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SOME ASPECTS
OF CHILD CARE AND PROTECTION

A Comparative Study of Six Phases of
Care and Protection of Children in Canada,
Denmark, Greece, Italy and
the United States.

by

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ABSTRACT

This study is concerned with the evaluation and comparison of a portion of the laws and practices relating to the care and protection of children in five nations: Canada, the United States, Denmark, Italy, and Greece. The subjects discussed include administrative differences, compulsory education, child labour regulations, adoption, the welfare of handicapped and crippled children and grants to needy dependent children.

To some extent in the evaluating and in the comparing processes, the factors causing differences in standards of care and protection of children are brought to light. Comparisons have been made in two ways, e.g., by measuring one nation's laws and practices against another, and by measuring the standards of each nation against international standards and principles.

Although it has been found that all five nations have weaknesses in these provisions for the protection of children, a vast difference of strength is shown between Canada, Denmark, and the United States on the one hand and Greece and Italy on the other. It is the conclusion of the author that these differences show the necessity for international action and help for nations unable to provide adequately for their children without outside help.

Considerable difficulty was experienced in finding material for research. Generally, four sources were used for the compilation of relevant information. These were: The University Library, national and international agencies and offices, friends working in the field of social work in the countries studied, and an amount of material and information gathered by the writer while working in three of the countries involved.

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CHAPTER I

INTRODUCTION

A nation's children is its most important asset. Because of recognition of this fact, almost every nation has from time to time felt the need to review its own legislation and practices in securing the welfare of its children. This has resulted sometimes in comprehensive studies being published. Studies of more specific problems of children have been made from time to time, usually as these specific problems have become disturbing enough to warrant an attempt at resolution. It is necessary that this be done before any advance may be made toward the goal of real security and sound development in all phases of children's lives which are normally subject to the influences of the environment. In general, this goal has been, in one degree or another, accepted as desirable in order to offer the greatest opportunity for children to achieve a well-balanced adulthood, the benefits of which may easily be visualized as far as the individual nation is concerned. From this point many have moved to the alluring thought: suppose all the children in all the nations could be given an environment such that they would be assured of the maximum opportunity to achieve well-balanced adulthood... Here we reach such a stage in our wishfull thinking that we may speculate to our heart's content upon the blissful state the world would enjoy.

The world is far from this ideal: but it is encouraging to note the progress that has been made toward this goal in

the last half century. There is no doubt that in an indirect way, the last two wars have brought to bear greater attention to the problem by focusing efforts upon the resultant suffering of innocent children. There has been some post-war thinking and acting along the lines of international regulation of the environment. At least in child welfare national sovereignty is moving over to make a place for international sovereignty. Researchers in child welfare are becoming internationally minded.

At the present time there is an acute awareness of the need for international sharing of resources for the international good rather than for the national good. A search for correlated studies relating to the laws and practices pertaining to child welfare in various nations has revealed very little which had been completed or published. Thus, the world has yet to fix international standards and goals on which to base international sharing for child welfare.

As the welfare of children is an inseparable part of social work it is logical to expect social workers to assume increasing leadership in international affairs. It was encouraging to note the attendance of interested people at the International Conference of Social Work of 1948 at Atlantic City and at New York City, and the emphasis which was placed upon the welfare of children.

It has been the business of such national agencies as the United States Children's Bureau and international agencies such as the International Labor Organization, the Food and Agricultural Organization, the World Health Organization,

the Preparatory Commission for the International Refugee Organization, the International Children's Emergency Fund, the United Nations Educational, Scientific and Cultural Organization to collect information relative to the laws and practices of various countries in the field of child welfare. Much of the material referred to for this study has been supplied through these sources. So far, to the writer's knowledge, there has been no compilation of the laws and practices of the various nations for the purpose of comparison. In their effort to draw up a declaration of the rights of the child the United Nations secretariat of the Social Commission was requested to prepare documentation on the original Declaration of Geneva (1924). In its study of the Declaration, the secretariat has uncovered not only several governmental and non-governmental organizations actively interested in this international document, but the need for comprehensive studies of the laws and provisions for child welfare made by each nation. In this way it is hoped that suitable principles and standards may be set and a good understanding obtained of where each nation stands in relation to them.

Twenty-five years ago when she was the Chief of the Children's Bureau of the United States, Grace Abbot expressed the hope that "if for a generation all children were assured that the rights which the Declaration of Geneva says should be theirs, we should have a different world.... The value of the Declaration of Geneva is that it looks forward to a world in which the citizens of all nations, each strong

in their own self-respect, will be trained to respect the rights of others."¹

It is logical therefore in the quest for a statement of international principles on child welfare and particularly those subjects covered in this thesis to study the developments which had their beginning in the Declaration of Geneva.

The original "Children's Charter", drawn up by the British "Save the Children Fund" contained a preamble and twenty-eight general principles which were condensed in 1924 by the League of Nations into what is now known as the "Declaration of the Rights of the Child" or the Declaration of Geneva. It was adopted by the League of Nations in September 26, 1924 in the following form:

"DECLARATION OF GENEVA

"By the present Declaration of the Rights of the Child, commonly known as the Declaration of Geneva, men and women of all nations, recognizing that mankind owes to the child the best that it has to give, declare and accept as their duty that, beyond and above all considerations of race, nationality or creed:

- I. The child must be given the means requisite for its normal development, both materially and spiritually.
- II. The child that is hungry must be fed; the child that is sick must be nursed; the child that is backward must be helped; the delinquent child must be reclaimed; and the orphan and the waif must be sheltered and succoured.

III. The child must be the first to receive relief in times of distress.

IV. The child must be put in a position to earn a livelihood and must be protected against every form of exploitation.

V. The child must be brought up in the consciousness that its talents must be devoted to the service of its fellowmen."

The Declaration of Geneva was warmly accepted and given general approval by prominent individuals and organizations all over the world. Statesmen and heads of states specified the Declaration as the basis for their future systems of child welfare. This resulted in the application of its principles to new legislation in many countries after studies had been made to find the extent to which the principles had¹ applied.

During World War II international action in this field was for a time, almost paralyzed. During the later years of the war, however, child welfare matters resumed the place of importance from which they had been expelled by the disruption of international relationships and war catastrophes. In 1942, for example, an Inter-allied Conference of Educational Experts was held in London, England, and the Eighth Pan-American Child Congress was held in Washington, D.C.

1 This and much of the information regarding the development of the United Nations Charter of the Rights of the Child has been adapted from United Nations, Economic and Social Council Document E/CN.5/44 19 February, 1948, Social Commission, Third Session, Lake Success, 5-23 April, 1948 pp. 40-53, item 6 (c).

After the termination of hostilities, the International Labour Organization, considering the gravity of the situation, so far as children were concerned, revived the question of establishing standards for child welfare by adopting, at its first post-war conference, a comprehensive resolution concerning the protection of children and young¹ workers.

Since 1924, several declarations and charters on the rights of the child have been formulated by international and national bodies. Thus, for example, apart from the ILO resolution mentioned above, the "White House Children's Charter" was adopted by the White House Conference on Child Health and Protection in 1930; while in 1942 there were no less than three: namely, the "Children's Charter for the Post-War World", adopted by the Inter-allied Conference of Educational Experts held in London, England, mentioned above; the "Declaration of Opportunity for Children" adopted by the Pan-American Child Congress, mentioned above; and, the "Children's Charter in Wartime", adopted by the United States Children's Bureau Commission on Children in Wartime.

These documents appear to accord major significance to principles additional to those emphasized in previous declarations, e.g.,

- (a) child welfare as an integral part of any general

¹ ILO: Record of Proceedings of the Twenty-seventh Session of the International Labour Conference (Paris 1945) pp. 241, 365, 456.

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social security scheme;
- (b) home and family environment in respect of the development of the child;²
- (c) the protection of the personality of the child, particularly protection against political abuse;
- (d) preventive as preferable, or at least complementary, to curative care in respect of disease or delinquency;
- (e) extension of the non-discrimination clause to include "sex" and "Social position" (Children's Charter for the Post-War World), or "family circumstances" (ILO Resolution), and not to "race, nationality or creed" alone.

In compliance with the resolution concerning the Declaration of Geneva adopted by the Social Commission at its last session requests for comments and suggestions on the subject have been transmitted to those of the specialized agencies that are concerned with the various aspects of child welfare dealt with in the Declaration (ILO, UNESCO, FAO, the Interim Commission of WHO, the Preparatory Commission for IRO), and to the International Children's Emergency Fund.

1 This was a major principle of the ILO resolution, and one of the bases for its provisions concerning income security, family allowances, the distribution of the cost of the maintenance of children, health, and social services, etc.; and, a prerequisite for the abolition of child labour.

2 All but one of the five statements mentioned above emphasize the desirability of parent education, and the preference for foster care as against institutional care of homeless children.

Similar requests have been transmitted to the two international non-governmental organizations that represent the originators of the Declaration of Geneva (the International Union for Child Welfare and the International Council of Women), and to the American International Institute for Child Welfare as the official organ of the Pan-American Child Congress, which latter was the first inter-governmental agency to adopt the Declaration. Of the specialized agencies, only FAO has transmitted any definite suggestion. This is in the form of a short draft resolution as follows:

"The United Nations reaffirm the five principles laid down in the Geneva Declaration of the Rights of The Child in 1924. They solemnly declare their intention of applying these principles in their domestic policy

"They recognize, however, that economic and other difficulties may make it impossible for some countries to implement all these principles immediately and simultaneously at the present time. They agree that in this situation the first endeavour should be to ensure that expectant and nursing mothers and children are properly fed so that the new generation may grow up, healthy in body and mind and fit to meet the demands of life."

The Interim Commission of the World Health Organization and the International Labour Organization have expressed a general interest in the project, but have not as yet been able to present any definite suggestions or comments. No reply has so far been received from any of the remaining

United Nations' specialized agencies, nor the International Children's Emergency Fund.

The American International Institute for Child Welfare has referred to the terms of the "Declaration of Opportunity for Children" adopted by the Eighth Pan-American Child Congress, as expressing most appropriately its opinion on the subject. The International Union for Child Welfare has transmitted a revised draft, as follows:

"By the present Declaration of the Rights of the child, commonly known as the 'Declaration of Geneva', men and women of all nations, recognizing that Mankind owes to the Child the best that it has to give, declare it to be their duty to meet this obligation¹ in all respects:

- I. The Child must be protected beyond and above all considerations of race, nationality or creed.
- II. The Child must be given the means requisite for its normal development, materially, morally and spiritually.
- III. The Child must be protected within the framework of the family unit and according to the requirements of social security. The child that is hungry must be fed; the child that is sick must be nursed; the child that is physically or mentally handicapped must be helped; the erring child must be reclaimed; and the orphan and waif must be shel-

¹ The underlined parts show suggested amendments.

tered and succoured.

IV. The Child must be the first to receive relief in times of distress.

V. The Child must receive a training which will enable him, at the right time, to earn a livelihood, and must be protected against every form of exploitation.

VI. The Child must be brought up in consciousness that its talents must be devoted to the services of its fellowmen."

The International Council of Women, without proposing an actual text, has suggested amendments on the following points:

- (a) amplification of the non-discrimination clause to include also "sex" and "social position" (ref. "Children's Charter for the Post-War World", Preamble);
- (b) emphasis on the interrelation between family and child welfare (ref. "White House Children's Charter", Article 15);
- (c) rewording of Article 3 of the Declaration of Geneva to reflect recent experiences (ref. "Children's Charter in Wartime")."

Taking these suggestions into account, the secretariat decided, in view of the rapid developments which had taken place in the field of child welfare since the adoption of the Declaration of Geneva, that a mere reaffirmation of the Declaration would hardly seem adequate when considering the

creation of a United Nations Charter of the Rights of the Child.

In addition to the above, the International Association of Governmental Labour Officials have set down major standards of Child Labour Laws for the United States which are particularly relevant to the present study.

These standards are as follows:

I. Minimum age:

16 years, in any employment in a factory, 16 in any employment during school hours; 14 in non-factory employment outside school hours.

II. Hazardous Occupation:

Minimum age 18; in a considerable number of hazardous occupations state administrative agency authorized to determine occupations hazardous for minors under 18.

III. Maximum daily hours:

Eight hour day for minors under 18 for any gainful occupation.

IV. Maximum weekly hours:

40 hour week for minors under 18 in any gainful occupation.

V. Work during specified night hours prohibited:

18 hours of night work prohibited for minors of both sexes under 16 in any gainful occupation; 8 hours of night work prohibited for minors of both sexes between 16 and 18 in any gainful occupation.

The above will be used in this study as an international standard for child labour for purposes of comparison with provisions made by the five countries under consideration.

For comparison on the subject of economic need, we have arranged the foregoing concepts as follows:

Provisions and regulations of nations for the protection of dependent children against economic need will provide,

1. Priority for the needs of children in times of distress.
2. Adequate measures to assure that no discrimination will be made on account of sex, social position, family circumstances, race, nationality, creed, or political affiliation.
3. Assurance of protection, in so far as possible, within the framework of the family unit and according to the requirements of social security.
4. Administration through a national agency.
5. A child should be given the means requisite for its normal development both materially and spiritually.

For the purpose of examining nations' laws and practices from the point of view of compulsory education, use will be made of the International Union for Child Welfare suggestion:

"The Child must receive a training which will enable him, at the right time, to earn a livelihood.

The following, also suggested by the IUCW, will be used as the standard for comparing adoption laws and practices:

"The Child must be protected within the framework of the family unit and according to the requirements of social security...the orphan and waif must be sheltered and succoured."

For the comparison of laws and practices relative to care and protection of handicapped children, the following points will come under consideration:

1. The child must be given the means requisite for its normal development, both materially and spiritually.
2. The child must receive training which will enable him at the right time to earn a livelihood and must be protected against every form of exploitation.
3. Preventive as preferable or complementary to curative care.
4. Non-discrimination as to race, sex, political affiliation, creed, etc.
5. The child that is physically or mentally handicapped must be helped.

The present study attempts only a small section of the kinds of survey proposed by the secretariat of the Social Commission of the United Nations. Having in mind their differences of background, of present day law and practices, the nations of Denmark, Canada, the United States, Greece and Italy were selected for study. As it is not possible to include all laws conceivably pertinent to child welfare, those laws which could most easily be adapted to the study and which are indicative of the protection and care of child-

ren have been selected. These laws and practices, reviewed in separate chapters are: (1) compulsory education and child labour; (2) those relating to adoption; (3) handicapped and crippled children; (4) state grants for protection against economic need.

In the treatment of the subject of state grants for the protection against economic need, although some mention will be made of grants to all children regardless of their status of dependence, the chief concern will be with grants to dependent children. It is argued that dependent children are in greater need of protection than children whose parents are capable of providing for their economic needs, and that any organization engaged in setting up international standards and regulations should give first consideration to the economic needs of dependent children.

Some nations such as Canada and Italy have provided family grants for the purpose of helping to share the expense of rearing children. As a basic purpose these family grants have not been designed specifically for the protection of children, therefore it has not been regarded as necessary to give them importance in this study. It is deemed important, however, that some nations have provided against economic need by manifesting the states' obligation toward the child whose security is threatened through no fault of its own. It is significant of the need for international help, that some nations are unable to meet the responsibility they profess, either because of inadequate legislation, insufficient funds, or inability to set up adequate administrations.

It is appropriate that international social workers should note these differences between nations, and to investigate them analytically with an eye to international action aimed at adjustment.

Adoption has been selected as one of the topics for study because this subject helps to indicate the degree to which nations assure the child of a family unit as the most normal environment for his development. It also helps to give some understanding of practices such as appertain to the subjects of custody, guardianship, rights of children and parents, and the status of illegitimate children. It is within the area of this subject that the history of the law, the influences of the customs of the country, and the traditions and the economic status of the nation play a part in the present day practices.

Since World War II, adoption has gained increased importance owing to a relatively large number of orphaned children which have suddenly been cast upon the already burdened and distressed world.

The study of the two categories--child labour laws and compulsory education was combined because in most countries these laws grew up together and in most cases there is a considerable amount of interrelation. There has been a trend in some nations where laws pertaining to these subjects have been considered more progressive, toward the utilization of social workers as a part of the working force dedicated to the task of protecting children against harmful employment, exploitation, and educational handicaps.

The treatment of handicapped and crippled children over many years has been institutional in character. There is today still a great necessity for institutional care and treatment. However, recent trends have been for out-patient and home treatment of some cases adaptable to these methods. It is also a modern trend to make extensive use of social workers due to increased awareness of important social factors involved in the treatment of both problems. The extent to which nations have put to use social work resources and services as well as the extent to which scientific knowledge and standards of technical treatment have been applied is again significant of the degree of need for outside help.

CHAPTER II

NATIONAL DIFFERENCES IN ADMINISTRATION

The United States

Programs for the care and protection of children are administered in a variety of ways, dependent upon the kind of agency involved. As this study is primarily concerned with governmental provisions, the field may be narrowed to Federal, State, or county administration or a combination of these three. Until the inauguration of the Federal Social Security Act in 1935, Federal provisions had been chiefly designed to extend counselling services to the States for their respective programs. An example of this type of service may be seen in the functions of the United States Children's Bureau, an agency unique among nations.

The traditional issue of "States Rights" has created a situation in which caution has been used to avoid assumption by the Federal government of dictatorial powers in any program which might be considered a State prerogative. This may be noted in the provisions of the Social Security Act, which, under Title IV has provided cooperative funds for use by States complying with certain Federal conditions for programs granting aid to dependent children. Similar provision is made in the Federal Act under Title V for other child welfare services.

States complying with these Federal conditions administer programs of aid to dependent children and services to

crippled and physically handicapped children under the joint Federal-State plan. State agencies have in some instances further delegated administrative responsibilities to counties in what have become known as "county administered State programs". One of the conditions laid down by the Federal law is that a State must provide funds which are to be used jointly with Federal funds in carrying out the State plan. It is within this framework that the United States administers programs for the Welfare of Children. It may be added here that programs for the regulation of child labour, compulsory education and adoption are administered by State agencies or under State supervision.

Canada

Like the United States, Canadian programs for Child Welfare have been conditioned by tradition and in Canada's case by the constitution of the Federal government in such a way that the administrative prerogatives have been left chiefly to the provinces. Canadian administration of these programs have not experienced development at the National level to the extent that is found in the United States. It is to be expected, as a consequence that greater variations exist in the legislative provisions for the administration of these programs from province to province. A further development in some provinces has been the financial and administrative cooperation between provincial government and municipalities.

In Canada an administrative problem to be coped with

which is somewhat different than those of other countries under study, is the extremely large areas of thinly populated land, largely undeveloped. This problem enters in a variety of ways into the administrative decisions and, in some cases, even the legislative considerations as the reader can easily understand.

The administration of programs providing grants for dependent children is in the hands of provincial governmental departments of welfare established for this and other purposes. Programs for adoption are, as a rule, also administered under the same departments of welfare in conjunction with the courts. Other provincial governmental agencies administer programs dealing with child labour, compulsory education and handicapped children. Services for crippled children, although to some extent financed by government funds, are chiefly administered by private agencies and organizations of national character.

Denmark

The administration of Danish child welfare is in the hands of communal Child Welfare Committees which were established as a result of social legislation of 1933. Due to the smallness of the country, county and communal administration is made much easier than in larger countries such as the United States and Canada. The efficiency with which National programs can be administered at communal level and yet be supervised and regulated at the federal level has had its effect in the smooth operation of these programs today.

The communal Child Welfare Committees are responsible for placement of children for adoption, care of dependent children, supervision of such children as those who are crippled and handicapped, and certain children who are in the process of adoption. These committees are composed of representatives of the commune, school teachers, clergymen, physicians and lawyers. (The latter usually act as chairmen.) A national supreme board is responsible as an appeal board to act in the final adjudication of disputes arising in the course of the work done at the communal level. The administration of programs regulating compulsory education is national in character but delegated to the communes. The same is true for the administration of programs regulating child labour. Care and training of handicapped and crippled children is on a national basis of administration which makes possible the efficient use of funds provided for these purposes.

Italy

The Opera Nazionale per la Protezione della Maternità e dell'Infanzia, (National Office of Maternal and Child Welfare), a government agency of national scope, began to function in 1926 and was still functioning at the close of 1948, but with very limited resources and modified responsibilities. The Office formulates policies and has had general direction of the services for mothers and children throughout the country.

The organization and functions of the National Office of Maternal and Child Welfare is regulated by the law of

of 1925 and its subsequent amendments.¹

The National Office is administered by a central council of thirteen members. According to the law, four of these members are officials in charge of specified government bureaus; four others are officials in charge of specified government bureaus; four others are appointed by the Prime Minister; and the remaining five are selected by the Minister of the Interior among persons active in welfare work, pediatrics, obstetrics, and public health. These last five members are appointed for four years and can be reappointed.

The central council has a president selected from among its members by the Minister of the Interior for a term of four years; he can be reappointed. Two of the members of the council are appointed as vice-presidents. The central council includes an executive committee of five members all appointed by the Minister of the Interior.

The Office of Maternal and Child Welfare had general supervision of health and welfare services for needy mothers, for needy children under six years of age, and of welfare work for children between six and fifteen years of age who were physically or mentally defective, "physically or morally neglected, wayward, or delinquent".

Among the specific functions assigned by law to the office were the following:

1. Establishment of various agencies and institutions

1 U.S. Children's Bureau Report, National Office of Maternal and Child Welfare in Italy, May, 1943, pp. 1-12.

Other sources used were, UNRRA, Italy: Welfare Services Welfare Division, European Regional Office, TWE/E45/Studies 5, Edition No. 1, March, 1945, pp. 18-26.

for mothers and children, supervision and coordination of their work, and distribution of Government appropriations among them;

2. Taking measures for the prevention of tuberculosis and other diseases among children; and for promoting among the people a knowledge of hygiene through prenatal clinics, courses on child care in public schools, and popular lectures on the hygiene of mothers and children, and;
3. Enforcement of laws for the protection of mothers and children.

The practical work of the Office was done by its affiliates in the provinces and communes.

Although the Italian system of administration at the present time is severely handicapped by lack of funds and disorganization due to the aftermath of the war, it is said to have functioned successfully before the war. This method of administration on a national basis is noteworthy in that it makes use of several privately sponsored agencies, each interested in special parts of the whole field of welfare. It is unfortunate that it is not functioning at its best at the present time as it is felt that much could be learned from such a system as this.

Greece

At the present time Greece is engaged in a civil war. This situation has been a continuous one almost since the end of World War II, beginning with the attempt by the so-

called left wing to take over the government in the latter part of 1944. The beginning episode is referred to by Greeks as "The Trouble". Since that time, and with an increasing tempo of hostilities, certain parts of Greece have been set apart as "Insecure Areas". Within these areas it has been almost impossible to set up or to maintain a normal governmental organization let alone a system of public welfare.

Very shortly after "The Trouble", however, UNRRA began to function in full force. Previously to this, and even before enemy forces had completely evacuated the country, Military Liason and UNRRA cooperated to bring emergency supplies to those parts of Greece where transport allowed distribution. Plans had been well laid in advance of the beginning of full scale operations so that by the beginning of 1945, the Welfare Division of UNRRA had already begun to work with a very unstable government in strengthening the ministry of Welfare and in creating modern legislation to the end that a Public Welfare organization was not only in existence but operating with a great deal of vigor and efficiency before UNRRA withdrew early in 1947. (Compared with this, the UNRRA welfare program in Italy did little to build up the organization which had existed, but concentrated upon supplying relief through what remained of it.)

The organization for public welfare is, in structure, so highly decentralized a program that field operations explain it best. The country is divided into regions, Nomi, communes and parishes. Applicants make their requests for public assistance of one sort or another to parish committees

composed usually of the parish priest, a business man who is a leader in the community, a representative of the association of labour unions, a lawyer, and if possible a medical doctor. In case, as happens in many small rural villages, there may be no person on the parish committee who is literate, the services of a school teacher or a school child are drafted. Sometimes this person would be a member of the committee and sometimes he or she is used as the secretary and merely does the writing according to the wishes and directions of the chairman and the members of the committee.

Records of applications, of public assistance granted, and the anticipated need and other information are maintained by the Parish committees made periodically and as demanded, to the Welfare Center of the Nomos.

Welfare Centers, being an integral part of the government under the administrative jurisdiction of the Nomarch (governmental head of the Nomos), are Nomi administrative headquarters for the welfare program. They are responsible for:

- (a) all matters of welfare within the Nomos and have administrative responsibility for the action and success of the parish committees;
- (b) a degree of influence over private and other government sponsored welfare agencies;
- (c) receiving reports of the Parish Committees, advising and assisting in a supervisory capacity;
- (d) being points of integration between the Ministry and workers in the field who are members of the Parish committees.

The Regional Field Representative of the Ministry of Welfare carries information from the Ministry of Welfare to the Welfare Centers; interprets the meaning and intent of new legislation; assists in maintaining standards in the application of the law.

The Ministry's responsibility as a part of the National government is very broad. Specifically, it is empowered with the formulation of new legislation; suggests modification of existing legislation as needed; administers established welfare programs; and organizes and administers new programs of social welfare as these are adopted or created by the National Government. Administration and supervision of the total welfare program is carried out through direct contact with the Welfare Centers, through indirect contact by the use of Regional Representatives, and through the Ministry of Coordination which is responsible for Nomos government and therefore directly responsible for the work of the Nomarchs.

CHAPTER III

PROTECTION OF CHILDREN BY CHILD LABOUR

AND

COMPULSORY SCHOOL ATTENDANCE LEGISLATION

Compulsory education and child labour legislation have histories which are closely entwined. Concern for the protection of children from hazardous employment and from exploitation has developed along with the desire to give them a training in their early years which would make them more useful citizens of their country. Taking children out of employment and putting them into school has had a revolutionary effect upon the school programs. The larger number of children demanding education gave impetus to the development of public school systems.

It is the purpose of this chapter to show the extent to which each of the five nations under study have (a) provided rules for compulsory education, (b) kept children out of employment which is hazardous to their health and normal development, (c) enforced these rules, and (d) provided facilities by means of which enforcement is made effective.

DENMARK

Compulsory Education

The public elementary school was founded in 1739, when a compulsory school-age from the sixth year to the age of confirmation of the child was constituted for the first time. In the year 1814, however, the most important event in the development of the public elementary school took place by

the issuing of Frederick VI statutes, according to which elementary schools were to be established in all towns and rural districts. These statutes, for more than a century, became the foundation of popular education in Denmark. The next event of importance was the passing of the National Education Act of 1937. The bill was brought into parliament in January 1934 by the Minister of Education, but was not passed until it had been discussed during four sessions.

Organization and System

According to the act of 1937, which is still in effect today, compulsory instruction begins at the age of seven and ceases at fourteen. Provisions are made, however, for a voluntary extension of school age possible beyond the limit of fourteen.

The elementary school has two main types: one for towns and another for rural districts. The public elementary school is the responsibility of the local authority. The municipal council in towns and the parish council in rural districts must provide the buildings and their equipment, aided by a grant from the state with regard to premises and equipment. They must also pay the greater part of the teachers' salaries, the state paying the remainder.

For a long period, the public elementary school has been an institution of high quality as regards both buildings and staff. Instruction alone, not school-attendance is compulsory in Denmark. Parents may choose to send their children to private schools, or they may teach their own children at

home. Yet about 90 per cent of the children between seven and fourteen years of age frequent the public elementary school. The children come from all social strata. Thus, education is given on a markedly democratic basis.

Child Labour Protection

Danish "Worker's Protection Legislation" recognizes the necessity of setting up various requirements for the protection of children and young persons under eighteen.

Powers are given to the authorities for prohibiting the employment of young people at work of a particularly dangerous, strenuous, or unhealthy character, and it is laid down that during rest intervals and meal-times these young people must not be occupied or stay in any room belonging to the factory or workshop where work is going on; there is also a provision that the employer must keep a register of all people under eighteen who are employed at the establishment.

Consideration for the young, however, is expressed particularly in an act of April 1925 on the work of children and young persons. Only children of over fourteen who have lawfully left school may normally be employed in industrial establishments. Exceptions are made for those engaged in agriculture, (including gardening), forestry, shipping and fisheries. The act also contains a prohibition, of somewhat different wording for the various trades, against night work, as well as provisions governing working hours and their arrangement, the effect being that the

hours must not exceed those normal for the trade. Young persons under eighteen must have a total of twenty-four hours free in the week, and when individuals of this age group are employed in factories or bakeries, they must be medically examined within four weeks in order that the employer may be sure that their physical development or state of health is such that it is no obstacle to the performance of the work for which they are engaged.¹ It is the writer's understanding from information from social workers in Denmark that these laws are strictly enforced and there is close adherence in practice to both the letter and principle of the law.

THE UNITED STATES

Public Schools

Free public schools were established in the United States in the early decades of the nineteenth century. Compulsory education legislation came later. Public authorities found it difficult at first to supply the facilities for those who wanted to go to school without concerning themselves about those who did not want to attend. The feeling soon grew that in a democracy all the citizenry should be educated in order to participate intelligently in the affairs of government. This was evidenced in many States by the origination of State funds to be distributed to schools for

¹ W.E. Calvert, Transl., Social Denmark, Socialt Tidsskrift, Copenhagen, Denmark, 1945.

aiding them in providing adequate educational opportunities.¹ With the growth of the State's interest in education to the point that it invested money to support the efforts of local schools there arose the questions as to how such funds were to be distributed and how the State might realize its aim for an educated citizenry by bringing all children into school. The later question was answered in two ways. First by enacting laws compelling children of certain ages to attend school. Secondly, by placing legal prohibitions upon the employment of children of specified ages.

The school census grew out of the need for some basis upon which to plan school facilities. At first this census was simply an instrument requiring local authorities to list children of certain ages within the district's jurisdiction. Later, more detailed and accurate information was found to be needed before State funds could be efficiently distributed and before school facilities could be properly planned. Today the school census in many States is the most important instrument for determining; (1) the total population for whom education opportunities are to be provided, taking into consideration not only the present but the future; (2) provisions for educational facilities in accordance with the shifts in population; (3) failures of individuals to comply with the requirements relating to education; (4) the number of individuals whose handicaps make them subject to special provisions; and (5) the apportionment of certain State funds

¹ Maris M. Proffit and David Segel, School Census, Compulsory Education, Child Labour, States Laws and Education Bulliten 1945, No.1, Federal Security, U.S. Office of Education.

among the schools of the State.

Compulsory Education

Laws on compulsory attendance are found in all States. The ages at which pupils must attend and the number of days necessary to attend each year differ by States. Enforcement of compulsory attendance laws varies greatly by States, due partly to differing interests in education and partly in differences in the laws and regulations governing enforcement. Exemptions from attendance are universal. The States do not as yet accept the full responsibility of seeing that all children go to school at a certain age. Exemptions at certain ages, for example, due to the need for working, are found in practically all States. However, it may also be said, that after the differences have been pointed out, laws and regulations concerning compulsory school attendance show a definite common pattern. The ages most common for compulsory attendance are seven to sixteen (twenty-four States). The other principal variations in compulsory attendance age range are eight to sixteen (in nine States), and eight to eighteen (in three States). For ages fourteen to sixteen or fourteen to eighteen there are, ¹except for four States, regulations covering both school attendance and employment. Exemptions from compulsory attendance apart from the need for employment are most commonly based on (a) physical and mental disability,

¹ Attendance officers are generally provided for by State department, by County boards of education, by County Superintendents of schools, or by school districts in conjunction with other educational organizations or for certain schools such as city schools and districts where there are a large number of children of school age.

(b) distance from school, and (c) attendance at private school and private instruction.

Enforcement

There is practically no uniformity in the qualifications set up by legislatures for attendance officers. Most States either do not have any specified qualifications, such as is the case in thirty States, or it is left to the State department of education to set up the qualifications as in six States. Laws in the other States present various methods for qualifying attendance officers, for example: Certification by State and county boards of education, California; A discreet person of good moral character, Idaho; Of good attainment, versed in the principles and methods of education, familiar with public-school work, and competent to visit schools, Illinois; etc.

Attendance officers by law and by definition have had to do with the enforcement of the attendance laws. This enforcement usually carries police power, that is, the power to pick up children, prepare cases for court, and to prosecute cases in court. Sometimes the prosecution is left for the county attorney or some other official. Attendance officers are also frequently given the power of entering factories or other places of employment to see if children working have employment certificates.

Because of the growth in understanding of the causes of truancy, attendance officers in some States have become school and home adjustment counselors or workers. That is,

attendance officers in some States and places have the duty to investigate the causes of absence of individual truants and attempt remedial action. This duty is a part of the total pupil adjustment work of a school system. Many school systems have created new positions for doing home and school adjustment work which may or may not cover the legal phases of school attendance work. The duties of such positions always include, however, the cooperation with persons having legal authority in the compulsory school attendance area.

Regulation of Child Labour

Provisions governing child labour had their beginnings in the United States in the limiting of the number of hours per day children of specified ages could work in certain occupations, especially in factories. Statutory measures came into existence which not only restricted the employment of children, but also required that they should have achieved certain educational status before they could be employed. At first the enforcement machinery was inadequate as to completeness and specificity of provisions. Old laws were constantly changed or were replaced by new laws due to increasing public awareness of child welfare. In the course of time legal provisions have become quite definite in the designation and the creation of facilities and personnel for enforcement, more restrictive as to hours of labour, more expanded as to prohibited employment, more specific as to authorized and required cooperation of education and labour officials for the enforcement of legal prescriptions, more mandatory as to inspection of places of employment for as-

certaining violations, and more precise as to official examinations to determine physical fitness for employment.

Systems of Control

As the age for compulsory education has moved up and the enforcement of attendance laws has become fairly general, the relation of schooling to child labour has assumed considerable importance. A child has to be either in school or at permissible work. Much effort is sometimes necessary to bring the child into adjustment with either one or these environments.

Education departments have the prime responsibility to see that pupils are either in school or at work, whereas Labour or Welfare departments have the responsibility to see that the conditions of work are suitable for youth. There is however, considerable overlapping in these responsibilities. Idaho and South Carolina are the only States in which there are no reporting procedures to determine whether youth should be in school or at work. No employment certificates are issued in these States. In most States the employment certificates are issued by city or county superintendents of schools or other school personnel designated by them or by the local boards of education. In a few of these States other officials may also issue employment certificates. For example, employment certificates may be issued in Washington by superior court judges.

In seven States, various State officials or local labour representatives are the issuing officers. In Connecticut

the State department of education issues the certificates. In North Carolina, Wisconsin, and Wyoming, the local labour board representatives issue work permits. The law in these States does not rule out the possibility that school officials may be appointed as the Labour Department representatives. In Mississippi the employment certificate is simply an affidavit as to the age of the child and his school status signed and sworn to by the parent and the superintendent of schools.

Employment certificates are in general of four different types. One type is that furnished children who desire to work before or after school and on Saturdays. These permits are often restricted to the so-called "street trades." A second type of employment certificate is the vacation work permit which allows children of school age to work during the summer while school is not in session. A third type--the most common--is one which gives the child permission to work during regular school hours. In some States the child may still have to attend school for a specified number of hours per week. The fourth type is an age certificate which the child, who has attained an age at which he does not need an employment certificate, uses to show employers when he is seeking a job.

Evidence of age in forty-three States, and of education in twenty-nine of the States are among the items most often required for the issuance of employment certificates to pupils. A somewhat smaller number of States require evidence of physical fitness for work (twenty-five States) and a direct offer of employment (twenty States). The personal appearance of the

parent or guardian is necessary in eight States.

Enforcement

The enforcement of child-labour laws insofar as they pertain to hours of labour, conditions of labour, and types of work is generally in the hand of the Labour or Welfare department of the State. The schools usually cooperate with the Labour department in checking on the violations of the compulsory school law through the employment of children. Legislation usually directs the attendance officers to make complaints and prosecute cases where the compulsory school law is concerned. Violations of the labour laws not concerned with violation of the compulsory school law are invariably a responsibility of the Labour or Welfare departments of the States. Both school representatives and labour department representatives usually have the power to inspect factories, offices, and other places where children might be employed and to examine the employment rolls.

ITALY

Compulsory Education

A law of 1859 made popular education compulsory in Italy. However, the nation, at the beginning of the present century had a high rate of illiteracy among the great nations of Western Europe.

The statute book contains many laws on the subject of education during the fifty years of Italian government during the Parliamentary regime of United Italy. But not all were

obeyed or carried into operation by the local authorities, who were exceedingly reluctant to spend the local funds upon education, the value of which they did not appreciate. As a result, large numbers of children failed to attend school.¹

A compulsory school attendance law, still in effect, was published in the Gazetta Ufficiale (official Gazette), on December 31, 1923 which provided for compulsory school attendance between the ages of six and fourteen years. This law made the parents, or guardians, and employers responsible for the child's school attendance. Parents who desired to teach their children outside of public school were required to prove that they were able to do so. In such cases the children were given examinations at the age of fourteen to assure that the teaching had been sufficient to meet the public school instruction standards.

Under the 1923 law, blind and deaf mute children were also required to attend school: the latter until they reached the age of sixteen years. Special schools were to be established for both of these groups.

Enforcement

The mayor of each community was required to prepare a yearly list of children of school age and post it in all public places one month before the beginning of the school year. After opening of the school the list was to be compared with the school rolls. A fine was to be prescribed

¹ Harold Goad and Michele Catalano, Education in Italy, published in Rome, 1939, p.9.

for parents or guardians failing to make satisfactory arrangements for their children's education. Truancy was also punishable by fine.

Child Labour Legislation in Italy

The law of 1934, which is still in effect, applies to women and children workers in industrial and other occupations. Exemptions are made for those in domestic service, agriculture, and industrial home work those employed in government establishments (for whom other provisions are made), and relatives (of a specified degree) of the employer, if they live in his home.

The minimum age for employment is fourteen years. A minimum age of 16 years is prescribed for employment in harmful, dangerous, or hazardous work; for example, work underground in mines and quarries, and lifting heavy weights. Employment in the making of motion pictures, in public theatrical performances, or street-trades is also forbidden for children under sixteen. A minimum age of eighteen is prescribed for employment in the retail sale of alcoholic drinks.

However, children may be employed at the age of twelve, provided it is considered that the work is not likely to affect adversely their health or morals, and provided they have a certificate of physical fitness and have finished the fifth grade, or the lower grade it is is the highest in the local school.

Boys under 15 and girls under twenty-one may not be employed without a certificate of physical fitness. If a

young person is not fit for all the kinds of work allowed by law, the certificate must state the work at which the young person may not be employed. Such certificates are issued by physicians in public service.

Work-books are required for boys under fifteen and girls under twenty-one. The certificate of physical fitness must be reproduced in the work-book.

Night work (10 p.m. to 5 a.m.) is prohibited for boys under eighteen and women all ages employed in industrial establishments and those connected with them. The law provides that this prohibition may be extended by a royal decree (now void) to other kinds of employment. Boys over sixteen may be employed in such industries as manufacture of iron and steel, reduction of gold ore, glass works, and paper and sugar mills. Work is also permitted in case of a serious emergency due to natural forces.

Daily hours were set in 1937 at 40 hours per week for workers irrespective of age, in industrial occupations. Rest periods are provided by the law of 1934, after six hours of work, for children under fifteen.

Rules are given for the cleanliness and safety of the places of work. Employers are required to provide periodic physical examinations for boys under fifteen and girls under twenty-one employed in establishments to be specified by subsequent regulations. The examinations, which are free of charge to the workers, are to be made by physicians in the employers' service. The purpose is to find out whether the worker is physically fit to do his work. A re-examin-

ation is to be made by a physician appointed by the inspection authorities. If a worker is found unfit to do his work his employment must be discontinued. Penalties are prescribed for violations of this law.

A law of 1940 authorized the Minister of Corporations, during the period of the war, to grant to his specified subordinates the power to exempt employers entirely or partly from compliance with the provisions of those sections of the 1934 law which relate to the prohibition of night work of children. The exemption does not apply to children under sixteen.

The same law provided for the suspension of the Saturday half holiday and the 40-hour week. The clause of the law of 1934 on the employment of women and children which permits temporarily a ten-hour day for children under 15, and which prescribes a rest period for children under fifteen and girls and women of any age after six hours of work, may be suspended entirely or partly. The minimum age for employment remained unchanged.

CANADA

Child Labour Regulations

In 1873 Nova Scotia prohibited the employment of boys under ten in or about mines and limited those under thirteen to ten hours in a day or sixty hours in a week. Four years later British Columbia fixed the minimum age for boys below ground at twelve and the maximum weekly hours for those under fifteen at thirty. Other provinces one by one established

minimum ages for work above and below ground and limited the hours for young workers in mines.

In 1879 a factory Bill was presented to Parliament proposing ten years as the minimum age for workers in factories. This Bill would have required factory children under thirteen to attend school part-time. It also would have limited the hours of young persons. This and several later Bills of similar character failed enactment by Parliament owing to the conclusion of that body that the dominion had no power to enact factory legislation. In 1884 Ontario passed an act establishing the minimum age of twelve for boys and fourteen for girls and restricting the hours of boys under fourteen and of girls to ten a day and sixty a week. Under certain circumstances, however, the factory inspector was empowered to permit these classes up to twelve and a half hours in a day and seventy-two and a half in a week on not more than thirty-six days in a year. Certain general provisions were included which were designed to ensure health and safety. This law was taken from the English factory law of the time. Quebec passed a similar law in 1885.

In Ontario in 1888, the working hours of girls under sixteen and boys under fourteen in shops were restricted to twelve hours in a day, fourteen on Saturday, and seventy-four in a week. This standard was raised slightly by Nova Scotia in 1895 making the weekly limit seventy-two hours. In 1900 British Columbia further improved on this standard by prohibiting employment of children under sixteen for more than eleven hours in a day, thirteen on Saturday and sixty-six

and a half hours in a week.¹

Amendments to these acts, and new legislation in all other provinces have brought Canada to the point, where to-day all provinces have fixed by law the minimum age at which a child may be employed. The minimum age for employment, except in agriculture, where no limitation has been established, varies according to province and type of work, from fourteen to fifteen years, except in certain hazardous occupations.²

Recent legislation (1946) in Saskatchewan raised the minimum age for factory work to sixteen years, but a revised child welfare Act lowered the age from sixteen to thirteen under which employment is forbidden between ten p.m. and six p.m. In the same year New Brunswick added such establishments as dry cleaners, laundries, hotels, restaurants, shops, places of amusement and office buildings as applicable under the factories Act. The minimum age for all these establishments is fourteen years, unless permission is obtained from the Minister of Labour.

Compulsory Education

All provinces of Canada possess legislation requiring compulsory school attendance. Children are required to attend school until the age of fourteen in Nova Scotia, New

¹ Adapted from Legislation Branch Department of Labour of Canada, Labour Legislation in Canada, August 1945, Ottawa, pp. 13-15.

² Adapted from United Nations, Dept. of Social Affairs, Annual Report on Child and Youth Welfare, based on information received from member governments between 1 April, 1947 and 31 March, 1948, pp. 64-65.

Brunswick, Quebec, and Manitoba. For the province of Ontario the age has been set at sixteen and for all other provinces the age under which children must attend school has been established as fifteen.

School attendance laws have effected employment in mines and factories but children can be employed about shops, places of amusement and other work places before and after school hours if there is no definite prohibition of such work by provincial legislation. Except for Nova Scotia, where the 1946 amendment voided the exemption clause, all provinces permitted poverty as a legal cause for exemption for attendance at school, if the specific ground for exemption is the need for the child's services, or for his earnings. The exemption requires, however, the satisfactory completion of certain school work. Other exemptions are made for school attendance such as in Prince Edward Island where attendance in rural districts is required for only 75 per cent of the term. In four provinces children under the minimum school-leaving age may be exempt for not more than six weeks in a term. (There are usually three terms in a school year.) In two provinces a similar exemption applies only for six weeks in a year.

British Columbia makes no provision for exemption on the basis of poverty but provides that it is a defence to prove that the child was prevented from attending school by any "unavoidable cause". There is no information that this has been construed to include the poverty of the family.

Facilities for Education

A shortage of teachers is prevalent in most provinces of Canada. The fact that comparatively few pupils are without all educational facilities and few schools remain closed for lack of teachers is due to the transportation of pupil to neighbouring schools and use of correspondence courses. Teacher supply has been a serious problem for some time and will¹ probably continue as such for the next few years at least.

The need for new school buildings of the new "functional" type is acute. Recent plans of a national educational association include features for the adaption and proper use of such educational aids and devices as radio, television, and motion pictures in the school curriculum.

There is little doubt that recent legislation such as the Family Allowances Act of Canada, improvements in Mothers Allowances Acts, and Social Assistance laws have favourably influenced school attendance.

Enforcement

School attendance laws in all provinces provide for the enforcement of the regulations related to compulsory attendance. Truancy and absences from school are investigated by specially appointed attendance officers, or persons acting as such. These officers are generally employed by the municipalities. It is the usual case, however, that a provin-

¹ Teacher Supply, Canada Year Book, 1947, pp. 278-281

cial officer is appointed to coordinate reports and activities of the local officers.

GREECE

Child Labour Regulations

The most recent legislation protecting children in this area was enacted in 1912.¹ The law prohibits the employment of children "who have not completed their twelfth year of age" either as workers or as apprentices in the following occupations:

- (a) industrial and handicraft factories and workshops;
- (b) quarries, mines and other mineral excavation work;
- (c) building construction and other similar open air work;
- (d) enterprises dealing with transportation by land or water;
- (e) commercial shops of all kinds including restaurants, and confectioneries;
- (f) hotels.

Exception is made for children over ten years of age who are employed by their own parents or guardians and where the only other employees are members of the child's immediate family. This exception does not apply where the work may be classified as dangerous or harmful. The laws describe harm-

1 Law DK9 relating to the employment of minors and women, published in the Government Gazette 46 on the 7th day of February, 1912.

ful and dangerous employment as work "disproportionately heavy as compared with their strength or dangerous to their health, or their moral or physical integrity". This dangerous or harmful employment, the law states "may be prohibited" by royal decree issued upon the proposal of the Minister of National Economy and after consultation of the High Labour Council.

Children between the ages of ten and twelve years of age working for their parents or guardians, may not be employed more than three hours daily and this employment must not interfere with their school attendance.

Orphanages and other philanthropic establishments providing vocational training to their wards may not occupy them in such training for more than three hours daily.

The law provides that five years after its publication its provisions were to have been extended to include children over twelve but under fourteen years of age who had not completed their primary education.¹

Working hours are limited to six hours daily for children less than fourteen years of age. For young persons under eighteen years of age, ten hours per day was set as the maximum, except for Saturdays and the eves of holidays when working time was limited to 8 hours. Rest periods were

1 The school system in Greece, known as the "Old Bavarian Plan", includes Primary School for children between the ages of six and ten, Middle School between ten and thirteen, Gymnasium between fourteen and eighteen, and University after eighteen years of age. The system has been criticized as requiring too many hours for instruction and recitation and as being complicated and out of date. Ref: Florence Wilson, Near East Educational Survey, European Center of the Carnegie Endowment, Hogarth Press, 1927.

provided for, and under most circumstances Sunday was set aside as a holiday.

Children under eighteen years of age were not permitted to work in factories, construction work, or shops between 9 p.m. and 5 a.m. During the same hours children under fourteen were prohibited employment in restaurants, coffee-shops, wine-shops, confectionaries and hotels.

It is significant from the point of practice that this law prohibited children under fourteen years of age from engaging in the sale of goods of any kind in the streets, squares or public areas. In practice today children of all ages may be found either selling or aiding in the selling of goods in all the places mentioned in the law.

Control

A system of work-cards was provided for by the law of 1912 wherein persons under sixteen years of age were required to present to employers work-cards showing physical capability. Public health doctors were required to issue these certificates free of charge and to certify that the child was healthy, had been vaccinated and was able to carry on in the particular job he was applying for without injury to health or physical growth. This card was inserted in a "Labour-Book", which also contained the child's birth date, address, notations regarding dates of employment and the signature of the Mayor of the community. Employers were prohibited by law from hiring any child not holding a Labour-Book and work-card. He was also required to submit to the police authority a list

of all employees, noting those who had submitted Labour-Books as evidence of eligibility for employment. With this list of employees, the employer submitted a statement of the work conditions in his establishment.

Enforcement

It was the duty of the police authority to check the list of employees against the stated conditions of work, as well as against the Mayor's list of names of those for whom he had signed work-books. In this way it was possible to discover violations of the law. Transgressions of this law were prosecuted by direct summons, or upon assignation of labour inspectors, labour supervisors, police services, or any trade union. Fines were imposed upon those found guilty of violation of the law, and if a repetition of the violation was discovered within a year the fine was doubled. Imprisonment from three weeks to three months was meted out to those violators unable to pay the fine.

Compulsory School Attendance

Existing regulations require attendance of children at school for a period of six years starting at the age of seven. The administration of the law is the responsibility of the Ministry of Education. Due to the present difficult circumstances in Greece, the enforcement of this law is so lax that it is effective only in limited areas. Preoccupation with more alarming problems related to children of school age has decreased the interest and attention of harrassed officials, who otherwise would have more time to spend upon the improve-

ment of outmoded school attendance regulations. Because of this preoccupation and the fact that the law is somewhat obscure with age and lack of use, it has been exceedingly difficult to obtain detailed information relative to its content.

Educational Facilities: Other Problems

If modern compulsory school attendance laws were now put into effect in Greece, that nation would find itself hard-put to carry out the intent of the law. Due to the great destruction of the war and the subsequent loss of financial resources with which maintenance and reconstruction might have gone ahead, the present condition of schools is discouraging. A number of schools were destroyed, others have fallen into ruin. School furnishings mostly suffered the same fate. As an example it may be pointed out that of 722 schools in Epirus, the northwestern region of Greece, 198 were burned down and 182 were destroyed and in need of wholesale repairs.¹

Greece is, at present, primarily concerned with the health condition of the children of school age. It is also greatly concerned with the effects of the war on their physical, mental and moral condition. At the same time, it is faced with the very serious problem of ways and means (particularly the latter) of doing something about these conditions.

In a report by the School Health Board of the Ministry of National Education to the United Nations Department of

¹ United Nations, Department of Social Affairs, Annual Report on Child and Youth Welfare, Based on information received from Member Governments between 1 April, 1947 and 31 March, 1948, Lake Success, New York, 1948, p. 126.

Social Affairs, the overwhelming problem of health was pointed out in the following terms:

"As it has not been possible to undertake systematic medical examinations of the 1,200,000 school children either during the occupation or after the liberation, the present health condition of children of school age cannot be statistically determined. The increased morbidity, the greater prevalence of tuberculosis, particularly in urban centres, and of malaria in rural areas, as well as the frequency of malnutrition, are, however, matters of common observation. Among the ailments affecting Greek schoolchildren, malnutrition, tuberculosis and malaria are viewed with the most concern, as they are seriously undermining the health of large numbers of schoolchildren; trachoma, scabies and nervous disorders, however, also take a leading place."

The writer can verify this alarming situation in Greece from personal observation while in Greece in the employment of UNRRA. This international organization did a great deal to alleviate the widespread conditions of malnutrition among children by distributing foodstuffs to children in schools, nurseries, camps, and any place where they were being cared for, including their own homes. Programs of public health, policlinics, medical aid, distribution of vitamins in various forms, etc., were all an important part of UNRRA's welfare program.

The Ministry of National Education reports further that, due to the lack of financial resources, no legislative measures for the protection of children of school age have been enacted since the liberation and up to 1947. It must also be recalled that since 1944, Greece has been disturbed by civil war. This state of affairs has had no little effect upon (protection of) children in the rural areas directly influenced by the occupation by rebel forces. Indeed, both directly and indirectly, it has had a very serious effect upon the circumstances of most of the children of Greece in all areas. One of the reasons for the lack of financial means to improve and to enforce protective legislation such as child labour and compulsory education laws has been the diversion of a great part of what was available into military channels, (directed toward putting down the revolution).

In one of the villages in the Pindus mountains, at that time a so-called "insecure area", one half (112) of the population of the village were children. None of these children could attend school because no school teacher could be induced to come to the village. The only instruction these children obtained was given by their parents, who were 98 per cent illiterate, and the village priest, also illiterate. Out of the 112 children, 63 were quite apparently suffering from enlarged spleens due to malaria. All of the children showed definite evidence of malnutrition. The nurse, who was with the expedition, discovered five cases of scabies and two cases of trachoma upon a very cursory examination. The total wealth of the people of this village was accounted for in two oxen

(then being used in repayment of a village debt), 1000 strem-
¹ma of land, (inaccessible to the owners for the past two and
 a half years by reason of the civil war), three sheep per
 family, five chickens per family and one pig for every five
 families. At the time of the visit, the only available foods
 were quinces, walnuts, almonds, a few eggs, and a small a-
 mount of maize. Roads into the area were blocked by the
 rebels and no government supplies could be brought into it.
 On the other hand, the inhabitants could not obtain supplies
 by carrying them in themselves because they had no money to
 pay for supplies and could not obtain credit from the govern-
 ment which suspected the village to be "Communist", accord-
 to the story of its residents. This was typical of numerous
 villages throughout Greece where the rebels were known to be
 located. It is not surprising then that reports such as
 the following excerpt from the United Nations annual report
 previously quoted:

"Even before the war it was calculated that about twenty
 per cent of Greek schoolchildren suffered from malnu-
 trition. Today the proportion is estimated to be at
 least fifty per cent. It is illuminating that an in-
 vestigation carried out in 1946 among the schoolchildren
 of Piraeus (the port city of Athens) showed that 15-year-
 old schoolboys, for instance, were almost 10 cm (ap-
 proximately 4 inches) shorter than the indigenous school
 boys examined before the war, and 15 cm. shorter than

1 13.2 pounds, one kilogram being 2.2 pounds.

"schoolchildren in Central Europe; for school girls of the same age the figures were almost 6 cm. and 12 cm. respectively. Also, the weight of the 15-year-old boys was 6 kilograms (13.2 pounds, one kilogram being 2.2 pounds) less than that of the pupils examined before the war and 13 kilogrammes below that of Central European children; for girls the latter figure was 10 kilogrammes."

The practice of child labor is nearly everywhere apparent to the casual observer in Greece. Children who have become "professional beggars" are unavoidable on the streets of the cities. Children handle traveller's baggage in push carts along with the men at disembarkation points. Child workers who normally should be expected to be in school are to be found at all hours of the day and night in restaurants, boot-black stands, taverns, the variety of shops on the streets and other places. Of course, it is not to be overlooked that some of these children are working as apprentices and that their work is considered as a part of their instruction. For example, one usually finds one or more youths working with a fishing crew, and tailors usually have boys learning the trade in their places of business.

Even the problem of clothing the needy children of Greece is placed in a secondary position of importance by the government authorities, who say in their report to the United Nations: "Large numbers of small schoolchildren go about unshod and clothed only in rags. It is superfluous to insist on the urgent need of assistance in providing the children

with clothes and shoes."

COMPARISON AMONG THE NATIONS

All five nations have enacted compulsory education laws as well as legislation prohibiting children from engaging in certain kinds of employment and prohibiting children of certain ages to engage in employment. These laws, in effect, have been prescriptions for the protection of children in two ways: first, to turn the child away from employment and toward school where he might secure the knowledge which would help to mold him into a better, more productive, more useful citizen; secondly, the child would be protected from harmful employment. Due to the first method of protecting the child, it was inevitable and necessary that laws on compulsory education and laws on child labour become integrated. This integration may be clearly seen in the history of the development of these laws in the United States. It is less clear, but no less pronounced in Canada. Denmark's laws appear to have been developed separately but with a gearing of the two in such a way that when a child is seen out of school it may be assumed that that child is lawfully employed or over the age of those required to attend school. In Italy and Greece the integration of these laws is more obscure. In fact, insofar as effect in practice is concerned, both countries might be said to lack laws protecting the child from harmful employment and from illiteracy almost entirely.

Although the law pertaining to child labour in Italy is explicit enough, it is so encumbered with exceptions which

are questionable in their protective effect, and the machinery for enforcement is so dependent upon the smooth working of other divisions of public administration, that the result is almost total ineffectiveness today. Both laws, compulsory school attendance and child labour, are badly in need of modernization in these nations.

The difficulties of Greece leaves little doubt that national legislative provisions are urgently required for the protection of children in this area of need. It is also clear that the enactment of legislation alone will not be enough. Desperate need for help in providing the means to apply the rules thus established is apparent beyond question and should not be confused with political issues by those who would render such help.

In terms of the effect of compulsory school attendance laws upon the protection of children by keeping them out of hazardous employment, or of the benefits of education alone, a glance at the percentages of illiteracy for the five countries will be enlightening. Unfortunately the exact figures are not available for all countries and those figures which are available are not recent ones. For example, the 1930 census for the United States gave the figure 4.3 per cent illiteracy of persons over ten years of age; for Canada, the 1930 figure was 5.7 per cent; Denmark was certainly below 10 per cent and Greece was unreported. It was estimated however, that the rate of illiteracy in Greece would come to nearly 50 per cent of those ten years old and over. The per-

centage of illiteracy for Italy was reported to be between 20 per cent and 30 per cent. Although a comparison between Denmark and the two American countries cannot be made from the above figures, it seems safe to assume that Denmark's rate would be quite low and might be actually lower than either Canada or the United States.

Still another point which is left for assumption is the effect recent legislation has had upon the percentage of illiteracy. From the continuous downward trend in the United States, and due to the opportunity for instruction during the war, as well as the recent emphasis upon adult education and "Americanization" programs, it is felt that the trend will have continued downward. The same thing may be said for Canada. There has been no marked relaxation of the enforcement of the rules for education in Denmark, except perhaps to some minor degree during the World War II. It is not to be expected that an increase of illiteracy has occurred in the last nineteen years in that country. This is not so for either Italy or Greece. Both countries are faced with severe problems resulting from the war. The laxity in the control of the existing legislative pronouncements may certainly be said to be partly, if not to a large extent, due to the preoccupation of the governments of these two countries with problems gravely concerning the national economy, rebuilding, and rehabilitation of industry, etc.

Greek and Italian people are struggling bravely to solve these problems which are so numerous and almost so overwhelming that it is difficult to determine which are the

most serious or most important.

It seems significant to note the exemptions made for certain children in the child labour laws of the various countries. In Canada, exemptions are made for children in agricultural work. In the United States there are no true overall exemptions. A slight lowering of the standards is done in some States during the school vacation period, particularly for agricultural work. A careful control is exerted over the number of hours of work carried by children who work during the school period and who are of a proper age for employment as stipulated by the statutes. Danish rules exempt children in employment in agriculture, forestry, shipping and fishing. Italy exempts domestic service, agriculture, home industry, those employed by the government, those employed by relatives of a specified degree. The minimum age for employment in Italy is fourteen years, except for harmful or dangerous work. The minimum age is raised to sixteen in such cases. Another two years is added to the minimum where the child is employed in the retail sale of alcoholic drinks. However, the age limitation drops to twelve for all children who are employed in any occupation which is considered not likely to affect their health and morals adversely. Italy also allows for exemptions by the provision of work-certificates to those who are physically fit and have finished the fifth grade or any lower grade provided it is the highest in the local school. With this laxity one can readily understand the reason for the appearance of so many child workers in almost any occupa-

tion in Italy. There also seems to be either a lack of willingness or an incapability to enforce the laws such as those preventing employment in the making of motion pictures, in public theatrical performances, or in street trades. The tourist in Italy nearly always carries away with him mental pictures of children performing in the street or selling cigarettes and many other commodities at every corner. In visiting Cine Cita, the film center of Italy, the writer encountered at least twenty children engaged in the making of a film then in production.

In Greece there is no effort at concealing the fact that children are engaged in all kinds of employment regardless of the harm or the fact that the child is not in school. At least such children may be earning something with which to buy a peice of bread, without which they would be unable either to work or to attend school.

It is noteworthy that Denmark makes instruction rather than school attendance compulsory, thus placing the onus of responsibility upon the community as a whole rather than upon the child for his school attendance. The Italian law places the responsibility for educating the child upon the parent. In the United States and Canada legislation insofar as the compulsory attendance laws are concerned places the first responsibility upon the child. Practice and recent trends tend to include the parents. Other laws concerned with rights and duties of parents and children place the responsibility to educate the child with the parent, whether

that parent be the natural or the adoptive parent. In Greece the responsibility according to law and practice is placed upon the parents. However, this law is not effectively enforced except by tradition.

CHAPTER IV
PROTECTION OF CHILDREN
THROUGH ADOPTION

Most countries have long recognized the family unit as basic to society and that this unit is the most suitable environment for satisfactory development and protection of most children. It is preferable that children remain within the families to which they naturally belong. Many laws have been enacted in an effort to preserve this situation. When this is not possible, an environment closely simulating the the child's natural family unit is sought for him. Thus, laws pertaining to the custody of children and adoption have been enacted. These laws protect the child in two ways; first, by the legal establishment of the rights and obligations of natural parents, guardians, and adopting parents toward their natural children, wards, or adopted children respectively; secondly, providing a way by which children lacking homes and families may have some compensating or equivalent advantages.

THE UNITED STATES.

The Federal Social Security Act of the United States provides for Federal Government participation in aiding the several States in the promotion of child welfare services. These services include the finding of adoption homes, and the scientific placement of adoptable children

with suitable adopting parents.¹

The legal adoption by one person of the offspring of another was unknown to common law even in England until the enactment of an adoption statute in 1926. Since it was unknown to the common law, adoption exists in the United States only by virtue of statute. Such laws, some of which have been on the statute books for nearly one hundred years, vary widely in the different States. Massachusetts, whose jurisprudence is based on the common law, first enacted statutes relating to adoption in 1851. The provision of adequate safeguards through legal measures in the various States has, until the past ten years, left much to be desired. During this decade, some improvements have been made in forty out of the forty-eight States. Most States require that adoption shall be by judicial proceedings in a court of competent jurisdiction. A few States provide for adoption by deed or declaration.²

Who May Adopt

In thirty-eight States, social investigation and a re-

¹ "For the purpose of enabling the United States, through the Administrator, to cooperate with State Public Welfare agencies in establishing, extending, and strengthening, especially in predominantly rural areas, public-welfare services... for the protection and care of homeless, dependent and neglected children, and children in danger of becoming delinquent, there is hereby authorized to be appropriated for each fiscal year, beginning with the fiscal year ending June 30, 1936, the sum of \$3,500,000..." Compilation of the Social Security Laws, Title V, Part III, Sec. 521, p. 40.

² An authoritative review of adoption in the United States is given in the Social Work Year Book published by the Russell Sage Foundation, and this source is the basis for the above summary.

port to the court is required after the petition for adoption is filed. Twenty of these States designate the State Department of Public Welfare as the authority to make or arrange for the investigation; in fourteen States the court is to make or arrange for the investigation; in four States an investigation is discretionary with the court.

In the majority of the States, the protection of the child being adopted is thus assured against the hazards of indiscriminate adoption practices. Adoptive parents may be selected or rejected by the court according to their suitability as parents for the particular adoptable children.

Most States, through their statutes, require a certain minimum standard which is laid down in terms of moral background, financial ability, probable future income, and age difference between prospective parent and child to be adopted. The degree of suitability of the adoptive parent may then be established and ruled upon by the court in each case where a petition for adoption has been filed. In making its decisions, the court is able to use the help of experts who can provide objective information on a scientific basis, relative to the suitability of the child for adoption, of the adopter's suitability as a parent, and of the home as a satisfactory environment for the child.

Requirement of Consents

Unless the rights of the natural parents of the child have been terminated by court order, the State laws generally require that they give their consent to the adoption. This

they do either through formal relinquishment to an agency or by direct consent to the adopting parties. Some State laws permit adoption without the consent of a parent if he or she:

- (a) is insane or otherwise incapacitated for giving consent;
- (b) is imprisoned; (c) has wilfully deserted and neglected to provide proper care and maintenance of the child, or;
- (d) for other specified reasons. If the parents of a child have been divorced, this does not, as a rule, do away with the necessity for securing the consent of both parents.

When a child has no parent or guardian legally capable of consenting to adoption, in five States consent must be given by the State Welfare department; the laws of four States do not require it, but provide that consent may be given by the State Welfare department; and one State provides that the State Welfare department or an agency appointed as "next friend" may give consent.

Probationary Period Required

Thirty-two States and the District of Columbia now require a probationary period of placement in an adoptive home before a child may be adopted. This period varies from three months to a year, but the most frequently required period is six months. In Indiana the period is discretionary with the court. Supervision during the period of probation is required in a number of other States, and some provide "for good cause" as being sufficient reason for the probationary period to be waived or reduced by the court.

Legal Effects of Adoption

As a result of the establishment of a new legal relationship between parent and child, the child usually takes the name of the adoptive parents; the adoptive parents are entitled to the child's custody and to his "services and earnings" during his minority. The child, in turn, is entitled to support, care, and education from the adoptive parents; and the child and adoptive parents may inherit each from the other. A few States expressly provide that adoption shall not prevent a child from inheriting from his natural relatives. However, it is the general rule that natural parents do not inherit from a child who has been adopted by another.

DENMARK

Adoption has long been recognized in Denmark. Its legal provision dates from 1683 when the law permitted adoption to "persons having no descendants in direct line having obtained permission from the King". Adopted persons, in this way, acquired the right to inherit the property of the adopter and the right to take his name, yet reserved all his rights in his original family. The law was obviously designed for the preservation of titles.

A law of 1895 made it necessary for the person being adopted to give his consent if he were more than eighteen years of age and gave him the legal status of a legitimate child.

In 1923, as a result of the findings of a commission entrusted with the drafting of uniform legislation in the

Scandinavian countries, a law on adoption came into effect. This law is today the regulator of all adoption practice in Denmark.

Who May Adopt

In Denmark a person adopting a child must be at least twenty-five years of age. Joint adoption is permitted only in the case of a married couple but it is permissible for only one partner of a marriage to adopt a child if the other is feeble-minded, insane or has disappeared. One of the marital partners may, with the consent of the other, adopt the other's natural or adopted child. The father of a child born out of wedlock may adopt his child, but the mother of an illegitimate child may not adopt her child. If the adopter has children or other descendants permission may be given to adopt only for important reasons.

Who May be Adopted, Consent Required

A person may not be adopted by two people at the same time unless the two persons are marital partners. If the adopted is under twenty-one years of age, the consent of his parents, or, if they are dead, of his guardian must be given, and his consent is required if he is over fourteen years of age. If the adopted is married, the consent of his or her marital partner is required. If one of the parents has died, has disappeared, is insane, feeble-minded, or has no parental authority, the consent of the other is sufficient. The adoption of a legally disabled person is permissible only

with his guardian's consent.

It is fundamental that all adoptions are to be made with the welfare of the adopted child as the most important factor for consideration. Only in exceptional cases are adoptions permitted if the adopted child has not spent a reasonable probationary period in the home of the adopter, or if he is not going to live there after the adoption. Before granting permission to adopt, it must be ascertained whether one of the parties has paid, or will pay, for the privilege of adopting the child. If this is the case, the amount of the compensation must be made known. An affidavit from all parties concerned may be required. If the adopter was to receive payment, permission to adopt may be given on the condition that the compensation will be used entirely or partly for the benefit of the adopted person.

Legal Effects of Adoption

The child being adopted takes the surname of his adopting parent unless there are special reasons against it, or if it has been stipulated in the authorization that he reserves his own name or takes both names together. Legal authority of the parent over his child is transferred to the adopter. The adopted has the same rights of inheritance from the adopter as if he were a child born in wedlock. However, on request, it may be stated in the authorization that no restriction be placed on the adopter's rights to will his property. If the adopter leaves a natural heir, the adopted person's share in the inheritance may be taken only from the disposable part

of the inheritance. If an adopted person leaves no family or marital partner entitled to inherit, it is the adopter who inherits. However, these provisions of the law do not restrict the right of the adopted child to dispose of his property by will.

A person adopting a child born out of wedlock acquires the legal status of the mother in regard to support, which must be paid by the father of the child. Except in such a case, the adopter cannot demand payment from the natural parents for the expenses caused by the child.

Parental authority and guardianship by the child's natural parents are abolished by the adoption. The adoption does not create a legal family tie between adopting parent and the family and the marital partner of the adopted child. In the same way, no legal ties are created among the adopted children by the process of adoption. Unless otherwise provided by law the rights and duties existing between the adopted child and his natural family continue.

Revocation of Adoption

Adoption may be revoked by agreement between the parties to it; as well as a result of a serious misdeed committed by one party towards the other or by his near relatives; or, if one of the parties is shown to lead a life of vice or crime. Adoption may also be revoked as a result of marriage between the two parties. In such a case the adoption may be considered as annulled.

Should the two parties agree to revocation, the decision

is announced either by the Ministry of Justice, or by the court. Court proceedings may be started by an interested party, by the adopted child's guardian, his adoptive parents, or by a public authority. The court must ask the opinion of all those persons who were consulted before the adoption, before revocation proceedings are completed.

All the legal effects of adoption cease to exist after its revocation. The adopted loses the adopter's name unless special permission is given by the Ministry of Justice or by the court.

Adoption by a married couple may be revoked only jointly by them.¹

Supervision of Adopted Children

The Communal Child Welfare Committee may, when required for the welfare of the child, institute supervision of adopted children, if the adoptive parents have received or receive payment for the adoption, including affiliation maintenance payments by the putative father of an illegitimate child.

GREECE

The first modern law making direct mention of adoption and requiring the recording of cases of adoption on the register of vital statistics was enacted in Greece in 1856. Long before this, however, the practice of adoption had been

¹ The above material was obtained largely from a translation of Marc Ancel, L'Adoption dans les législations modernes, Librairie du Recueil Sirey, Paris, 1943, p. 212. Obtained through the courtesy of the U.S. Children's Bureau, Washington, D.C.

known in this country.. A law of 1920 regulated the rights of inheritance of the adopter as well as the adopted.

Detailed legislation on adoption is given in the Civil Code enacted in Greece in 1940 and effective since June 1, 1941.

Who May Adopt

Adoption is permitted, only to a person who has no child born in wedlock, is more than fifty years of age, and is "legally competent". Parents may adopt their child born out of wedlock. No person may adopt a second person during the lifetime of the first. However, if it is the wish of the adopting parent to adopt brothers or sisters, or more than one child at one time, he may do so by including all of the names in the original adoptive petition. A guardian may adopt his ward only after he has presented his final account. The child being adopted may not be adopted by another person during the lifetime of the adopter and as long as the adoption is in effect. The exception to this rule is the case wherein the adopter is married and the spouse joins in the adoption. Although the consent of only one marital partner is necessary if the other has been adjudged insane or unavailable, it is the rule otherwise that the consent of both marital partners must be obtained. The adopter must be eighteen years older than the adopted. Adoption with reservations or with subject to delay is not permitted. Adoption takes place by court decision and the adopter must be present in court to give his consent.

Who May be Adopted: Consents Required

A married person may not be adopted without the consent of his or her marital partner. The consent in such cases must be given by a notarized act or by a statement made in court during the adoption procedure. In all cases the adopted must give his consent personally if he is eighteen years old or older. If the child being adopted is under eighteen years of age, the consent of parents, present in court, is necessary and the consent of one of the parents is sufficient if the other is unable to manifest his will because of mental incompetence or for any other cause. If the adopted person has no parents it is necessary that the consent be given in court by the guardian or property administrator, authorized by the family counsel.

The adoption is announced by the court, which also investigates whether the requirements of the law have been fulfilled, and whether the adopter's character and financial status are such as to make adoption an advantage to the adopted.

Legal Effects of Adoption

From the time of adoption the adopted person acquires the status of the adopter's legitimate child. The one adopted by a married couple is considered as their common and legitimate child. The same rule applies if one of the marital partners adopts the child of the other. The descendants of the adopted, born after adoption, have the status of legitimate descendants of the adopter. However, there

is no link of relationship between the adopted and the parents of the adopter and vice versa.

The adopted person assumes the name of the adopter but he has the right to add his own name to that of the latter. The rights and duties resulting from the relationship between the adopted person and his natural family remain unchanged, unless otherwise provided by law. From the time of adoption the parental authority of the natural father or the guardianship over the adopted are replaced without further action by the parental authority of the adopter. If, during the adopted person's minority, the adopter's parental authority or guardianship have ceased to exist for any reason whatsoever, this parental authority is not returned to the natural parents; but the latter have in such cases the right to care for the adopted person. The duty to maintain the adopted child falls first of all on the adopter, in his absence, on the natural parents.

Revocation of Adoption

Adoption may be revoked by court decision as a result of a request presented either by the adopter or by the adopted, if there is a circumstance justifying disinheritance. Adoption may be revoked also if, contrary to the law, marriage took place between the adopter and the adopted.

Probationary period

No probationary period is required by Greek law and no supervision of adopted children is provided for. The entire adoption procedure is under the jurisdiction of the

court and there is no provision for the Welfare Ministry's organization to become an interested party to adoptions.

ITALY

Adoption as a practice has been known for a long time in Italy. The procedures used in that country today are provided in the Italian Civil Code, Title VIII, which became effective July 1, 1939.

Who May Adopt

Adoption may be effected by a person who has no legitimate or legitimated descendants, is over fifty years of age, and is at least eighteen years older than the person whom he intends to adopt. When exceptional circumstances render it expedient, the Court of Appeal may authorize adoption if the adopter is at least forty years of age and if the difference in age between the adopter and the adopted person is at least sixteen years.

No one may adopt more than one person unless the children in question are adopted under the same instrument. Italy thus provides for the adoption of brothers and sisters by one person, or by one set of parents, in order that these children might not be separated unnecessarily.

A guardian may not adopt his ward unless he has rendered account of his administration, has handed over any property concerned, has discharged any obligations he has incurred, or has given appropriate security for the discharge of his obligation as a guardian.

Who May be Adopted

Children born out of wedlock may not be adopted by their parents. However, if the adopted person's status as a child born out of wedlock was not established by acknowledgement or by a judicial declaration, the adoption may not be contested.

No one may be adopted by more than one person, except in the case where the two adopters are husband and wife.

Consents Required

The consent of the adopter and that of the person to be adopted is necessary to complete adoption. If the person to be adopted is over twelve years of age, he must be personally consulted, and if he is under twenty-one years of age, the consent of his legal representative is also necessary.

If the person to be adopted or the adopter has a spouse living, the assent of the latter is necessary in every case. The assent of the parents of the person to be adopted is also necessary.

Date Adoption Becomes Effective

Adoption takes effect as from the date of the decree by which it is pronounced. So long as the decree has not been issued, both the adopter and the person to be adopted may withdraw their consent.

If the adopter dies after giving his consent and before the issue of the decree, the acts necessary for the adoption

may be completed. The heirs of the adopter may submit to the court written statements and observations in opposition to the adoption. If the adoption is allowed, it takes effect as from the time of the death of the adopter. This provision is probably meant to avoid inheritance disputes.

Legal Effects of Adoption

The adopted person assumes the surname of the adopter and may add it to his own surname. If he is a child born out of wedlock and has not been acknowledged by his own parents, he assumes only the surname of the adopter. Acknowledgment subsequent to adoption does not make it necessary for the adopted person to assume the surname of the parent who has acknowledged him, unless the adoption is subsequently revoked.

If adoption is effected by both spouses, the adopted person assumes the surname of the husband.

If adoption is effected by a married woman, the adopted person, if he is not the child of the husband, assumes the surname of the woman's family.

The adopted person retains all his rights and duties in respect of his own original family.

The adopter is bound to support the person adopted and to bring him up and provide him with an education in accordance with the law relative to the education of children.

Adoption does not give rise to any civil relationship between the adopter and the family of the person adopted, nor between the person adopted and the relatives of the

adopter.

Should a wife adopt the child of her own husband, the right to the exercise of paternal power shall belong to the husband. In all other cases, paternal power over the person adopted belongs to the adopter.

Should the adopted person possess property of his own, the right to the administration of it, during the minority of the adopted person, belongs to the adopter, who is not entitled to the profits or benefits of the property. The income, however, may be applied by the adopter for the purpose of meeting the cost of support, upbringing, and education of the minor child, and the surplus income must be invested in a remunerative manner.

Inventory Required

The adopter must make an inventory of the property of the adopted person, if the latter is a minor, and transmit it to the guardianship judge within one month of the date of the decree of adoption. An adopter who omits to make the inventory within the specified period or who makes an inaccurate inventory may be deprived of the administration of the property by the guardianship judge, without prejudice to the obligation to make good any losses.

Rights of Succession

Adoption does not confer any right of succession to title on the adopter. The rights of the adopted person in respect of the succession of the adopter shall be determined

by the rules relating to succession.¹

Revocation of Adoption

Adoption may be revoked only in the following cases:

1. If the adopted person has made an attempt on the life of the adopter or of the latter's spouse or his (or her) descendants or lineal ascendants.
2. If the adopted person has committed against those named above, any offence punishable with a minimum penalty involving loss of personal liberty for not less than three years.
3. If the adopter may be shown to be disqualified as an adopter by non-conformance with the legal requirements.
4. If the Public Prosecutor applies for revocation of the adoption on the grounds of immorality.

The effects of the adoption cease when the judgment in favour of revocation has acquired final effect. If, however, the revocation is pronounced after the death of the adopter, on the ground of an act committed by the adopted person, the adopted person and his descendants are excluded from the succession of the adopter.

Marriage between persons bound by the tie of adoption terminates the effects of the adoption.

Investigations

The court (called the court of appeals), after procuring the necessary information and after hearing the parents of

1 Titles of nobility are still being used in Italy.

the person to be adopted, must ascertain:

1. Whether all the conditions prescribed by law have been fulfilled;
2. whether the person who wishes to be the adopter is of good reputation;
3. whether the adoption is to the advantage of the person to be adopted.

Publicity

After the decree of the court has been pronounced in favour of the adoption or the revocation of the adoption and the subsequent, necessary registrations have been completed, the judicial authority may furthermore order the publication of the decree pronouncing in favour of adoption, or of the judgment for the revocation, in whatever form it may deem fitting.

CANADA

Canada, like the United States, provides for legal adoption by the statutes of the individual provinces since adoption was unknown to common law. Adoption, as a practice, has been known in Canada for some time. However, many revisions of the provincial statutes have been made, particularly since 1900. The present statutes are culminations of modifications over the period of years which have been due to the need for control over new and changing situations during this time.

Who May Adopt

Persons wishing to adopt a child must file a petition in an appropriate court. In most provinces, the husband and wife are required to apply jointly for the adoption of a child if the petitioner is a married person. Most provinces require that the adopting person or persons be over twenty-one, or that they be adults. Quebec law stipulates "such consorts as may be living together". However, also in Quebec, a widow or widower over twenty-one years of age may apply for the adoption of a child, and an unmarried person may adopt a child providing it is of the same sex. All provinces require that the adopting person be of the same religion (Catholic or Protestant) as the person being adopted. Ontario requires that the adopter as well as the adopted be residents within the province.

Who May be Adopted

In all provinces except Quebec, the judge may not grant a final adoption order until the Children's Aid Society or the provincial Child Welfare authority has reported on the suitability of the home. In practice, the suitability of the child for adoption in most provinces must be certified by a medical report. The report of the provincial child welfare authority to the court handling the adoption makes known to the court what other factors may be considered in favour or against suitability of the child for adoption. In Quebec, "La Loi d'Adoption" limits those who are adoptable to orphans, homeless or illegitimate children, and those

whose parents are insane.

Consents Required

Both parents, if living, must give their consent. The consent of the child, over a specified age, is required in seven provinces. The ages indicated range from ten to fourteen years. If one spouse petitions for adoption, the consent of the wife or the husband must be obtained. In one province, the Director of the Child Welfare division must sign the petition. Most provinces require the legal guardian to give consent, and the child welfare authority must do so if the child is the ward of the authority. Quebec law provides that the consent of the father or the mother is required if he or she is the only living parent. Quebec also provides that the consent of an institution must be obtained if the child is the ward of the institution and if the parents are not available.

Probationary Period

Adoption in all provinces is usually preceded by a probationary period, extending in one province to two years, in the prospective adoption home.

Legal Effects of Adoption

All provinces include the regulation within their statutes, that the adopted child has the same relationship to the adopters as if he were their natural child born in wedlock. Manitoba stipulates that if the parents of an adopted child marry after his adoption, this makes no difference to the

status of the adopted child. All provinces, with the exception of New Brunswick have ruled that the adopted retains the right to inherit from his own parents.

Appeals

All provinces provide for appeals. Some stipulate limited periods of time from the date of adoption within which appeals may be made. For example, Nova Scotia provides for appeals within one year from the date of the adoption order. Quebec makes provision for annulment if this is due to "grave causes".

Administrative Authority

Petitions for adoption are made to the appropriate courts. The decision and final order of adoption is carried out by these courts. However, the child welfare authorities are required in all provinces to observe and report on the adoptive home and on the suitability of the child. These reports are submitted to the court and it is the practice that the court gives great weight to them in making decisions for or against adoption. It may, therefore, be said that although the prime authority is the court, functionally the administration is a joint one between the court and the child welfare authority in the province.

SUMMARY AND COMPARISONS

In consideration of the adoption laws of the five nations, the writer has been primarily concerned with the protection these laws provide for the child. Without adequate legal pro-

tection in this phase of child welfare work, the exploitation of children has come about. This may have been one of the reasons for recent improvements in State and provincial statutes relative to the adoption of children. One can easily recall having read of scandalous "baby-selling" and "baby markets" in various parts of both countries within the past decade. Such practices, along with the infamous acts of blackmailing unmarried parents, or others involved, are vicious, and are highly detrimental to the welfare of the child concerned.

In Greece and Italy, due to the inadequacy of the law, it is doubtful that the practice of adoption lends itself to real protection for the children being adopted. It seems doubtful, for example, that a child would be in a better environment in the home of an adopting parent who must be, as required by law, over the age of fifty, than he would be if the adopting parent were more youthful. Furthermore, it is questionable whether the stipulations in their laws that the adopters shall be economically capable and morally fit in the eyes of the court, are sufficient to assure the child of capable and reasonably good parents. Neither country provides probationary periods wherein the child is placed in the adopter's home under supervision and observation.

In general, provisions of the laws of Canada, the United States and Denmark, where they are concerned with persons who may adopt, are similar. The same may be said in regard to rules about who may be adopted. The provisions for consent are also similar and provide suitable safeguards for the

child as well as for his own and his adopting parents. While it is significant, and a real safeguard that all five nations provide in their laws and statutes that the welfare of the child is of first importance in the adoption procedure, it is also to be noted that the laws of Greece and Italy are particularly concerned with transference of property and titles of nobility.

All countries make provision in their laws to control the use of money or property of value paid as compensation by or to the adopting parents. Some States and some provinces of Canada prohibit this expressly. Denmark provides that the amount of any compensation must be made known and the use of it is thenceforth controlled by the administrative authority.

The laws of all countries, except Italy, are similar with respect to the effects of adoption. Italian law differs in that the parents of the child must resume his support if the adopting parent should discontinue support. The Italian law also provides, in respect to the legal effects, that the adopted person retains all his rights and duties relative to his original family, while other countries effect severance from previous family ties by the act of adoption.

It is noteworthy from the point of view of practice that the situation in the five countries studied, differ vastly in one respect. In Canada and the United States, as well as in Denmark, the experience has been that there are more prospective adoptive homes than there are children to be adopted. In Greece and Italy, particularly since the war, there are

considerably more children in need of adoptive homes than there are homes available.

CHAPTER V
THE PROTECTION AND CARE OF HANDICAPPED
AND CRIPPLED CHILDREN

From the standpoint of practice, the child who suffers an impairment of hearing, speech, or sight to such an extent that he will not be capable of receiving instruction in the ordinary public schools is termed a handicapped child. In some areas, the mentally subnormal child has been added to this classification, and governments have to one extent or another provided for the special training of these children in order that they might better be able to fit into society as independent individuals capable of earning their own livelihood without becoming a public liability or charge.

Although a crippled child is certainly a handicapped child, it is generally the practice in the various nations to treat his condition in a different way. Usually the crippled child is considered one who can benefit from the instruction given in the ordinary schools and thus the treatment given him is on the basis of medical treatment for his crippling condition. Some nations have taken over a portion of the responsibility for the treatment of crippled children from private agencies, clubs and other organizations which have pioneered programs both for the prevention and treatment of crippling conditions.

Programs for both the handicapped and the crippled child in such European countries as Italy and Greece have been found

to be inadequate to meet the increased needs since the war.

CANADA

Crippled Children

Half a million dollars annually is provided by the national government to assist the provinces with programs for the prevention and treatment of crippling conditions in children and for the rehabilitation and training of crippled children. In many respects, this is the Canadian counterpart of the federal grant program administered by the Children's Bureau of the Federal Security Agency in the United States.

Before these grants were made available in 1948, efforts in this field were carried on largely by voluntary agencies, such as the Canadian Council for Crippled Children, the Junior Red Cross and the service clubs of Canada, e.g., the Shriners. The provinces have to some extent entered the field, usually on a very limited basis because of the costliness of these services. The new program, which is not yet in full swing due to need for further planning and organization by the provinces, in no way relieves the voluntary agencies of their important role. Rather, it is intended to strengthen their resources on a broader front.

With the federal funds available the provinces can develop an integrated program under which the resources of governmental and voluntary agencies can be united in reducing the incidence of disabling illness in childhood, as well as in providing a training and rehabilitation pro-

cess for crippled children.¹

Handicapped Children

Where a substitute for the home is required, the trend has been away from institutional care and increasingly toward placement in supervised foster homes or in adoption homes. On the other hand, for the child with mental or physical handicaps or personality problems, specialized institutional care adapted to his individual needs is considered the more desirable form of treatment.

In Canada the care, treatment, and education of handicapped children has been carried out on the institutional basis by the various provinces without federal participation or regulation. Each province has provided institutions for the training of deaf, deaf-mute, and blind children. The type of training given in these institutions is geared to meet the needs of each child in such a manner that he will be capable at a certain age of becoming employed at limited occupations and to adjust, with his handicap, within society without becoming a public charge.

Institutional Care

Two provinces, Prince Edward Island and New Brunswick, have no schools for the blind, deaf, or mentally defective. An arrangement is made whereby these provinces use the facilities of other provinces. In all other provinces institutions specializing in the training of this classification

¹ Joseph Willard, The Canadian Health Grant Program, Canadian Welfare, Vol. XXIV, No.5, October 15, 1948.

of children had an enrollment in 1945 of a total of 4,811. Of these, British Columbia had 101, Saskatchewan 141, Alberta 292, Nova Scotia 328, Manitoba 516, Quebec 1,119, and Ontario 2,314.¹

In Canada, unlike the United States, programs for the crippled child and for the handicapped child are not tied closely to public welfare agencies. In some provinces where a general assistance program has been developed, special provisions have been made for allowances over the maximum grants in cases needing special medical services such as might be the case with children having certain crippling conditions. Of course, referrals to proper agencies are made when the need is found for their services. In this way social workers act to some extent as a finding service for the agencies under other administrations than their own.

THE UNITED STATES

Crippled Children

Crippled children have engaged the interest of governmental and voluntary agencies for many years. Before the enactment of the Federal Social Security Act in 1935, however, relatively few States had developed a comprehensive program of services on a Statewide basis. During the past decade federal aid to the States for services to crippled children authorized under the provisions of a section of the Act² has made possible the development of a nation-wide

1 Enrolment in Educational Institutions, by Provinces, School Year 1944-45, Canada Year Book, 1947, p. 283.

2 Social Security Act, Title V, Part 2.

program of medical, surgical, and after-care services for the physical restoration and social adjustment of crippled children. Responsibility for administering this part of the Act is vested in the Children's Bureau of the Federal Security Agency. State programs are now in operation in each of the forty-eight States.

Since 1936, State and territorial agencies administering services for crippled children have maintained registers listing children under twenty-one years of age residing in the State and for whom a diagnosis has been made by a licensed physician as having a crippling condition as defined in the State law or administrative ruling.¹

Except for certain congenital defects, the causes of crippling or the physical handicaps that result are to some extent preventable. In the majority of instances proper treatment, promptly given, will result in physical restoration or will materially reduce the child's handicap.²

Agency Programs

Various private agencies and fraternal organizations have done pioneer work in the interest of crippled children in the United States. The International Society for Crippled Children, founded in 1921, has given leadership in directing

1 These registers contained the names of 404,500 crippled children as of December 31, 1945.

2 Among the principal causes of crippling listed on State registers are infantile paralysis, cerebral palsy, clubfoot, osteomyelitis, congenital malformations, rickets, spinal curvatures, and tuberculosis of bones and joints. Types of crippling conditions among children for which little or no provision for care has been made include disabilities arising from impaired vision and hearing, rheumatic heart disease, diabetes, and epilepsy.

public attention to the needs of crippled children, in sponsoring legislation in their behalf, and in urging appropriations from public funds for the extension of State services. In 1939 the National Society for Crippled Children and Adults was first organized as successor in this country to the international organization. This national agency has stimulated the development of many voluntary State societies, which in turn have organized county committees that provide assistance and promote public understanding of the social, educational, and medical needs of physically handicapped children.

Each year since 1934, nation-wide celebrations of the birthday of Franklin D. Roosevelt have been held to raise money for the fight against infantile paralysis. Before 1938 the proceeds were used to support the Georgia Warm Springs Foundation. In 1938 the funds were transferred to the National Foundation for Infantile Paralysis, organized in that year for the express purpose of leading, directing, and unifying the fight on every phase of infantile paralysis. This Foundation has stimulated the organization of local chapters covering most of the 2,050 counties.

With the increasing interest in the welfare of the child with rheumatic fever and heart disease, the American Heart Association during 1944 took leadership in planning the formation of the American Council on Rheumatic Fever which functions as an integral part of the Association. The Council concerns itself with the promotion of special studies to increase basic knowledge of the disease, professional education, and methods for increasing public awareness of the problem.

The recently created National Advisory Council on Cerebral Palsy, a National Cerebral Palsy Fund, and the establishment of a cerebral palsy division in the National Society Society for Crippled Children and Adults' central headquarters office have all directed considerable effort toward extending and developing services for the cerebral palsied.

Numerous other organizations such as the Elks, Shriners, Junior League, Rotary, Kiwanis, American Legion, and Lions carry on independent service programs in behalf of crippled children.

Official State agencies administering services for crippled children include thirty departments of health, ten departments of public welfare, four departments of education, five crippled children's commissions, and three State university medical schools or hospitals. There has been a trend toward transfer of administrative responsibility to health agencies, showing an increasing recognition, as in Canada, that the program is one primarily involving medical care.

The State plans provide for the locating of crippled children and for skilled diagnostic services. In all States any child is eligible for admission to a diagnostic clinic in order that his needs may be ascertained. Treatment services by qualified specialists, such as orthopedic surgeons and pediatricians, are provided, in approved clinics and hospitals, for children found to be in need of care. Provisions are also made for convalescent care and other after-care services such as the furnishing of necessary appliances

and for follow-up services by the attending specialist or other professional worker.¹ The plan in operation usually calls for the services of the child welfare worker and the public health nurse for the finding and reporting process; the diagnostician and the therapist for the next step; and the child welfare worker and public health nurse again for the aftercare.

Provisions for the Handicapped

The Deaf

Residential schools for the deaf are provided in all States except Delaware, Nevada, New Hampshire, and Wyoming, which send their deaf children to neighboring States to be educated. Twenty-five of the States also have public day schools for the deaf, supported either by the State or by local communities; but these are not evenly distributed, the numbers per State ranging from one each in Oklahoma, Tennessee, and West Virginia to 15 in Ohio, 16 in Michigan, and 18 in Wisconsin. In January, 1946 there were 17,674 deaf children being educated in 64 public residential schools, 113 public day schools, and 20 denominational and private schools. This number may be contrasted with 20,171 listed as attending schools for the deaf in 1943. This decrease of over 12 percent in three years may be accounted for chiefly by the fact that the greatly increased employment opportunities offered the deaf during the war drew many young men and women from the schools.

¹ Social Work Year Book, 1947, Russell Sage Foundation, Russel H. Kurtz, Editor, pp. 138-144.

Training for the Deaf

The instruction provided in the different schools for the deaf differs with respect to age of admission, extent of academic instruction offered, amount and kind of vocational training provided, and means of communication used.

Speech is taught in all the schools, but it is not consistently used as the vernacular, the pupils in many schools being allowed to use finger spelling and the sign language during a large part of the day. There is a very old division of opinion among educators of the deaf as to the importance of speech in the curriculum. Some hold that, since the acquisition of spoken language and its corollary lip reading, is slow and difficult, and the speech of the deaf is always more or less artificial, it is not worth the time and effort it requires. Others believe that speech, however imperfect, is an important asset in preparing deaf persons for life in the hearing world.

It has been proved that a large percentage of deaf children have usable residual hearing; and in some of the schools, notably the Pennsylvania School at Mt. Airy and the Lexington School in New York City, from 40 per cent to 50 per cent of the pupils receive instruction through electrical amplifiers, thus being helped to develop their speaking vocabularies.

The age of admission to schools for the deaf is gradually being lowered. Some States, including Illinois and New York, accept children at three years of age and provide nursery training. Since this tends to accelerate the education

process, the schools are being faced with the necessity of providing more advanced instruction for the older pupils.

A few schools, such as the Iowa School and the Rochester School in New York, have accredited high school departments. Most of the other schools, particularly in the cities, deaf pupils are graduated into regular high schools where they take their training along with the pupils of normal hearing.

Many private clinics and schools in the United States are experimenting on methods of educating the deaf. Some of these efforts have been rewarded with remarkable success. Notable among these is the John Tracy Clinic which provides an experimental school to demonstrate that early instruction and home training will largely bridge the educational gap between the deaf and the hearing. The correspondence course for parents of preschool deaf children provided by this clinic is in great demand. More than 700 deaf babies and their parents, located in all parts of the United States, have been instructed by this course since it was first distributed in 1943.

The Blind

Although the number of young blind persons is relatively small in comparison with those of advanced years, this group was the first to attract attention in this country. In 1784 a movement for better institutional care with an educational objective had begun in Paris. Valentine Haüy, aroused by the derision directed at blind musicians in a cafe, founded a school for the blind and developed an embossed type for

their instruction. Dr. John D. Fisher, a young Boston physician, came in contact with this school while in France and resolved to develop a similar program for the blind in his own country. Enlisting a group of friends, he secured a charter from the Massachusetts Legislature in 1829 to found a school, which has since developed into the Perkins Institution and Massachusetts School for the Blind. Similar private schools for the blind were soon chartered in New York and Philadelphia. From the pioneer work of these three schools, interest in the blind has extended until there are now 58 residential schools for the blind, most of which are state-maintained. The first State supported school was founded in Ohio in 1837. Twenty-two cities now provide Braille classes in their public schools. Enrollment in these schools and classes was 5,831 as of January, 1, 1946. Of this total, 559 were in Braille classes.

Training for Blind Children

Practically all of the residential schools begin at the kindergarten level, although there has been a recent tendency in a few schools to accept pupils of preschool age. The approved practice now is to keep preschool children in their homes or in foster homes with field supervision. Adequate educational opportunity is provided in all the residential schools through the grades and, in most of the schools, through high school. In a few schools pupils are sent to near-by high schools for instruction in the upper grades, the school for the blind providing residence, books, appliances, and tu-

torial assistance. Opportunity is provided for outstanding students to go to regular colleges, there being no special for the blind. Superior blind students may go on to professional schools. Blind students are able to carry on regular college work but they need reading service for texts not available in Braille. There has been an increase in the number of "talking books", and the use of recording devices is proving beneficial to some students. Sixteen States provide State funds for the payment of readers. Under Public Law 113 many blind persons are able to secure financial aid through the rehabilitation departments of the States. This service includes readers, guidance, counseling, training, and placement. Prosthetic devices may also be provided. The same provision is made for World War II veterans under Public Law 16.

The Social Worker's Role

In respect to these handicapped children and youth, many States place a responsibility for a portion of the field work, the visiting and consulting and counselling with the handicapped in their own homes, to be done by the social workers attached to the departments of public welfare.

DENMARK ,

Special regulations are provided in Denmark for the category comprised of lunatics, feeble minded, epileptics, the crippled or deformed, the blind, and deaf-mutes. This group is treated under the program designated as "Special Care."

The Poor Law of 1891 provided certain exceptions to the general rule that all public relief was to be regarded as poor relief (which entailed certain consequences in respect to civil rights). Public funds for education, support and maintenance of the blind, deaf-mutes, imbeciles and lunatics, were not to have the effect of poor relief, provided that the persons concerned were placed in state institutions or in institutions that were state approved. In 1901 this regulation was widened to embrace epileptics, the crippled or deformed, the mutilated, and tuberculous patients. In 1908 the exemption from the legal effects of poor-relief was extended to include a plan of boarding-out under the supervision of a state institution or a state approved institution. Finally in 1914 public relief to the poor among the blind was placed in the same category.

The Public Assistance Act of 1933 introduced a further development of the regulations as to Special Care. All aid given to people under the heading of Special Care is, by virtue of this Act, regarded as Special Public Assistance and therefore entails no legal effects for the recipient. The state has, moreover, undertaken the cost of institutional care for this category except in the case of tuberculosis, cancer and lupus patients.

Within the principles of the Danish Special Care program, it is the duty of the state to take a lead in developments economically and otherwise. Great importance is attached to a positive conception of this relief, whereby every endeavour is made for people in the public's care not only

to be cured of their infirmity, where there is such a possibility, but also to be trained and educated to enable them to occupy a place in the ordinary life and work of the community.

Finding Procedure

Everything is done as far as possible to contact all persons needing Special Care. This is aimed at in one way, through reports, concerning both the destitute and the non-destitute. The Act charges the local Social Committee with the duty of: (a) reporting to institutions concerned all mentally defective children who are, to a marked degree, unable to benefit from the normal schooling; (b) all children who are blind or whose vision is so reduced that it prevents their following the instruction at the ordinary infants' school or at special schools for weak-sighted; and (c) all children who are deaf or whose sense of hearing is so poor that they would be unable to follow the instruction at the ordinary infants school or at special schools for such sufferers. Furthermore, every physician who, in the course of his practice, observes instances of mental deficiency, blindness or deafness among children under sixteen must report them to the Social Committee. The same duty rests with principals of state and municipal schools and of private educational establishments. Finally, under the Danish National Insurance Act all physicians are requested to report to the Invalidity Insurance Court any persons under the age of thirty with afflictions which they consider have caused, or in the near

future will cause considerable, long term reduction of their working capacity. This duty also devolves upon schools in respect to scholars of school age, and it comprises every kind of disabling affliction. These regulations as to notification apply both to people who are destitute within the meaning of the Public Assistance Act and also to those who are not. If a person is destitute, the Social Committee, as soon as it is requested to look after a Special Care patient, or the Committee itself considers there is reason to do so, must immediately see that a medical examination is undertaken for the purpose of deciding whether it would be improper not to allow the patient to have special.

Institutional Care of Handicapped

The form under which the positive work of Special Care proceeds is voluntary in principle. Just as public assistance in general cannot be forced upon anybody, but presupposes an application by people who are in need, so it is with Special Care. No person can be compelled to accept it against his will. Should it happen that it is considered necessary to place a person under the Special Care authorities for his own sake and in the interests of the public, the only procedure, as a rule, will be, if he refuses, to petition the courts to declare him incapable of managing his own affairs.

The Act of 1926 made it the duty of parents of deaf or blind children to have them educated at the state deaf-and dumb institutions and blind institutions, where, under the

guidance of the state, they receive both education and training. As a rule the children live at the institutions, so that the parents are compelled to send them from home. The Public Assistance Act also provides that the Child Welfare Committee will decide on the removal of a child under eighteen from his home if, on account of physical or mental defects he needs special care which cannot be administered in his home, and the parents or guardians themselves do not take steps to ensure that the child is placed under the necessary Special Care.

Whereas the ordinary hospital system is the affair of the towns and counties, the various institutions under the Special Care system are financed, as mentioned, by the state. The small size of the country, as a result of which several branches of the Special Care system need only a very few institutions covering large parts of Denmark, makes it natural that this aspect of the medical service should be a state affair and not, as is commonly the case in other countries, a local-government one.

Care of Crippled Children

The rational care of cripples in the modern sense began in 1872 in Denmark, when the private institution "Samfundet og Hjemmet for Vanføre" (The Society and Home for Cripples) was founded by the Rev. Hans Knudsen, who at that time laid down the principles according to which the modern care of the crippled is practised all over the world under the name of "The Danish system". The system calls for everything being

done first to treat the affliction and its consequences.

Thereafter--if necessary hand in hand with continued remedial treatment--the cripple is given such special education and training as may be required to enable him to support himself and his dependents in the same manner as other people.

The care of the crippled and mutilated to this day is mainly in the hands of the state-approved private institution "Samfundet og Hjemmet for Vanføre", which, as has been indicated, undertakes remedial treatment for every kind of physical defect as well as schooling and training for cripples who, because of their infirmity, are unable to attend the ordinary schools or work places. The institution owns two orthopaedic hospitals, one in Copenhagen and the other in Aarhus, with about 320 beds. The hospitals have their own appliance departments with workshops of various kinds working for the hospital and also for other hospitals and private persons. A very large number of the patients need only out-patient treatment, and therefore the hospitals are equipped with large policlinics. In addition to medical attention and surgical appliances the patients here receive careful instruction regarding social legislation, schooling and choice of career, etc. This department also investigates and considers whether more far-reaching social measures should be taken, for instance education or training in suitable occupations, either in the institution's own schools and workshops or outside under private instructors.

In addition to the "Samfundet" there are two children's homes for the care of children whose affliction is such that

they are practically helpless.

Treatment of Speech-defective Children

It was only towards the close of last century that society recognized the fact that defective speech represented a social problem which should be solved with the aid of the public. The problem was taken up chiefly because a German professor presented to the Danish government his method for the cure of stammering, and the government instructed the head of the Royal Deaf and Dumb Institute in Copenhagen to make use of the method in practice. In 1898 the state opened its Institute for Defective Speech, its object being to cure children and unmarried young people, chiefly those whose circumstances or those of their parents or guardians were straitened. Since then the care of such people has developed considerably. At the Institute's two centers at Hellerup (Copenhagen) and Aarhus, which can accommodate about 170 pupils in all, instruction is given to children and adults suffering from cleft palate, stammering, faulty articulation and other defects of speech. The operative treatment of cleft palate and hare lip is centralized, all operations being performed at Diakonissestiftelsen, in Copenhagen. As it is of importance for the successful treatment of cleft palate and hare lip that the defect is recognized as early as possible (operations for hare lip should be performed in the first year of a child's life, and for cleft palate at the end of the second year), the Ministry has circularized physician, midwives and nurses, asking that they report any

cases of the disability which they may encounter in their professional activities.

The Role of the Social Work Agency

For those suffering from defective speech--as for the other branches of Special Care--the Public Assistance Act contains regulations as to the duty of the Social Committees to ensure that medical examinations be made in order to decide whether such people need treatment. If necessary the local Child Welfare Committee can determine the removal from the home of a child under eighteen suffering from defective speech.

If Special Care is then to be applied, the Social Committee must notify the State Institute for Defective Speech, which thereafter decides whether the treatment is to be given in the institution or outside it. In the latter case the cost is defrayed by the local authority concerned if the patient is destitute, unless he is entitled to help under the National Insurance Act. In necessitous cases the cost of institution treatment is paid by the state, or it is defrayed under the National Insurance Act if the circumstances satisfy the requirements of the Act.

Owing to the fact that there are only a few teachers of speech outside of Copenhagen and one or two large provincial towns, institutional treatment has become the form of public care most frequently resorted to.

These provisions have created a possibility of establishing really effective care for speech-defectives, whereby

many individuals who formerly had difficulty in managing for themselves can become useful citizens in the Danish Community.

Care of Blind Children

The care of the blind in Denmark was initiated by a private philanthropic society which in 1811 opened a blind institute, by royal permission called the "Royal Institute for the Blind" and receiving an annual grant from the Treasury. It was not until the Act of 1857 came into force, concerning the establishment of a new blind institute, that the state undertook the education of blind children. The present system is based on the Act of 1926, according to which every child who is blind or whose vision is so reduced that he or she is unable to benefit from the instruction at the ordinary infants' school or at special schools for the weak-sighted, must from its eighth year receive instruction at the State Institute for the Blind or the Preparatory School for the Blind, unless the education of the child is provided for in another manner satisfactory to the local school authorities. The compulsory instruction period is normally ten years.

In order to ensure the observance of this rule the Social Committee must notify the Central Record Office of the state institutes for the blind of all cases of blindness and weak sightedness. As a consequence, nearly all blind children come in contact with the public authorities for the care of the blind, in their later years receiving a certain amount of training under the same authorities.

This care of the blind is exercised chiefly through two state institutions: The Royal Institute for the Blind at Copenhagen and the Royal Institute for the Blind on Refsnaes. The latter functions partly as a nursery school and partly as an elementary school for about 120 children between seven and fifteen years of age, who receive instruction in the usual elementary school subjects. At the age of 14 to 16 the scholars are transferred to the Institute in Copenhagen if their mental powers are normal. In addition to the regular subjects taught in the schools for the blind, the institutions teach extensive courses in arts and crafts to both sexes in order to prepare them to better earn a living within the range of their limitations.

Care of Deaf-Mutes

In Denmark it was the state which in 1807 took the initiative in the care of deaf-mutes by opening the Royal Deaf and Dumb Institute in Copenhagen, and ten years later education for deaf-mutes was made compulsory. Institutes for the deaf and dumb were opened at Fredericia and Nyborg in pursuance of the Acts of 1880 and 1890 respectively.

By the Act of 1926, which forms the basis of the present arrangement of deaf-mute children's education, it is laid down that they must attend one of the state institutions or some private form of instruction for the compulsory period, usually nine years. This system of compulsory education presupposes that the state is notified of all deaf and dumb children. The usual requirements, as discussed previously,

for this reporting, are incumbent upon the Social Committee and all physicians and school teachers, who, in the course of their duties, find any children under sixteen who have defective hearing.

When the child reaches the compulsory school age it is summoned for instruction to a state institution or private establishment. In the great majority of cases, however, the children go to the state institutions.

Instruction is given by the oral method, though the manual method is employed for the mentally weak. At the end of the educational period at the deaf and dumb institutes, efforts are made in various ways to continue the training of the pupils with the assistance of grants from the Treasury or the funds of the Invalidity Insurance organization. Some are apprenticed as craftsmen, especially as tailors. They are indentured in the same manner as ordinary apprentices, but the master receives a certain sum in remuneration for the additional trouble it takes to teach a deaf-mute. Assistance is also obtainable, especially towards clothing and maintenance, if the deaf-mute is unable to live at home. Others are placed on farms after having taken a two-year course at a state agricultural colony.

For the assistance of the deaf in general two special offices have been opened with state support: the Trade and Advisory Bureau for the deaf and dumb, and the Trade and Advisory Bureau for the hard of hearing.¹

¹ The source of a large part of this information relative to Denmark was: Calvert, W.E., Translation from the Danish, Social-Denmark, Socialt Tidsskrift, Copenhagen, Denmark, 1945.

GREECE

Provisions for the care and treatment of handicapped and crippled children by the government of Greece are almost totally inadequate for a variety of reasons: lack of professional personnel; relatively large numbers of children needing help (their numbers having been increased to a considerable extent by damage done during the war); lack of physical facilities such as suitable buildings, equipment, etc.; and lack of funds to carry out the rather costly programs of treatment, education, training, and general care.

A certain amount of treatment has been given to crippled children in a recently established orthopaedic hospital in Athens under the auspices of the Near East Foundation. The waiting list for this hospital is long and discouraging.

Treatment and care of the handicapped is left almost entirely to private organizations such as the Church, the Red Cross and Greek War Relief Association. Some handicapped children are given care and whatever training and education might be available in state and local-government operated orphanages. A large number of these children, however, are left to their own or their parent's or guardian's devices, such as they may be, for protection, care, and instruction. Many are to be seen on the city streets begging for their living. These, it is reported, do not do badly because of the superstitious custom of not passing by such an unfortunate person without sharing with him a small portion of the substance of one's greater fortune, lest

similar misfortune should strike the donor.

The increase in nervous disorders among the children of Greece is alarming, even though it is to be expected. The reasons why, since the war, many children show signs of disordered nerves are numerous. During the occupation, some children of school age, starving, feeble, lacking clothes and boots, shivering from cold, did not attend school. Others did some sort of work to earn their living and many of those who attended school showed an inability to remember, weaker powers of concentration and less inclination to work. Furthermore, it should be borne in mind that when a child is continually experiencing hunger, cold, hardships, worries, suffering, etc, moral principles lose their meaning for him with the result that can be expected. When, for long periods, children have undergone the cruelest treatment, suffered the hardships of war, witnessed a total lack of respect shown for human life, often the uprooting of their families, it is not surprising that many of them manifest, as they do today, disorders of mind and body. It has, however, not been possible to ascertain the exact number of these cases among school-children.¹

ITALY

There appears to have been no fixed public responsibility for the care of mentally and physically handicapped children

¹ Adapted from: United Nations, Department of Social Affairs, Annual Report on Child and Youth Welfare, Lake Success, 1948, New York, pp. 124-129.

in Italy. As the ONMI was concerned only with protecting and developing "useful" citizens and those who could become healthy, productive members of society by the time they were 18 years of age, it provided care directly only for those mentally or physically handicapped children who were considered curable or capable of benefiting by education and training. This organization was required by law to care only for those who showed a capacity equal to more than fifty per cent of the normal average after a few years instruction. The basis on which such decisions were taken is unknown.

In the case of serious deficiencies or disabilities, the Provincial Federations or Communal Committees often assumed responsibility. These cases were usually referred to some charitable institution operated by private agencies for children of this type. If the child could not be admitted free of charge, the ONMI might request the assistance of the local groups or refer the case to the Prefect of the province. In the case of incurables they were likely to be placed in insane asylums without regard to their special needs.

The ONMI claimed to have developed special methods of training and protecting the handicapped, according to which the type of training given was adapted to the temperament, social environment and apparent capacity of each child. Although the child might be below the average in local public schools, the ONMI provided direct assistance as long as the child improved even slightly.

Mentally deficient children and children with handicaps such as crippling, mutilation, deaf-mutism, blindness, etc.,

are said to have been provided with special schools but it is doubtful whether the facilities were adequate to the need, since only 29 of these schools have been identified. One of these was the Gaetano Negri Centre in Milan, of which the government was particularly proud. This school housed 230 children in 1930. It offered education, including vocational training, medical treatment, surgery, hospitalization, special gymnastics, physiotherapy, and dental service.

The following were special schools for handicapped children: 10 schools for the blind at Bologna, Florence, Genoa, Naples, Padua, Regio Emilia, Rome, Trieste (not now a part of Italy) and Turin; 15 schools for the deaf and dumb at Bologna, Florence (2), Genoa, Turin (3, one of them agricultural), Venice (females) and Verona (males); Milan, Modena, Palermo, Rome, Siena, Trento (males only); and three schools for the feeble-minded and mentally abnormal at Florence and Turin (2).

In 1940, 2,975 persons including children, are said to have benefitted from institutions for the deaf, dumb, and blind.¹

Generally, due to the disorganization caused by the war and the subsequent occupation of Italy by the Allies, together with the flooding of the country by foreign as well as Italian displaced persons, the treatment of handicapped children in institutions such as those mentioned above has not been re-established at the same scale that was achieved before the

¹ UNRRA: European Regional Office (Welfare Division), Italy: Welfare Services, TWE/E45/ Studies 5, 1945.

war. Today the protection, care and treatment of the handicapped child in Italy is largely dependent upon regional interest. Comments by persons who have recently visited some of these institutions indicate that treatment on any scientific basis is practically unknown.

COMPARISON BETWEEN NATIONS

In this area of child protection and care, as in those covered in previous chapters, a vast difference is to be noted in the standards of legislation and practice between Italy and Greece on the one hand and the United States, Canada and Denmark on the other. It would seem almost a valid criterion of the quality and scope of the measures taken for the protection of the children to use the volume and detail of information regarding care and protection of children as a measurement of the degree of responsibility taken by each nation. Thus we would have the United States and Denmark contending for the place of first among the five nations, Canada following, and Italy and Greece lagging far behind. From the description and information at hand, Canada has to a great extent followed in the footsteps of the United States, profiting by the mistakes and successes of that country. The magnitude of the work done by private agencies in the United States is far greater in proportion to the population than in Canada. The amount of governmental funds appropriated and expended per capita is slightly higher in the United States than in Canada. The eyes of interested Canadian people are continuously focused

upon experiments in the treatment of handicapped and crippled children taking place in the United States, which has become the proving ground for new methods in the field of prevention as well as treatment. Due to a different form of government, and difference in structure of the constitution it has not been as easy for Canada to regulate provincial programs from a national level, as it has been for the federal government of the United States to regulate and influence State programs.

The role of the social worker in the United States is definitely concerned with the care, treatment, and prevention of crippling conditions among children as well as with their social affairs, particularly those of welfare for handicapped children. It has been said that the trend in the United States is toward administration of the treatment of handicapped and crippled children by medical agencies rather than welfare departments and other commissions. In Canada the social worker and welfare departments are not directly concerned with the administration of programs favouring these children.

Whereas the United States and Canada have more or less separated the care and treatment of the handicapped children from programs concerned with crippled children, Denmark has by law and rule drawn the two together under one system, known as the Special Care system. Like the United States but unlike Canada, it has made good use of its social workers in the finding of both handicapped and crippled children as

well as their supervision in certain instances. Denmark is fortunate in that it is a small country, and is not handicapped by large geographical areas, which are difficult to manage under a federal system. It has, therefore, a very closely knit, smoothly operating, efficiently organized federal control over all phases of the program involving the special treatment of its children who are handicapped or crippled. The costs to the government of Denmark are similar to those of the United States for the institutionalization and out-patient care of persons benefiting from its program for the aid of handicapped and crippled children. Upon analysis, although the methods are to some extent different, the services rendered are quite similar to those of the United States. Both of these countries indulge in the use of out-patient service to a far greater extent than Canada, where institutional care, particularly for the handicapped is the general rule.

Due to the effects of the war, both Greece and Italy show very low standards in the protection, care and treatment of handicapped and crippled children. Both countries are so preoccupied with their baffling and discouraging milieu of strife, deprivation, and straitened economical circumstances that these problems become just another straw in the haystack. Although in neither country are modern methods used, nor are facilities in anyway adequate to meet the existing problems presented by crippled and handicapped children, Italy appears to have gone farther in the preparation for

institutional care, as well as providing means by law, than has Greece. Both countries are in desperate need of greater outside assistance and advice in order that they might build from what they have or strengthen existing plans to meet the basic needs of these children. Both countries are benefiting to some extent both directly and indirectly from private international agencies and foundations, but the efforts of these bodies is only sufficient to scratch the surface of need.

CHAPTER VI

STATE GRANTS TO DEPENDENT CHILDREN

It has been recognized for many years by several nations that some children without sufficient means of parental support are a responsibility of the state. Such nations, have, therefore, made legislative provision for the financial, institutional, foster parent, and other care of these children. These may be, and have been in some cases, classified as dependent children. Some nations, such as Canada and Italy have gone a step further in their assumption of responsibility, providing grants for all children who can qualify as residents and citizens of that nation. It appears that these nations have in this way attempted to circumvent the recognized need for payment of supplemental wages to employed persons with dependent children rather than to meet specifically the needs of children dependent upon the state or to supplement other grants made to such dependent children. While some nations have dealt with this in the above manner, other nations have met the problem in different ways. Greece, for example, taxes bachelors. The United States uses the income tax, imposing a higher rate upon persons with fewer dependents. Only such methods as those used in Canada, which involve direct payment by the government for the children of that country will be discussed here to any extent.

In considering economic security, it must be borne in mind that many services and resources may be available to

the children of a country which have the effect of supplementation to state grants in the financial support of the child. Some of these extra resources will be touched upon briefly in order that each national situation may be presented more clearly.

THE UNITED STATES

The United States, being in greater affluence than other countries studied, has had greater opportunity to meet more adequately the total economic needs of its dependent children. Supplemental services extended to children in need of economic assistance are on a relatively high level. Although it cannot be said that all dependent children are being adequately provided for in all parts of the United States, resources of one sort or another are usually provided to relieve their financial distress. Chief among these resources are the programs for aid to dependent children which are in operation in all States.

Federal Legislation

Embodied within the Federal Social Security Act is the provision under Title IV which extends financial assistance from joint Federal-State funds to dependent children.

Those Who May Receive Grants

Children who may receive aid in the United States are described in the Federal Act as follows:

"The term 'dependent child' means a needy child under the age of sixteen, or under the age of eighteen if

found by the State agency to be regularly attending school, who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, or aunt, in a place of residence maintained by one or more of such relatives as his or their own home.¹

Amount of Grant: Portion of Federal Government

The Federal Government's portion of grants made by the State is three-fourths of the first twelve dollars and one-half of the balance, this being computed on the basis of payments of twenty-seven dollars for one child and eighteen dollars for each additional child in the family. The computations are not made by the States for each individual family but on the overall basis. Therefore, because some families' needs are lower than the twenty-seven dollars and eighteen dollars, and some are greater, the State may pay the required amounts and still receive matching Federal money for both, if all grants together average no more than the twenty-seven dollars and eighteen dollars.

Extent of Grants

More than a million children in nearly 400,000 families were receiving ADC grants in the United States in June, 1947. The children on the rolls comprised 23 per 1000 of the total

¹ Social Security Act, Title IV, Sec. 406 (a), p. 35.

population under 18 years of age. In Oklahoma the rate was nearly four times, and in Missouri and New Mexico approximately twice the national rate. On the other hand, in Delaware and New Jersey, both highly industrial States, the rates were less than half that for the United States as a whole.

In addition to ADC grants, a Federal-State social insurance program, known as "Old Age and Survivor's Benefits", has added to the total source of income of dependent children. In June 1947 the number of children receiving benefits under old-age and survivors' insurance, exceeded the number receiving Aid to Dependent Children grants under State-Federal programs in California, Delaware, New Jersey, and Ohio. In contrast, in twenty-four other States the number of child beneficiaries of this social insurance plan was less than half the number of recipients of aid to dependent children in these States. These data understate the extent to which the insurance program is replacing the assistance program as a major resource for survivor children, since fewer than half the children receiving aid to dependent children are orphans. Variations from State to State in the concentration of industrial and commercial workers, and hence in the number of children protected under the insurance program, account in part for State differences in the proportion of the child population receiving aid to dependent children. On the other hand, it should be pointed out that the insurance benefite, in the absence of other income, are insuffic-

ient to meet minimum needs of child beneficiaries. The increased cost of living since the war's end has made it necessary for a growing number of beneficiary families to apply for supplementary assistance under the aid to dependent children program.

Assistance paid to dependent children in the country as a whole averaged \$61.68 per family in June, 1947. In two States with high per capita incomes, California and Washington, the average monthly payment for each family was \$100 or more. In five other States, payments averaged from \$90 to \$99 per family. In sharp contrast, Mississippi, South Carolina, and West Virginia made payments averaging less than \$30 to a family, and eleven States made average payments of \$30 to \$39.

While these figures represent some real geographical differences they are not fully representative, since the number of children aided per family varies from State to State. In June, 1947 the number of children assisted was 2.6 per family in the country as a whole, and ranged from 3.0 in the District of Columbia and Hawaii, to 2.3 in New York. The average amount of assistance per child reflects more satisfactorily the differences of standards and incomes among States. In June, 1947 the national average monthly rate of assistance per child was \$24.21. States averages ranged from about \$43 to a little less than ten dollars or more; in fourteen States it was under fifteen dollars.¹

¹ Annual Report of the Federal Security Administration, 1947, Section I, Washington, 1948, Federal Security Agency.

With one exception, (Nevada), all States, the District of Columbia and Alaska participate in the Federal Social Security Act, Title IV.

How Grants are Made

In all States, grants are paid by cheque mailed to the parent or guardian of the dependent child. The amount of this cheque is that amount which the caseworker has been able to establish as the need of the child or of the child and his parent or guardian; or, if the need is more than the State maximum allowable, (in those States which have established maximums), the cheque is for the amount of the allowable maximum. It is usually not possible to differentiate these cheques from others issued by the State, or one of its political subdivisions for other purposes. As a result, recipients of public assistance in this category may not easily be distinguished by those cashing their cheques.

Methods of Determination

Need is determined by a social worker, usually at the time of a visit to the applicant's home. A budget method is used, varying from State to State. Some States use a system by which, as mentioned above, a maximum is established beyond which no grant may go, maximums varying upward as the number of dependent children in the family increase. Some States use a minimum system of budgeting. This being the case, each item of expense allowable has had a minimum established. When actual expenses are below this set minimum

the minimum figure is used in the computation of need rather than the actual expense. In still other States, a partial minimum system is used. In these areas minimums are set for part of the allowed expenses while actual expense figures are used in other allowed items of expense. Some States have a combination of the maximum and minimum or partial minimum systems in operation. This contributes to the variations of grants between the States as has been noted.

DENMARK

Grants are made in Denmark to needy orphans, children of widows and of widowers. On the grounds that in many cases a widow will be in great need of help for the care of her children, Danish legislation since 1913 has conferred upon widows without means the right to an annual public grant for the support of their offspring.

Amount of Grant

The contributions (in 1944) amounted to 420 kr. (about \$120) per annum per child in the capital, 360 kr. (approximately \$100) in the other towns and 300 kr. (approximately \$84) in the rural areas, and payment of the full amount is restricted to those widows whose income does not exceed the amounts of 2,740 kr. (\$767), 2,325 kr. (\$650) and 1,825 kr. (\$510) always provided that the child has no income or capital of its own sufficient for its proper maintenance. The widow must also satisfy certain personal conditions. These contributions are without obligation or legal effects on the

widow or the child, and they are paid until the child reaches the age of eighteen, though as a rule they are halved at the age of fourteen, and indeed, may even be reduced by half before then if the greater part of its maintenance can be paid for from the child's own income.

According to the same principles, contributions may also be paid to widowers to help towards the support of their children.

Finally, when a widow or a widower dies and leaves children under the age of eighteen unprovided for, a person taking these orphans into his care is entitled, regardless of his income, to a public annual grants of 630 kr. (\$176) in the capital, 540 kr. (\$157) in the other towns and 450 kr. (\$125) in the rural areas.

Payment of grants for children of widows and for orphans does not depend upon the state of need in each case. In this sphere the Public Assistance Act is based on the principle of right, so that when the conditions stipulated in the act are satisfied, the person entitled to the money receives it wholly or in part according to whether personal income lies under or over the limits fixed by the act.¹

How Grants are Made

The rules concerning contributions to widowed or single breadwinners were framed for the purpose of ensuring that the money is paid to the person providing for and living with the child. But in addition, the public is of course inter-

¹ Much of this information has been taken from: W.E. Calvert trans., Social Denmark, Socialt Tidsskrift, Copenhagen, Denmark, 1945 pp. 136-144.

ested in seeing that the contributions are employed for the benefit of the child. In order to make sure of this, all children to whose support the public contributes are included under the supervisory program administered by the Child Welfare Committee.

Advance contributions are normally paid half yearly, but if the commune considers that it will be an advantage to the child, it can decide to pay monthly. If the Child Welfare Committee receives a report from the inspector that the advances are not being used in the best interests of the child, it can instruct the recipient as to their proper use. If these instructions are not complied with, the Committee can draw the contributions and pay it out in small installments or apply it for the child's benefit itself.

ITALY

As Italy today provides no effective grants-in-aid to children on a national scale, its national rating is nil when an attempt is made to compare the Italian program with those of the other nations studied. However, the economic needs of children are met to some extent by various groups and agencies both of Italian and international origin. The assistance given children in Italy by these groups and agencies is mostly limited to aid of other kinds than that of money. Some provide food, some clothing, some institutional care, some education in the nature of vocational training, etc.

Minors who are in a "state of misery and who have no relatives obliged by law to support them" are provided with

an order for commitment to an institution by the Minister of the Interior. To apply for assistance under this rule, the child, or anyone else in his behalf, must submit identifying information to the Ministry of the Interior,, (Prefect's Office).

The National Office of Maternal and Child Welfare has responsibility for general health and welfare services for needy mothers and for needy children under six years of age. However, the amount of funds to carry out this responsibility has been exceedingly small since World War II and has not allowed for a program of money grants to needy dependent children.

GREECE

The term "needy dependent children," if applied to the Greek situation, should be used in the broadest sense, owing to wide-spread poverty, and conditions within the country which have created situations of need and dependency that are not factors of importance or concern in normal society. There is need in Greece for assistance to children whose parents have no means of supporting them; children who are dependent although their parents are still living and are not separated from them. The numbers of orphans, both full and half, have been swollen as a result of World War II and the present civil war. Programs now in effect attempt to help these children in institutions and in "children's towns". Lack of funds and supplies are always a serious handicap in these efforts.

Determination of Need:

During the years of 1945 and 1946, the chief problems confronting the Welfare Centers was the determination of need, the organization of the Parish Committees, the establishment of the various programs under the direction of the Ministry of Social Welfare, and the training of personnel. At the end of this period, these tasks had, for the most part been completed and the programs, including a child welfare plan, had been put into operation. Welfare Center lists of unprotected children were being used by all relief-giving agencies which had been recognized by the government. Due to the poverty of the masses of people in Greece, these lists were quite long and the standards of the means-tests were extremely low in comparison with the United States, Canada, and Denmark. The first standard used in the means-test was, for example, one-fourth and under, of the amount necessary to purchase the required food to satisfactorily sustain the members of the household. Later this was increased to one-half the amount required to purchase the necessary food. On the low standard, approximately thirty-three per cent of the total population were found to be indigent and on the higher standard, nearly fifty per cent were found to be eligible for public assistance. It was estimated that if the standard of one-hundred per cent were used that nearly ninety per cent of the total population would be defined as indigent. Children from these families of eligibles were those considered as eligible for assistance in various child welfare programs.

Extent of Grants

Due to the Civil War in Greece and the diversion of funds and energies to resistance of the forces opposing the government, progress has been almost completely arrested in the application of the legislation for public assistance to children in economic need. As the structure for carrying out this assistance still exists, it is anticipated that the program will be firmly established with outside help when peace again comes to this country. The existing plans, functioning with very limited means, serve to meet only part of the needs of some of the children.

There are no statistics available which would indicate the exact number of children assisted or the extent to which their needs are met. It will suffice to say that the needs are very great and that the present program is administered with the prayer that the help given will preserve life until it will be possible to consider the finer points of child care and protection.

CANADA

Canada, as well as other countries, has more than one law which bears upon the relief of economic insecurity of children. The nation has recognized through the Dominion Family Allowances Act that families with children are at a disadvantage as compared with childless or dependentless families when considering the general demands made upon the income of breadwinners. These grants must be considered as a supplemental resource to dependent children. Supple-

mental grants are also made in certain cases to dependent children through Mother's Allowances Acts and other similar legislation on the Provincial level. Other plans which might benefit children in need in some instances, and in an indirect manner, are Industrial Accident provisions and Unemployment insurance. As the latter plans are not directly or specifically directed toward protection of children, and as the protection afforded to children through the application of these plans is incidental rather than of regular importance, they are not considered major contributions to the protection of children against economic need.

Some provinces, in addition to the above, have still a further method of supplementation. These, as in British Columbia, are Social Assistance measures. Generally speaking, these measures may be supplementary only in special needs, e.g. those for tuberculosis and other special medical aid cases.

The Federal Act of Canada known as the Family Allowances Act, which is mentioned above, makes it possible from Federal Government funds to grant to children, who are under 16 years of age and who can qualify as residents and citizens, the following sums on a monthly basis:

0 to 6 years of age.....	\$5.00
6 to 10 years of age.....	\$6.00
10 to 13 years of age.....	\$7.00
13 to 18 years of age.....	\$8.00

As grants to dependent children are not provided for by

National government legislation, but by the legislation of each province separately the operations in this field may best be demonstrated by consideration of the similarities and differences between provinces.

Manitoba was the first to enact legislation providing grants to mothers who were widowed or for other reasons were without means of support, in 1916. Five other provinces followed with similar legislation between 1917 and 1920. The Nova Scotia and Quebec Acts came into effect in 1930 and 1938 respectively. A New Brunswick statute of 1930, proclaimed in effect in 1943, was replaced by a new Act in 1944.¹

Except in Alberta, where twenty-five per cent of an allowance is borne by the municipality, the whole cost is provided from provincial funds. In Quebec, not more than five per cent of the amount of the allowances paid may be imposed on municipalities but no levy had been made under this provision.

Eligibility

Each Act stipulates that an applicant must be a resident of the province and, except in Alberta, have resided there for a certain period. Alberta merely requires that the husband should have had his home in the province at the time of his death, committal to an institution or desertion of his wife. In New Brunswick an allowance was paid for the child of a member of the Forces during the Second World War if such a member resided in the Province when he enlisted and

¹ This material was adapted from the Danada Year Book for 1947.

the child was resident there.

Each Act stipulates that the mother must be a "fit and proper Person". Allowances are paid to mothers of one or more children, except in Manitoba and Nova Scotia, where one child may benefit only if the mother is incapacitated. Provision is made in every province for at least some of the following cases: widows, deserted wives and those who are legally separated from their husbands or divorced, and wives of husbands who are mentally incapacitated, permanently disabled, in a sanatorium for tuberculosis or in a penal institution.

In most provinces foster-mothers of children whose parents are dead or disabled are also eligible. In some provinces, legally adopted children and children of unmarried mothers are also eligible under certain conditions. With two exceptions, the applicant or her child must be a British subject. The age-limit for children is usually sixteen although in several provinces it may be extended to eighteen years under certain circumstances.

Amount of Grants

Rates of benefit vary considerably from province to province. In some provinces, the maximum rates are determined by statute while in others the administrative authority fixes the rate. In all provinces, except Ontario, Quebec and British Columbia, there is a stipulated maximum amount that may be paid out to any family. In some provinces provision is made for winter fuel and emergency

assistance where need is evidenced. During 1946 the average monthly amount paid per family ranged from \$33.21 in Quebec to \$61 in Manitoba. Nova Scotia paid an average monthly amount of \$50.35, British Columbia \$46.28 and Ontario \$42.81 while the other provinces paid approximately \$37.00 monthly per family. The higher monthly averages in Manitoba and Nova Scotia are accounted for in part, at least, by the fact that legislation in these provinces excludes one-child cases except under certain circumstances.¹

Extent of Grants

In 1946, Nova Scotia assisted 1,615 families with 4,474 children; New Brunswick assisted 1,207 families with 3,308 children; Quebec assisted 13,685 families with 41,055 children; Ontario assisted 8,092 families with 15,976 children; Manitoba assisted 613 families with 1,835 children; Saskatchewan assisted 2,117 families with 4,992 children; Alberta assisted 1,559 families with 3,275 children; and British Columbia assisted 905 families with 2,132 children.

COMPARISONS BETWEEN NATIONS

Denmark outranks the other nations in the matter of the extent of its assistance to dependent children in need of economic aid. The legislation of Denmark emphasizes that it is the community's duty to help the mother with her children. By the extensive use of local committees this duty has

¹ Adapted from Annual Report on Child and Youth Welfare, Lake Success, New York, United Nations Publications, 1948, IV.6, pp. 62-63.

become more of a personal trust in the eyes of each citizen. The legislation of the United States and Canada provide the means by which help may be obtained. The application for assistance is a right of the mother, and if she wishes to exercise this right and is found to qualify in accordance with the rules of eligibility she may receive aid. Greece and Italy lag far behind due to lack of funds. It is estimated that the one is about as far behind as the other because neither nation provides money grants to needy children at present. However, Greece has a better organizational structure with which to carry out a program if outside help were given for this purpose.

In the amount granted toward meeting the dependent child's total needs, the present Federal laws of the United States provide for considerable liberality on the parts of the several States. Existing plans and proposals indicate even greater leeway. Denmark compares favourably in this consideration owing to the manner in which it establishes eligibility due to need. Canada still uses the maximum budget system which is overly restrictive when considering the meeting of needs of children. While Greece has, among the five nations the greatest percentage of children in extreme need of financial assistance, it also has the greatest amount of outside help.

In Denmark, Canada and the United States, legislation and practice are closely drawn together. It would be a very difficult task to prove which of these three nations

outranks the others in this matter. Minor differences between the established law and the practice do appear because of interpretation, by reason of special circumstances in certain cases and even because of the need for amendments and repeals. In most cases where differences have been found practice is usually ahead of the law and tends to point the way for better legislation. Greece and Italy experience vast differences between legislation and practice. In Italy this is true mainly because of lack of funds but partly because of incomplete legislative remodeling since the war. In Greece the greatest difficulty is presented by civil war and lack of ability to reach areas where needy children exist. Legislation has not presumed a normal society, but has been overhauled since 1944.

CHAPTER VII

COMPARISON WITH INTERNATIONAL STANDARDS

A small but significant portion of the laws and practices of five nations have now been described. To some extent, the comparison of these reflect fundamental differences between countries in their economic and social resources. It is possible, however, to measure the laws and practices of the five nations against international standards. As suggested in Chapter I, standards and principles, which have been warmly accepted in the past, are today considered outmoded and insufficient. The work of redrafting these principles and standards has not yet been completed. However, it is reasonable to select portions of those principles and standards which have, thus far, been proposed for adoption by the United Nations as that organization's charter of the rights of children. It seems likely that the United Nations special Commission for the study of these proposals will consider them as having real value as international measuring sticks for each nation when their provisions for the care and protection of children come up for review.

EVALUATION OF PROVISIONS FOR ADMINISTRATION

Criterion: A nation should provide for a national child welfare department or agency, one of the responsibilities of which will be the administration of a program for the pro-

tection of dependent children against economic need.

CANADA provides grants to all children under eighteen years of age on a federal plan. These grants are not intended to meet subsistence needs but to supplement earnings of heads of households to compensate for increased cost of supporting families with children. Although these grants are not limited to dependent children, they do supplement the income of families with dependent children. In this way they become national grants available for the protection of dependent children against economic need. Other schemes for granting assistance to needy dependent children are not administered from the national but the provincial level.

Each province except one has provided for grants to dependent children by law which is closely followed through by practice.

THE UNITED STATES complies with this criterion in that it has national agency administration of grants to dependent children. This administration is an indirect one providing grants-in-aid to the several States which have placed the administration of the plan in the responsible hands of a single State agency in each State. By virtue of the fact that the United States program for Aid to Dependent Children is a Federal-State cooperative plan, it can be said to comply with the requirements for national administration. Grants made to children under this plan are extended to families with dependent children in all States except one, where the State plan does not make use of the opportunity

of federal cooperation.

DENMARK provides grants to needy orphans, and the children of widows and widowers, under a national law. Although the plan is a national one, it is administered locally, with national control maintained only in cases where questions have arisen and appeals are made to national boards or courts. Denmark's plan, therefore, cannot be said to comply completely with the criterion that administration should be by a national agency or department. Nevertheless, it comes very close to compliance, due to the fact that the program is national in character through practice and law. A national regulatory body has been provided, but national administration has not.

ITALY complies with the criterion by the provision of a national agency, the ONMI, vested with the authority and responsibility for the protection of dependent children against economic need. If adequate funds were available, it is conceivable that this agency, with some strengthening reorganization, could carry out the responsibilities given it.

GREECE, with its organization under the administration of the Ministry of Welfare, including a plan for the protection of dependent children against economic need, complies with the criterion requiring a national department or agency. Here, as in Italy, the funds requisite to the satisfactory functioning of the plan are lacking.

EVALUATION FOR CHILD LABOUR REGULATIONS

C riterion: Minimum age set at sixteen years in any employment in a factory, sixteen in any employment during school hours, fourteen in non-factory employment outside school hours.

Those nations complying with this standard are: Canada, except for agricultural work for which no age limit is set, and twenty-eight of the States in the United States. Denmark and Italy fall short of the minimum age requirement by two years and Greecy by four years.

Criterion: Minimum age of eighteen years in a considerable number of hazardous occupations.

None of the five countries maintain of provide this standard by law.

Criterion: Maximum of not more than eight hours daily employment for minors under eighteen years of age.

In the United States fourteen States comply for both sexes and seven States provide this maximum for daily hours for girls only. Denmark complies for some trades but not for others. Italy provides for a weekly maximum of forty hours but not a maximum for daily hours for this age group. In Canada most provinces provide for an eight hour day for all ages. Greece provides a maximum of ten hours for children under eighteen and of six hours for children under fourteen.

Criterion: Thirteen hours night work prohibited for minors under sixteen in any gainful occupation.

Eleven States in the United States include this as a provision of their law. Denmark's rules do not comply with this standard except for certain trades which are treated separately. In Canada, all provinces provide that some hours are prohibited for children doing night work but none measure up to this criterion. Italian legislation fails to prohibit nightly hours in this number and Greece's provisions prohibit children under eighteen from employment in factories, construction work and shops between 9 P.M. and 5 A.M.

EVALUATION OF PROVISIONS FOR COMPULSORY EDUCATION

Criterion: The child must receive a training which will enable him at the right time to earn a livelihood.

Greece requires attendance at school for six years starting at the age of seven. Italy provides for compulsory school attendance between the ages of six and fourteen years. Canada requires children to attend school from six to fourteen in four provinces, to sixteen in one province and to fifteen in the remaining four provinces. State laws of the United States provide for compulsory school attendance between seven and sixteen years of age in twenty-four States, between eight and sixteen in nine States, and between eight and eighteen in three States. It is the usual practice for children to start to school at the age of six. Denmark requires school attendance between the ages of

seven and fourteen years.

In practice the law of Greece fails in many instances to be enforced, and the resultant high degree of illiteracy is an obvious handicap to the child who must earn a livelihood later. The same situation exists in Italy.

The strict enforcement of the laws in Denmark is shown by the extremely low rate of illiteracy. The laws of Canada and the United States are relatively well enforced, bringing about a basis for the compliance with this criterion.

EVALUATION OF PROVISIONS FOR ADOPTION

C riterion: The child must be protected within the framework of the family unit and according to the requirements of social security...the orphan and waif must be sheltered and succoured.

The laws of all five countries provide for the adoption by one or more persons of the offspring of another. These laws make possible the provision of a home within a family unit for children who otherwise might not have such a home. Therefore it may be said that all five countries meet this standard. The facility and degree of widespread use of these laws, the stipulations within the laws which made for a normal home environment, and the legal effects that are created for the child who is adopted, are all factors which must be measured before a true comparison of the nations' provisions with this criterion may be completed.

It has been pointed out, for example, that in the United States, Canada and Denmark, provision has been made

for an investigation of the homes of adopting persons and their suitability as adopting parents, prior to the adoption decree or order. Such protective measures are not provided for in Greece or Italy.

It appears unlikely that a "normal home situation" could be provided for an infant who is adopted in Greece or Italy, by a person who must be fifty years of age or over.

Italian law makes it possible for an adopted child to retain legal responsibilities or rights tying him to both his adopted parents and his natural parents. In the other countries complete severance from his own parents and family takes place, except for the provision in most instances of the right to inherit from his natural parents.

Greek and Italian law limits the use of the practice of adoption by the stipulation that only persons having no children of their own may adopt. It further limits use of the practice by preventing the adoption of more than one child by adopting parents unless more than one are adopted at the same time.

Canada, the United States and Denmark all provide for the adoption of more than one child in the belief that this practice is conducive to the normal development of the child. Their limitations as to the differences in ages between the adopter and adopted are such that the age ranges within the family unit are more likely to approximate a normal family.

EVALUATION OF PROVISIONS FOR THE PROTECTION AND CARE OF CRIPPLED AND HANDICAPPED CHILDREN

Criterion: The child must be given the means requisite for its normal development, both materially and spilitually.

The institutional form of care and treatment for handicapped and crippled children is the usual practice in the countries studied. The United States seems to be most outstanding in experimenting in other forms of treatment. It is doubtful that the means requisite for their normal development are provided in any country to the greatest extent possible.

Recent achievements through experimentation with various types of treatment, indicate that at least a portion of the children given care and training in institutions might benefit to a greater degree from treatment, care and training within the environment of the normal home. The national program of child welfare in the United States which includes a plan for crippled children is outstanding among nations for programs of this kind. This program is noteworthy particularly from the standpoint of its finding service as well as for the ultimate combining of diagnostic, medical and surgical treatment, nursing, and social work services. No other country studied appears to have approached the problem of care and treatment of crippled children by the uniting of available resources such as has been done in the United States.

Denmark also approaches the fulfillment of the requirements of this standard. Teachers and medical practitioners are required by law to report all cases of crippling conditions within certain categories. The Danish law also provides for medical and surgical treatment of these conditions.

In Canada crippled children are benefitted through treatment and services provided by private agencies, clubs and organizations.

To a small extent Italian handicapped children are given treatment by church organizations, the National Office of Hygiene and the Provincial Anti-Tubercular Association (Conzorzio Provinciale Anti-Tuberculare).

Greece provides for institutional care of handicapped children to a small extent in comparison with the need, and private organizations render a relatively small amount of treatment to handicapped children. It may therefore be said that none of the nations studied measure up completely to this standard, but that the United States and Denmark most nearly comply. Canada follows, having a greater number of improvements to make before compliance is obtained; and that Greece and Italy will require considerable review and strengthening of their programs for the care, treatment and training of this category of children.

In all countries, to one extent or another, training is given to those children in care due to handicaps, such as deafness, deaf-mutism, and blindness. As pointed out in the preceding paragraphs, the extent of care given handicapped children is greater in the countries of Canada, Denmark and the United States. In these three countries a great deal of attention has been placed upon the training of children with these handicaps. It is significant that institutions in all of these countries are administered by Depart-

ments of Education. Not only does the handicapped child receive a training which helps him to earn a livelihood, but organizations of a national non-governmental character have been formed in these three countries, which have assumed a responsibility for the placement of handicapped persons in certain positions of work in which they may more easily adapt themselves.

Both Greece and Italy are more in arrears in providing training than they are in providing care. Modern methods of training or of treatment are practically unknown in Italy, and Greece finds training programs costly, requiring specialized personnel and other facilities, which they are not in a position to provide.

Programs for the care and treatment of crippled children in Canada, Denmark, and the United States generally leave the training of these children to the normal educational system. Treatment is usually carried out over relatively short periods of time, allowing after care to take place in the home under the supervision of trained personnel.

Criterion: Preventive as preferable or complementary to curative care.

All nations carry out preventive programs of one sort or another. Notable among other efforts are those of the large private organizations of a national character in the United States and Canada such as are dedicated to the search for preventive measures and treatment of poliomyelities. Many other large organizations, particularly within the

United States, are dedicated to similar tasks related to other crippling diseases. Statutes and labour laws in both countries are geared to the prevention of industrial accidents or labour conditions which might cause crippling of workers of all age groups.

In Denmark emphasis is also placed upon prevention, and the labour laws assist in the avoidance of labour conditions which might lead to crippling accidents.

In Greece a great deal of interest has been displayed in providing children with a summer holiday as a preventive measure for handicapping and crippling conditions. It has been found that conditions causing trachoma, malnutrition, tuberculosis, and general deprivation causing debility may be controlled more easily when underprivileged children are given a period in special camps in the country, during the summer.

In Italy a program for the prevention of handicapping and crippling of children would have nearly virgin soil on which to begin its work.

Criterion: Non-discrimination as to race, sex, political affiliation, creed, etc.

National legislation and provisions for programs of care and protection for handicapped and crippled children in all countries studied, is directed toward non-discrimination. However, in practice, the evidence infers some discrimination as to race, particularly in the United States, and to political affiliation in Greece. It is quite likely that some discrimination does exist either through the weakness

of the law or the bias of those who enforce or carry out the intention of the law. The situation in all countries could be reviewed with profit under this criterion.

Criterion: The child that is physically or mentally handicapped must be helped.

The writer feels upon review of the information turned to light during this study that added emphasis should be placed upon this criterion and that if it were to be restated the word "must" should be emphasized to an even greater extent. Throughout the entire study it has been demonstrated that the three countries; Canada, the United States and Denmark, more nearly fulfill the requirements of those international standards set down here, and that Greece and Italy are inadequate in almost every case.

Due to the interest displayed, resulting in far-reaching programs dealing with handicapped and crippled children, it appears that Canada, the United States, and Denmark have for some time been imbued with the meaning of this criterion; and that Greece and Italy are so overwhelmed with indeterminate numbers of "musts" that they cannot decide which one to act upon first.

EVALUATION OF GRANTS TO DEPENDENT CHILDREN

Criterion: The assurance of protection, in so far as possible within the framework of the family unit and according to the requirements of social security.

Italy and Greece, because of the almost complete lack

of a functioning program, do not measure up to this standard. The provisions and requirements set down in their laws indicate the desirability of rendering assistance in such a manner that the child will be maintained in his own home. In fact one purpose or intent of the law is to avoid the break-up of families which might occur as a result of economic need, or inability of parents to provide for their children due to lack of finances.

Canadian, Danish and United States laws also contain statements relating to the application of grants to maintain dependent children in their own homes. The Danish law at the present time limits grants to widows and widowers with dependent children and to orphans who may be maintained in the homes of persons selected by the Child Welfare Committee. The history of grants to dependent children in both Canada and the United States indicates that grants in these countries were first made to widows with dependent children by reason of death of their husbands, or by reason of desertion or divorce. In some cases grants were made to mothers with children who were dependent because of the mental or physical illness of the father. The purpose of these grants was to enable the mothers to maintain their children by the substitution of a State or County grant (Provincial or Municipal in the case of Canada) for a portion of the husband's earnings. Present laws and practices of these countries have added persons other than mothers, such as father, brother, sister, grandparents, as persons eligible to receive grants for dependent children, in order to maintain them in

their own homes. In principle, therefore, Denmark, Canada and the United States compare favourably in law and in practice to this standard.

When it becomes possible for the United Nations to complete the study of the provisions for the new "Children's Charter" and to evaluate the laws of all member countries in terms of this charter, a great step forward will have been taken. Much work, however, will still remain to be completed. The raising of national standards, and therefore world standards of child welfare is a tremendous task which emphatically needs doing. We cannot have a normal world until we have a "normal society". Where else is it better to begin the development of these than with the application of our best knowledge about child welfare?

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