position of the State Board of Control and the Commissioner, as well as the Board of Child Welfare, on each of these bills.

I wish to concentrate this statement of mine particularly on two bills, S 108 and S 116.

S 108 clearly has, as its essential objective, the dissolution of the present "board of managers" of the State Board of Child Welfare. The Board of Control is in full agreement with this objective. Although I would like to point out that the reasons for our agreeing are somewhat different. As a matter of fact, we had initiated planning toward this objective promptly after the recommendation to such effect had been published in the report of the "Alexander Study Commission" in 1959, and this planning culminated in the introduction at the 1961 legislative session of Assembly Bill No. 539. A 539 failed of enactment last year, although it did pass the Assembly. However, it has been reintroduced at the current session as

Assembly Bill No. 493.

A 493 also has as one of its objectives the dissolution of the present "board of managers" of the State Board of Child Welfare, but it accomplishes this objective in a different way by making the organizational unit for child welfare services a constituent and integrated part of a strengthened Division of Public Welfare. Additionally, A 493, while reorganizing child welfare services, accomplishes other related objectives which we regard as of great importance:

It creates a new citizen board, to be known as the Board of Public Welfare, which will have comprehensive relationship to the entire array of programs within an integrated Division of Public Welfare.

It clarifies the functions of such a citizen board and its organizational relationship to the State Board of Control, the Division of Public Welfare, and the units and officers thereof.

It reorganizes the Blind Assistance program, so that this program will be totally administered by the County Welfare Boards, under supervision of the Bureau of Assistance in the same way as all the other Federally-matched programs, and with introduction for the first time of a 50 per cent state share after Federal matching of the cost of assistance. This feature of A 493 is important to and eagerly sought by the counties as well as by the Department of Institutions and Agencies.

I am informed that the sponsors of S 108 have no objection to the different and broader approach to the problem which is

reflected in A 493. S 108 in its present form, which would seem to require the creation of a new major unit of Divisional rank within the Department, is objectionable to the Department. However, if S 108 were reconstructed by committee amendment or otherwise so as to be the same as A 439, the State Board of Control would welcome its enactment.

The Board of Control opposes the enactment of S 116 also. As we read it, this bill would require the establishment in the Division of Law of the Department of Law and Public Safety of a new "bureau of collections." The services of such bureau would be confined to acting as a collection agency; they would not be offered to or available to any other department of State government except the Department of Institutions and Agencies; and, in the language of the bill itself, such bureau "shall be assigned no other duties within the division [of law] or department [of Law and Public Safety]."

We do not know the views of the Attorney General on this proposition to create within his department a statutory unit of such circumscribed usefulness. However, our views on this bill are as follows:

First: the establishment of such a distinct bureau in the Attorney General's Office is unnecessary and undesirable;

Second: the functions intended to be performed by such bureau are already being adequately performed;

Third: the creation of such a bureau would tend to complicate and impede, rather than simplify and expedite, the effective performance of such functions;

Fourth: there already exists both statutory law and administrative implementation whereby the services of the

Attorney General and his staff are made available to the Department of Institutions and Agencies in the supervision and execution of the functions which are the subject of concern of the proposed legislation; and

Fifth: if there is need for improvement in the procedures for the collection, by or through the Department of Institutions and Agencies, of monies due the State of New Jersey, this can be accomplished administratively on a cooperative planning basis as between the Attorney General and the Commissioner of Institutions and Agencies, and does not require new statutory law establishing a special bureau in the Department of Law and Public Safety for that purpose.

It should be noted that New Jersey Statutes 52:17A-4 (g) already requires that the Division of Law within the Department of Law and Public Safety shall "attend generally to all legal matters in which the State or any officer, department, board, body, commission or instrumentality of the State Government is a party or in which its rights or interests are involved." In practical implementation, a Deputy Attorney General, located within the Department of Institutions and Agencies, has been for the last twenty-five years exercising general supervision over the "collection functions" performed by the various agencies and programs within the department and has given direct legal services where required.

The magnitude of the effectiveness of these existing arrangements is suggested by the following:

Collections and recoveries accomplished by the Bureau of Maintenance Collections for services to institutional

patients approximate 2 1/2 million dollars annually; Collections and recoveries accomplished under the direction of the Bureau of Assistance for public aid given to categorical assistance recipients approximate 2 million dollars annually - the net State share about \$400,000;

Collections and recoveries accomplished by the Board of Child Welfare for maintenance of children under Board's supervision currently are at a rate exceeding \$320,000 annually, and are growing as a result of the improved staffing and procedures which have been possible in the last two years.

And I would like to interpolate that Mr. Eugene Urbaniak, who is a Deputy Attorney General attached to our department, will comment on this following me.

As stated above, all these activities are already under the general supervision of a Deputy Attorney General. We believe they are being effectively performed, but we are constantly seeking and implementing opportunities for improvement in effectiveness. We are constantly receptive to suggestions for improvement, and seek ancillary services, when required, from the Office of the Attorney General. From the point of view of the Department of Institutions and Agencies, the wholesale transfer of these functions to the Division of Law for direct operation out of that office, as the proposed legislation apparently contemplates, is unnecessary and undesirable. It would also present extremely difficult problems of administration in relation to those collection activities under the public

assistance programs which are being carried on so successfully on a decentralized basis by the County Welfare Boards. Thank you.

ASSEMBLYMAN BRADY: Thank you, Mr. Wescott.

At this time for the audience here I would like to introduce to you for the record the sponsor of these bills and the Chairman of the Investigating Committee for the last two years, the Honorable Senator Grossi. I believe at this time that the Senator would like to ask you a few questions.

SENATOR GROSSI: Thank you, Mr. Brady, and while you point to me as the sponsor, actually in the Senate, Senators Sandman and Stout and I are the co-sponsors of these bills, and, of course, in the Assembly, Assemblyman Brady is a member of our Committee.

I think you are correct, Mr. Wescott, in pointing out that the Committee doesn't have too much objection to A 493 because essentially it covers the same points, although A 493 goes even further than we do in S 108. But I would like to ask a question because I recall that when we transferred A.D.C. programs to the counties that the counties were supposed to be in a position to save hundreds of thousands of dollars and the actual fact is that the counties have been forced to appropriate more moneys than they have in the past. I don't want to argue that point, but what I would like to ask you, if you have the figures available or someone does, as to the provision that the Blind Assistance Program be transferred to the counties instead of on a State level, is this: Do you know whether this will add to county costs or will it diminish county costs or will it leave them as is?

MR. WESCOTT: This should diminish county costs because it increases very appreciably the amount of State participation. I don't know what that percentage is at present.

MR. ENGELMAN: It would mean about a quarter of a million dollars in State aid for the program.

SENATOR GROSSI: In increased State aid?

MR. WESCOTT: That's right.

SENATOR GROSSI: What is the proportionate cost of the counties today under the present program?

MR. ENGELMAN: The counties today for the assistance end of that program are providing all the money which the Federal government does not provide, except for a fixed sum of \$8500. There is no State share in that program on any percentage basis. It is a fixed sum of \$8500. If the Federal share amounts to roughly 50 percent, the counties are financing the remaining 50 percent, except for \$8500.

SENATOR GROSSI: So that under this plan, if Federal aid is given to the entire program on a 50-50 basis, would the ---

MR. ENGELMAN: Well, roughly, a 50-50 basis.

SENATOR GROSSI: (continuing) We are just using rough figures here. -- then the State and county would share, share and share alike --

MR. ENGELMAN: -- the balance.

SENATOR GROSSI: Then that would be 25 percent on the county's part and 25 percent on the State's part?

MR. ENGELMAN: Roughly speaking.

SENATOR GROSSI: So that the 25 percent on the county's part then would be less of a participation than it is presently?

MR. ENGELMAN: That is correct.

SENATOR GROSSI: I wanted to get that into the record because it wasn't quite clear.

MR. WESCOTT: It's very significant.

SENATOR GROSSI: If I may, I would like to ask you a question with respect to S 116, to which you as the head of the State Board of Control of Institutions and Agencies seem to be opposed.

I would like to refer to page 35 of the Welfare Report issued by the Committee and I would like to read from it for the record, just so that we have both sides of the coin, Mr. Wescott. Of course, if you disagree with this, we would like to have that part of the record too.

(Reading) "Six witnesses appearing before the committee who had voluntarily placed their children in foster care, had constant employment, each without changing employer, for periods of four to nineteen years; two earning an annual salary --"

If I may interrupt, perhaps you would like to follow me on this, and I would suggest Mr. Urbaniak get one of these Reports too.

MR. WESCOTT: What page are you on, Senator?

SENATOR GROSSI: I am on page 35. This, for those who may not know exactly what we are talking about, is with respect to S 116, which would create a collection agency for the purpose of following through and collecting the moneys due to the State under voluntary agreements. Mr. Wescott, of course, just read into the record his objections to this particular bill.

Now, I want to read, by way of explanation, from page 35

of the Committee's report, issued in August, 1961. I will begin again.

"Six witnesses appearing before the committee who had voluntarily placed their children in foster care, had constant employment, each without changing employer, for periods of four to nineteen years; two earning an annual salary exceeding \$6,000; two over \$5,500; and one over \$4,000, and one under \$4,000. One had lived at the same address for eight years; while three lived at their respective addresses for three years or more; and two had changed their address in the last year. The six witnesses had 29 children or step-children in foster homes throughout the State. The average length of stay was five years, the longest, twelve years, and the shortest two years. Of the six witnesses, half were supporting children other than their own. The total amount due the State under their voluntary agreements amounted to \$41,160, while the actual amount collected amounted to only \$2,509.74. Four witnesses had never been contacted by the board for payment, and two had been contacted once. Their testimony indicates that all were willing to pay and would have paid toward the support of their children had they been contacted.

"A typical case investigated by the committee concerns a father of five children, who through negotiations with the Board of Child Welfare, entered into a written agreement to pay \$100.00 a month for the care of his children while in foster home care. Although he worked for the same employer continuously for four years, no attempt was made to have him pay for their support and uphold his written agreement.

"Called before the committee to testify at its first public hearing on September 22, 1960, his testimony is enlightening as to who pays for the immorality and irresponsibility of parents whose children are in foster homes."

Part of that testimony is as follows:

Questions by Mr. Grover Richman, who was counsel to the Committee:

"Q. 'Did you agree to pay \$100.00 a month?'

"A.. 'I don't remember what the agreement was.'

"Q. 'How long have you worked at your present employment?'

"A. 'Four years.'

"Q. 'In 1958 your salary was a little over \$5,000.00, wasn't it?... And in 1959 your salary was \$5,804.36, wasn't it?'

"A. 'It runs around that amount per year.'

"Q. 'Has anybody been to see you and asked you why you didn't live up to your agreement to pay regularly?'

"A. 'No sir, no one has been to see me.'

"Q. 'Did you ever discuss with any member of the board at the board office or anywhere else the matter of supporting these children?'

"A. 'No sir, they never came around to see me or anything.'

"Q. 'No one from the Child Welfare Board has asked you for any money. . . in writing, telephone, in person, or any other way.'

"A. 'They didn't ask me for any. I wondered why they didn't.'

"Q. 'Well, when you wondered why they didn't, what did

you do about it?'

"A. 'I just kept wondering. I figured they would sooner or later.'

"This case as well as every other case investigated by the committee confirms the fact that the collection of money for the support of foster children from their natural parents is given a low priority. The lack of personnel with the board does not permit the board to give priority to the collection of monies and the enforcement of voluntary payment agreements. The emphasis of the board is on the protection and the welfare of the children. However, during the two years referred to in the above testimony, the cost to the State for the care of the witness' five children for room and board only was approximately \$7,500,000 not including clothing and medical expenses. His earnings for this same period exceeded \$10,000.00 (this is the witness) while his total contribution toward the care of his children amounted to \$425.00, an average of \$3.40 per month per child."

Now a table was promulgated. Of course, the committee did not hire accountants or go into the records. But a fairly accurate and perhaps underestimated condition shows the following - and I just want to give the total figures: Now the total due from the date of acceptance by agreement between the Board of Child Welfare and the parent on a voluntary basis - the total due from the date of acceptance of the agreement - was \$702,000, roughly; and the amount collected up to May 31, 1960, was \$149,000 in rough figures. So that more than a half a million dollars remained uncollected from the parents who had

voluntarily agreed to pay X number of dollars per month for the care of these children.

Now, the testimony before the Committee indicated that the Institutions and Agencies personnel was not sufficient to set up the agency that was needed to follow through. Therefore, it was the unanimous consideration of the Committee and recommendation that a separate bureau be set up for the purpose of collection - whether a separate bureau be set up in Institutions and Agencies or whether it be set up in the Department of Law and Public Safety or the Attorney General's Office. And after much consultation and discussion the Committee recommended that this bureau be set up in the Attorney General's Office for the purpose of collecting these monies that are due to the State and which the Institutions and Agencies could not do because of the lack of personnel.

The Committee's stated position on this would be that this bill creates a new Division of Collections within the office of the Attorney General. It will be responsible for the collection of any and all outstanding actions resulting from voluntary or involuntary agreements to pay from recipients of relief in the State. It further provides the new Division with such power as garnishment, attachment, etc. against any and all legally responsible relatives. While the bill does not abolish existing collection methods, it sets up a new division to take over the collection of any and/or all agreements or obligations within 10 days of default.

Now, of course, we recognize the fact that there are existing legal means for collecting debts. But here the Committee

felt that there should be provided a faster means, a more direct means, of being able to make these people who have entered into voluntary agreements pay and live up to their obligations. That simply is what the Committee intended to do. Whether this agency would be in a better position to achieve these objectives by being in the Institutions and Agencies Department or by being placed in the Attorney General's office, I think is a moot question and it could be decided either way. But we do think that there should be a better method set up to collect these monies that are due to the State.

MR. WESCOTT: Senator, I certainly don't want to imply that we aren't acutely aware of the problem and don't want to disparage it in any way. I think, as you say, our purpose is just how best to get it done and our feeling is it is with an Attorney General located in our department, that it works more effectively and more smoothly that way. Mr. Archer will have some facts in his statement on collections and what this amounts to and how long a period it rolls over. And Mr. Urbaniak, I think, can comment more specifically on the present method so I would ask, if you would direct your questions to them, they would be more productive.

ASSEMBLYMAN BRADY: Thank you very much, Senator Grossi. At this time Assemblyman Farrington would like to ask a question.

ASSEMBLYMAN FARRINGTON: Mr. Wescott, do I understand your contention to be that some of the problems which have been brought to our attention have already been cured administratively,

some are in the process of being cured administratively, and with respect to those problems which require legislative attention, they will all be covered under Assembly Bill 493, to which you have no objection and your impression also is that the sponsors of 108 have no objection to it?

MR. WESCOTT: I understand that is true. We have no objection - in fact, we are very strongly supporting it. We believe in the Department in citizen responsibility in these areas. We have had this one board responsible in only a very limited way in the department for the child welfare services without any citizen responsibility at all for the other categories of assistance. And with the possibility of our having to implement medical services under the Kerr-Mills Act in the near future, the Board of Control feels very strongly that it needs help in that area by the appointment of an overall responsible advisory citizen board in the area of public welfare.

ASSEMBLYMAN BRADY: Thank you very much, Mr. Wescott. At this time the Committee will hear Eugene Urbaniak, Deputy Attorney General for Institutions and Agencies.

EUGENE T. URBANIAK: May it please the Committee, I think my remarks can be brief because I don't think there is any area of disagreement with respect to what Senator Grossi has said.

Senator Grossi will recall, I am sure, when I testified before the Committee, that the basic difficulty with respect to the accumulation of these delinquent items in the Board of Child Welfare was the fact that the bills had never been referred to the Maintenance Collection Division for collection. My first

intimation of the fact that these bills had accumulated was reading it in the public press when these matters were developed by the Committee.

I have spoken with the Attorney General. He joins me in the thought that since I have been doing this since 1937, supervising a Bureau of Maintenance Collections in the department, that there was and is ample authority in the law.

Briefly, we have set up in the department a man who is called the Chief of the Bureau of Maintenance Collections. He has five adjusters working under him, one at each of the large mental hospitals and one roving in the smaller institutions.

We have discussed this situation since it has been in the public press and since this Committee has brought the matter to my attention at least, and we feel satisfied that the activities of collecting these items might very well be worked into the existing framework which would make unnecessary the hiring of a great number of people. It might put a larger workload on some of the adjusters. We are even toying with the idea perhaps on a geographical district basis utilizing the adjuster at Greystone Park to cover the North Jersey area; Ancora, the South Jersey; Trenton, the local area. I wish to make it clear that I see no area of disagreement with respect to the objectives sought to be accomplished by the bill. Certainly these items should have been referred to the Attorney General or to me. I think we could have collected them at a time when they were fresh. I see some of these bills are now \$16,000 per individual, which makes it impossible to collect. But it is merely a question of procedure and techniques in

working it out.

We feel that we can utilize the services of some of our people who are now working in this area. I think that the legal aspect of it I could handle without any difficulty and certainly without the addition of any great number of Deputy Attorneys General in the area. So, Senator, I think we see eye to eye on this. And as I testified to the Committee, the matters were never referred to us for collection and, of course, I had no knowledge that they existed.

I will respond to any questions there might be on that.

SENATOR GROSSI: Just to clear up a point, when you say you discussed it with the Attorney General, do you mean the present Attorney General?

MR. URBANIAK: Yes.

SENATOR GROSSI: Well, we had discussed it with the prior Attorney General because when our Committee was functioning, Mr. Furman was the Attorney General and at that time he thought it was a good idea to place it in the Attorney General's Office. However, as you point out, we are not concerned about where it is done as long as we get it done. You point out now about the adjusters and the man that you have in charge. I don't think this was the fact at that time, was it? This has been done since?

MR. URBANIAK: No. The Bureau of Maintenance Collection - I used to head it up years ago, Senator. My first title in 1933 was Chief of that Bureau, at which time I was completing my legal education and I was admitted to the Bar in '36 and deputed in '37 and took over the legal aspect of it. So since 1933 I have

been identified with the collections.

SENATOR GROSSI: Well, if this were to be placed strictly within the Institutions and Agencies in the Board of Child Welfare, what changes have been made or will be made in order to improve the collection method?

MR. URBANIAK: Senator, I think the answer to that is that some effort or greater effort will be made. Those accounts will be submitted to us - the name of the individual, the address of the person owing the money - and then our investigators, when making their routine contacts on collection of institutional maintenance maybe on the very same street that the debtor lives that owes the Board of Child Welfare item, could contact that individual. I would suspect that we may have to consider some salary range adjustments for these men because they will get a larger workload. But while we have these five or six men now available, we could utilize their services to maybe ten or twenty or thirty per cent of their present time and with the addition of just a few additional men wrap this up.

We have pending now in the courts of New Jersey perhaps twelve suits, either against the estates of diseased former patients or individuals who just don't like to pay the bill and where they have the money. I would like to stress that we don't file suit against anyone unless we first ascertain that they have financial responsibility and that the court has ordered them to pay. Senators, as you very well know, a lot of these people just won't pay. We have no hesitancy in going into litigation and in the main ninety per cent of these cases are settled at pretrial. The judge says to the defendant, "Why

don't you pay," and we resolve it that way.

We would have litigation in these cases. It would be active legal followup.

SENATOR GROSSI: I am talking more particularly now about the cases where the father makes a voluntary agreement to pay X number of dollars per month per child of his in foster care. That amount is based upon an ability to pay after consultation with your field workers or whoever is in charge so that an equitable amount is charged which doesn't stress him too much. Then he pays for a short time and then decides he isn't going to pay any longer. Now in the past evidently, either due to lack of personnel or because there wasn't a specific department charged with following through, this man or men were able to get away with it. But they did have the ability to pay as has been developed by the Committee. I think that the Committee would be very much interested in knowing that an agency was created, whether it is within your department or another department, charged with the responsibility of proceeding against these people, particularly the ones who have made voluntary agreements and who no longer live up to them despite the fact that they are able to make these payments. That's the point, I think, that the Committee has developed more than these involuntary payments that the courts decree.

MR. URBANIAK: I think we can assure the Committee that if the decision were to be reached tomorrow, the Bureau of Maintenance Collections would absorb these functions. It could go into operation that quickly. All we want is the list of the names of the people who owe the money, their addresses and

how much, and we could proceed from there.

ASSEMBLYMAN BRADY: It seems rather strange your saying after all these years that all that you want is the names and addresses, Mr. Urbaniak. All these years this has been going on. There certainly was something lacking somewhere. I don't think this large amount of money that is outstanding should have ever gone this long. The longer it goes, the harder it becomes to collect it.

Assemblyman Farrington would like to ask a question.

ASSEMBLYMAN FARRINGTON: Mr. Urbaniak, I understand you to say that there is presently a Bureau of Maintenance Collections in Institutions and Agencies.

MR. URBANIAK: That is true.

ASSEMBLYMAN FARRINGTON: I rather expect from what you said that the point at which that Bureau turns a matter of this kind over to you or to anybody for legal attention for consideration of a law suit is within the discretion of that Bureau?

MR. URBANIAK: No, we have, for example, a procedure, if the account is delinquent sixty days -- We appreciate that the man who owes the money, the deeper he gets into it, the more difficult it is to collect it. So we make our legal approach to him, not later than two months after it is evident, and in many cases he comes forward with a plausible story of inability, in which case it is referred back to the county adjuster who takes additional testimony and suggests to the court that he be relieved of all or a portion of the payment. Many of these cases are resolved in that fashion.

ASSEMBLYMAN FARRINGTON: Would it be feasible, practical

or would it serve any purpose to legislatively require that this Bureau or your Division at a certain point in any particular case litigate?

MR. URBANIAK: Well, I think it would circumscribe the efforts. If we were obliged to litigate in a situation merely because the account was delinquent for X number of days when it was evident from our investigation that there was no longer financial ability and all we required was a reference of the matter back to the court to have the order amended or the agreement changed, then we would be filing a lot of unnecessary litigation. In many of these cases the man says "I've lost my job." We call his employer and he has lost his job and to litigate on a case like this would just crowd our court calendar.

ASSEMBLYMAN FARRINGTON: There should be a little elasticity in it then I gather?

MR. URBANIAK: Yes, we feel so because the amounts that we are not able to collect on institutional maintenance, Assemblyman, as you well know from your own past experience, if you will pardon a personal reference, are in those cases where financial responsibility has diminished or ceased entirely.

ASSEMBLYMAN FARRINGTON: I think maybe you ought to clarify that personal reference. I was collecting then.

MR. URBANIAK: Assemblyman Farrington occupied the position of Collector at the Trenton State Hospital when he was studying law. It seems that everybody in our Department who collects money studies law.

ASSEMBLYMAN FARRINGTON: One final question: In your

opinion if S-116 had been the law in 1959, would the problems referred to by the Senator, beginning at page 35 in the "Child Welfare in New Jersey" report, have been eliminated?

MR. URBANIAK: Absolutely. I am not able ---

ASSEMBLYMAN FARRINGTON: Excuse me. You may not have understood the question, which is: If 116 were the law in '59, those problems would have been eliminated?

MR. URBANIAK: We wouldn't have these delinquent accounts. We don't have them in institutional maintenance. In 1938 I drew the Institutional Land Law which is still on the books and which is very helpful to both the State and the counties in tying up real estate, bank deposits, etc. So as early as 1938 we were mindful of this. But I can't say why these matters were not referred to my office for collection. Apparently the Bureau thought that they were collecting all that could be collected.

ASSEMBLYMAN FARRINGTON: Well, that sounded to me like a recommendation for S-116.

MR. URBANIAK: There is present authority in law, Assemblyman, in my humble opinion to do precisely this. If there isn't, then I have been acting illegally for the past 25 years.

SENATOR GROSSI: Evidently there has been a breakdown somewhere.

MR. URBANIAK: It was never referred to me, Senator.

ASSEMBLYMAN FARRINGTON: Well then, my question is: In view of the fact that there was a breakdown in communication somewhere, my opinion from your previous testimony is that even

S-116 would not have cured that breakdown.

MR. URBANIAK: Well, probably not. But I would have been cognizant of the existence of the law in leafing through the books. I would have come across it and called someone over there and said, "How are you doing? Are you getting all the money in?"

SENATOR GROSSI: Assemblyman, except this, that if S-116 had been the law, it would be incumbent upon the people who were in charge in the Institutions and Agencies to supply the information immediately to the persons in charge of collections as to who was delinquent, that they wouldn't wait months or even years before it came to their attention.

MR. URBANIAK: True.

SENATOR GROSSI: If I understand it correctly, I don't think that Mr. Urbaniak or Mr. Wescott is voicing objection to the provisions of 116 other than the collection agency perhaps should be in the Institutions and Agencies and not in the Department of Law and Public Safety. Wouldn't that be about it?

MR. URBANIAK: I think that's a fair summarization of it. We are in total agreement, complete agreement, on the objectives sought to be accomplished.

ASSEMBLYMAN FARRINGTON: Well, Mr. Urbaniak, is the requirement that the default be brought to your attention within ten days of such default - is that a practical one?

MR. URBANIAK: No, that is not. We couldn't operate within that limited framework. We would need at least a month.

If I may, if there are no further questions, I would

like briefly to refer to Senate Bill 117 which relates to defense of habeas corpus writs and the filing thereof. Here again, we don't have objection to the theory, but the bill states that a writ of habeas corpus shall not be instituted without the consent and approval of the State Board of Control. Now, since the State Board of Control meets monthly, we might have emergency situations in the interim, and if it is the intent of the legislation that the State Board of Control could delegate this consent and approval authority to the Commissioner, then we would have a more workable piece of legislation. As the bill stands, we have no objection to it, except that I think it would facilitate the defense in the filing of these writs if the responsibility were placed in a single individual.

SENATOR GROSSI: Could I make a suggestion, Mr. Urbaniak, that these recommendations that you make, that you put them in writing to this Committee so that we can evaluate them properly with the existing bills as they stand.

MR. URBANIAK: Shall I address those to you, Senator?

SENATOR GROSSI: Address them to the Committee here.

MR. URBANIAK: I'll make additional copies.

SENATOR GROSSI: You can send me a copy if you will.

MR. URBANIAK: Yes, I will.

ASSEMBLYMAN BRADY: Thank you, Mr. Urbaniak.

At this time the Committee will hear Mr. Goldstein, representing the South New Jersey Chapter, National Association of Social Workers. Mr. Goldstein.

AARON GOLDSTEIN: I am Aaron Goldstein, Chairman of the South New Jersey Chapter of the National Association of Social Workers.

This is a joint statement on behalf of the North New Jersey and South New Jersey Chapters of the National Association of Social Workers. This organization of professional social workers has a membership of about 900 throughout the State.

We are vitally concerned with the welfare of families and individuals and have followed with a great deal of interest legislation which is in the process of being considered at this session of the legislature. We have studied the bills and recognize the great amount of thought and careful consideration which has entered into the development of Senate Bills 108 through 119 under the sponsorship of Senators Grossi and Sandman.

We further recognize that many of the principles which form the basis of the bills are meritorious, but we find ourselves in basic disagreement with the manner in which they are spelled out in the legislation. In other instances we cannot endorse the basic concepts which are embodied in the specific bills. For these reasons we greatly regret that as an organization we cannot endorse Senate Bills 108 through 119.

Senate Bill 108 provides for the establishment of a Division of Children's Services within the Department of Institutions and Agencies, thus abolishing the State Board of Child Welfare and its Board of Managers.

We oppose this legislation, and support measures of reorganization as provided in A-539, introduced in 1961, which would establish a Bureau of Children's Services within the

Division of Welfare of the Department of Institutions and Agencies. A 539 also called for the creation of a citizens' Board of Public Welfare which would serve for the Division of Welfare on a state-wide basis.

We believe that better coordination of children's services would result if the Board of Child Welfare were within the Division of Welfare rather than being of equivalent rank to the Division of Welfare.

S-109 provides for the purchase of clothing for foster children locally, rather than having clothing distributed from a central warehouse operated by the State Board of Child Welfare.

We oppose this legislation as superfluous. The State Board of Child Welfare, it is our understanding, has announced the closing of its central clothing warehouse May 31, 1962.

S-110 provides that no agreement between the State Board of Child Welfare and any foster parent shall contain any provision prohibiting the adoption of any child by the foster parent.

We oppose this legislation. It is a matter of record that 41 per cent of the total adoption placements in New Jersey by the State Board of Child Welfare were with foster parents in the fiscal year 1960-61, a percentage higher than in some other states, so that a prohibition against adoption by foster parents does not, in fact, exist. Indeed present State Board of Child Welfare policy provides that foster parents wishing to adopt their foster child be given consideration, as the 41 per cent figure would indicate has been done.

We further oppose this legislation because its enactment

into law would imply restriction of the concept of the authority of the legal guardian. Decisions concerning a child's future in adoption placement are also a matter of professional judgment.

Because foster care is generally intended to be of a temporary nature, it is important to have a clear understanding between the agency and the foster parents from the beginning as to the nature of the service which the foster parents are providing. The foster parents are asked to sign a statement along this line.

S-111 requires the State Board of Child Welfare to establish shelters for children under its jurisdiction.

We share concern that shelters for children are needed in New Jersey. However, we are opposed to this legislation because S-111's provisions are unclear as to what needs of children are to be served, the number, size, cost, location, and staff of shelters; no appropriation is contemplated within the provisions of S-111.

We are also opposed to this legislation because ample authority now exists for the establishment of shelters by the State Board of Child Welfare.

S-112 makes mandatory full disclosure to the prospective foster parents of any physical or mental defect or behavior problem of a child to be placed in their home, and includes a dismissal clause for failure of full disclosure.

We are opposed to this legislation. We believe that this is a matter for the professional judgment of the staff to reveal to each foster parent as much as seems necessary to

enable the foster parents to take the best care of the child. Oftentimes very little information about a child is available at the time placement is necessary. Discriminating between foster parents, and deciding just how best to present each child to his prospective foster parents, is a professional matter. The State Board of Child Welfare has been following the policy of giving information to foster parents if it is available and is pertinent.

The dismissal clause is particularly objectionable because the criteria for full disclosure is necessarily indefinite, and the threat of dismissal is an unreasonably severe job hazard. Dismissal of staff for just cause is a responsibility of the administration and should not be a matter for legislation.

It is also anomalous that law require information be given to foster parents and not to adoptive parents by definition of the distinction between the two.

S-113 provides a plan of actual cost reimbursement by the State for hospital services for children who are under the supervision of the State Board of Child Welfare.

Hospitalization for children under the care of the State Board of Child Welfare is a vexing and complex problem. There is merit in revision of the present provisions for hospitalization.

We are, however, in opposition to this legislation as it is a piecemeal approach. It aims to solve only a small part of the over-all problem of need for hospital care. We suggest further study of the matter of a division of costs between State and counties. We favor a hospital and medical

service program for all the "medically indigent" persons living in a county (without residence restrictions) and this would include foster children.

S-114 provides that foster parents be given "preference and first consideration" over all other applicants to adopt a child who has been in their care for two years or more.

We oppose this legislation. The intent of S-114 has been, and is being carried out in practice. It is a matter of record that 41 per cent of the total adoption placements by the New Jersey State Board of Child Welfare in the fiscal year 1960-61 were with foster parents, a percentage higher than in some other states. No prohibition against adoption by foster parents exists and foster parents are indeed being given consideration.

We also oppose this legislation because we maintain that making this a part of law is not indicated as part of sound adoption practice. There may be instances when another couple really should be selected in the best interests of the child, and then the agency would be obliged to involve the court in order to be permitted to exercise its professional competence, with considerable damage done to the foster parents and to the child.

We oppose this legislation because such a process carries restriction upon the guardianship prerogatives of the State Board of Child Welfare.

S-115. This bill makes mandatory a plan for the State Board of Child Welfare to circulate a list of children who become adoptable to the licensed private adoption agencies in

the State, and then transfer guardianship to any such agency requesting the child for placement, with the adoption then to be arranged by the private agency.

We oppose this legislation. New Jersey Revised Statutes 30:4C-13 requires that the State Board of Child Welfare may accept a child for service only when other agencies have already refused to offer service. The existing law is being complied with in practice. We prefer to emphasize competent utilization of the present law and skillful planning for children accepted for service. Under the present statute, the State Board of Child Welfare may transfer a surrender of custody to a private agency, and this is now being done.

We call attention to the inconsistency of this bill with S-110, which prohibits agreement not to request an adoption, and with S-114, which provides for preference to foster parents in adoption.

S-116. This bill would establish a collection bureau under the Office of the Attorney General, Division of Law, for the collection of monies due by voluntary agreement after a ten-day default.

We oppose this legislation as unnecessary and undesirable. New Jersey Statutes 52:17A-4 (g) provides for collections through the Department of Institutions and Agencies, with a Deputy Attorney General assigned to the Department. We note that S-116 refers to voluntary agreements to reimburse for services rendered and not to default in payments made mandatory by court order, and that collection on such voluntary agreements has increased as State Board of Child

Welfare caseloads have decreased. We call attention to the fact that a ten-day limit is unrealistic and administratively cumbersome.

S-117 provides that prior to any litigation affecting a child in the care or custody of the Department of Institutions and Agencies, the Commissioner shall certify to the Attorney General that the Board of Control has authorized it.

We oppose this legislation. We believe that the quick action needed in some legal matters would not allow sufficient time to obtain permission from the State Board of Control which meets monthly.

S-118 - this bill permits the termination of parental rights when the parents of the child have, for a period of one year or more, abandoned or neglected to maintain contact with the child.

We oppose this legislation. Present authority exists for the termination of parental rights under New Jersey Statutes 30:4C-15 c and d, without a stipulation of time limitation. We concur that adoption should be arranged at as early an age as possible when professional competence has determined the disinterest or inability of parents to maintain their parental rights, and note that such professional evaluation and determination is not a matter of a specific period of time, but rather one of professional skill. Existing legislation permits effective action whenever and as soon as such a determination is made, and does not invoke a penalization of interested and able parents who, with their children, may require agency service for a greater period of time. Parental

rights may be terminated only by court action.

S-119, attachment of liens. This bill makes automatic the attachment of liens against property, with the effect of a judgment at law, at any time that service is accepted from the State Board of Child Welfare, with no limitation of time as to when such attachment may be made.

We oppose this legislation. It is anomalous that parents who are seeking to re-establish a family home for children under agency supervision and placement, with the support of professional casework skills, would be in the position of being subject to a lien at any time that they are able to acquire sufficient monies to achieve their goal.

We appreciate the opportunity offered our association to present our views on the above-mentioned bills. It is our considered judgment that the work of the State Board of Child Welfare can be greatly enhanced by the employment of additional staff. This would permit a more concerted and careful staff consideration to the very complex and difficult situations which come under its professional jurisdiction.

ASSEMBLYMAN BRADY: Thank you very much, Mr. Goldstein. At this time Assemblyman Farrington would like to ask you a question.

ASSEMBLYMAN FARRINGTON: Mr. Goldstein, are you in a position to say whether present practice includes a limitation with respect to the length of time a child would be placed in a foster home?

MR. GOLDSTEIN: I regret to say that I am not operating in the child welfare field. This statement was prepared by a

committee, many of whom are in the field, but I personally cannot give you any information on that, sir.

ASSEMBLYMAN FARRINGTON: Would the answer be the same to the question of whether as a matter of practice now an agreement not to request adoption is required?

MR. GOLDSTEIN: Yes.

ASSEMBLYMAN FARRINGTON: That is the practice?

MR. GOLDSTEIN: Well, I would say that I would not be competent to testify on this.

ASSEMBLYMAN FARRINGTON: Would you have the same answer if I asked a question with respect to your statement concerning liens?

MR. GOLDSTEIN: Pardon. I didn't get the question.

ASSEMBLYMAN FARRINGTON: How about liens? Are you a little more familiar with that problem personally?

MR. GOLDSTEIN: I am afraid that I have no experience on which I can qualify on this.

ASSEMBLYMAN BRADY: Thank you very much, Mr. Goldstein. At this time for the record, I would like to say that Elizabeth Goucher, President of the North New Jersey Chapter, National Association of Social Workers, concurs with Mr. Goldstein's remarks.

At this time, Miss Barbara Smith, Chairman of the Inter-Agency Adoption Council will speak.

BARBARA W. SMITH: My name is Barbara W. Smith and I am Executive Director of the Children's Aid and Adoption Society of New Jersey, but I am here today to speak for the Inter-Agency Adoption Council of New Jersey, of which I am

the Chairman.

The Council is made up of representatives of all of the adoption agencies in New Jersey. At two recent meetings the Council carefully reviewed and considered bills S-110, S-114, and S-115. These are the ones that are related specifically to adoption and the adoption program throughout the State, and they have asked me to report to you their opinion.

On S-110, we are generally in agreement with the statement made by Mr. Goldstein. While we are not in disapproval with the principle expressed by this bill, we are opposed to its passage since we feel this is unnecessary legislation and we feel that the care and planning for any child should be based on a consideration of individual factors, that such matters as agreements with foster parents must be controlled by the program of the agency and by administrative rather than by legislative action.

On bill S-114, the Inter-Agency Adoption Council is opposed to this bill giving preference to foster parents who have cared for a child for two years in adopting the child. We believe the decision as to which family should adopt a child should depend on which family can best meet the child's individual needs and that such a decision cannot be legislated. While the qualities that foster parents have to offer should be carefully considered in planning for the child, the child should have the opportunity to have other adoption resources considered as well. A law governing such action does not allow for the consideration of individual factors in each case.

Further, the Inter-Agency Adoption Council feels that

such legislation is unnecessary since adoption of State wards by foster parents is possible under existing laws where indicated. As Mr. Goldstein said, we have been told that 41 per cent of the adoptions consummated by the New Jersey State Board of Child Welfare in 1961 were by foster parents.

S-115, authorizing the New Jersey State Board of Child Welfare to surrender custody of children eligible for adoption to any approved adoption agency, is opposed by the Inter-Agency Adoption Council as unnecessary legislation. While we are in agreement with the principle of making as many resources as possible available to children needing adoption placement, particularly hard-to-place children and children with problems for whom there is not the choice of homes, such transfer of custody of children is already possible under the existing laws. Agreements for the placing of State wards by other agencies are often entered into and my own agency has participated with the State Board of Child Welfare in the placement of some of these hard-to-place children. We feel that the availability of adoptive homes through other agencies can be worked out better by administrative action than by legislation. We have proposed the establishment of a central index through which hard-to-place children and adoptive parents able to accept different problems can be registered by all the agencies so that no child eligible for adoption will be left in long-time foster care because a particular agency which is caring for him has no family available. No new legislation is necessary to bring about the establishment of such an index.

I would like to add one thing. I think your question

to the last person who spoke was as to the length of foster care, whether there is a limitation on the length of foster care for children. Am I right? Was that your question?

ASSEMBLYMAN FARRINGTON: Yes, that's right.

MISS SMITH: This would depend entirely upon the individual factors necessitating the placement of the child in the first place, the reason why he needed to be cared for and for how long a period such a need continued, and I don't believe there is any limitation, except perhaps one of age on State wards. I think all agencies are committed to the shortest possible period of foster-home care for any child and the effort is to try to return children to their own families, when possible, or into adoptive homes when that is possible.

ASSEMBLYMAN FARRINGTON: Well, failing in that effort and also failing to place the child for adoption, is any effort then made to limit it?

MISS SMITH: Hopefully, agencies are working all the time to rehabilitate the child's own family situation. This is ideally what we hope is being done so that the child can return. But different agencies, of course, have different programs. For instance, adoption agencies would only accept children for whom adoption is the plan. It would be very hard to make any general statement as to the length of time a child should be in foster care. It would depend on his needs actually.

ASSEMBLYMAN FARRINGTON: In the beginning when the child is first placed with foster parents, the foster parents are not advised "You will not be able to have this child longer than X number of months"?

MISS SMITH: It would depend on what the circumstances were. If the child was accepted into foster care for a specific period, such as say, because the parents are hospitalized and it is expected that they will be well within a period of time, then perhaps the foster parents would know that this was a limited period of foster care. Certainly with a child that is going on for adoption, the foster parents would understand that it was on this basis of temporary care that they would be caring for the child.

ASSEMBLYMAN FARRINGTON: But the time wouldn't be fixed?

MISS SMITH: Not to the day.

ASSEMBLYMAN FARRINGTON: Now with respect to S-110, as a matter of practice are agreements required from foster parents with respect to requesting adoption or not to request adoption?

MISS SMITH: I think this is different, depending upon the individual agencies. Some have agreements and some do not and this differs. But in the case of the State Board ---

ASSEMBLYMAN FARRINGTON: We are speaking of the State Board of Child Welfare.

MISS SMITH: In the case of the State Board of Child Welfare, there are such agreements; but even though such agreements have been signed, still where the needs of the individual child dictated it, they have still been permitted to adopt those children, as the 41 per cent figure indicates.

ASSEMBLYMAN FARRINGTON: This 41 per cent of the adoptions then occur, I suppose, at the suggestion of the Board?

MISS SMITH: Of the Board and by the expression of opinion

of request and by an individual consideration of the facts in each case.

ASSEMBLYMAN FARRINGTON: Now on S-115, I think you have said that what this attempts to make mandatory is already possible under the present law. As a matter of practice, to what extent is it done?

MISS SMITH: I think perhaps the State Board of Child Welfare representative could answer that better as to the number of children that have been placed by private adoption agencies. I don't know.

ASSEMBLYMAN BRADY: Thank you very much, Miss Smith.

Does Mrs. Mary Emmons wish to testify? Is she here?
(Mrs. Emmons makes known her presence.)

Mrs. Mary Emmons is a representative of the Adoption Council and New Jersey Council of Family Agencies.

MARY EMMONS: I am Mrs. Emmons and I am Director of the United Family and Children's Society of Plainfield.

Our agency is a merged agency and therefore we are members of both the New Jersey Council of Family Agencies, which has about 24 agency members in the State, and we are also a member of the Inter-Agency Adoption Council.

I would like to supplement what Miss Smith had to say about the legislation under consideration.

We are concerned with 110, 112, and 114, the Adoption Council feeling that this is policy being put into law. We are particularly concerned that policy as such remain flexible. We deal with individual children rather than with automobiles, cars, and so on. If you legislate policies, which are really

rules of practice, then you can very well be put in a position where you do damage to individual children. As a group of laws, the laws are actually incorporated in the Child Welfare League's standards of practice for agencies that do adoptions. There is nothing wrong with the precepts embodied in the laws, but when we make them laws instead of policy, we do restrict the interest of the child and the service given.

We are concerned in the Council of Family Agencies about S-111. We feel that the provision for shelters for children is excellent. We do feel that a child taken, particularly abruptly, from his home, ought to be known better, ought to be evaluated and stabilized before it is placed in foster care. If this is done, we would like to see the bill say, how? Where is the money going to come from? How are we going to staff these shelters? These are expensive and wonderful ideas. We would like to see them implemented in a concrete fashion.

We are also concerned about S-115. I know while we have a much smaller adoption practice than Miss Smith's agency - but in practice with the State Board it is possible for us to secure a child if we have an adoptive couple for that child. This is particularly done, I think, in practice where the private agencies do study the negro adoptive couples. These children almost get a priority level in the private agencies, if we have an adoptive couple, and we have had no difficulty in cooperating with the State Board who may have the child that would match the couple we have studied.

We do feel that the one-way street suggested in this bill, that the State Board let us know what children are

available, is not what we really want. Five years ago when I was chairman of the Inter-Agency Adoption Council, we proposed then and we still feel that what is necessary here is the State exchange. This is handled in many states in the Union now. We had the Child Welfare League over here; everyone was for it. There wasn't any money. What the exchange would do would enable every adoption agency in the State to feel free to study couples who do want handicapped children or hard to place children. We could list the couples we have, just as the State Board could list the children that it has, and we would then have a confidential exchange which throughout the State would enable a flow of communication and interest.

As it stands now, if we have a couple that is interested in a child, we may study that couple and then we will have to spend days and weeks searching the State to see whether someone has an available child for that couple. Well, when you have a lot of other babies that need couples, this may not become a priority for you, because you may actually waste your study. You don't know in advance what needs are present in the State. The exchange would really give us what we need here so I am simply making a pitch, outside the legislation, again for a State exchange.

Now it seems to me - and this is more a personal opinion than that coming from either of the Councils - that the great danger in all of these bills is that so many of them - and I am speaking to the policy bills - that the policy has already been there. It has been in some instances operating.

But the reason these are out on the floor is that the Legislature is as concerned as the social agencies have been about the welfare of children. If we feel that by passing these laws, we have accomplished what we have set out to do, I don't believe this would be true. The policy has not been implemented sufficiently. I don't believe that making them into laws will do this. I think that we are going at it not in depth perhaps here, that what it takes to make a social agency is not just a good set of policies, but a good set of people and a lot of them and enough money to do the job. And I think we are feeling the results of some of these lacks rather than lack of policy.

We again want to really express our thanks that the Legislature is concerned about this. I think you probably know as well as we do as social workers that the State of New Jersey does not rate as high as it should in terms of how it takes care of its children. We know this and we appreciate the concern that went into the formulation of these laws, but we do feel that there is going to have to be more staff, better staff and money before we can really achieve what we are setting out to do. Thank you very much.

ASSEMBLYMAN BRADY: Thank you very much. Assemblyman Farrington, do you have any questions? Senator Grossi, any questions?

SENATOR GROSSI: No. Do we have an extension of her remarks other than on the tape?

MRS. EMMONS: No.

ASSEMBLYMAN BRADY. No. Assemblyman Farrington -

ASSEMBLYMAN FARRINGTON: Mrs. Emmons, with respect to S-115, I understand that you are suggesting a method of exchange of information with respect to the child and with respect to the adoptive parents between agencies and the Board.

MRS. EMMONS: That is right.

ASSEMBLYMAN FARRINGTON: Are you suggesting that this be required legislatively?

MRS. EMMONS: No, it is not necessary as legislation. It is necessary to be financed.

ASSEMBLYMAN FARRINGTON: Is the present law sufficient to permit this?

MRS. EMMONS: Yes.

ASSEMBLYMAN FARRINGTON: Is the only impediment money?

MRS. EMMONS: Yes.

ASSEMBLYMAN FARRINGTON: Has any effort been made at all to accomplish this?

MRS. EMMONS: Nothing other than as I said, the Inter-Agency Council of Adoption Agencies recommended this strongly. Child Welfare League representatives recommended it strongly. It was referred on up and it got approved, I believe, by the Board of Managers, but there was not the money to do it. So it was quite possible to accept the premise of this department existing, but again it was the question of how.

ASSEMBLYMAN FARRINGTON: If an agency, yours, for instance, finds adoptive parents who wish to adopt a certain child which might not be, if this is the proper word, very adoptable to most adoptive parents, is an effort made by that

agency to contact other agencies or the Board to find if a child of that kind is available?

MRS. EMMONS: Yes, we do this. I would say that there are a lot of adoption agencies in the State and you may call the larger one and the smaller one might be sitting there with a child. It is not a good enough flow of communication - never is.

ASSEMBLYMAN BRADY: Senator Grossi -

SENATOR GROSSI: Do you see any harm that could come to a prospective adoptive child by the enactment of S-115?

In other words, to make it compulsory to provide the private adoption agencies with the information that S-115 would tend to do - can you see any harm ensuing to any of the children or is it a matter of administrative policy as you pointed out?

MRS. EMMONS: I think it is administrative policy. However, I think you were not here when the Association of Social Workers reported to that bill and they felt there was some difficulty between that one and the preference to foster parents, and that if the State Board were giving priority to foster parents and also listing them as available to children, this might be very difficult and confusing.

SENATOR GROSSI: Of course, going back to the priority for foster parents, that is not mandatory. It is always up to the courts anyway to determine whether the family is a proper family. The only thing is that under the present policy, the Department of Institutions and Agencies in having every foster parent sign an agreement that they would never ask to adopt this child, we, the Committee, feel that that's a

hindrance that should not be placed and all legal authority says it is invalid anyway, that type of an agreement. But the point is that the foster parent doesn't know that it is invalid. They feel that they are bound by this agreement and, therefore, in many instances because they feel that they cannot apply, a child is deprived of a prospective home which would be good for it. Here the Committee feels that a foster parent who meets all the qualifications and whose home the court might determine would be a good haven for this child, should not be precluded from being considered. It doesn't necessarily follow that just because they ask they are going to get the child. They must meet all the requirements under the law for adoption. That has been the Committee's position.

MRS. EMMONS: I think that the agreement form signed by the foster parents is obviously not used and not legal, as you say, since 41 per cent of State Board adoptions were placed with their own foster parents and accepted as adopted parents. But whether you legislate this or whether it is simply a matter of policy what is included in your agreement form ---

SENATOR GROSSI: Is it a matter of statistical record that 41 per cent of foster parents have succeeded in having children who have been ---

MRS. EMMONS: No, that is not it. It was 41 per cent of the children placed for adoption last year by the State Board --

SENATOR GROSSI: -- were in foster homes.

MRS. EMMONS: -- were with foster parents.

SENATOR GROSSI: But that does not mean that 41 per cent of the children who were placed in a foster home were adopted by that particular foster parent.

MRS. EMMONS: No.

SENATOR GROSSI: That's what we are trying to eliminate. We are trying to make it possible for these same people who have the child in their own home to be able to adopt this child if they meet all the requirements. And even if the figure were 41 per cent, wouldn't it be a whole lot nicer if that figure were 75 per cent or 80 per cent?

MRS. EMMONS: I am not sure. My feeling is that a boarding home is really a boarding home. You might be interested in knowing that our foster parents - and we primarily have the small infants in foster care - did not feel that this should be beclouded in this way. They feel - you are a boarding home and you are doing this for a specific kind of purpose - and that if you are adopting, then you come at the situation from a different point of view. Now I grant you when you get the older child and he is there a long time, then the whole situation does change and modify. But I would expect and I would feel that most foster parents, when they are being studied and accepted as foster parents, are pretty clear that that's what they wanted to be, just as your adoptive parent, when he comes in, wants that kind of a service.

SENATOR GROSSI: I would like to read for the record what the Committee feels S-115 would do, to see whether you or anyone else for that matter would object to it in principle.

(Reading) "This bill requires the Department of Institutions and Agencies to distribute monthly to all approved adoption agencies a list containing the name and personal data of each child in custody who is eligible for adoption. It further requires the surrender of such child by the Department to any approved agency upon request to place such child for adoption.

"The effect of this bill will be to take the State out of the adoption business and keep its role in this field at a minimum. It recognizes the prime responsibility of privately approved adoption agencies and tends to shift the burden of placement of adoptable children to private agencies. This bill accomplishes that purpose by requiring our state agencies to keep information on a monthly basis and to provide approved adoption agencies with the personal data of each child who is potentially adoptable material."

Now that is for the one we had under discussion.

Now, S-114 (reading)

"This bill provides that where foster parents have continuously cared for a foster child for two years or more, and such child subsequently becomes eligible for adoption, the foster parents will be given first preference to all other applicants for adoption." (Of course, that is assuming that they meet all the other requirements.)

"The purpose of this bill goes to the very heart of the humanitarian problem involved in the adoption of infants and other minors. It recognizes the deep parental roots that are established between the foster parent and foster child

which develops from a close family relationship existing for a period of two years or more. Where such circumstances exist, the intent of this bill is to provide for permanent placement through adoption of the child or children involved rather than removal of the child to another home."

Those, as succinctly as we can put it, are the objectives of the Committee in the promulgation of these bills and I don't think in essence anyone could object. Administratively there might be some problems, we admit, but there have been administrative problems that so far have been insurmountable and we are just trying to provide another means of being able to surmount some of the problems that exist.

ASSEMBLYMAN BRADY: Thank you very much, Mrs. Emmons. Assemblyman Farrington would like to ask another question.

ASSEMBLYMAN FARRINGTON: I want to talk about the 41 per cent statistic. As I understand it, this represents 41 per cent of the children who were in foster homes were ultimately adopted, but not necessarily by those foster parents.

MRS. EMMONS: No.

ASSEMBLYMAN FARRINGTON: Is that statement true?

MRS. EMMONS: I may be phrasing this wrong. We were given a report at the Inter-Agency Adoption Council by the State Board that for 1961 of the number of children that the State Board had placed for adoption, 41 per cent of those children, not 41 per cent of all they had in care, but 41 per cent of those they had placed for adoption were adopted by the foster parents in whose care they were. This is the statistic that was given to us. Is that clear?

ASSEMBLYMAN FARRINGTON: Yes. Is that your understanding, Senator?

SENATOR GROSSI: Well, I am surprised at the percentage to tell you the truth because if that were so - and I don't question it - but if that were so, then why would there be a need to have them sign an agreement that at no time would they ask for permission to adopt a child? It is very inconsistent. I can't see any sane reasoning between the two. If 41 per cent of the parents in whose care these children were placed were permitted to adopt, how did they get around it? How did the parents know then whether the agreements they had signed were valid or not?

MRS. EMMONS: Oh, I think this comes about through the case worker and the foster parent in the individual situation. The child is there. The worker goes in. This may be a child who was placed originally expecting it was going to return home and then it develops later it is free for adoption. And the foster parent indicates a real interest and desire to keep this child. Then the focus shifts from boarding care to possible adoption and the worker then would say, "Yes." Then we do an adoption study. They do a second study; they don't accept the foster home investigation as approval. But they do take an application from that foster parent for adoption.

SENATOR GROSSI: Do you see the need then for this agreement?

MRS. EMMONS: No, I don't, and I see no reason why we need legislation if their policy operates this way.

ASSEMBLYMAN BRADY: Thank you very much. I will now

on Mr. Archer, Bureau of Child Welfare.

F. MORSE ARCHER, JR.: I am Morse Archer. I am President of the Board of Managers of the State Board of Child Welfare and as such, of course, I am vitally interested in legislation which affects the welfare of children in New Jersey.

These views which I am about to express have been gone over very thoroughly by the Board and I think for the most part I can say they represent the views of the Board as well as my personal views, although I take personal responsibility for them.

I might just say as a prelude before I go into these bills that I think the study made by Senator Grossi's Committee came up with a great deal of constructive material. So that while I am in opposition to most of these bills, I still think the study had value and I don't want anything that I say to create a different impression. I think it's very valuable.

First, referring to Senate Bill No. 108 - Mr. Wescott has already commented in detail about the Department's position on this bill. I will not repeat his remarks as I am in accord with them.

Our Board of Managers actually favors its own dissolution under the conditions provided in present Assembly 493. We favored last year A-539 but, unfortunately, it did not pass. Our position is that our Board should be replaced by a citizen board of public welfare on the division level, a committee of which will be established to concern

itself with child welfare services. We are convinced of the value of such a lay board in providing essential strength and guidance to professional administration of public welfare services.

I might, of course, say, this bill follows very closely and was developed from and with a great deal of thought - from the findings of the Alexander Commission. We think it's excellent legislation, the bill, A-493.

Senate Bill No. 109 deals with clothing. The bill's objective is to discontinue the practice of distributing clothing from a central warehouse to children in foster care.

Rather than read this statement which I have left with you for the record, I can perhaps shorten this by saying that as far back as 1956 the State Board of Child Welfare considered the abolition of this giving out of clothing rather than money. A departmental study was made and it appeared that that would add to the cost of our operation by about \$151,000. And for that reason we didn't put it into effect until just recently because we felt that we had no right to spend the money. But on further consideration it developed that under modern practices and concepts distribution of clothing, particularly to teenage children, wasn't wise, it perhaps had a bad effect on the children in developing their own judgment and in making their own decisions concerning the purchase of clothes. So recently we completely abolished the distribution of clothing as of May 31, 1962. We tried to do it piecemeal for a while,

retaining the advantages and economies of the warehouse by giving out clothing to children under 12 but that proved administratively not feasible so we have gone the whole way now, as of June 1, 1962, or May 31, 1962.

The bill, therefore, would seem to me to be unnecessary. If it were passed tomorrow and went into effect immediately it would obviously cause an inventory problem that our gradual method of liquidating the inventory as of the end of May this year, we hope, will solve. The inventory amounts to probably from a hundred to four hundred thousand dollars, depending upon what it was yesterday.

Senate Bill No. 110. This deals with the agreement with foster parents.

The intent of this bill is to forbid from inclusion, in any agreement with foster parents regarding a child placed with them by the State for temporary care, any provision prohibiting their adoption of such child.

This bill, as does many of the bills in this series, unnecessarily impairs the administrative functions of the agency by legislating what has heretofore been and should continue to be an administrative policy.

In any event, the enactment of this particular bill will have serious ramifications on the agency's responsibility to exercise its function of legal guardian with respect to children committed to its care. Since this bill obviously restricts the Board's powers of guardianship, the intent of our child welfare legislation will be partially negated.

Equally important, it will by implication permit foster parents, who must understand the temporary nature of their offer to provide substitute parental care, to assert rights to adoption immediately after placement of a child which rights were never intended and which could and most likely will result in the negation of sound adoption practices. This would obviously interfere with what we believe to be in the best interest of the children in New Jersey.

I might say that we feel that our practice with respect to telling foster parents that they have no right to adopt at the start of the adoption is a matter of fairness to them because the problem is that in many cases foster parents who shouldn't be the adopting parents feel that they want to adopt and it's a matter of fairness at the start, I think, to tell them that they don't have that right. Now the Social Worker, later of course, if it evolves that the foster home is the proper place for the child, can easily enough bring that about.

Senate Bill No. 111, dealing with shelters.

The intent of this bill is to permit the State Board of Child Welfare to establish and maintain child care shelters in unspecified numbers and at unspecified locations throughout the State.

Although this bill does not delineate the types of child care shelters which are needed, nor does it provide for the methods and sources of the obviously substantial financing that will be required, we agree that there is a need in certain areas of the State for additional such facilities. The intent of the bill, however, can and would

be accomplished by administrative action if adequate financial resources were provided. This would permit a wide latitude in establishing varied facilities as deemed necessary in accordance with accepted and modern child principles and concepts.

Our Board, as a matter of fact, is already carrying on an experimental program in group care through a foundation grant, the Turrell Foundation. The success of this venture, already recognized, will result in the establishment on a permanent basis of four such facilities. The expansion of this program will be dependent upon adequate financing by the legislature.

In other words, we are not opposed to the principle of this law at all, in fact we are very much in favor of it, but what we are afraid of is that if this statute is enacted the public will get the impression that the problem has been solved and the problem is not the enactment of this act, the problem is getting the money.

That's, at least, my personal feeling about the bill. It might mislead the public and not accomplish the objective. If we could get the money for these shelters I certainly would be thoroughly in favor of it.

Senate Bill No. 112. This bill, if enacted into law, would require the State Board of Child Welfare to fully disclose to prospective foster parents, but curiously not to prospective adoptive parents, any physical or mental defect or behavior problem before placing a child and to permit the prospective foster parent to elect or reject the

placement. In addition, it provides a penalty of dismissal for any agency employees violating the bill's intent.

Introduction of this bill implies, incorrectly, that the Board has not in the past taken cognizance of this well-established administrative principle. As a matter of fact, the Board for years has followed the practice of giving available and meaningful information, emphasizing health problems, to both foster parents and adoptive parents for the very same purpose as is contained in the bill - that of permitting such substitute parents to accept or reject the placement.

Equally important, this bill by implication presumes that the agency always has or should have full knowledge of all situations. Although having full knowledge is desirable, it is obvious that such would be impossible. As a consequence, passage of this bill will conceivably result in subjecting the agency to frivolous complaints from foster parents having no basis in fact. In addition, the penalty provision obviously will tend to create a repressive atmosphere of anxiety and restraint in which agency staff will have to function, in contradiction to the best interests of the children served by the agency.

We believe, therefore, that this bill is unnecessary and undesirable.

I might just add to that that the problem, you see, very frequently arises with great suddenness - the child is neglected, abandoned, and we hear about it and we have to

step in and take care of the child, and we have to find a place for that child without knowing much about the child. So this, I think very deeply, is a matter of proper administration and I have very great confidence in our staff to be able to handle it and I think that it shouldn't be a matter of legislation.

SENATOR GROSSI: So that I don't lose the trend of thought, excuse me. Wouldn't the establishment of child shelter centers in the various sections of the State eliminate the mixture or the admixture of these people with the behavioral problems in with the normal children?

MR. ARCHER: Oh, if we had the money to establish an adequate number of these establishments it would be extremely helpful, Senator.

SENATOR GROSSI: Because that would be a diagnostic center, wouldn't it? Wouldn't it be a center where the child would be screened so that they would know what the problems were and they would know then where this child would best be fitted, in what particular type of home?

MR. ARCHER: If we had the money.

SENATOR GROSSI: Well, if you had the money. I know. But we have been hearing that for a long time, if we had the money. Here these bills were unanimously adopted and approved by the entire Senate. If they were enacted into law and the inclusion was made in your budget as a line item for these child shelter centers, how could the Legislature, which unanimously approved, then deny the

inclusion of that money in the budget? They couldn't conscientiously do it and I don't think that they would deny it.

MR. ARCHER: Well, I don't pretend to be an expert on the legislative processes. I don't know, Senator. I think that you've got to recognize the size of the problem. I'm ad libbing a bit here but I would say that we now have somewhere around 7500 children in our care, one way or another, and approximately 4500 of them are in adoption homes. So that you are running into a very, very large number of children and you are running into a very large problem. I'm for it, thoroughly, but I think it's only fair that the public and everybody realize the magnitude of the expense that may be involved in carrying this out.

SENATOR GROSSI: I think they are aware of that. You say that you don't know the legislative process. If you were an advocate, a very strong advocate of a certain condition and then you were given the power to place that condition into operation, could you conscientiously then deny doing it?

MR. ARCHER: No, I think I couldn't.

SENATOR GROSSI: Well then the Legislature would have to be in the same position.

MR. ARCHER: Then you get into where the money is coming from.

SENATOR GROSSI: Where the rest of the money comes from.

ASSEMBLYMAN BRADY: You have about 12 pages here.

Pardon me. I see we have two more people listed here who want to testify. Has anyone else come into the room who would like to testify but who has not made known to the Committee that they would so like to testify?

All right. Go ahead, Mr. Archer.

MR. ARCHER: Well I don't want to hold the Committee unduly. These things are important and we have prepared a lot of data. What I will try to do is skip along over some of this, if that would help the Committee, if you would like me to.

Senate Bill No. 113 would require the State Board of Child Welfare to pay the total cost of hospital care. That has already been commented upon and my comments here I think probably don't need to be repeated except that I would like to inject this thought, that pretty near every hospital in the State of New Jersey - and I happen to be President of the Board of one - has a different method of accounting, a different method of figuring its cost and a different method of presenting bills to all its customers. This, administratively, would raise just an unknown amount of expense. I don't think you can possibly tell what you're buying, if this bill becomes law, and there is presently functioning an interdepartmental committee going over the problem of the sharing of cost between state, county and, of course, ADC federal. And I think that this ought to be a part of the over-all picture and not one that would be just put in by legislative fiat.

SENATOR GROSSI: As a matter of fact, Mr. Archer, wouldn't the cost be minimal?

MR. ARCHER: No, I don't believe it would be.

SENATOR GROSSI: Well, do you have any figures available as to how much it would cost if the State were to pick up the hospital care?

MR. ARCHER: We tried to make an estimate of that and we came to the conclusion - and this is just a good educated guess of \$100,000 additional.

SENATOR GROSSI: And very likely it would be a whole lot less too, wouldn't it?

MR. ARCHER: It could be a great deal more. I just don't know.

SENATOR GROSSI: More than \$100,000?

MR. ARCHER: It could be.

SENATOR GROSSI: It hasn't been, though.

MR. ARCHER: See, the counties pick up a lot of the tab now.

Senate Bill No. 114 would give foster parents preference for adoption placements of children under their care.

In addition to the comments related previously, regarding Bill No. 110, I am unable to understand why this well-established child welfare principle requires legislative enactment. In every instance in which foster parents express a desire to adopt a child placed in their home by the State Board, their application is accepted for consideration and then processed in accordance with acceptable modern adoption

practices. As actually practiced, preference and first consideration over all other applicants is given to the foster parents.

I have here a number of cumulative figures as to the percentage of adoption placements. And if you will notice in these - I won't read them all but they have gone up steadily since 1956, and the last full year the Agency placed 120 children for adoption. Of this number 49, or 41% of the children placed for adoption, were placed in the homes of their foster parents. So we really think that this is a matter for staff and expert social service work and not for legislation.

Senate Bill No. 115 would permit authorized private adoption agencies to place for adoption children who are in the custody of the State Board of Child Welfare.

The intent of this bill is already possible under existing legislation in that the State agency, recognizing its inability to provide properly for all children who become adoptable subsequent to their acceptance for service, has already entered into agreements with various private adoption agencies whereby the custody of hard-to-place children is transferred to the private agency for appropriate adoptive placement. Thus, the enactment of this portion of the bill would serve no useful purpose.

In addition, if this bill is enacted, the State Board of Child Welfare would be required to compile and distribute monthly to each approved agency a list containing the name and personal data of each child under its supervision

eligible for adoption. This list in itself would be of little value to the private agency unless a complete case history file accompanied it. If the Board were obliged to compile a list containing sufficient information to permit an approved agency to make a decision as to whether it desired custody of the child, then considerable additional personnel would be required, and the cost would be completely out of proportion with the results to be accomplished by the distribution of such a list.

Additionally, in accordance with the provisions of the law it is already mandatory that any child coming to the attention of the State Board for care be referred to an appropriate private or voluntary agency willing and able to provide the services required. Thus, with respect to the majority of those children coming under the care of the Board for the purpose of adoption, these same approved agencies have already refused to offer their services for a variety of reasons.

A serious ramification to be considered, should this bill be enacted relates to the possible concurrent enactment of 110 and 114. Should foster parents providing temporary care for children express an interest in adopting them, and at the same time an approved private agency requests the surrender of such children, which surrender, in accordance with 115, is absolutely mandatory on the part of the State Board, the intent of both Senate 110 and 114 would seem to be questioned or invalidated. So we feel that 115 is not a desirable bill.

SENATOR GROSSI: I would like to interrupt you here for a moment, if I may, in the interest of time.

MR. ARCHER: Sure.

SENATOR GROSSI: First of all, you say that there would be a conflict between these bills when actually the one bill does not give the foster parent any prior right until they have the child for two years or more. And if after these lists have been promulgated a private adoption agency has a place for the child - and remember that the list must also include the personal data of each child so that they will know just exactly where they are going - if that child is then available that would mean that the foster parent up to that time had not expressed an interest in adopting this child so that the child would be available for adoption. But they don't get the priority until two years have gone by. And there is nothing to stop Institutions and Agencies from permitting a foster parent to adopt the child a year after they have had it. There is nothing in the legislation that prohibits that.

MR. ARCHER: Well, Senator, the problem isn't quite that simple. I am not a Social Service worker so perhaps I should not speak too much on this but the problem -- you see, basically, - I am just illustrating one feature - basically our job is not to put children in foster homes nor really to arrange adoption; basically, as we conceive our job it is to try to reconstruct homes, the child's own home. And very frequently it takes a considerable length of time to determine whether that home can be rehabilitated. And I think these

things have to be handled by administration in the hands of a skilled social worker. I don't think you can lay down rules on it. So for that reason I feel that this furnishing of a list would probably be just a useless burden on our staff.

My feeling about this is, to use a slang expression, we would be just feeding the paper tiger, and our job is to try to take care of children and not do anymore paper work than is essential because it interferes with the other work. And that is the feeling about this bill.

I agree that if the money were available a broad exchange between all the social agencies in the State, voluntary and our own Board, of information would be excellent. We are for it.

SENATOR GROSSI: We come down to the same thing all the time - if the money were available. I think it's far more important that the child be placed in a position to get the love and care it needs to grow up properly, to have a home of their own, than it is to worry about the extra cost that would be involved in paper work or the addition of extra personnel. I think that our objective should be, in this particular instance, the welfare of the child in placing it somewhere where it can be properly reared rather than to leave it in an institution possibly for all of its formative years up until the time it is 17 or 18, but to get that child out into a home. And I think that the extra cost involved would be minimal and I don't think that the public would object one iota to any extra cost along those lines.

MR. ARCHER: Well, our objections are certainly the same. We are trying to use every possible means at our command to see that children are placed in homes where it is satisfactory for them and where they can grow up and receive attention.

One of our basic premises, ever since this Board was established - I think it goes back to 1899 - was to keep children out of institutions and to get them into homes.

SENATOR GROSSI: Do you know where New Jersey stands in the nation in expenditures for the child welfare program?

MR. ARCHER: I really don't.

SENATOR GROSSI: We're quite low, aren't we in the nation.

MR. ARCHER: We're very low.

SENATOR GROSSI: Very low.

MR. ARCHER: I think we are 8th from the bottom or something like that.

SENATOR GROSSI: Which is not a nice place for New Jersey to be.

MR. ARCHER: That's a place where I hate to see New Jersey.

SENATOR GROSSI: We're third in education in the country in the amount of money that we spend for education and we are eighth from the bottom in the amount of money that we spend for the welfare of children. And it would be very nice, I think, it would be a badge of honor for New Jersey to have the money they spend for welfare on the same par

as that spent for education.

MR. ARCHER: I'm thoroughly in accord with that. I think that we need more money very badly. That's been our problem for a great many years.

SENATOR GROSSI: This might be a good time then to ask you, do you have any convictions, one way or the other, with respect to the purchase of care from private agencies for services rendered for the children and their care, which is not reimbursed by the State today?

MR. ARCHER: Yes, I have very strong convictions on that.

SENATOR GROSSI: Would you mind stating them?

MR. ARCHER: But it has nothing to do with these bills.

SENATOR GROSSI: But it ties in with welfare.

MR. ARCHER: Yes.

SENATOR GROSSI: That's the only reason I ask.

MR. ARCHER: Well, my conviction, briefly stated, is that there are some specialized services which we should purchase - we do purchase medical services, for instance, - and I think our business is basically perhaps not in home making - I think we possibly should purchase home making services and we are trying to, in places. When it comes to straight social work, under care, I think we should not purchase that. I think we have a fine staff. I think we should do it ourselves. And I understand - and now I am no expert and please don't think that I am trying to pretend to be such - but I understand that in states where there has been a widespread purchase of the basic services which the state is

rendering it has proved very unsuccessful and largely for this reason, Senator, that a private agency can always refuse to take a case, a state agency can't. There is no limit to our intake. The only limit to our intake is the need. And if we were a purchasing or selling organization -- pardon me, a purchasing organization, purchasing the basic fundamental services which we attempt to render, we would have an organization to take care of those cases which a private agency wouldn't buy. I think we would be getting into a morass of trouble. I think we should not purchase our basic things. I think our staff is excellent and I think it's second to none and I think we should do a job.

SENATOR GROSSI: Suppose those private agencies were suddenly to decide to go out of business and didn't want to handle any of the children, wouldn't those children necessarily be the obligation of the State?

MR. ARCHER: It would certainly work that way. And I am for encouraging the continuance of private agencies.

SENATOR GROSSI: I just wanted to get your thoughts on it. I know it has nothing to do with these particular bills but because we were discussing something that seemed to fit right in the pattern of the thinking along that line, I thought I'd get your views.

MR. ARCHER: I might say that I am expressing personal views on that. That's not necessarily --

SENATOR GROSSI: That's all right. I'm expressing my personal views on that one too.

MR. ARCHER: But I have given it a lot of thought.

The next bill is Senate 116. It's entirely up to the Committee. I would be glad to read the figures on this as to the collections.

ASSEMBLYMAN BRADY: If you can run through them briefly, we would appreciate it.

MR. ARCHER: Well, I can say this, very briefly, about it, that we are now collecting a great deal more than we did before. Before, when we had the Home Life cases, it was impossible for us to collect as much or as high a percentage as we are now doing. And without reading the figures, since I have filed this with the Committee, I would like to say that there is a great deal to be said, at least in the first instance, for having the Social Worker that has a family in charge in attempting to make the collection, to make the agreements and get the payments because it is part of the social work in rehabilitating a family to have it accept its responsibility and make the payments.

So I think that's a factor that should be considered. We feel that we can work this matter out in cooperation with the Attorney General's office and we feel there is presented no problem but we are opposed to after 10 days taking this away and putting it in the hands of another division.

SENATOR GROSSI: But the fact does remain with respect to two items, this one about the collections and the other about the clothing, that the Committee made the recommendation and the Committee introduced the legislation,

and this recommendation was made last year. Here in May, 1962, Institutions and Agencies decides that now is a good time to abolish the warehouses and to let the families provide their own clothing, of course with money furnished by Institutions and Agencies. And the same way with this collection business. It wasn't until the Committee brought it to the attention of the public and to the attention of Institutions and Agencies that you are now setting up an administrative policy to take care of these things that were deficient heretofore. So that that doesn't preclude the necessity for legislation, the fact that you have rectified it. It's to make sure that it doesn't happen again. That's the only reason why we want it.

MR. ARCHER: Well, might I say this, - and I opened my remarks, as you may recall, by saying that I thought you had done a very constructive piece of work in your report, and I am not hedging on it at all, I still think that a great deal of the material in your report, and I studied it carefully, is fine.

SENATOR GROSSI: The only thing, Mr. Archer, - I know that you opened your remarks by saying that you admired the constructive nature of our efforts, etc. but at the same time so far you have objected to every bill. I mean, you have an objection to every bill all the way up to 116. You only have one or two to go and I thought you might find it possible to okeh one of them.

MR. ARCHER: Well I can only give you my honest opinion on them. So far as the clothing is concerned, as I said in

my remarks, that has been under consideration since 1956.

SENATOR GROSSI: I saw that in your report.

MR. ARCHER: And without detracting at all from the effect of your Committee, because it did have a lot of weight with us. When your Committee came out with that in your report we felt the money would be forthcoming. It's also true that we had a survey made of it by an outside social service management organization, Laurin Hyde, to go over our procedure in that respect and come up with a recommendation, and he agreed with your Committee. So we didn't plunge the State into what we felt was a considerable additional expense without giving it very careful thought.

SENATOR GROSSI: Of course you know that we didn't contemplate that this thing would be abolished over night. You were talking about the inventory, etc. We certainly would expect that you would have a lot of time to liquidate your present inventory.

MR. ARCHER: Well the bill does have a little provision at the end that it would take effect immediately.

SENATOR GROSSI: The law takes effect immediately but it doesn't mean that beginning tomorrow you would have to abolish your warehouses and burn the clothing, although in some instances it might be a good idea.

ASSEMBLYMAN BRADY: Assemblyman Farrington would like to ask a question.

ASSEMBLYMAN FARRINGTON: I think you have indicated, Mr. Archer, as has been previously indicated by Mr. Wescott, that your feeling is that some of these pieces of legislation

are not necessary because administratively you have been or are curing certain problems that exist. But will you agree with this proposition, that without the legislation a change in policy could result in reversion back to the old habits or what we are attempting to cure now?

MR. ARCHER: Well, so far as the clothing is concerned, I think that is unthinkable. I think we have crossed that.

ASSEMBLYMAN FARRINGTON: But theoretically that could happen, couldn't it?

MR. ARCHER: Oh, theoretically it could.

ASSEMBLYMAN FARRINGTON: Without the legislation.

MR. ARCHER: Yes, theoretically it could and actually, Assemblyman, if the conditions changed, if some tremendous change took place in conditions so that it might become wist to resume some distribution of clothing. If we found, for instance, that we couldn't control foster parents in spending the money on clothing but that they to a large extent wasted the money elsewhere, if we found that we got up against a condition that required the reopening of the warehouse, I think we should be allowed to if we found that the other system didn't work. I don't anticipate it. I think the other system will work. It has worked in other states and I think it will work in New Jersey but I think these things are better flexible than to be tied in to statutes.

ASSEMBLYMAN FARRINGTON: Well my remarks weren't confined merely to clothing. My remarks were confined to all

the ills which you have been attempting to cure since you have been on the hotspot.

MR. ARCHER: I don't recognize that I'm on a hotspot.

ASSEMBLYMAN FARRINGTON: I don't mean you personally, I mean generally.

MR. ARCHER: No. I think you ought to look at this a little in perspective. Before January 1, 1960 we had the burden of the Home Life Program, the Aid to Dependent Children. That was largely not social work but welfare work. And with our full blessing and approval that was taken from us, as you know, and given to the counties. And that was a wonderful step forward because up to that time we could not develop the personnel, the high calibre staff that we needed. There was a very heavy turnover in our staff because all these trained people would come with us and then spend a lot of their time doing just ordinary welfare work instead of social case work.

Now we believe that we are on the way to get, and are rapidly getting an expert, fine staff that can do a first-class job in social service work. I think basically we have it. And these matters that you bring up in this legislation, I think, should be left flexible. I don't believe in statutory bars. I think this is a sensitive, delicate field and I think it's better left in the hands of the experts. If they fail, then we will do something about it.

But that's the way I feel and I think you have to look at this report in the perspective of the change that has occurred during the time since January 1, 1960. And we

are in the process of rewriting our whole manual and it's a long job, and we are taking care of children at the same time when all this extra work is being done by the staff.

Maybe what I am saying is, give us the opportunity under present conditions to see what we can do before you tie our hands. Maybe that's really what I'm saying, basically.

ASSEMBLYMAN FARRINGTON: Mr. Archer, you mentioned ADC, the transfer of child welfare from the State to the county level, and I would like to, for a moment, continue on that tangent with you.

At the time this Legislature considered that transfer program, it was represented to us by Institutions and Agencies Department that this would, contrary to some of the objectors' statements to the transfer, result in less cost to the counties. Now that program has been in effect well over a year and I would like now to ask you whether experience has shown that the representation made by you at that time was accurate.

MR. ARCHER: I never made any such representation.

ASSEMBLYMAN FARRINGTON: I mean, when I say "you", Institutions and Agencies. Are you familiar with this?

MR. ARCHER: Well, frankly, I'm not familiar with what representations were made at that time. My own personal feeling about it at that time was that it probably would cost the counties more but it was a better way of administering welfare. But I was in favor of the legislation regardless of the cost. I am speaking purely personally. I didn't recall that any such representation to the contrary

was made. Sometimes those things can't be foreseen.
Sometimes they are very hard to foresee.

ASSEMBLYMAN FARRINGTON: Well those representations were made and I personally think they were accurate and that this has been the experience dollarwise. But I wondered whether you were in a position to verify my own feeling.

MR. ARCHER: I'm sorry. That's really foreign to my knowledge. I will keep quiet on that.

ASSEMBLYMAN BRADY: Have we finished with Senate 116 or are you still on that?

MR. ARCHER: No, I think I've brought out -- I'm going to file this with the Committee so that the detail will be available. I don't want to hold the Committee here any longer than I have to.

Senate 117, on court actions, I think the points have already been covered on that. I would be glad to repeat them but our feeling is that --

ASSEMBLYMAN BRADY: That the bill is unnecessary.

MR. ARCHER -- it's just too cumbersome. It wouldn't work. What was that?

ASSEMBLYMAN BRADY: That the bill is unnecessary.

MR. ARCHER: Unnecessary and if it limited all action to the State Board of Control, the State Board would have to meet every week.

SENATOR GROSSI: That's in conflict with Mr. Urbaniak's feeling. He doesn't feel it's unnecessary, he feels it should be done in a different way, not that it's unnecessary.

MR. ARCHER: Well, I feel --

SENATOR GROSSI: I don't think that that would be the position taken by Institutions and Agencies.

MR. ARCHER: Well I feel that it's unnecessary and it's cumbersome and it wouldn't work. That's my feeling about it.

SENATOR GROSSI: Will you fight it out with Mr. Urbaniak?

MR. ARCHER: Mr. Alexander is Treasurer of our Board and I would rather have him testify as to figures because he is much more familiar with the figures than I am.

ASSEMBLYMAN BRADY: All right. Go ahead.

MR. ARCHER: Senate Bill 118. Our feeling on 118 is that the law presently covers it and if we can move within a year, where it's possible, then that bill is unnecessary because it's already covered in our Guardianship Statute.

119. The bill, if enacted into law, would permit the State Board of Child Welfare to accept an agreement in writing from legally liable relatives to provide support in accordance with budgetary standards approved by the Department of Institutions and Agencies. In addition, it provides for liens upon the property of those persons entering into such an agreement and for the enforcement of such liens.

Since under the present statute provision is made for the recovery of moneys expended for the maintenance of a child and does not provide specifically for agreements to pay for the current costs of maintenance, the State Board has

no objection to an appropriate procedure whereby an agreement may be executed to oblige responsible persons to reimburse the agency in whole or in part.

We feel that the specific procedures prescribed in this bill with respect to providing for a lien may prove to be unnecessarily cumbersome and difficult of administration, without producing a return reasonably equivalent to the cost of such administration. In addition, the basic intent of any good child welfare program is the rendering of meaningful and effective services which may be negated should the fear of a lien against property result in unwillingness on the part of parents to make voluntary application for essential services.

So we feel that that bill is unwise. I don't think it would work and I am a little fearful as to the effect it would have on our service to children but perhaps the trial and error would show what that would do.

ASSEMBLYMAN BRADY: I might say, Mr. Archer, you are batting a hundred.

MR. ARCHER: Pardon me?

ASSEMBLYMAN BRADY: You're batting a thousand on all these bills.

Senator Grossi, any questions?

SENATOR GROSSI: Well I just wanted to point out one thing. You voiced objection to the bills and the provisions of S-110, very briefly, which would prohibit the entering into an agreement with a foster parent which would prohibit their adoption by the foster parent - that would be S-110. And S-114 provides where foster parents have

continuously cared for a foster child for two years or more, that should such child subsequently become eligible for adoption the foster parents will be given the first preference.

You are objecting to those two bills and yet the reason that we formulated this legislation was so that the Alice Marie Combs case could not happen again in New Jersey. Yet you voice objections to these bills. And I think you would have to admit that had these bills been law the Alice Marie Combs case would never have happened because we know definitely now that the top brass, let's say, in Institutions and Agencies was not aware of the conditions of the Alice Marie Combs case and that this decision was made on a lower level, on a district level rather than being brought to the attention of those people who should have known about it.

So that this legislation, had it been in effect at that time, I doubt very much whether the Alice Marie Combs case could have happened or would happen again. And we almost had a repetition of the same thing only the other day in Paterson. It was a matter of 18 months and the child summarily was going to be taken from the home and I was very happy to see that after a revaluation of the condition and what existed there that Institutions and Agencies agreed to allow the foster parents to adopt the child. That's why if these bills were law we don't think those things could happen again.

We are not in a position where we want to curtail your jurisdiction or your authority but we just want to make sure that these traumas that will affect the child perhaps

for the rest of its life would never happen again. And that's the purpose of this legislation. That's why I'm surprised that you would object or enter objections to this type of legislation, particularly on these two bills.

MR. ARCHER: Well I don't think these bills would have prevented the Alice Combs case. I think we run a constant hazard of that sort of thing happening in doing social service work with children, not identical in fact with the Alice Combs case but you have got to recognize, Senator, going back to the statement I made a little while ago, that you can't break up families. Our job is to try to get families together again and that necessarily means, frequently, that children have to be placed in foster homes without their being available for adoption because lots of these families do get rehabilitated, they do take their children back and everybody is better off. And if we went into a process of breaking up families and putting children out for adoption immediately, we would be doing the children a disservice and not a service.

Now when you leave a small child with a family for a period of time which may run for two or three years while its own family is being rehabilitated, you are bound to have a bond of affection develop, you want it to develop, but then it becomes possessive and you have a problem. There are all kinds of instances of that involved in this work and I think the only way it can be handled is by skilled social workers who are free to use their best judgment at the time. Now they don't always use their best judgment

but I think it's better for them to be able to. What I mean by saying that they don't always use their best judgment is that human beings are human beings and we all make mistakes. But I think that the development of our staff is the answer to these problems and not legislation.

SENATOR GROSSI: Well, isn't it a matter of record that the Combs family had attempted to adopt a child prior to the time that they were actually given it and that there were many, many obstacles in the process and eventually the Child Welfare Board was summarily going to remove that child from that home, and it was the attendant publicity that caused everybody to rise up in arms, the terrific emotional impact that it was creating on a family that had that child for four or five years and on the child itself. And the reasons given at that time, I think, were ridiculous, that the child had such an intelligent quotient that this family wasn't capable of bringing out its full potential. They disregarded entirely the humanitarian aspect. They disregarded entirely the affection that grew up between these parents and this child who was in their care. And sometimes a social worker will exert their energies more according to formula, let me say, than they do in taking into consideration the human equation, the feeling that develops, the bond that comes between a mother and a daughter or a parent with a child and the child has known no other parent in its lifetime than the one that they have been with in a foster home. And I would be interested in knowing, in view of your remarks, how many children have been placed in foster homes

who have eventually been placed back with the rehabilitated family from which they came.

MR. ARCHER: I'm sorry. I don't have the statistics here. I will get them.

SENATOR GROSSI: I don't have them either and I have no knowledge at all but I would be willing to wager that the figure would be infinitesimally small.

MR. ARCHER: No, no. I'll take your bet on that.

SENATOR GROSSI: Well we have been working on this for a year and a half or two years and we haven't come across hardly any one family where the children have been rehabilitated except where they have come in voluntarily to say that their position has now reached the point where they can take their children back. How many have you? You have 7,000 children in institutional care?

MR. ARCHER: Not in institutional care.

SENATOR GROSSI: Well I mean under the aegis of Institutions and Agencies.

MR. ARCHER: Including the Care program I think our total is what, about 7500? Something like that.

SENATOR GROSSI: Well I said 7,000.

MR. ARCHER: Well, 7500. I was adding 500 to it.

Well, I don't want to comment further on the Combs case. I might just say this, that the child was in that home too long and it was largely as the result of litigations. And for better or for worse, when it came to the attention of the lay board that board did put the child there permanently. Our Board overruled our staff.

SENATOR GROSSI: Immediately. But up to that time they didn't even know about it.

MR. ARCHER: That's correct. And I think that's part of the function of a lay board, occasionally to see the broader, humanitarian aspect which perhaps the technically trained people occasionally don't see in the same light.

SENATOR GROSSI: That's why board members are people who are not necessarily social workers.

MR. ARCHER: They're usually not.

ASSEMBLYMAN BRADY: Assemblyman Farrington would like to ask a question.

ASSEMBLYMAN FARRINGTON: Mr. Archer, I am a little surprised with respect to your attitude toward Senate 119, unless since that's the last bill on there you sort of got into a rut of objecting to all of them and continued on through that one. Because my understanding is that the State of New Jersey collects many, many thousands of dollars because of the lien procedures in cases in other institutions. And this, of course, is a tremendous saving to the taxpayers.

Now I think you objected to it, first, because it would be expensive and cumbersome, and this is not so because it is merely a matter of filling in a blank on a certain piece of paper, signing it and filing it with the county clerk or the clerk of the Superior Court. And you also indicated that your objection was based on the fact that it might interfere with your efforts to rehabilitate homes where there was a lien involved on the property of the home. And I would like to draw to your attention paragraph 5

which says that "The board is authorized to compromise and make settlement of any claim for which any lien is filed." So in a situation where you find a lien is interfering with that effort you have all the power you need to effect a compromise and work the thing out.

I'm concerned with this - I'm concerned with the eighty some thousand dollars a year figure which was mentioned in your report, annual accumulation, and I am concerned with page 35 of the report here. The filing of a lien in any one of those cases would ultimately have resulted in collection, I am certain, of many thousands of dollars. And it seems to me that S-119 is almost a must in this situation.

MR. ARCHER: Well, I think so far as interfering with the work of service to children but I wasn't referring there to a compromise after the agreement had been signed.

I said that I felt quite likely people would - this is based upon the way human beings are - people would quite likely hesitate to sign these agreements if they knew it was going to be perpetually a lien.

As to the mechanics and the cumbersome nature of it, I perhaps was thinking more as a lawyer than anything else in my comments on that because I do see quite some difficulties in that and the use of a lot of time. In the first place, forms would have to be prepared, somebody would have to be responsible to see that they were filed in the correct office or in the Superior Court Clerk's office or wherever they were going to be filed; and then, everytime a title

searcher goes through those files and picks up a lien, you have to identify whether that's the person against whom the lien is or another person with a similar name.

You would have a stream of inquiries into the office perpetually seeking to find out whether these liens covered a certain piece of property.

You have the same thing in connection with judgments now. When there's a judgment against John Smith and you are buying land from John Smith you have to get rid of, by affidavit or some way or other, perhaps 30 judgments against another John Smith.

So, I don't want you to think I am opposed to trying to collect money for the State because I am very much in favor of it. I just suggest this. I felt this probably was not going to result in very much money and it would result in quite a lot more personal time being involved. I am again referring to the paper tiger. We are interested in doing social service work and trying to keep our routine paper work to a minimum.

We could try it and see, I suppose. I don't know. It's just my judgment on it.

ASSEMBLYMAN FARRINGTON: Oh, I certainly think it ought to be a requirement. I am going to have to draw on my personal experience in both the categories you have mentioned. I have filed many, many of these liens on behalf of the State, when I was an employee of the State. I have personal knowledge of the effectiveness of it. And I have examined many, many titles in my capacity as a Lawyer. And

I want to personally say that I have never found that filing an institutional lien itself, even though it may be against a patient or a child named John Smith, never created any obstacle that I couldn't very easily overcome.

I still think that S-119, of all of these bills, from a point of view of getting the money - which you say and everybody has said is really necessary to continue this operation to provide the welfare the State should provide for its children, - 119 is absolutely a must, and I just can't understand your objection to it.

MR. ARCHER: Well I have tried to explain my feeling about it.

ASSEMBLYMAN BRADY: Thank you very much, Mr. Archer.
Mr. Alexander.

BERNARD ALEXANDER: My name is Bernard Alexander. I am Treasurer of the Board of Managers of the State Board of Child Welfare.

I think there are certain things that we ought to know and I am very much gratified that Senator Grossi opened with a statement at the very beginning in which he said that the ADC program was supposed to cost less money and it was costing more money.

One of the things that our Board was concerned with, as Mr. Archer pointed out, was that the program was going to cost more money when it got into the counties but perhaps we could give better service to the children and to the families.

I want to refer to a figure in the report in which

the Senator says that about a half million dollars is uncollected.

I think we ought to know that in every well regulated business, at the end of every year, there is set up a reserve for uncollectable debts. And I think one of the mistakes we have made, if we have made them - and I do not think there is perfection in the State Board of Child Welfare - one of the mistakes that we have made has been that we have never written off these uncollectable things.

I have been a member of the State Board now for about 10 years and during the course of 10 years I have had occasion to almost every month read anywhere from 6 to 15 adoption reports and in every one of these adoption reports you will find where agreements have been made, either with the unwed mother or the purported father or grandparents and in many cases uncles and aunts, to support these children.

Now this comes into court and the judge accepts the agreement of the mother or the father to pay \$10.00 per week for the maintenance of the child. The husband disappears, leaves the State and it is impossible to find him. The mother in many, many cases spends sometimes as much as 10 or 11 months of the particular year either in the State Home for Girls or Clinton or one of our mental institutions. In many cases the total income of the woman is out of an institution and is approximately four or five hundred dollars per year.

So, obviously, the mistake is made not by the worker of the State Board of Child Welfare but by the judge

who sits on the bench and accepts an agreement for a payment of ten or fifteen dollars, more or less, when we see it is obviously impossible to get that money. Now, if we had --

SENATOR GROSSI: Mr. Alexander, if I might interrupt you, we are not discussing that type of payment. We are not discussing court order payments because the Committee did not go into court order payments. These are voluntary payments.

MR. ALEXANDER: Voluntary agreements?

SENATOR GROSSI: Right.

MR. ALEXANDER: If a young lady was to ask the State Board to take care of her child, she's an unwed mother and agrees to pay \$10.00 and there is no obvious means of support for herself, where's the \$10 coming from?

SENATOR GROSSI: Well because you don't make that kind of an agreement. Your agreement is made, from our Committee findings, based on the ability of the parent to pay. This is a voluntary agreement, not a court order agreement.

MR. ALEXANDER: I hasten to disagree with you, Senator. This is not based on the ability of the person to pay. This is based on the promise of the person to pay whether she has the ability or not. I am saying that for 10 years I have read these reports and I know exactly what is in these reports. I would like for you to see some of these adoption reports and see just what agreements are made.

SENATOR GROSSI: You are talking now about court ordered payments and --

MR. ALEXANDER: I'm also talking about voluntary payments.

SENATOR GROSSI: All right. Then I would like to ask you a question. When a person brings children to be placed in foster home care, doesn't someone sit down with that person and say, "How much money are you making?" "Where are you working? What are your expenses?" and after sitting down and very agreeably negotiating, decide that this person can afford to pay \$50 a month based on their earnings. Isn't that true?

MR. ALEXANDER: Yes. That might be the case but --

SENATOR GROSSI: What do you mean, "might be the case?" It is the case.

MR. ALEXANDER: No, not necessarily. I say it might be the case at that particular moment but if the unwed mother is a waitress in a restaurant where she is earning \$100 or \$200 per month or more, and then two weeks after she makes this agreement she leaves the State or is out of employment, how are you going to collect that money? This holds true at the moment in which the agreement is made, not necessarily a week later or two weeks later.

SENATOR GROSSI: Well you wouldn't even know if they moved out of the State.

MR. ALEXANDER: That is something the social worker is supposed to find out. That's the reason I say that we do not have perfection.

SENATOR GROSSI: But the records are replete with instances where they have not moved out of the State

where they have even made more money than they made when they first agreed to pay and no one has even gone to see them to collect the money.

MR. ALEXANDER: That may be so, but my argument is that \$702,000 - and that is the thing I am talking about - is not a real figure.

SENATOR GROSSI: Well now, just a minute. If it's not a real figure, these figures were supplied to us by your department.

MR. ALEXANDER: That's right because we have been carrying uncollected payments on our books which should have been written off.

SENATOR GROSSI: These figures do not include your inactive cases which have been written off. These figures include the cases which were live in your files and these are the cases and this is the money broken down county by county, supplied by your office, not by us. These figures come out of your office. They don't come out of the Committee.

MR. ALEXANDER: Senator, my statement and my argument is that they may be kept live on our books and that is one of the errors that we made. There are many businesses, if you look up a financial report, will show an accounts receivable of \$100,000 that you or I wouldn't pay \$20,000. for.

SENATOR GROSSI: I'm glad you used the word "error", Mr. Alexander. That's one of the errors that's been made, and that's what we want to eliminate. We would like to set

up a collection agency where these errors can be kept at the absolute minimum rather than at the maximum where they appear to be today.

MR. ALEXANDER: I also want to say something about the fact that the State Board has discontinued the clothing warehouse. I think we ought to know that the State Board has discontinued the clothing warehouse strictly from a psychological and sociological standpoint, not from a money standpoint.

I think I might just cite one little example. The State Board of Child Welfare buys clothing through and with the permission of the State Purchasing Department. The State Purchasing Department, for instance, may buy a pair of shoes from a manufacturer for \$5.00. That is the wholesale price from which the State gets an additional 5% discount, which gives us approximately a \$4.75 cost on a pair of shoes. We add to that approximately 15% for warehouse overhead, so that counties are charged with 15% and there is no cost to the State so far as the warehouse is concerned. You then have a cost of approximately \$5.25 per pair of shoes. Now by giving cash to these children, to the foster parents to buy a pair of shoes for the child that foster parent to buy the same quality shoes will have to pay a retailer approximately \$7.95. And I think we ought to be aware of the fact that while it might be good practice from a sociological and psychological standpoint to permit this child to pick its own shoes, to have the parent buy its own shoes, the State must be prepared to pay

that extra \$2.70, or more, all depending on the retail store.

And your comment, Senator, with reference to the fact that you are not sure that some of the clothing in the warehouse should not be burned, let me merely say this - that after a survey made by Mr. Grodeck and agreed to by Laurin Hyde Associates, who have made a survey of our Agency, Laurin Hyde Associates came up with a statement that they know of no clothing operation in the country that worked out as favorably as did the one that we were operating. Their only objection was that from the sociological standpoint and the psychological standpoint it might be better to have the child learn how to handle money and select his own clothing.

But there again, as Mr. Archer pointed out earlier, the State must be prepared to pay for that advantage. And there is going to be additional cost, in my mind, of a minimum of \$200,000 to \$250,000 per year in buying clothing, provided that the money given to the foster parents is properly handled by them. And that in my mind is also something that would take a long time to go into and is strictly a sociological argument, I believe.

SENATOR GROSSI: We are talking about it from an entirely different standpoint. You're talking about shoes and we're not concerned about shoes. And if the State still wanted to buy the shoes and give them their shoes - everybody wears the same kind of shoes.

MR. ALEXANDER: That isn't so.

SENATOR GROSSI: The same kind, not the same shoes, not the same expense, but shoes are shoes are shoes, like

Gertrude Stein said some years ago.

MR. ALEXANDER: Shoes may be shoes, but on the other hand you will find children shoes are sold for \$2.95 and for as much as \$12.95.

SENATOR GROSSI: What we are concerned about is the type of clothing that sets a child apart from other children, that sets a foster child apart from other children so that immediately children can see that these children are not one^{of}/them, that they are foster children. That's what we are trying to eliminate.

MR. ALEXANDER: That's an absolute misconception.

SENATOR GROSSI: Why is it? It has been said by your own witnesses from your own Agency.

MR. ALEXANDER: Well I don't think that's so.

SENATOR GROSSI: Then why did you change.

MR. ALEXANDER: When the ladies of the State Board of Child Welfare who are charged, as a Committee, with selecting clothing, with a representative of the State Purchase Department, go into a manufacturer they do not buy clothing on the basis of 100 dozen shirts all one color and all one style. They select right across the board as the manufacturer makes for any other store to whom he sells. And you cannot identify a State Board Child from any other child in the neighborhood except perhaps that a State Board Child, for less money, wears better clothes than the child in the community that is not supported by the State.

SENATOR GROSSI: Well that we doubt very much.

MR. ALEXANDER: The late Judge Wells had an experience, if I may put this into the record, in which he had a complaint one Sunday morning when he came out of Church in which one of the members of the Church said that his wife was objecting to the fact that a little girl who was a State Board child had on a dress which his wife had paid \$14.95 for and he didn't think that a State Board child ought to wear a dress of that quality.

Judge Wells brought that to our attention and upon investigation we discovered that that dress had cost the State \$6.75 less 8%.

SENATOR GROSSI: If what you say is true, and you seem to be a vigorous objector to the --

MR. ALEXANDER: I happen to be a businessman, Senator.

SENATOR GROSSI: Then why did Institutions and Agencies change as of May, 1962?

MR. ALEXANDER: Strictly on a sociological and psychological basis that they felt, Commissioner Tramburg and the Institutions and Laurin Hyde felt that from a sociological standpoint a child, especially 12 years of age and over, ought to be the one to pick his or her own clothes at the stores. And on that basis, when we got down to the question of cost we discovered that if we only stayed with the 12 year old children we very often would find that an 8 year old child may need a size 14 and it would be impossible for us to go to the wholesale houses and buy small quantities of clothing to supply these

individual children. And the overhead - I think the figure given was - what was it, Tom, about 92% increase? 82, an 82% increase in operation overhead for the few children that would be involved under the age of 12.

ASSEMBLYMAN FARRINGTON: Are you objecting to S-109?

MR. ALEXANDER: The clothing division? No. I am in favor of it only as a trial matter from a sociological and psychological standpoint and I think the day may come when we may have to go back to a clothing warehouse.

I like to hear about having all these things. I think it would be wonderful to have everything. I would like to see about a million and a half dollars appropriated with all these bills.

SENATOR GROSSI: Whatever is needed, I am sure the Legislature will provide. We are concerned primarily with the welfare of the child.

MR. ALEXANDER: So are we, Senator.

SENATOR GROSSI: Well, your concern seems to be a little deeper about the cost than it does about the welfare.

MR. ALEXANDER: We have to be concerned with the cost because when the budget comes through and we are given so much to spend we cannot spend anymore. That's where our concern comes in.

SENATOR GROSSI: That's only on your line items in your budget. You have other means of transferring funds wherever they may be needed.

Now the Committee, just very briefly without commenting now on our findings about dungarees and suits and

dressess, etc. --

MR. ALEXANDER: Page what?

SENATOR GROSSI: Page 21. We say that the disadvantages of this program, that is the warehouse, are threefold: "The clothing worn by foster children is often not the same as that worn by other children in the neighborhood."

You say it's better?

MR. ALEXANDER: I say it's often very much better than the children of the same status have, or the children in the same type of neighborhood they are living in.

SENATOR GROSSI: I think some of the witnesses would be very much interested in hearing that, I am sure.

"Since clothes represent the outward character of the foster child, clothing not in style marks the foster child as 'different' and impedes his adjustment to a new community and his new home.

"2. The cost of maintaining a central warehouse is excessive. It necessitates the need for staffing, shipping, heat, light, janitorial services, and a night security guard which offset the savings that may accrue through wholesale buying. Savings could be better realized through direct purchases of clothes by the foster parents on a local basis as the need arises. Direct purchasing by the foster parents from local merchants will insure clothes more approximating the needs of the foster child, both in fitting and style."

MR. ALEXANDER: I would like to have you have the testimony of Mr. Grodeck who on three different occasions has made surveys and his surveys put the cost of our clothing

as against low end department stores and discovered that we were saving considerable money.

SENATOR GROSSI: That's true. But did you take into consideration the overhead?

MR. ALEXANDER: And I think so far as overhead was concerned, I think there isn't a retailer in the country and certainly in my own business, which happens to be a wholesale business, that could operate on this 15% overhead. I wish we could. Our mark-up is 15% above cost and our costs are always on a strictly wholesale basis.

SENATOR GROSSI: Do we own the warehouses, the buildings?

MR. ALEXANDER: No, we do not own the building.

SENATOR GROSSI: You mean with all the paying of rent, utilities and services, janitorial services and help, paperwork, etc., that the overhead is only 15%.

MR. ALEXANDER: There will be no reduction in paperwork when you have to start sending out checks to the parents. That's one of the problems that we are very much concerned about now. And I still feel, I still know that the cost of clothing when it gets to a child is lower than that they can purchase in any store and better clothing. That I am going to stick by my guns on.

SENATOR GROSSI: You mean there will have to be an extra check, it couldn't just be added to the check that they get anyway?

MR. ALEXANDER: That may be a problem. That is something that the business office will have to concern

themselves with. But I am not arguing that this bill - that we have to close the warehouse is wrong. I say only from a sociological and psychological standpoint we took the proper action.

ASSEMBLYMAN FARRINGTON: Mr. Chairman, I don't think anybody has indicated that this program is going to cost less or even the same. I think what we are involved in here is the ever-existing conflict between people who deal with money and people who deal with people.

MR. ALEXANDER: The trouble is that we talk about dealing with money when we get before the Budget Commissioner. He doesn't talk about dealing with people he only talks about dealing with money. And when we get to the Governor's office there's another cut, you see, and --

SENATOR GROSSI: We're dealing with money too. We could also deal with that \$702,000 that is owed and which has only scratched the surface. We made no audit and that's why I'm surprised at your figures because these figures were supplied by your office, if not by you directly, I don't know.

MR. ALEXANDER: Not by me directly, Senator, but I am willing to make a statement right now that five years from now you are going to discover that most of this \$702,000 is absolutely uncollectable.

SENATOR GROSSI: Sure because it has been owed for so long.

MR. ALEXANDER: And any debts from now on in, there's going to be a percentage. I am sure, Senator, that you do

not carry on your books in your law office all of the uncollectable fees --

SENATOR GROSSI: Lawyers don't keep books.

MR. ALEXANDER: You better not tell that to some people I know. But I am sure that all uncollectable fees are not carried ad infinitum.

SENATOR GROSSI: No, they sue.

MR. ALEXANDER: When they are able to sue, only. You have bad debts, Senator, you know; we do too.

ASSEMBLYMAN BRADY: May I ask you a question? You said you were in the wholesale business. May I ask you a personal question? What business are you in?

MR. ALEXANDER: In the floor covering business.

ASSEMBLYMAN BRADY: Thank you.

At this time we find that we have four or five more people to testify so we will recess for one hour and come back at 2 o'clock.

(Recess for lunch)

AFTERNOON SESSION

ASSEMBLYMAN FARRINGTON: Ladies and gentlemen, as may be very easily observed, I am quite alone up here and the reason is that the Chairman, Assemblyman Maurice Brady, has a two o'clock appointment with the Governor - he is very hopeful that he will be out of there quickly and return to us - and Senator Grossi, of course, is with the Senate which is now in session and probably will be tied up the rest of the afternoon.

I would like to continue where we left off and Mr. Brady tells me that the next witness is Mrs. Jacqueline Wolf of the Adoptive Parents Committee.

MRS. JACQUELINE WOLF: The Adoptive Parents Committee is a non-sectarian, inter-racial group composed of couples who have adopted, who are in the process of adopting, a few who would like to adopt and those who have been adopted. The aim of this organization is to see that every child eligible for adoption becomes available for adoption. We are trying to educate both ourselves and the public on adoption procedures and adoptive matters.

The Adoptive Parents Committee, New Jersey Chapter, wishes to go on record supporting Senate Bills 109, 110, 112, 113, 114, 116, 117, 118 and 119.

We are also in favor of temporary shelters, Bill S 111, but we feel that there must be a limitation of how long a child may remain there. If not, the temporary shelters, with time, might well become permanent institutional care for the child. We believe 30 to 90 days should be ample

for locating good homes.

We are in favor in principle of Bill S 115. However, it is worded so loosely that there is too much latitude of action. What Senator Grossi and Senator Sandman had in mind might not be enforced as was intended. This could be rectified by amending it to state that no agency may take a child from the State Board of Child Welfare unless they have definite parents for a specific child. We feel that the State Board of Child Welfare should have a certain amount of time to place a child for adoption. If they should be unsuccessful at the end of this period, the child should then be listed with every adoption agency for placement. In fact, as Mary Emmons of the Plainfield agency suggested, we think it would be an excellent idea to expand S 115 to cover a complete state exchange of pertinent information on all children available for adoption, both by private and public agencies. We have been told that this essential service would be greatly appreciated by private agencies, but cannot be fitted into their budgets.

The Adoptive Parents Committee particularly endorses Bill S 114, which gives foster parents first consideration. It is not compulsory; it is only first consideration.

According to psychiatrists, psychologists, educators and law enforcement officers, love is the most important factor needed to make a child an emotionally stable and happy adult. Recent studies have shown that two-thirds of the children placed in foster care remain in this state of

upheaval and insecurity until adulthood. We are told that there is an increasing scarcity of foster homes.

On the other hand, there are hundreds of couples turned away from adoption agencies or who never apply because they are over age for adopting infants according to agency standards. Many of these couples are actually seeking older children to love and protect. Yet, once a couple expresses the idea of adoption, they are not accepted as foster parents. On one hand we have children in need of homes, and on the other, we have couples desirous of children but denied this privilege. Senator Grossi and Senator Sandman noting this have derived a partial solution to this problem with Bill S 114.

According to the Maas study of the Child Welfare League of America and others, a proper analysis of the child at intake can determine rather accurately whether the child will return to its family within 6 months, whether the case will be long term foster care, or if the child will never be reunited with its biological parents. If our State had temporary shelters to evaluate each case at intake, couples who want children for the joy that it brings to the home rather than for the financial gain could be encouraged to foster because they could be assured that the child would remain with them or even be adopted by them.

I would like to interpolate a remark about the 41 per cent foster adoption placement. Senator Grossi's investigation made people aware that the agreement that a foster parent cannot adopt was invalid. They are children

that have been in care for years and the foster parents finally realized that the agreement which they had signed had no bearing in law. Therefore, last year, absolutely coincidental with the Senator's investigation, they started applying in force and because Senator Grossi was watch-dogging 41 per cent of these people did get children. I think that the coincidence should be noted.

A greater effort should be made by social workers after studying poor home situations to encourage natural parents, who have no future of reuniting their family, to release these children for adoption. Couples who have been refused a child by adoption agencies due to age limitations or other valid reasons could then be encouraged to foster children. Love, the needed element for a child's future happiness, cannot be bought by money alone - one must want a child for the child's sake.

A child needs parents in every aspect. They should not be allowed to remain in a state of permanent instability. Therefore, the Adoptive Parents Committee urges that you endorse Bill S 114. Thank you.

ASSEMBLYMAN FARRINGTON: I understand that your group basically indicates its approval of the package.

MRS. WOLF: That is correct.

ASSEMBLYMAN FARRINGTON: Now, with respect to Senate 111, the suggestion is that there should be a limitation of time in which a child may be in a "temporary shelter"?

MRS. WOLF: Right.

ASSEMBLYMAN FARRINGTON: Are you suggesting that this

should be done legislatively? The young lady behind you is nodding her head and I am accepting her answers.

MRS. WOLF: Well, we are in complete agreement on that, Mrs. Glickman and I. We feel that so often temporary arrangements turn into permanent ones, not because of any evil intent anywhere, but because there is such a pressure of new cases. It is all too easy to forget a particular child or a child is more difficult to place. Therefore, this case may be temporarily held up and temporarily held up and time passes for that child and emotionally - the time may not be so long for an adult, but we feel that for a child the time is very damaging.

ASSEMBLYMAN FARRINGTON: Then your suggestion is that 30 to 90 days should be ample. What of the situation where it has for many of the reasons that probably exist been impossible to place a child prior to 90 days?

MRS. WOLF: Well, there is no reason why there shouldn't be an extension perhaps, but it should be extended for that particular child. In other words, that child should be seriously under consideration. If an extension is wanted for a particular child for a good reason, I see no reason why it shouldn't be given, but not that all children who aren't placed in that time just automatically go into the next section of time.

ASSEMBLYMAN FARRINGTON: I see also that your group likes the idea of a state exchange of pertinent information and this is a very popular suggestion today and one that I personally think should be acted upon one way or another.

MRS. WOLF: Oh, I'm glad.

ASSEMBLYMAN FARRINGTON: One more question: I want to be careful about the word I use here. I think you have raised a little bit of a question about whether the statistic of 41 per cent is a valid one to be used. I think the implication is that this 41 per cent statistic has existed only since the publicity given to the decision wherein the court determined that these agreements are not valid. Is that it?

MRS. WOLF: Yes.

ASSEMBLYMAN FARRINGTON: Do you have anything to substantiate this or is this an assumption on your part?

MRS. WOLF: No, I believe we do. May I ask Mrs. Glickman to answer that?

ASSEMBLYMAN FARRINGTON: Excuse me. Anybody here who wants to testify will, of course, have an opportunity to testify.

MRS. WOLF: I can give some sort of an answer on that. Since previous to Senator Grossi's investigation, every foster parent had to sign a pledge that they would not ask to adopt, it is obvious that foster parents were not adopting left and right before the investigation.

ASSEMBLYMAN FARRINGTON: Well, that's your statement, your assumption. It is not quite so obvious to me. Do you have anything to substantiate the allegation that you have made?

MRS. WOLF: These figures are very hard to come by, sir. We would love to see some figures on it. No one who

spoke previous to me has said anything about the year before 1960. This would seem to me to substantiate it. If they had said, "In 1960 it was 41 per cent; in 1959 --"

ASSEMBLYMAN FARRINGTON: Excuse me. I hope you don't think I am rude, but I don't think we should put into the record anything other than facts.

MRS. WOLF: I apologize.

ASSEMBLYMAN FARRINGTON: It's quite all right. Thank you very much.

MR. ARCHER: I wonder if I might answer that last question as to the percentage.

ASSEMBLYMAN FARRINGTON: Mr. Archer, excuse me a moment. I have promised Mrs. Batavia who has a train to catch that she could go on next. Would you have the time to stay here and answer that after she has been on?

MR. ARCHER: Yes.

ASSEMBLYMAN FARRINGTON: You will excuse me, won't you?

Mrs. Batavia, would you like to come up, please.

MRS. ROSE BATAVIA: I am Rose Batavia, the Director of the Jewish Family and Children's Services in Paterson, New Jersey, and we do adoption service among other things.

I am here representing my own agency and the Inter-Agency Child Welfare Committee of Passaic County concerned with child welfare services. I am going to make my statement very brief. I am going to talk to only two or three points.

First of all, I would like to say that we are opposed in essence to these bills because we feel that they will affect not only the State Board of Child Welfare toward which they

are directed, but the private agencies or the voluntary agencies, as we know them, as well.

We are especially opposed to S 110 and S 114. When I say "we," I mean the Jewish Family and Children's Service. These are the two bills which have to do, first, with agreements between foster parents and agencies; and, secondly, preference to foster parents.

We feel that in the first place, this defeats - to not have an agreement with a boarding home parent - and I choose to call foster parents boarding home parents because this is what we consider them - and it would defeat our purpose and our goal if we were to have to consider that every potential boarding home parent might eventually become a candidate for adoption of a child.

There is a wide difference in our opinion between foster parents and parents who are to be the permanent family of a child. For example, if a child is in need of a special kind of care, we do not look at religion, at race, at color or nationality or the place where that child is going to be placed. We consider what is best for that child. If that child should need more than two years' care in that particular home, that still would not mean for us that this couple because they have given this child the kind of physical care he needs is by any means a suitable permanent family. I would like to give you an example. We recently had an emotionally disturbed baby that was placed with a middle-aged couple. That baby stayed for almost three years in that home. The home was very suitable for that child because

of where it was, because of who the couple were. But this would not have been a suitable couple for that child when he became an adolescent. Therefore, we feel that there should not be any prohibition of agreement because our emphasis is what is best for the child. The length of time, the selection of the foster home, should be on that basis. Therefore, we are opposed to 110.

We are also opposed, of course, to 114 giving preference to foster parents. This would defeat our purpose in being able to select for children what is best for them at the given time and nobody knows really at the point of placement whether that couple is going to be the very best couple for that particular child, two or two and one-half years later or three years later. That child has a right to be placed in a home that is most suitable for him at that time. This is especially true in terms of religious preference. So we are opposed to both the agreements and the preferences.

Now, I also want to speak very briefly about 111 and 112. We are opposed to 111 primarily because it does not spell out what is meant by shelter care, where these are to be established and for what kind of children, for what length of time. Therefore, we feel this would need much clearer spelling out and, as of the moment, we know that there are shelters for children that are available that are not properly staffed. There are not sufficient people to do the job that has to be done and we have no way of knowing that there will be money given for these shelters that you

are talking about in these bills that would be any more effective than what the plan is at the present time.

As far as 112 is concerned, we are opposed to this because we feel that information given to foster parents should be sufficient to help those parents understand the child and the child's needs and that where this is not necessary, there would be nothing gained by giving foster parents information which may be in the end not of real value to the child. For example, if a child has had a certain kind of behavior which needs help and we select a family whom we feel can help that child with that behavior problem, I think that working with the family is more important than revealing to the family a whole psychological report on what was found in a diagnostic center or somewhere else. I think again it is a question of good service, done by people who are adequately trained, and not a matter of punishment. This, I think, is the worst part of that bill, punishing the worker for not having revealed information which she in her good judgment may feel is not necessary in order to establish a better relationship between the parents and the child. That is all. Thank you.

ASSEMBLYMAN FARRINGTON: Thank you.

MRS. BATAVIA: Do you want to ask me any questions?

ASSEMBLYMAN FARRINGTON: That was a very fine explanation of your opinion and I appreciate it, and I have no questions.

MRS. BATAVIA: Thank you.

ASSEMBLYMAN FARRINGTON: Mr. Archer, I understand

you would like to add something to the record with respect to the 41 per cent statistic, as we have been calling it.

MR. ARCHER: I won't take but a minute of your time. Actually, this is in the written presentation that I left with you this morning, but I omitted reading it because of the pressure of time. I can go over it very briefly. I think perhaps it should be stated orally so that the people here will know what the situation is. (Reading)

During the fiscal year 1956-57, 21 per cent of the adoptions were in the foster homes; 1957-58, 22 percent; 1958-59, 37 per cent; 1959-60, 30 per cent; 1960-61, 41 percent; and so far this year it is running at 37 per cent.

So the policy has always been the same. It is just that in certain years it so happens that the homes and the children match. You can't guarantee that.

ASSEMBLYMAN FARRINGTON: Thank you very much.

Mrs. Hoffman, New Jersey Welfare Council.

Let the record indicate the return of Assemblyman Brady.

MRS. ARNOLD HOFFMAN: I am representing the New Jersey Welfare Council, a statewide voluntary association of citizens that works for the improvement of health and welfare services in this State. We are pleased to have the opportunity to speak to these bills dealing with the administration and policies of the State Board of Child Welfare. The New Jersey Welfare Council has been aware for some time, and especially in recent years, of the deficiencies in the administration of child welfare services in New Jersey and

has given considerable recognition to the problems involved. Some years ago we recognized the need for a professional study of the services of the State Board of Child Welfare, requested that such a study be made and, in 1960, outlined in detail the specific areas which should be considered in a comprehensive appraisal of the total program in all its aspects, and sent our proposals to the President of the Board of Managers of the State Board of Child Welfare. The professional study has now been completed and will, we believe, prove of great significance to all interested in developing services that will more adequately meet the needs of dependent children. We refer to the Laurin Hyde Program and Management Survey of the State Board of Child Welfare.

The fact that Senator Grossi and his Committee have given thoughtful consideration to the manner in which the State provides services to children is, we think, a good augury in that this marks the first time in many years that legislators have given recognition to the problems stemming from inadequacies in personnel. Although the Welfare Council is in agreement with the objectives of some of these bills sponsored by Senator Grossi, we are in disagreement that these bills will achieve the desired results except in a few instances and some of the bills we consider to be harmful.

Clothing Warehouse, S 109. It would seem that the introduction of this bill, providing for the discontinuance of the practice of maintaining a clothing warehouse by the State Board of Child Welfare, served a useful purpose since

we are informed that the State Board has now authorized discontinuance of the clothing warehouse as of May 31, 1962. We believe that this action should have been taken by the State Board years ago. Legislation was not necessary to accomplish this objective.

Administration, S 108. We agree with that part of this bill which calls for the abolition of the present Board of Managers of the State Board of Child Welfare. The Welfare Council supports the recommendations of the Alexander Commission as embodied in the 1962 Assembly Bill 493 which calls for the abolition of the present Board of Managers and for the creation of a Bureau of Child Welfare under the Division of Welfare of the Department of Institutions and Agencies and a lay board at the Divisional level. We are opposed to that part of S 108 which would place the child welfare program in a Division of Child Welfare. The setting up of such a Division would hinder the integration that is needed between the child welfare programs and the Bureau of Assistance.

S 117 would prohibit the filing or defense of a writ of habeas corpus by the State Board of Child Welfare without prior consent and approval of the State Board of Control. This legislation would be unnecessary if the State Board of Child Welfare becomes a Bureau of Child Welfare because the Commissioner of the Department of Institutions and Agencies would have to give consent and approval to litigation instituted or defended. In any case, the State Board of Control, a lay board meeting only once a

month, would be in no position to give its approval as promptly as is necessary and would not have greater knowledge or sounder judgment than the present State Board of Child Welfare. We therefore oppose S 117.

Child Care Shelters. I will not read the text of Bill S 111 because it has been discussed. We recognize the need for such shelters so that the State Board may have proper facilities for placing children on an emergency basis pending the finding of suitable foster homes. We believe that the temporary nature of these shelters should be spelled out by including in the bill a 30 to 90 day period of use so that, due to the shortage of foster homes, the shelter does not become a permanent resident institution. The bill carries no appropriation and suggests no means of payment. Thorough study of the location of such shelters, the use that could be made of existing facilities, the types of shelters needed, should be made before mandating the building of shelters.

Adoption of Foster Children. S 110 would prohibit any agreement between the Board of Child Welfare and a foster parent from stating that the foster family placement is not intended for adoption purposes. Foster homes are intended to be temporary in nature and foster parents should clearly understand this, in our opinion. In certain circumstances, determined by the best interests of the child, the Board may deem the foster home suitable as an adoptive home, but this determination must be based on good casework practice on the part of the agency to whom is entrusted the guardianship

of the child. Children placed in foster homes are often not eligible for adoption at the time of placement since one or both parents may not have surrendered parental rights. Many misunderstandings could result unless the State Board can make it clearly understood from the beginning of the relationship that the foster home is being utilized as a temporary placement. We are opposed to S 110.

S 114 would give to foster parents first preference for the adoption placement of a child who had been in their home for a period of two years or more and such preference would require the Board to give first consideration to the application of the foster parents as a priority over all other applications for adoption placement of such child. We oppose S 114. This legislation would tie the hands of the agency in making a permanent placement for the child. Good casework practice should again be the determining factor and this should mean that in actuality the foster home, if deemed suitable, would be given preference as an adoptive home since it is not in the best interests of the child to remove him without compelling reasons from a home where attachments have grown up and the child is loved and wanted. It is unnecessary and undesirable to have such legislation as S 114 proposes.

A 115 authorizes the State Board of Child Welfare to surrender to any approved agency the custody of any child in its care eligible for adoption - and to compile and distribute monthly to each approved agency a list containing the name and personal data of each child in its care who is eligible

for adoption, and any approved agency may thereupon request a surrender to it of any such child for the purpose of placing the child for adoption.

We oppose this legislation as unnecessary. It is mandatory under present law (Public Law 138) for all children to be referred to an appropriate voluntary or private agency able and willing to accept their care before they can be accepted for care and custody by the State Board and therefore the children in the care and custody of the State Board have been refused service, for one reason or another, by the private and voluntary agencies. The procedures called for under S 115 are already possible under existing legislation and therefore the merits of this legislation can be achieved without another statute. The compiling and distribution of names of children eligible for adoption would not alone give sufficient information to the private agencies and the distribution monthly of complete information on each child would seem a very costly procedure out of proportion to the results that could be expected.

I would like to add at this point - I am speaking for myself now because this matter has not as yet been referred to our Board - but I have been very impressed with the discussion today for setting up an exchange procedure here in the State and I know that at our next Board meeting, which will be held early in April, we will discuss the exchange provisions and I feel personally that would be a much better substitution and would really go to the intent of this bill.

Information on Foster Children, S 112. We are opposed to this bill because we believe it is a mistake to spell into law what should be good social work practice in the best interests of the child. Agency practice should routinely provide that foster parents are informed about all known physical and mental and emotional problems of the child. It is always possible that some facts are unknown to the case worker at the time of placement, especially when children are placed quickly in an emergency situation.

Hospital Costs. S 113 provides that the total cost of hospital care for children who are wards of the State Board shall be borne by the State. Although we agree that government has responsibility for the medical and hospital care for dependent children, we believe that the agency responsible for payment, whether it be the State or State and county, should be determined in relation to payment of medical and hospital care for all the assistance categories. The Welfare Council has long worked for a comprehensive medical care plan for the indigent and medically indigent and has supported the recommendations of the Public Medical Care Commission. Pending enactment of a medical care program for all assistance categories, and pending resolution of the question as to the sharing of costs as between State and county for assistance and other programs, we oppose S 113.

Collections. S 116 would establish in the Division of Law of the Department of Law and Public Safety a new

"Bureau of Collection." We oppose this bill as unnecessary legislation. Strengthening the present methods of handling collections should be accomplished through the Attorney General's office and can be handled administratively. I would like to add parenthetically if the State Board becomes a bureau within the Department of Institutions and Agencies, as we have heard discussed this morning, then the existing collection facilities could certainly be more adequately utilized so that we could have better collection facilities.

S 119 would permit the State Board of Child Welfare to accept an agreement in writing from responsible persons for payment to the Board of services rendered to a child. We believe that the State Board should be reimbursed by responsible relatives or other persons, to the extent of their ability to pay for services rendered the child. If this bill clarifies the situation, we believe it should be passed.

Throughout this testimony we have stated that many of these bills are unnecessary legislation whose merits should be achieved through good administration and casework practice. Legislation is necessary to bring about improved administration by the creation of a Bureau of Children's Services in the Division of Welfare, thereby integrating the child welfare program with the assistance categories. This can be accomplished through the passage of A 493. Legislation, however, cannot in and of itself assure good social casework practice in its day to day operation. Legislation that will

provide needed funds is urgently required to enable the State child welfare agency to engage competent, experienced and trained social workers to cope with the serious problems presented by the public agency caseload; funds are required to permit the State agency to pay adequate salaries to the caseworkers; funds are needed to give the State agency necessary resources such as children's temporary shelters, child study homes, homemaker services, day care services, and so on. Where these resources are not available for use by the State agency without charge, the State must be prepared to pay for the use of the resources and services, and to take the leadership in developing resources needed, but not available.

I would like at this moment to quote from the Laurin Hyde Report that I referred to earlier in my statement:

"We are concerned that children wherever possible be kept in their homes. Listing as of December 31, 1959 and 1960, we read the following statistics: Children in foster homes, 1959, 4,229; 1960, 4,353 - in adoptive homes, 567; 1960, 666. This is but an example. We believe that if funds were made available in the child care agencies' budgets to purchase home care service, home-making service, day care centers, that much could then be done to keep these children in their homes.

"It is our understanding that the law now permits this, but what is needed is increased appropriations on their line by line budget."

As you know and as the Laurin Hyde Report says, an important factor in the lack of resources for caring of children is the difficulty extending back over a period of years, that the State Board has had in recruiting and keeping good foster homes. No District Supervisor was fully satisfied that all of the foster homes in use were truly meeting the needs of the children served.

We feel with this and with an increase in the amount of money given to the foster parent - we are now paying, I believe \$65 per month; this should go up to at least \$72 or \$77, with an additional special sum to those foster parents who take children with severe problems - that we will really begin to adequately meet the needs of the children in our State.

I am not reading the concluding statement because it comes from Senator Grossi's Report, itself, page 25, which we heartily endorse.

The New Jersey Welfare Council submits that many of the deficiencies in our public child welfare program are traceable to staff shortages and inadequacies and we urge that the Legislature seek remedies for this situation.

ASSEMBLYMAN BRADY: Thank you, Mrs. Hoffman. Did I understand you to say that these are your own personal remarks or are you speaking for the Welfare Council?

MRS. HOFFMAN: I am speaking for the Welfare Council. My own personal remark was just as to the exchange agency program because that has not as yet been discussed by our Board.

ASSEMBLYMAN BRADY: But you did discuss the rest of the bills outside of that particular bill?

MRS. HOFFMAN: That's right.

ASSEMBLYMAN BRADY: Thank you very much, Mrs. Hoffman. Mrs. Lora Liss, National Council of Jewish Women.

MRS. LORA LISS: I am Mrs. Lora Liss, State Legislation Chairman of the New Jersey Regional, National Council of Jewish Women.

The New Jersey Regional, National Council of Jewish Women, comprised of approximately 9,000 women throughout the State are very much concerned with the subject under consideration at this hearing. Stemming from our National Resolutions which state our commitment to (1) support sound programs and effective legislation contributing to a healthy family life, with special emphasis on socially desirable child adoption laws, and (2) to support measures which will enable administrative departments and agencies to function more effectively and to act more completely in the public interest, we believe the welfare bills pertinent to our areas of concern.

Based on the information available to us, we offer the following comments designed to help bring about constructive improvements in the way New Jersey deals with children who are wards of the State.

Our State Legislation Committee has been, over the past few years, studying diligently the reports and recommendations of the Alexander Commission, which proposes significant changes in the administration of public welfare;

the Public Medical Care Commission, concerned with medical care for those on assistance and the "medically indigent;" the Mental Health Commission, which would modernize the laws relating to the mentally ill and retarded; and the Youth Study Commission, which resulted in a new Division for Youth. We testified at the public hearings of these commissions before they introduced implementing bills and we regret that we did not have an opportunity to present our suggestions to the Welfare Investigating Committee, and to hear the invaluable reactions of other interested groups and state agencies before their recommendations were formulated into legislation. It has been most surprising to us to see the speed with which the Senate, which we often feel is overly deliberative, acted on these bills. We are grateful that the Assembly has seen fit to elicit public reaction since it is only with broad understanding and support that changes in the child welfare program can be actually effective.

As a result of poor communication among legislators, state agencies and interested groups, including the related study commissions, the contention is now made that many of the legislative recommendations already exist in law or require only administrative adoption. We further understand that professional consultants have just completed a comprehensive study of the State Board of Child Welfare, which includes administrative and legislative recommendations and which certainly should be considered in relation to these bills.

It is certainly to the credit of the legislators who devoted their time to this most important task that their bills have moved so quickly, but we are sure they are equally desirous that their recommendations be the most effective and will in fact result in improved foster care and adoption procedures.

We heartily concur with the Committee's finding that inadequate staff and high case loads are a major factor in bringing about some of these problems, the solution to which requires greater appropriations of state funds.

We believe the State Board of Child Welfare should be abolished and re-established as a Bureau in the Division of Welfare, not a separate Division, as proposed by S 108. Creating a Bureau of Children's Services, as recommended by the Alexander Report, would improve the coordination and integration of all assistance programs, creating a network of family services. It would bring more resources to bear on preserving the family in need of rehabilitation, rather than dealing with the child in a more isolated framework. This would be in consonance with the Kennedy Administration's approach of providing substantial rehabilitative assistance, rather than the palliative of financial relief.

We submit that the recommendations dealing with child care shelters and state assumption of hospital care expenses should be included in the State Tax Policy Commission's evaluation of overall state fiscal needs, as directed by the pending AJR 28.

We are hopeful that evaluation of the bills, S 109

through S 119, will be related to the pertinent reports cited above. From this evaluation should evolve a comprehensive and significant improvement in the handling of children who are in the custody of the State.

Thank you for the opportunity of presenting our observations here today.

ASSEMBLYMAN BRADY: Thank you, Mrs. Liss, and I might say to you and the others who are here that there will be printed copies of this hearing. The Committee will not release any of the bills until we have received a copy of the transcript of this hearing in order that consideration may be given to the testimony given here, which might lead to some amendments of these bills. So you can rest assured that nothing will happen to these bills for at least three weeks because it will take that long to get the minutes of this meeting.

MRS. LISS: Very good.

ASSEMBLYMAN BRADY: Mrs. Eugenia Stogdale, Family and Children's Society of Montclair, New Jersey.

MRS. EUGENIA STOGDALE: Mr. Chairman, in view of the testimony that has been given this afternoon by Mrs. Hoffman and Mrs. Batavia and this morning by Mrs. Emmons and Miss Smith, I think that I have nothing to add. Our position is clear. (Mrs. Stogdale submits statement.)

ASSEMBLYMAN BRADY: Thank you very much. If I had known this, I would have put you on earlier.

MRS. STOGDALE: Then I couldn't have done it this way, you see.

(Statement submitted by Mrs. Eugenia Stogdale
in behalf of the Family and Children's Society
of Montclair can be found on page 26 A.)

ASSEMBLYMAN BRADY: Is there anybody here who
wishes to testify who hasn't done so?

If not, I will declare this hearing closed and
instruct the stenographers to make copies of this proceeding
and distribute them to the Committee members, the members
of the Welfare Investigating Committee, the Department,
and the State Library.

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Statement submitted by Mrs. Eugenia Stogdale:

ACTION TAKEN BY THE BOARD OF TRUSTEES OF THE
FAMILY AND CHILDREN'S SOCIETY OF MONTCLAIR AT ITS BOARD
MEETING 3-27-62, RELATIVE TO CHILD WELFARE LEGISLATION.
PUBLIC HEARING 3-29-62

The Family and Children's Society of Montclair, N.J., a private family and children's welfare agency, is most interested in proper legislation concerned with child welfare in the State of New Jersey - (S-108-117).

Our Society wishes to publicly express its opinion on the proposals and, accordingly, we declare our position to be as follows for the reasons stated:

- S-108 - Opposed to the establishment of a Division of Children's Services in the Department of Institutions and Agencies to replace the State Board of Child Welfare. To set up a new division apart from the Division of Welfare seems unwieldy. It is our belief that further consideration should be given to the implementation of the Report of the Alexander Commission, which presents a broader base of structural change.
- S-109 - Opposed. While we are in accord with the principle expressed, it is our understanding that this principle has been accomplished through administrative order and legislation is unnecessary.
- S-110,
S-112' and
S-114 - Opposed. The proposals unquestionably embody sound child welfare clinical practice. However, it appears that these are matters of administration and not matters for legislation.
- S-111 Opposed as written. The State Board of Child Welfare has final responsibility for placement of children. Establishment of temporary shelters may be needed, since the State Board may not always have available adequate foster homes at any given time for the number of children to be placed. Therefore, temporary shelters could be a good plan, but all too frequently experience has indicated that such shelters tend to become longer than temporary. If a time limit of care in a shelter is set not to exceed 60 to 90 days and can be written into the law, the proposal could possibly facilitate placement of children in the care of the State Board.

- S-113 No position taken, as we do not have adequate information to justify an opinion.
- S-115 Opposed. Under current law the State Board of Child Welfare can place children through private agencies. In 1961 the Adoption Advisory Council recommended to the State Board of Child Welfare the establishment of an index for the so-called "hard to place" child, which would include handicapped, older children, Negro children. Agencies would also register families approved to take such children. The State Board of Child Welfare approved the index in principle, but was unable to implement this recommendation because of lack of funds. Family and Children's Society believes that such an index is less cumbersome and would, if established, meet the need S-115 is designed to meet.
- S-116
- S-117 No position, as we do not have competent and sufficient information.

AUG 07 1991

