

1922

Year

547

Chapter

*Part I*

The New York State Library  
Legislative Reference Section  
Albany, N. Y.

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Bill Jacket Collection

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Date 8/21/58  
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# IN SENATE,

F

Introduced by Mr. WALTON—read twice and ordered  
and when printed to be committed to the Committee on  
Judiciary—committee discharged, said bill amended, ordered  
reprinted as amended, and when reprinted to be recommitted  
to said committee—committee discharged, said bill amended,  
ordered reprinted as amended, and when reprinted to be recom-  
mitted to said committee—committee discharged, said bill  
amended, ordered reprinted as amended, and when reprinted  
to be recommitted to said committee.

## AN ACT

Establishing children's courts, defining their jurisdiction,  
power and duties, and regulating procedure therein.

Notes

*Jurats and Enacting Clause* ✓

Compared by

*Kelley Hogan*  
*Potts*



State of New York

In Senate

MAR 15 1922

Ordered, That the Clerk deliver the bill entitled

**AN ACT**

Establishing children's courts, defining their jurisdiction,  
power and duties, and regulating procedure therein.

to the Assembly and request their concurrence in  
the same.

By order,

ERNEST A. FAY,

Clerk.

Form No. 75

IN ASSEMBLY

MAR 16 1922

Passed without Amendments  
By order of Assembly

*Fred W. Hammond*

CLERK

CHAMBERS  
OF  
STEBEN COUNTY JUDGE

COHOCTON, N. Y., April, 6th., 1922. 102

Hon., Nathan, D. Miller, Governor of the State of New York,  
Albany,  
N.Y.

My Dear Governor:-

I am very much interested in the "Children's Court" bill, which is before you for consideration.

I believe this should become a law; while there seems to be some imperfections in it as passed, they are of minor consequence to the importance of the bill, and can be easily remedied at the next session if desired.

As the law itself does not become effective until November 1st., next, it would not be a long interval until such changes in the law might be made to make it more effective, and in the meantime it would give the county judges an opportunity to familiarize themselves with the proposed operation of the law so that there would be no great delay in putting it into operation.

Very sincerely yours,



MRS. HERBERT BARTHOLOMEW, Secretary  
Whitehall

MRS. PRESTON PARIS, President  
Hudson Falls

MR. H. L. BROUGHTON, Treasurer  
Hudson Falls

AGENCY FOR DEPENDENT CHILDREN  
WASHINGTON COUNTY COMMITTEE  
OF THE  
STATE CHARITIES AID ASSOCIATION  
MRS. HELEN COMPTON, AGENT  
OFFICE: COURT HOUSE, HUDSON FALLS, N. Y.

April 6<sup>th</sup> 1922.

Governor Nathan L. Miller -

Dear Sir.

Our committee desires to  
inclose the juvenile court bill as  
passed by the Legislature, and  
hopes that it meets with your  
approval.

Yours sincerely

G. K. Paris.

(Pres.)



SPEAKERS IN SUPPORT OF WALTON CHILDREN'S  
COURT BILL

Senator Charles W. Walton

Hon. ~~HOWE~~ W. Fitch, County Judge, Ontario

Irving I. Goldsmith, Esq., Saratoga Spgs., President, Board of  
Child Welfare

Mr Nathaniel J. Walker, representing State's Societies for  
Prevention of Cruelty to Children

Mr Bailey Barritt, Westchester County Children's Association

Mr Lawrence Tanzer, " " " "

Justice Cornelius F. Collins, representing State Commission to  
Examine Laws relating to Child Welfare

*Geo. F. Keany, Brooklyn - State Council of Catholic Charities*  
*Mrs. Fred B. Bidwell*

OTHERS ATTENDING HEARING IN FAVOR OF BILL

Senator Salvatore A. Cotillo

Dr. Frank B. Gilbert, State Education Department

Dr. Charles H. Johnson, State Board of Charities

Miss H. Ida Curry, State Charities Aid Association

Mrs Herbert L. Baker, Westchester County Children's Association

Mrs David Mitchell, " " " "

X Miss Mary Hess, Children's Committee, Chautauque County

Miss Gladys Mendum, Children's Committee, Rockland County

Charles J. Tobin, Esq. Counsel to State Commission

George A. Hall, Executive Secretary

*Rev. Robt F. Keegan, Catholic Charities*

*Rev. Jas. Scully*

*Judge Jas. Fitzroy*

5/061  
April 5, 1922

161 EAST SEVENTIETH STREET

To Governor Nathan Miller.  
The Capitol, Albany, New York.

My dear Governor:-

I understand that a hearing on  
Senator Walton's Bill for a Juvenile Court  
will be held on Saturday morning.

It is not possible for me to go  
to Albany on that day, but as President of  
the Orange County Committee of the State  
Charities Aid Association, which work I have  
carried on in Orange county for eleven years,  
as I live in Tuxedo Park, I want to endorse  
this Bill very heartily and beg you to favor  
it. We sadly need Judges who will understand  
the problems of childhood, and especially the  
care and segregation of mentally deficient  
children,- a great problem in our County.  
This can only be accomplished through trained  
Judges, such as New York City has been so  
fortunate in having in Judge Holt.

We also need urgently a place of  
detention for delinquent children awaiting



trial or disposal. At present, though against the law, we must detain them in the County Jail, having no other place. This Bill provides that they can be placed out under proper supervision with proper agents, or in temporary homes.

I do not think that Section 26 in regard to the placing out of children should properly be in this Bill, though the laws governing placing out should be revised, but the Bill as a whole presents a great step forward and I urge you to sign it,

Yours truly,

*Geraldine F. Adie*  
*(Mrs Ernest R.)*

President Orange County  
Committee S. C. A. A.

January 25th, 1922.

Charles J. Tobin, Esq.  
95 State Street,  
Albany, N. Y.

My dear Mr. Tobin:

I acknowledge your letter of the 24th inst., enclosing the two bills for the establishment of juvenile courts and ~~CHILD~~ welfare boards. In what respect do these differ from the bills which I submitted to you. From your outline of them they appear to have been drawn along precisely the same lines as were intended to be covered by the other bills. I have not had time, however, to examine them in detail.

Very sincerely yours,



# CITY OF YONKERS

EXECUTIVE DEPARTMENT  
OFFICE OF THE MAYOR

WALTER M. TAUSSIG  
MAYOR

YONKERS, N.Y.

April 7 1922

Hon Nathan L Miller  
Governor of the State of New York  
Albany New York

Dear Sir:

Referring to Senate Bill Int 1061, introduced by Senator Walton, entitled "AN ACT to establish children's courts, defining their jurisdiction, power and duties, and regulating procedure therein", on which you are to have a public hearing to-morrow, and is before you as to signature:

On behalf of the City of Yonkers I wish to enter our protest against the approval of this bill at this time.

We are not opposed to the general principle of a children's court, but we believe that the bill as passed should be more carefully considered and more time given for consideration as to how it effects the rights of persons, expense, and as far as we are concerned its application to the City of Yonkers.

I have asked Hon Wm J Wallin to represent the City and present our views on the situation at the public hearing, but it is possible that he may not be present. I am, therefore, writing you so that we may be on record on the subject.

Respectfully yours,

  
MAYOR

1061

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- WALTER M. TAUSSIG  
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- C. PARKER LATTIN  
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- ELLSWORTH BUNKER  
*Recording Secretary*
- BAILEY B. BURRITT  
*Treasurer*

**THE CHARITY ORGANIZATION SOCIETY**  
OF THE CITY OF YONKERS  
55 SOUTH BROADWAY  
YONKERS, N. Y.

MISS JULIA V. GRANDIN  
*General Secretary*

TELEPHONE  
Yonkers 1877

April 7th, 1922.

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- ELIJAH M. YERKS

Honorable Mason I. Miller  
Governor of New York,  
Albany, N. Y.

Sir:

I herewith wish to confirm the following telegram sent you today:

"The Board of Directors of the Charity Organization Society of Yonkers heartily endorses the Children's Court Bill passed by the legislature March 16th. We consider it a forward step in behalf of children and believe that it will enable our Society to render more intelligent and more far reaching service in the child problems with which we are daily coping. We strongly urge your signature.

Ellsworth Bunker  
Secretary."

Respectfully yours,

*Julia V. Grandin*  
General Secretary.

JVG-L



CHARLES W. WALTON, CHAIRMAN  
KINGSTON, N. Y.

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NEW YORK CITY

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SARATOGA SPRINGS, N. Y.

EDMOND J. BUTLER  
226 FOURTH AVENUE  
NEW YORK CITY

CORNELIUS P. COLLINS  
127 EAST 22ND STREET  
NEW YORK CITY

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STATE DEPARTMENT OF EDUCATION  
ALBANY, N. Y.

FRANKLIN C. HOYT  
127 EAST 22ND STREET  
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MISS SOPHIE IRENE LOEB  
146 RIVERSIDE DRIVE  
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BRONXVILLE, N. Y.

FRED B. PITCHER  
WATERTOWN, N. Y.

HENRY D. SAYER  
124 EAST 28TH STREET  
NEW YORK CITY

**NEW YORK STATE COMMISSION  
TO EXAMINE LAWS RELATING  
TO CHILD WELFARE**

PURSUANT TO CHAPTER 699, LAWS OF 1920  
OFFICE OF THE COMMISSION  
137 EAST 22ND ST., NEW YORK CITY  
TELEPHONE GRAMERCY 6263  
GEORGE A. HALL, EXECUTIVE SECRETARY

April 5, 1922

Mr. C. T. Stagg,  
Counsel to the Governor,  
Executive Chamber,  
Albany, N. Y.

My dear Sir:

Thank you very much for your kindness  
in advising me of the public hearing of the  
Children's Court Bill, to be heard before the  
Governor on Saturday of this week at 11 A. M.

With appreciation of your courtesy,

I am

Sincerely yours,

*George A. Hall*  
Executive Secretary



1061

New York, April 5, 1922.

Hon. Nathan L. Miller,  
Executive Chambers,  
Albany, N. Y.

Dear Governor Miller:

I am very much interested in the passage of the Children's-Court bill which, I understand you are going to have a hearing on this Saturday, April 8.

I am a resident of Westchester County and from my experience, I firmly believe there is a great need for a Children's Court in this County.

I sincerely trust that you will sign this bill.

Yours very truly,

*Burchard Dutcher*

BD:EN



CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

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Telegram	
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RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

B6ONY 77 1 EXTRA

C NEWYORK NY 1135A 4

GOV MILLER 231

ALBANY NY

THE WESTCHESTER COUNTY FEDERATION OF WOMEN REPRESENTING 4,000 WOMEN HEREBY SUBMITS TO HIS EXCELLENCY THE GOVERNOR OF NEWYORK STATE THE FOLLOWING RESOLUTION WHEREAS THE WALTON BILL INTRODUCED TO THE SENATE 1.61 IN RELATION TO CHILDRENS COURTS IS REACTIONARY IN EFFECT ON CHILD WELFARE IN THE STATE OF NEWYORK RESOLVED THAT WE THE MEMBERS OF THE WESTCHESTER FEDERATION OF WOMENS CLUBS DEMAND THAT THIS BILL BE KILLED IF NECESSARY BY VOTE

CAROLINE L. BILL PRESIDENT.

13

*1922 MAR 4*  
*Delivered 11:54*  
*Ward Smith*  
*Foot change*

CLASS OF SERVICE	SYMBOL
Telegram	
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Night Message	Nite
Night Letter	N L

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RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

A15NY 34 NL 1 EXTRA

FY NEWROCHELLE NY 31

GOVERNOR MILLER

ALBANY NY

THE WESTCHESTER FEDERATION OF WOMENS CLUBS MET IN NEWROCHELLE TODAY THEY REPRESENT THIRTY NINE CLUBS WITH OVER FOUR THOUSAND MEMBERS THEY TODAY VOTED TO URGE YOU TO SIGN THE BILL ESTABLISHING CHILDRENS COURTS

CAROLINE L. BILL PRESIDENT.

14

*5/6/1*  
 1922 APR 1 AM 2 43

Child Welfare - Legislation

215 East 15<sup>th</sup> St., New York City, Jan. 23, 1922

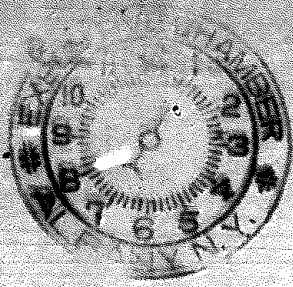
Hon. Nathan L. Miller,  
Albany, New York,

My dear Governor Miller:

Mr. Macy has shown me your letter of the 19<sup>th</sup> addressed to him in which you suggest that I call upon you at Albany the middle of this week concerning changes in the bills on child welfare. Certain changes in the county welfare board bill have been agreed upon by representative social workers and, if agreeable to you, I shall be glad to go to Albany and lay them before you on Wednesday or Thursday or on any other day. Will you kindly wire me at the address given above, what your pleasure is in the matter?

Respectfully yours

15 Edward N. Clapper



JAN 24



*cor see*  
President  
ELLA M. SHERWIN  
180 Prospect Place  
Brooklyn

*Field see*  
Treasurer  
LAURETTA RIGBY  
1464 Amsterdam Avenue  
New York

*Child Welfare*  
Vice President  
ANNA HOCHFELDER  
120 Broadway  
New York

President  
*Field Secretary*  
MARGARET KERR FIRTH  
490 West 118th Street  
New York

Secretary  
MILK M. IVINS  
304 10th Street  
Brooklyn

# The Women's Equal Opportunity League

~~82 BIBLE HOUSE, NEW YORK CITY~~

~~TELEPHONE STUYVESANT 6862~~

For Absolute Equality of Women with Men  
Under the Labor Law

430 West 118th St.

January 17, 1922

Governor Nathan Miller  
Albany, N.Y.

My dear Governor:

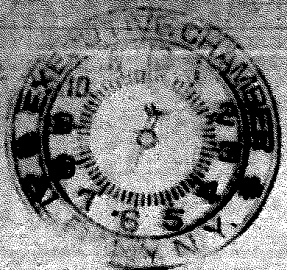
Our League is still very much alive, and ready to do more work when the time comes to oppose the vicious so-called welfare legislation.

Will you give us your support this year, when we re-introduce a bill that will do for other women what you did last year for women printers? We shall have our bill soon in the hands of legislators and wish to know what support we shall have.

If one has the slightest doubt as to the effect of night work upon women, I stand not only as an example, but a monument, to the beneficent effects of work that is pleasing, hours that are to my liking, an improved wage and consequent freedom from carping cares. From a candidate for flowers I've become a candidate for life - and work.

As a jurist, will you give us your opinion on the proposed 20th Federal Amendment, known as Women's Bill of Rights? Will it do what Samuel Gompers fears it will do - break down "welfare" laws for women? If so, we are for it heart and soul.

Thanking you for your support, I am,  
Yours sincerely  
Margaret Hess-Tirth



JAN 10



January 20, 1922.

Miss Margaret Kerr Firth,  
450 West 116th Street,  
New York City.

My dear Miss Firth:-

I acknowledge your letter of January seventeenth in which you ask my support for a bill that will do for other women what was done for women printers by the Legislature last year. Until I have the bill before me in its final form, I am unable to say whether or not I could approve of it.

I regret that I am unable to give you my opinion on the proposed 20th Amendment, known as "The Women's Bill of Rights", for the reason that I have not given the matter any consideration or study and would not care to give an opinion on a subject about which I do not know all of the facts.

Very sincerely yours,

*Child Welfare*

# MAPLEWOOD STORE

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Steel Corn Cribbs and Granaries a Specialty

Crown Point, N. Y.

PHONE 64-F-12

Dated *Jan 16* 1922

Governor Miller;  
Albany N.Y.  
Dear Sir:

I am writing this letter in regard to the child welfare law that has just become a federal law and may become state laws of some nearsighted people here to deal with. I beg to ask you to look the law up and see how many children the people that framed up that law have already reared. We have a family of six children now and under the circumstances as our present laws are it is three times as many as a man in my circumstances can take care of and educate. If those people that originated that law had spent their time and influence to get a law like the school law of Vermont State it would have more to do with the child welfare of the state than anything else known of families right near me that expect new arrivals that can't under the present conditions

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Crown Point, N. Y.

PHONE 64-F-12

Dated \_\_\_\_\_ 192<sup>2</sup> \_\_\_\_\_

get clothes to cloth them with and the same families owe for the doctors bills for bringing all they have at the present time into the world. Now if they would put aside that law called the child welfare law and make a law to provide a nurse and doctors expense for maternity cases and other things the people need for the occasions it would not only make larger families but it would give children a better chance in the world to amount to something instead of being all kinds of Disreputable citizens. I wish also you would think this matter over and try and get in a school law like our sister state of Vermont where the state furnishes the books and other necessary articles for school children below the ninth grade. We would have better educated children and would be less expense to the people as now there is a terrible waste in buying books. You know that each child has to have new books now when if the state furnished them they would always be on hand at the different schools and be handed down from one to another.



# MAPLEWOOD STORE

WARD E. CLARKE, PROPRIETOR

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PHONE 64-F-12

3

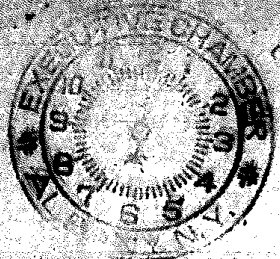
Dated

192

You know that it is the poor class of people that are populating this country now as the rich won't have them although the rich are the only ones under the present conditions that can properly rear and educate and dress them in shape to attend school. The poor man now is working so cheap that he is hardly able to get enough to eat to keep the soul and body together. Then they talk of getting in a law to make more expense for them, the best thing our government can do is to pension off every family of five children in this country so to enable them to properly educate them and there will be less crooks. We already have enough grafters holding down high priced jobs for the welfare of the U.S. of A. Please vote for some good law instead of something of a Bolshevik origin. Hoping this may be read by every member of our State legislature I remain  
Yours with regards,

Ward E. Clarke.

23



JAN 18 1920

January 19, 1922.

Mr. Ward E. Clarke,  
Crown Point, New York.

My dear Mr. Clarke:-

I am directed by Governor Miller to acknowledge your letter of January seventeenth with reference to Child Welfare Legislation and to assure you that this matter will receive his careful consideration.

Very sincerely yours,

S.M.O.



Chambers of the Supreme Court

Rochester, New York

JOHN B. M. STEPHENS, JUSTICE

5106  
April 1, 1922.

Hon. C. Tracey Stagg,  
Counsel to the Governor,  
Executive Chamber,  
Albany, N.Y.

My dear Sir:-

I thank you for your courtesy in advising me of the public hearing on Senate Bill, Int. 1061, Pr. 1800, relating to children's courts, on Saturday April 8; I regret very much that it will probably be impossible for me to be present for my duties here have for a long time been, are and will continue to be very pressing.

The brief that I took the liberty to submit was very hastily and therefore inadequately prepared; it related for the most part to the failure of the provisions of the bill to meet conditions arising in children's cases, due probably to the fact that the framers of the measure had so little conception, not only of the actual problems that arise but also of the best method of adjusting court procedure to those problems; that the bill was generally slovenly drawn, was also emphasised and the question of construction with reference to the time that the existing courts were deprived of jurisdiction by conferring exclusive jurisdiction upon the new courts.

I beg your indulgence in making another suggestion with the confidence that you probably are better equipt to determine its merit than I, for it relates to a question that I have never had the occasion to examine and have not had the opportunity of educating myself about it.

My doubt is concerning the constitutionality of the methods of selecting the judges of the new courts or if there be no constitutional inhibition against the method proposed is it not forbidden by public policy? Section 18, article VI of the constitution provides that "all judicial officers shall be elected or appointed at such times and in such manner as the legislature shall direct"; <sup>except as otherwise provided</sup> the bill provides for the election of the judges but it is the alternative provision to which my objections is directed; this alternative provision does not provide for the election of the judges nor can be said to provide for their appointment unless the certificate to be filed with the Secretary of State made by the County Judge and the Board of Supervisors constitutes an appointment of the County Judge to the position; if it be not technically an appointment it amounts to the same thing

Chambers of the Supreme Court

Rochester, New York

JOHN B. M. STEPHENS, JUSTICE

-2-

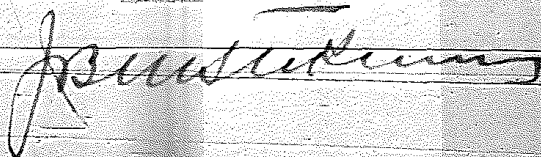
for it is the determinating factor in deciding who the judge shall be; this process is probably not forbidden by express language of the constitution but I think it has been condemned by the courts in the only case that my limited research has discovered in People against Thomas, 33 Barb. 287; adapting the language of that decision in a kindred situation "it is a principle of universal application as well as of public decency" that the county judges should <sup>not</sup> invest themselves with a new office for their own benefit or to promote their private interests; this language is very apt in the present discussion for the bill increases the salary of the county judges in case they themselves determine to take the job.

It seems to me that the county judges should not be subjected to the embarrassment to which the bill subjects them; if the judges take no action and file no certificate a judge of the children's court is elected and many of the counties affected by the legislation will not in the interests of economy desire an additional county officer and if that sentiment prevail the county judge must indelicately promote his own incumbency to the new position, securing to himself, thereby, increased salary if it be permissible under the constitution.

In this connection I say again that the bill prescribes no qualification for the judge to be elected; the position, therefore, may be filled by Tom, Dick or Harry or Mrs. Tom, Mrs. Dick or Mrs. Harry; this fact alone should enlist all advocates of the county unit for children's courts in opposition to the bill.

Again I ask your indulgence in writing uninvited at such length; Plato said "The just retribution of him who errs is that he be set right"; failing in my efforts to inflict this measure of retributive justice upon the legislature, due possibly to my few contacts and the brevity of time, I am anxious that the final arbiter of the merits of this bill shall not qualify to be set right for the reason that he will refuse to err.

Yours very respectfully,



27

1061

**WESTCHESTER COUNTY CHILDREN'S ASSOCIATION**

ROOM 210, 15 COURT STREET, WHITE PLAINS, N. Y.

TELEPHONE WHITE PLAINS 1466

PRESIDENT  
MRS. HERBERT L. BAKER

SECOND VICE-PRESIDENT  
MRS. GEORGE D. BARRON

TREASURER  
MR. B. E. SMYTHE

FIRST VICE-PRESIDENT  
MRS. V. EVERIT MACY

SECRETARY  
MRS. C. NEAL BARNEY

EXECUTIVE SECRETARY  
MISS EDA E. AFFELD

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Mrs. HARRY D. NIXS, BRONXVILLE  
Mrs. L. B. PRESTON, MOUNT KISCO  
Mrs. PAUL REVERE REYNOLDS, SCARSDALE  
Mr. B. E. SMYTHE, BRONXVILLE  
Miss RUTH TAYLOR, WHITE PLAINS  
Mr. FRANKLIN THOMAS, HASTINGS  
Mrs. GILES WHITING, SCARBOROUGH  
Mrs. CASPAR WHITNEY, IRVINGTON  
Mrs. K. A. WILSON, PLEASANTVILLE

April 6th, 1922.

To his Excellency the Governor,  
Albany, N. Y.

We, the undersigned, representing a county wide group in Westchester County, meeting in Scarsdale on April 4th to discuss child welfare, go on record as in favor of the Children's Court Bill and urge you to sign it.

*M. E. McLaughlin -  
White Plains.*

*Helene E. Henderson - White Plains, N.Y.*

*H. Smith - White Plains, N.Y.*

*Grace Lamb - White Plains*



Mrs. Kirtland A. Wilson Pleasantville N.Y.

Mrs. Leonard Brooks

Mrs. Allan Coggeshall

Mrs. Willard Fove

Mrs. Henry Rood

Mrs. C. H. Shonget. Manarong N.Y.

Mrs. Stanley Brown - Vermon - Cobbs Ferry N.Y.

Mrs. Wm S. Baker Mt. Vernon N.Y.

Mrs. John Dempster Sherman Jr. " " " "

Mrs. Henry W. Halper " " " "

Mrs. Arthur G. Coulter " " " "

Mrs. F. J. Martin " " " "

Mrs. Lee Parsons Ivers. Fairlee N.Y.

Mrs. Mary Goldsmit Scarsdale N.Y.

Mrs. Thomas Sutton Chugwater Rye N.Y.

Mrs. H. P. Nichols - Yonkers N.Y.

Mrs. David D. Lee Rye

Mrs. George Calkins Hartdale N.Y.

Mrs. J. Johnson Scarsdale N.Y.

Mrs. C. Neal Barney - Yonkers N.Y.



1064

Pleasantville, April 5th., 1922.

Governor Nathan L. Miller,

Dear Sir,

The undersigned, members of the Fort-nightly Club of Pleasantville, Westchester Co., N. Y., are strongly in favor of the bill establishing a Children's Court in Westchester Co., , which is now awaiting your approval. We urge that you make it a law by signing it at once. We firmly believe that the thinking citizens of the county favor this bill.

Very Respectfully,

*Mrs. Chas. W. May P. Chapman - Pres.*

*Ernie Pierson & det*

*Elizabeth Antuan Hood*

*Mrs. John Keim*

*Lucius S. Wallace*

*Charlotte G. Roe*

*William H. Wright*

*Charlotte A. Ryder*

*Grace P. Manser*

*Mary A. Hill*

*Agnes R. Buckhart*

*Willie H. Curry*

*Mrs. F. S. Welsh*

*Elizabeth Toller*

*Louise C. Burrill*

*Mrs. Alfred Graham*

*Mrs. E. W. Wilson*

*Margaret J. Gordon*

*Anna B. Leegeshall*

*Catherine S. Tallman*

*Margaret C. Coeeshall*

*Lillian Van Namee*

*Beatrice P. Saubon*

*Edith Richard Howe*

*Charlotte H. Cress*

*Ella Barton Hunt*

*M. Eleanor Sutton*

*Jessie G. Gresham*

*Mrs. R. S. Paul*

CLASS OF SERVICE	
Telegram	
Day Letter	
Night Message	
Night Letter	
If none of these codes appears, please check the class of service indicated by the symbol appearing after the word.	

# WESTERN UNION



## TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE		SYMBOL
Telegram		
Day Letter		DL
Night Message		NM
Night Letter		NL
If none of these codes appears, please check the class of service indicated by the symbol appearing after the word.		

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

APR 6 AM 11 29

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GOVERNOR MILLER

294

EXECUTIVE MANSION ALBANY NY

PLEASE WIRE DATE AND HOUR FOR HEARING WALTON JUVENILE COURT BILL

ISABELLA DEMING'S WOMEN'S CIVIC CLUB.

31

April 6, 1922

Isabella DeAngelis,  
Women's Civic Club,  
Utica, N.Y.

Hearing referred to in your telegram  
will be held in Executive Chamber Saturday morning at  
eleven o'clock

C. TRACEY STAGG

Counsel to the Governor

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT

GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

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WAVERLY NY 1021A 7

GOVERNOR MILLER

134

EXECUTIVE MANSION ALBANY NY

AM VOICING SENTIMENT OF TIOGA COUNTY COMMITTEE OF STATE CHARITIES  
 AID ASSOCIATION WHEN I RESPECTFULLY ASK YOU TO CONSIDER FAVORABLY  
 JUVENILE DELINQUENCY BILL NOW BEFORE YOU  
 MRS SEWARD BALDWIN CHAIRMAN.



Columbia County Committee  
of the  
State Charities Aid Association

OFFICERS

MRS. NATHAN D. GARNSEY, PRES.  
MRS. GEORGE C. YEISLEY, 1ST VICE-PRES.  
MRS. WILLARD PECK, 2ND VICE-PRES.  
MRS. CHARLES N. HARDER, 3RD VICE-PRES.  
MRS. F. J. COLLIER, SEC.  
MRS. SHERMAN ROCKEFELLER, TREAS.

MISS EDITH CASEY  
AGENT FOR DEPENDENT CHILDREN  
COURT HOUSE  
HUDSON, NEW YORK  
OFFICE HOURS TUESDAY AND THURSDAY  
9 TO 12  
PHONE 364

Hudson, N. Y.

Kinderhook, N.Y.

April 6, 1922.

Governor Miller,  
Executive Chamber,  
Albany, N.Y.

Dear Sir:-

The Columbia County Committee of the State  
Charities Aid Association wishes to express to you its  
approval of Senate Bill, Int. 1061, PR. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers,  
and duties, and regulating procedure  
therein."

We beg your support of this measure.

Yours very truly,

Mrs. Nathan D. Garnsey, President.

*E. D. Garnsey*

WILLARD M. KENT  
TOMPKINS COUNTY JUDGE AND SURROGATE  
ITHACA, NEW YORK

Apr. 6, 1922.

Hon. Tracy C. Stagg, Esq.,  
Executive Offices,  
Albany, N.Y.

My dear Tracy:

I am inclosing a communication from the clerk of the Board of Supervisors of Westchester County on the matter of the hearing before the Governor of the Children's Court Bill.

I do not feel informed as to the reasons for this bill, but I am of the opinion, after reading the inclosures, that the objection concerning the bringing the children from all over the County to one place and removing them from the local conditions seems to me to be <sup>a</sup> serious matter. However, I feel confident that Governor Miller has all those matters under advisement. It is quite possible that the reasons that are advanced for this bill grow out of conditions in counties other than Tompkins County and possibly the provisions of the Law would not effect us very much any way. At any rate, I thought I would like to bring your attention to the matter and shall feel perfectly satisfied if you will exercise your own judgment as to whether to call Governor Miller's attention to my communication or not.

With kind personal regards.

Very truly yours,

*Willard M. Kent*

*Per Mill*

WK/MH

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# County of Westchester

Court House

White Plains, N.Y.

## SUPERVISORS CHAMBERS

DAVID S. MURDEN  
CHAIRMAN  
WM. A. DAVIDSON  
COUNTY ATTORNEY  
FRED L. MERRITT  
CLERK  
ROBERT MASON  
ASSISTANT CLERK

April 4, 1922.

Dear Sir:-

The Board of Supervisors of Westchester County, at its meeting held on Monday, the 3d inst. voted unanimously to oppose Senate Bill Int. #1061, Pr. #1800, known as the Children's Court Bill, and which is before the Governor for his action.

A hearing on this bill will be held before the Governor on Saturday morning, the 8th inst. at 11 o'clock and in the opinion of the Board of Supervisors of Westchester County, the representatives from the different counties of the state should attend at Albany in opposition to this bill, for the main reasons as set forth in the resolution, a copy of which is herewith enclosed, and for many other reasons which can be observed by anyone upon reading the bill.

On behalf of the Board of Supervisors of Westchester County I am sending you, the enclosed resolution, with the request that you, or representatives from your county, be present at the hearing before the Governor in opposition to this bill.

Very truly yours,

*Fred L. Merritt*

Clerk, Board of Supervisors.  
Westchester County.

MEMORANDA IN RE SENATE BILL INT. #1061, FINAL PRINT #1800

INTRODUCED BY SENATOR WALTON

The bill was prepared under the supervision of the Commission to Examine Laws Relating to Child Welfare, and establishes a Children's Court, based on the theory of the county unit of such court, in 53 counties throughout the State. Counties excepted being those within the City of New York and Monroe, Ontario and Chataqua because of having special county acts; Erie County because of the establishment of the court in the City of Buffalo and Onondaga County, because of the establishment of the court in the City of Syracuse.

The act attempts to cover the whole subject matter included within the scope of the constitutional amendment to article 6, of the constitution in relation to Children's Courts and Courts of Domestic Relations, adopted at the general election held in 1921, by a majority of approximately 400,000. In the counties affected by the proposed act, 36 gave a majority of 66,866 in favor of the amendment and 17 a majority of 11,388 opposed. The new amendment provides:

"The legislature may establish children's courts, and courts of domestic relations, as separate courts, or as parts of existing courts or courts hereafter to be created, and may confer upon them such jurisdiction as may be necessary for the correction, protection, guardianship and disposition of delinquent, neglected or dependent minors, and for the punishment and correction of adults responsible for or contributing to such delinquency, neglect or dependency, and to compel the support of a wife, child or poor relative by persons legally chargeable therewith who abandon or neglect to support any of them. In conferring such jurisdiction the legislature shall provide that whenever a child is committed to an institution or is placed in the custody of any person by parole, placing out, adoption or guardianship, it shall be so committed or placed, when practicable, to an institution governed by persons, or in the custody of a person, of the same religious



persuasion as the child. In the exercise of such jurisdiction such courts may hear and determine such causes, with or without a jury, except those involving a felony."

The bill as prepared, embraces in every particular the suggested direction of legislation contained in the constitutional provision and places in one court, of the grade of a county court, complete jurisdiction over this general subject matter. The obvious intent of the amendment was to incorporate this general power in one court, to facilitate generally the exercise of this jurisdiction, and to enable, without unnecessary constitutional restraint, the administration of justice as affecting children and families.

The power has hitherto existed in various courts of inferior jurisdiction and is largely exercised by justices of the peace, police courts, local children's courts and in three instances, courts with jurisdiction extending throughout the whole of the county. At the next session of the Legislature, a proposed law on the subject governing all these counties within the City of New York, and other legislation is likely to be recommended, relating to other counties not affected by the provisions of this proposed act.

The bill, as finally drafted, seems to have met with the general approval of the various interests actively concerned in the promoting and safeguarding of such legislation, but since being passed by the Legislature, some opposition has developed, in reply to which this memoranda is specifically directed.

The objections generally grouped relate to, 1 - organization, 2 - classification of delinquencies, 3 - procedure, 4 - legal terminology, 5 - difficulties in administration.

1. ORGANIZATION: The theory of county unity in proposed legislation is approved of by all interested in the legislation. There

seems, to be no necessity for engaging in an argument, to justify this necessary reform. It may be, that some objection might develop by reason of the withdrawal of powers from justices of the peace, police justices and the like, but the general desirability of lodging such jurisdiction which embraces that of a chancery nature in a competent court of county wide power, is beyond question.

The difficulty was encountered at the outset, in that while the constitutional amendment permitted the establishment of the courts, either as separate courts or as parts of existing courts, there was an embarrassment in the way of making the court a part of the county court in every county affected, owing to the provision of article 6, section 14, of the existing constitution, which provides that the number of county judges may be increased, from time to time, to such number, that the total number shall not exceed one for every 200,000 population or major fraction thereof. In a large number of the counties, it is not likely to be necessary that an additional county judge would be required, and the existing county courts could discharge the added jurisdiction contemplated. But, in some of the counties, it would be necessary to have an additional county judge, although the population may not warrant such addition. It was thought wise, therefore, to resort to a method which would overcome this objection, while at the same time, in effect attach the court to be created to the county court, by providing that a judge should be elected in every county in the State, at the same salary and for the same term as provided in relation to county judges, to perform the duties of a Children's Court judge for the county. The election of such a judge was made unnecessary though, where a Board of Supervisors and a county judge, or a majority of them, would certify before August 1st, that the county judge or judges or special county judge of such county already

in office can adequately perform the duties of judge of the children's court in addition to the duties already imposed by law." It will be noticed, therefore, that an election need not take place, unless an additional judge is required, and that fact is made manifest by the failure to certify as provided.

Objection has been made to this provision, to the effect that it indirectly permits a county judge to appoint himself to office, in violation of section 2, of article 10, of the State constitution. This seems entirely untenable, for the reason that the county judge holds such office by virtue of election, under the constitution, and would perform such additional duty as a judge of the county court, though styled the Children's Court judge, and could, in no sense, be said to appoint himself, by failing to concur with a Board of Supervisors in certifying that an election was unnecessary.

It is provided in the same section (4) that where county judges act as a judge of the Children's Court, that additional compensation may be made as follows: Counties of 50,000 or less, additional sum of \$500; between 50,000 and less than 100,000, \$750; 100,000 and less than 150,000, \$1,000; and more than 150,000, \$1,500. This provision was added in the final draft, as an amendment to compensate the county judge for the additional duties thus imposed. Objection is made, that such increased compensation would be in violation of the provisions of article 6, section 15, of the State constitution, to the effect that the compensation of any county judge or surrogate shall not be increased or diminished during his term of office. This objection might be met by the answer that such duties were additional to his duties as a county judge, performed as a Children's Court judge, and the added compensation is not an increase of his salary as county judge. At any rate, if this does not entirely answer the objection no greater danger is incurred to the integrity of the whole bill, than

that this particular paragraph in the proposed law, might be declared unconstitutional.

Something has been said as to the mandatory features of this method of organization, a subject which was considered at length by the commission and the legislative committee. It is to be appreciated that uniformity of jurisdiction throughout the State is greatly to be desired, and this can only be accomplished effectively by general county jurisdiction. The proposed method is mandatory in the feature only that county organization is required. In by far the larger number of instances, no election will be necessary, and the only mandatory feature is to make the exercise of jurisdiction county wide. This is a reform greatly to be desired and weighs in the balance strongly against the incongruity that otherwise would prevail in variously conflicting methods throughout the different counties.

Other objections were made as to the fact that there were no provisions relating to the qualifications of a judge. It is quite clear that it is expected that a judge should be of that calibre which is deemed within the qualification of a county judge. There is no expressed statement of the qualifications of a judge of the Supreme Court or a judge of the Court of Appeals, yet it has never been deemed necessary to provide specifically the necessary qualifications by statute.

2. CLASSIFICATION OF DELINQUENCIES: There are no added delinquencies enumerated in this bill. All of the subject matter included is the same as now provided by law. It is stated that some doubt would prevail as whether or not jurisdiction of a court would attach, if the offenses were committed under 16, and the case not disposed of until after the child had passed the 16th birthday. This



seems to be entirely overcome by the definition of juvenile delinquency, in subdivision 3 of section 2 of the act, providing that "Juvenile delinquency" is the commitment by a child under the age of sixteen years of any of the offenses enumerated."

Objection has been made too, to including bastardy proceedings within this court. Beyond all question, a bastardy proceeding involves the question of the rights of a child. First its paternity, second, its support after birth, and this undoubtedly comes within the subject matter that should be treated by a Children's Court. Those who have made a study of this subject have long insisted that bastardy proceedings should be conducted by a Children's Court. In the practice generally prevailing, throughout this State, the method of procedure deservedly subjects the State to grave criticism. The woman is made the butt of the curious, and seekers after salacious and sensational excitement, who invade the courts, to the great discomfiture of the unfortunate about to become a mother. The horror of placing herself in such a position has frequently driven a woman to extremes, involving her life and that of the child, or causing the abandonment of the child after birth. Under the provisions of this act, hearings in bastardy proceedings would be conducted without the surroundings so seriously made the subject of criticism, and a greater protection would be exercised in relation to unfortunate bastard children. The proceedings in bastardy may be conducted by one judge and all the orders and proceedings now provided by law availed of to the full force and effect of prevailing statute.

Referring to the criticism that appeal to the Appellate Division in bastardy cases, as provided in the proposed act, would not be susceptible of administration reference, it would seem,

need only be made to the way it works out in the City of New York, on appeals from the Court of Special Sessions, which court exercises exclusive jurisdiction in bastardy, to the Appellate Division. There never has been any difficulty in this connection and it would seem that substantial justice is assured by the review thus afforded, based on the case on appeal, by the Appellate Division.

Objection has been made too, to the adult jurisdiction conferred on the court. Namely that which relates to Domestic Relations jurisdiction, in so far as the support of poor relatives is concerned, and that which relates to the power to punish adults offending against children. These provisions are regarded by the Commission as a correct step in advance, which it has been enabled to suggest. Wherever the welfare of a child is involved, the court can consider the whole subject matter from all angles, in so far as providing for the future support of a child is concerned, or parent or guardian having the child in custody, or for making any necessary order to safeguard the rights of the child, and this power can be exercised without adjudicating the adult a disorderly person, as now provided by law. It becomes in the nature of a civil proceeding and fulfills all of the necessary requirements to insure the safeguarding and protection of the child. The punishment of adults offending against children is properly under the direction of this court. The very terms of the constitutional amendment indicates that this is what was intended. It would include all cases of assault upon a child and such cases as receiving stolen goods, buying junk, causing the delinquency, impairing the morals and endangering the health of children. Attention is called to the fact that adequate provision is made for the hearing of all children's cases separate and apart from adults.

3. PROCEDURE: Objection is made that section 10, of the proposed act relating to "Petition" and the form thereof, is insufficient in its provision, in failing to state what is necessary to allege specifically in the information. This objection seems to be without foundation. The section is as complete as that, for example, required for indictment or for information in the penal law. Section 10 provides that proceeding shall be instituted by filing with the court a petition verified by affidavit, stating such facts as bring the child within the jurisdiction of the court, and praying the court for, etc. This, of course, means a plain and concise statement of the facts, which is the requirement usually applied in the Code of Criminal Procedure, to indictment and information. The section further provides that the title of the proceedings shall be "Children's Court, County of....., in the matter of....., a child under sixteen years of age," and requires the statement of all other necessary information. This seems to be a complete answer to any objection to this section. This section permits the discontinuance in form, of pronounced criminal pleading, a reform constantly urged by all writers on the subject of Children's Courts.

The act requires, section 12, that the service of summons should be made by the delivery of a true and attested copy thereof to the person summoned. An objection is made to the use of the word "attested", as being insufficient and not sufficiently explicit. The Standard Dictionary defines the word "attest" to mean, "to certify as accurate, genuine or true." This would seem to be a complete answer and it is respectfully urged that that term is one frequently used in the law.

Objection is made that section 22, relating to hearing and

Judgment is too involved and not sufficient to confer adequate power on the courts. This seems to be utterly without foundation. It allows suspended sentence, parole, probation, commitment and the exercise of remand powers fully, to the extent now allowed by law and in fact, may be said to be declaratory of existing law, with added provisions extending the powers now exercised.

It is urged that the provision in subdivision "d" of Section 22, that the court "continue the case and place the child for a certain designated period" is especially objectionable, because first, it is difficult to conceive of continuing a case after commitment, and second and more important, that a child shall be in custody for a certain designated period. The provision referred to enables the court to carry out the existing law with respect to remand, as provided in subdivision 8 of section 486 of the penal law. It is to be noticed, that it is provided on page 16, line 26, continuing on page 17, that the Court, "if satisfied by competent evidence, may adjudicate the child to be delinquent, neglected or without proper guardianship, and render judgment", etc. It is to be noticed that a distinction is made between the use of the word adjudicate and render judgment. The rendering of judgment is the final act. The adjudication is the determining whether the child is delinquent, neglected or without proper guardianship, etc., and for the better handling of the case, the court is permitted to keep the case open by continuing and not by rendering final judgment of sentence or final commitment. It may be said, in this connection, that suspended sentence or probation is continuing the case after adjudication, not after judgment.

Objection was further made as follows: "But the provision in e (subdivision e, section 22) describes the saddest destiny of a child that imagination can picture", etc. The provision referred

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to is to the effect that the court may (e) "discharge the child to the custody of the superintendent of the poor, child welfare board, or to such other officer, board or department as may be authorized to receive children as public charges, who shall provide for such child as in the case of destitute child or as otherwise authorized by law". This means nothing more than that in a case where the court comes to the conclusion a child is merely destitute, it is no longer to be treated as a court case. The proceeding in court is terminated because there is no adjudication of delinquency or neglected child, which occurs when the court reaches the conclusion as stated, that the child is only destitute the child must be taken care of by someone, and the discharging of the child into the custody of the proper Poor Officer, is merely to provide for its care. It doesn't operate as a commitment, and confers no power on the Poor Officer that does not exist generally by law. It does not permit the Poor Officer to exercise any power to deprive the child of its liberty to the exclusion of its right or the right of parent or guardian. The act of discharging to a Poor Officer is exercised daily throughout the State, the practice generally being that if a case comes into a Children's Court, and it is apparent that it is one of destitution, rather than one of improper guardianship, the court directs an investigation, both through the court and by reference, as for example in the City of New York, to the Department of Public Welfare and if it is learned that the child is a destitute child, Poor Officers officiate instead of the Court.

Objection was made too, as follows: "The religious status of the child, under existing laws, is determined by the religious belief of the parents; this bill makes a change, and that status is determined by the religious belief of the child, the babe in arms, therefore, it seems must list its theological creed, in order that the court may adjudicate without mistake what its religious belief is." In the

first place, the constitutional amendment directly provides that in conferring jurisdiction the legislature must when practicable, etc., place with a person or commit to an institution of the same religious persuasion as the child. This answers the objection, but it might be well, in passing, to state that there was a good reason for that provision of the constitution. There are many so-called mixed marriages. That is, the parents are of opposite religions and there are pre-nuptial arrangements made as to the religion in which the child should be brought up. This was an element which undoubtedly influenced the use of the term "the religion of the child", in the amendment. In Children's Courts, the practice is to ascertain the religion of the child, by ascertaining not alone the religion of the parents, but what ceremonies, if any, were performed with regard to the child itself, and the religion of the child is thus determined by all of the surrounding circumstances, as well as the religion of the parents.

Further objection was made that the bill was silent as to the period in which the court exercised jurisdiction. This is incorrect. There are various provisions allowing modification of orders and the setting aside or vacating of judgment, which is an extension of power beyond that heretofore given to Children's Courts or Courts of Domestic Relations, exercising the authority to provide for the support of poor relatives. As to a child on probation, and the length of time in which the court would have to exercise such power, the general law on the subject controls, and undoubtedly would be for the period of probation, even though the child passed 16 years of age, while on probation as indicated by existing law. There are provisions of this act making all existing statutes not inconsistent with the provisions of the act applicable to this act. There are also provisions permitting directly the application of consistent laws relat-

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ing to procedure not specifically provided for in the act and conferring power on the court to make adequate rules.

4. LEGAL TERMINOLOGY: Considerable criticism was engaged in, relating to the terminology of the act, which perhaps is unnecessary to comment upon. It may be that in places the act is a little stilted as to language, due in measure to various drafts and amendments pending legislative action. It may be said, however, that there is nothing in the act that can't be distinctly understood and that the legal terms where employed, are terms of well-known usage, meaning and application.

5. DIFFICULTIES IN ADMINISTRATION: In the objections under this heading, it is pointed out, that it is provided that the act ~~should~~ take effect on May 1st, and that functioning of the Court shall commence in one instance, on November 1st, 1922, and in another, on January 1st, 1923, and that the act (Section 27) only conserves the jurisdiction in courts from which the power is taken, in cases pending when the act takes effect. It may be that a little more explicit provision could have been made in Section 27, but the omission does not constitute any serious error. The act was made to take effect May 1st, so as to enable the various county authorities to prepare for its acceptance and operation. Where a judge is to be elected, provisions must be made to comply with the primary laws. Supervisors and county judges, ought to have an opportunity to consider whether or not the county court can perform the duties required, or whether it would be better to elect an additional judge. The Secretary of State must make the necessary arrangements, in accordance with the election law, if elections become necessary. These are among the many considerations which suggested that May 1st, be the date on which the law takes effect, which means merely that if approved by the

Governor the act becomes a law on May 1st, and necessary appropriations and expenditures may be made by officers of the government lawfully, for the purposes of carrying out then and subsequently the provisions of the act.

There is no doubt that in construing Section 27 of this act, the language, cases \*\*\*\*\*which are pending in those courts when this act takes effect", would be held to mean when the act takes effect not alone as to its becoming a law, but as to its going into operation on November 1st, 1922 and on January 1st, 1923.

It has been stated too, by way of objection, that the legislature has failed to avail itself of the opportunity of granting chancery powers to the court. A perusal of the act shows that the court is given every power that it is necessary to possess to carry out fully the necessary jurisdiction for such courts, and that power which was exercised by the high courts of chancery was no greater, except in so far as it related to the property rights of the child, which it is not necessary to confer on these courts.

It is not deemed necessary for the purpose of this memoranda to dwell on the merits of the bill, but it was intended solely to reply to the objections made.



MEMORANDA IN RE SENATE BILL

INT. #1061, FINAL PRINT #1800

INTRODUCED BY SENATOR WAITON

\*\*\*\*\*

PROPOSED CHILDREN'S COURT ACT

JUSTICE CORNELIUS F. COLLINS

FOR COMMISSION

215 East 15th Street,  
New York City, March 31, 1922

Hon. Charles W. Walton,  
95 State Street,  
Albany, N. Y.

My dear Senator Walton:

As you know, I was among those actively interested in the Children's Court Bill while it was pending in the Legislature during the session recently adjourned and I earnestly hope that Governor Miller will sign it so that it may become law. It is not a perfect measure, of course, but it marks a long step in advance and will be of great benefit to the state.

One of its many good features is that it applies uniformly to all the counties of the state except the few which are specifically exempted because of the special acts under which they have already organized children's courts, and thus the boys and girls of any one county are given the same protection and consideration as the boys and girls of any other part of the state. The question of whether the application of the measure to counties should be made mandatory or permissive was studied carefully not only at the time the bill was drawn, but also for several months before the Legislature met, and it was the general opinion that in the interests of both the children and the state, the provision should be mandatory. If the children's court were in the experimental stage in New York, if it were a strange and untried thing in this state, it would have been proper to make such a law permissive; but New York long since passed beyond the experimental stage in this field, for children's court principles were written into her statutes years ago. Special acts providing children's courts for certain counties have been in force for a long time -- indeed I recall that in addresses delivered seven and eight years ago in different parts of this country I referred particularly to the Monroe County act and to the influence which even at that time it had already exerted upon the children's court movement in the United States. And then, as a step toward a real children's court system, the Legislature years ago wrote into the penal law many provisions that are fundamental in this field; for instance, the provision that children under sixteen years of age who commit offenses other than those punishable by death or life imprisonment, are not to be deemed guilty of crimes but of juvenile delinquency only. So the children's court is far from being an innovation in New York -- on the contrary it has been tried in different ways for many years, and now the time has come to establish it upon a firm basis throughout the state and thereby to give general recognition to the great principles of preventive treatment for child offenders and protection for the abused.

New York is not blazing a trail in this matter. I believe that all but two of the states have children's court laws and that in thirty-two of these the provisions are state-wide in their application, so New York need have no fear that she is rushing blindly into an unknown country -- she is merely taking a step forward upon a well trodden path where most of her sisters have gone before.

Moreover the bill is not unduly rigid in its application but seeks to accommodate itself to local conditions; for instance, under its provisions, every county may decide for itself whether to elect a special judge to sit in its children's court or to have its county judge assume the work in addition to his regular duties -- in the former case this special judge is to have the same salary as the county judge; in the latter case the county judge is to have a modest increase in his pay. Hence the bill is adapted to both large and small counties and above all the best interests of children will everywhere be more secure.

With hearty congratulations upon your success in securing the enactment of this progressive measure, I am

Cordially yours,

*Edward N. Clapper*

Went to  
L. H. ...  
L. H. ...



Mrs Robt Livingston  
Chairman Legisla-  
tive Court of  
Columbia Co Court  
of State Charities and  
ad.

Mrs La Fever  
Montgomery Co  
Court S.C.A.A.  
and Member County  
Board of Child Welfare

Miss Maud Hopkins  
Children's Agent  
Montgomery Co

Miss Gladys Mendine  
Children's Agent  
Rockland Co

Miss Walker  
Woman's Civic  
League Tarrytown

Mrs. Beshel  
Delegate Westchester  
Co. Federation of  
Women's Club

**PAUL R. REYNOLDS**  
TO FIFTH AVENUE  
NEW YORK

New York  
PAUL R. REYNOLDS  
HAROLD OBER  
TELEPHONE COLUMBIA 5433  
CABLE CARRINGTON NEW YORK

London  
JOHN FARQUHARSON  
4 HAYES COURT  
RUE DE LA PAIX  
LONDON, W. 1. D.  
CABLE FARQUHAR LONDON

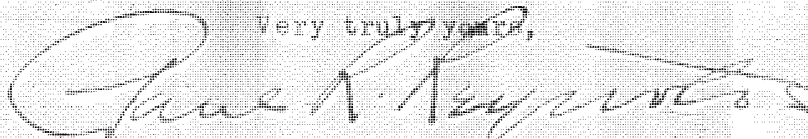
April 7, 1932.

Governor Nathan L. Miller,  
Albany, N. Y.

Sir:

As a tax-payer in Westchester County,  
I am interested in having a Children's  
Court in the County, and I therefore urge  
you to sign the Children's Court bill  
which has been passed by the legislature.

Very truly yours,



R/S



THOMAS H. HOONAN JUDGE

County Court.  
ERIE COUNTY,  
BUFFALO, NEW YORK.

S 1061

April 5th, 1922.

Hon. Nathan L. Miller,  
Executive Chamber,  
Albany, N.Y.

My dear Governor:

My attention has been called to what is known as the Childrens Court Bill Senate Int.No.1061, and then P.R.No.1800. From what I saw in the papers I concluded that the bill was permissible in character only, but I have just received a communication from the Board of Supervisors of Westchester County claiming that the bill is mandatory in character.

So far as Erie County is concerned it is a wholly unnecessary and useless bill. It doesn't affect me in the slightest particular one way or the other, but the great bulk of the juvenile cases in Erie County arise in the City of Buffalo, and as I understand it, the Childrens Court of Buffalo is exempted from the provisions of this Childrens Court bill. To make it compulsory upon the county of Erie to establish this kind of a Court to take care of business arising outside of the city of Buffalo would be compelling the board of supervisors to make a wholly unjustifiable expenditure that would amount to a deliberate waste of the taxpayers money.

I doubt the necessity of the bill in any of the rural sections of the state, but if it is permissible in character the supervisors will have power to protect their respective counties from unnecessary tax burdens. If the bill is mandatory in char-

56

Hon. Nathan L. Miller -2- 4/5/22

acter it certainly ought to be vetoed, and you wouldn't do the  
people of the state any injustice if you vetoed the bill even  
if permissable in form.

Very truly,

*Thomas A. Goeman*



1061

WOMAN'S POLITICAL STUDY CLUB  
WHITE PLAINS N. Y.

MRS. EDWIN ARNOLD, Pres.  
2 GREENRIDGE AVE.

MISS JESSIE LONG, Cor. Sec.  
31 NORTH BROADWAY

My dear Governor  
Herewith is a  
copy of Resolutions  
opposed to the Walton  
Bill passed at a  
meeting of the above Club  
at its regular meeting  
held this afternoon.

Very truly

Mrs. Edwin Arnold

April 7 - 1932

Whereas it appears to the members of the  
Women's Political Study Club of White Plains  
that the Walton Bill seeking to create  
a Children's <sup>County</sup> Court will add not  
merely to the already heavy burden  
of taxpayers but to the expenditures  
and personal hardships of parents  
of offending children; and  
Whereas, the Women's Political Study  
Club, appreciating the advisability of  
keeping juvenile delinquents out  
of contact with adult culprits, and  
believing that without added expense  
or inconvenience to anyone, the chief  
purpose sought to be served by  
the Walton Bill can better be attained  
by the institution of a "Children's Hour" or  
a "Children's Day" in already existing  
courts,

Resolved that this organization

2.

place itself on record in  
opposition to the Walton Bill and  
that the Governor be urged to  
veto the measure for the reasons  
here stated, and despite reports  
that he has committed himself in  
its favor to certain women  
politicians intent on "driving it  
through", despite the objections  
of constituted authorities of  
Westchester Co.

Mrs. Edwin Arnold, Pres -  
Miss Jessie Lang, Secy -



MRS. PAUL R. REYNOLDS  
SCARSDALE, WESTCHESTER COUNTY, NEW YORK  
SEND LETTERS TO  
70 FIFTH AVENUE, NEW YORK

TELEPHONES:  
SCARSDALE 66  
CHELSEA 6499

April 7, 1922.

Governor Nathan L. Miller,  
Albany, N. Y.

Sir:

As a tax-payer of Westchester County,  
I wish to urge you to sign the Children's  
Court Bill which I understand is now in  
your hands.

Very truly yours,

*Paula S. Reynolds*

ASR/S



COMMITTEE ON LEGISLATION

JOHN A. KINGSBURY  
CHAS. C. BURLINGHAM  
WM. C. CHADBOURNE  
JOHN M. GLENN  
LAWSON PURDY  
GEO. W. WICKERSHAM  
VANDERBILT WEBB  
GEORGE H. BELL

DIOCESE OF NEW YORK

**Social Service Commission**

REV. CHAS. K. GILBERT, EXECUTIVE SECRETARY

416 LAFAYETTE STREET, NEW YORK

TELEPHONE, SPRING 9870

April 7, 1922.

Hon. Nathan L. Miller, Governor,  
Albany, N. Y.

Dear Governor Miller:

This Commission has watched with interest the progress of the legislation amending the Judiciary Law with respect to the establishment of Juvenile Courts and we venture to express the hope that you will see your way to approve the Walton Bill, number 1061, now before you.

We believe that all good citizens concerned with the welfare of children and familiar with the advantages which this legislation will assure, would heartily commend your action in signing this Bill.

faithfully yours,



A. D. HENDERSON, PRESIDENT  
SUFFERN, N. Y.  
REV. A. C. WYCKOFF, VICE-PRESIDENT  
SPRING VALLEY, N. Y.  
MRS. B. C. DUNLOP, VICE-PRESIDENT  
SPRING VALLEY, N. Y.

ROCKLAND COUNTY BRANCH  
OF THE  
STATE CHARITIES AID ASSOCIATION.

OFFICE HEIDGERD BUILDING, SPRING VALLEY, N. Y.  
TELEPHONE SPRING VALLEY 17-J

A. J. MILLER, TREASURER  
RAMAPO, N. Y.  
HENRY VON L. MEYER, SECRETARY  
SUFFERN, N. Y.  
MISS GLADYS MENDUM, AGENT  
SPRING VALLEY, N. Y.

April 7, 1922.

Governor Nathan I. Miller,  
Albany, N. Y.

Sir:-

Permit me to urge your kind consideration in affixing your signature to the Juvenile Court Bill recently passed by the Legislature.

As President of the Rockland County Branch of the State Charities Aid Association for the past seven (7) years and having had considerable experience with delinquent juveniles, I am positive that, thru the working out of this Bill, much benefit will be obtained.

Therefore, I am very glad to give my endorsement to it and hope it will receive your favorable consideration.

Respectfully,  
R. C. B. of the S.C.A.A.



ADH.CP.

A. D. Henderson, President.

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

B124NY 66 BLUE 1 EXTRA

K YONKERS NY 130P 7

1922 APR 7 PM 1 53

GOVERNOR MILLER

394

ALBANY NY

THE BOARD OF DIRECTORS OF THE CHARITY ORGANIZATION SOCIETY OF YONKERS HEARTILY ENDORSES THE CHILDRENS COURT BILL PASSED BY THE LEGISLATURE MARCH SIXTEENTH WE CONSIDER IT A FORWARD STEP IN BEHALF OF CHILDREN AND BELIEVE THAT IT WILL ENABLE OUR SOCIETY TO RENDER MORE INTELLIGENT AND MORE FAR REACHING SERVICE IN THE CHILD PROBLEMS WITH WHICH WE ARE DAILY COPING WE STRONGLY URGE YOUR SIGNATURE

ELSWORTH BUNLER SECRETARY.

64

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

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RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

A682NY 29

1922 APR 7 PM 3 50

BY MAMARONECK NY 340P 2

HON GOVERNOR MILLER

506

ALBANY NY

WE RESPECTFULLY URGE YOU TO SIGN BILL ESTABLISHING COURT FOR CHILDREN MR. AND MRS E J EMELIN MR AND MRS P A BRAUTIGAN MR AND MRS T O WILLIAMS

NO SIG.

65

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

B58NY 18 BLUE

PI NEWYORK NY 1116A 7

1922 APR 7 AM 11 50

HONORABLE MARTIN E MILLER 329

GOVERNOR OF NEWYORK STATE ADEASY NY

TRUST YOU WILL APPROVE AND SIGN CHILDRENS COURT BILL AND  
OUR SCARBOROUGH FRIENDS ARE IN FAVOR OF IT  
GILES WAITING.

66

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

A407NY 71

1922 APR 7 PM 12 36

FY MAMARONECK NY 1215P 7

GOVERNOR MILLER

302 EXECUTIVE OFFICES ALBANY NY

THE UNDERSIGNED OF MAMARONECK NY URGE UPON YOU STRONGLY TO SIGN THE  
CHILDRENS COURT BILL MR AND MRS E THOMAS MR AND MRS D STEVENS MR AND MRS  
H FOSHAY DR AND MRS L DUBLIN MRS W H CANTLE MR AND MRS S  
OCALLAGHAN MISS FRANCES OCALLAGHAN MR F OCALLAGHAN MR MR D HAGERTY  
MRS R P BREWER MRS F BELLOWES MRS E L C ROBINS MR AND MRS J OREILLY  
NO SIG.

67



CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

1922 APR 5 PM 12 30

BLOOMY 47

NEW YORK NY 1207P-5

GOVERNOR NATHAN L MILLER

301

EXECUTIVE CHAMBER ALBANY NY

FOR YOUR PERSONAL INFORMATION CAN ASSURE YOU OPPOSITION BOARD OF SUPERVISORS WESTCHESTER COUNTY TO CHILDRENS COURT BILL DOES NOT REPRESENT REAL AND BEST SENTIMENT IN WESTCHESTER MR WARD IN SOUTH BUT FROM PERSONAL TALKS WITH HIM KNOW HIM TO BE STRONGLY IN FAVOR OF ESTABLISHING CHILDRENS COURT  
V EVERET MACY.

68

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

1922 APR 7 PM 10 11

A 1019NY 48 NL 1 EXTRA

BARRYTOWN NY 7

GOV MILLER

705

EXECUTOR MANSION ALBANY NY

THE BARRYTOWN WOMENS CIVIC LEAGUE REPRESENTING TWO HUNDRED WOMEN IN REGULAR SESSION TODAY PASSED THE FOLLOWING RESOLUTION STOP THE BARRYTOWN WOMENS CIVIC LEAGUE WISHES TO GO ON RECORD FOR THE SECOND TIME AS IN FAVOR OF THE CHILDRENS COURT BILL AND RESPECTFULLY URGES YOU TO SIGN IT

JULIA CHASE CHAIRMAN.

69

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

1922 APR 7 PM 9 52

A1000NY 17 2 EXTRA NL

YONKERS NY 7

HON NATHAN L MILLER

702 ALBANY NY

YONKERS CENTRAL COUNCIL OF SOCIAL AGENCIES HEARTILY ENDORSES  
CHILDRENS COURT BILL AND URGES YOUR SIGNATURE  
EUGENE B ALEXANDER VICE CHAIRMAN.

70

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

1922 APR 7 PM 10 46

A1036NY 49 NL 1 EXTRA

UTICA NY 7

GOV MILLER

71 EXECUTIVE MANSION ALBANY NY

A GROUP OF MEN AND WOMEN HAVING IN MIND THE BEST INTERESTS OF THE  
COMMUNITY ASSEMBLED IN UTICA ON WEDNESDAY APRIL FIFTH AND AFTER DUE  
CONSIDERATION OF THE WALTON ACT RELATING TO THE ESTABLISHING OF  
CHILDRENS COURT UNANIMOUSLY VOTED THEIR OPPOSITION TO THE BILL IN ITS  
PRESENT FORM

ISABELLA DEANGELIS CHAIRMAN.

71

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	DL
Night Message	NM
Night Letter	NL

If one of these three symbols appears after the check number or check date of a telegram, please check whether it indicates the method appearing after the check.

# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	DL
Night Message	NM
Night Letter	NL

If one of these three symbols appears after the check number or check date of a telegram, please check whether it indicates the method appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

APR 7 PM 6 45

ALBANY 20 5 EXTRA NL

WHITEPLAINS NY 7

HON NATHAN E MILLER

734 ALBANY NY

THE WESTCHESTER COUNTY CHILDRENS ASSN HAS GONE ON RECORD AS  
IN FAVOR OF THE CHILDRENS COURT BILL AND URGES YOU TO SIGN IT.  
WESTCHESTER COUNTY CHILDRENS ASSN B E STAFFORD EXECUTIVE SECRETARY.

72

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	DL
Night Message	NM
Night Letter	NL

If one of these three symbols appears after the check number or check date of a telegram, please check whether it indicates the method appearing after the check.

# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	DL
Night Message	NM
Night Letter	NL

If one of these three symbols appears after the check number or check date of a telegram, please check whether it indicates the method appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

APR 7 PM 6 55

ALBANY 32 NL

TARRYTOWN NY 6

GOV MILLER 698

EXECUTIVE MANSION ALBANY NY

AS CHAIRMAN OF COMMITTEE ON SPECIAL CLASS WHICH IS A SUBCOMMITTEE  
OF WESTCHESTER COUNTY PEOPLE EDUCATIONAL COMMITTEE OF ONE HUNDRED  
WISH TO RESPECTFULLY URGE YOU TO SIGN THE CHILDRENS COURT BILL  
MRS CASPER WHITNEY.

73



CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	DL
Night Message	NM
Night Letter	NL

If none of these three symbols appears after the check, a number of minutes after the check is a message. The symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	DL
Night Message	NM
Night Letter	NL

If none of these three symbols appears after the check, a number of minutes after the check is a message. The symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

ALBANY 31 NR 3 EXTRA

1922 APR 7 PM 9 47

WVERNON NY 7

HON NATHAN MILLER

701

GOVERNOR STATE OF NEW YORK ALBANY NY

TRUST THAT THROUGH YOU THE CHILDRENS COURT BILL BECOMES A LAW AS IT IS A STEP IN RIGHT DIRECTION AND MEETS APPROVAL OF WESTCHESTER COUNTY CITIZENS

E R CHAMBERLAIN PRESIDENT WVERNON CHAMBER OF COMMERCE.

71

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	DL
Night Message	NM
Night Letter	NL

If none of these three symbols appears after the check, a number of minutes after the check is a message. The symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	DL
Night Message	NM
Night Letter	NL

If none of these three symbols appears after the check, a number of minutes after the check is a message. The symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

ALBANY 31 NR 3 EXTRA

1922 APR 7 PM 11 35

WVERNON NY 7

HON NATHAN MILLER

050

GOVERNOR STATE OF NEW YORK ALBANY NY

TRUST THAT THROUGH YOU THE CHILDRENS COURT BILL BECOMES A LAW AS IT IS A STEP IN RIGHT DIRECTION AND MEETS APPROVAL OF WESTCHESTER COUNTY CITIZENS

E R CHAMBERLAIN PRESIDENT WVERNON CHAMBER OF COMMERCE.

WESTCHESTER COUNTY CITIZENS

75



CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION TELEGRAM



NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

1922 APR 7 PM 11 35

1070NY STREET 37  
 HELEN LUND MR AND MRS SAMUEL COHEN ADELE HERMAN MR AND MRS G ANDERSON  
 MR AND MRS JOHN R FREEMAN MR AND MRS MORRIS SHONGUT MR AND MRS  
 HERMAN.

547

STATE CHARITIES AID ASSOCIATION

UNITED CHARITIES BUILDING

105 EAST 22ND STREET

NEW YORK

OFFICERS

MR. GEORGE F. CANFIELD	PRESIDENT
MRS. WILLIAM B. RICE	VICE-PRESIDENTS
MR. OWEN ROOT	
MISS LOUNA LEE SCHUYLER	
MR. MORTIMER N. BUCKNER	TREASURER
MR. HOMER FOLKS	SECRETARY
MR. GEORGE J. NEUBACH	ASSISTANT SECRETARIES
MR. GEORGE A. HASTINGS	
MISS H. IDA CURRY	
MISS SOPHIE VAN S. THIES	
MR. STANLEY P. DAVES	

COUNTY AGENCIES FOR DEPENDENT CHILDREN

MISS H. IDA CURRY	SUPERINTENDENT
MRS. JANE S. LEARN	ASST. SUPERINTENDENTS
MISS SARAH IVINS	

April 10, 1922.

Hon. Nathan L. Miller,  
The Capitol,  
Albany, New York.

In Support of Senate Bill 1800, Int. 1061.

My dear Governor Miller:

May I lay before you the enclosed clipping as a strong argument for the establishment, without delay, of county juvenile courts? The situation described is not uncommon as it bears upon the unwillingness of local magistrates to take prompt action in similar circumstances. Our Children's Agent in Seneca County has for the past year tried to secure action by some one of the justices of the peace in the town in which this family resides, in order to relieve the distress of these little children and their mother. Naturally the County Judge has hesitated to consider a case which ordinarily would come to the justice of the peace for determination, but conditions became so aggravated that at last County Judge Bodine decided to take up the matter. I am sure that no county judge in the State, whether elected as a children's judge or acting by appointment, would have allowed this family to have remained in its distressed condition even for a day, had an appeal been made to him for their protection.

I venture also to enclose brief notes covering the situation of this family as I knew it just before Judge Bodine took action.

May I take this opportunity to express, for the Children's

177

Persons contemplating bequests should note that the corporate name is the "State Charities Aid Association."

Hon. Nathan L. Miller

- 2 -

April 10, 1922.

Agents dealing with children in the various counties of the State, their appreciation of your interest in legislation looking toward the more adequate care and protection of children?

Very truly yours,

*N. Ida Curry*  
Superintendent.

HIC-G

Enclosures.

78

# Parents Sick, Ten Children in Distress, Town Officers Said to Have Refused Help

## Peermaster Tells Court He Was Told Not to Give Relief; Mortgage-holder Asked to Foreclose on Farm.

Waterbury, April 15.—Mr. and Mrs. John Peermaster and family of the children, the youngest of whom is two months old and the oldest 17 years, together with members of the Town Board of Peermaster, were called into Judge George F. Peermaster's office in an effort to determine why the family had remained in a destitute condition for so long a period. The judge, who is the father of the Peermaster family, has been called upon to determine why the family had remained in a destitute condition for so long a period. The judge, who is the father of the Peermaster family, has been called upon to determine why the family had remained in a destitute condition for so long a period.

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April 6, 1922

AN ARGUMENT FOR THE IMMEDIATE ESTABLISHMENT OF  
COUNTY CHILDREN'S COURTS.

*Prepared for  
hearing -  
not used.*

An Italian father - tubercular, ill tempered and cruel to both wife and children; on one occasion he knocked one of the boys insensible. Irish mother, in ill health and seriously in need of surgical care since the birth of the last baby. Ten children ranging from 13 years to three weeks in age.

Have lived in the town three years on a small farm mortgaged to its full value. The home conditions are indescribably bad. Family live principally in one room and a little shed room in which the children sleep. When first found, had no beds or bedding in the house. Children attend school irregularly, are filthy, half starved and half clothed. When they go to school they carry no lunches but gather up crusts discarded by other children, which they eat ravenously. Social agents have tried to furnish the house, sending beds, bedding and clothing. When the last baby was coming, arrangements were made for a doctor to be called. The father refused to send for the doctor.

The town refuses to grant relief because of the cost to the town. Conditions are growing worse instead of better. Even when the last baby was coming, the overseer of the poor refused help when the mother appealed for it. No one of the four justices of the peace will swear out a warrant for the man's arrest, either on a cruelty or neglect charge, refusing even to take the children's agent's deposition. As a result of the agitation stirred up by the children's agent, the town board finally sent a doctor to see the mother and baby. This doctor admitted the family needed care but as the town did not want to assume the expense of supporting the children nothing could be done.

The county judge has been appealed to but he is loath to act in the case over the heads of the town officials. The same is true of the superin-

tendent of the poor who was not sure he could give relief in the home and appealed to the State Board of Charities for a ruling in this regard.

The children's agent took a private physician to the house, who said unless the baby was cared for shortly it would die of starvation, and reported the mother to be in serious need of surgical care. The baby has been removed from the home and is being cared for by the county committee of the State Charities Aid Association. For one year the agent has been trying to relieve the situation. The family has been in a state of want and suffering during the entire period.

In this town no Justice of the Peace will hear any case which may involve the support of children unless he first is told by the Supervisor that he may do so.

HIC-RAM

*Sgd*  
SCARSDALE WOMAN'S CLUB, INC.  
SCARSDALE, NEW YORK

April 7th, 1922.

Hon. Nathan L. Miller,  
Executive Mansion,  
Albany, N.Y.

Dear Sir:

At a meeting of the Community  
Service Committee of the Scarsdale Woman's  
Club where a majority of the Directors  
of the Club were present, it was voted  
to send you a letter thanking you for  
your interest in the Children's Court;  
and expressing the hope that you would  
sign the bill as soon as possible.

Very respectfully yours,

*Louise Glover*  
*(Mrs P.W. Glover)*  
*Chairman*

*Isabel L. Levy*  
*(Mrs Edgar A. Levy)*  
*Secretary*



April 10, 1922.

Mrs. Edgar A. Levy,  
Scarsdale Woman's Club, Inc.,  
Scarsdale, N.Y.

My dear Mrs. Levy:-

I acknowledge your letter of April seventh and shall be glad to bear in mind the views of the Scarsdale Woman's Club in connection with the Children's Court Bill when this measure is before me for final consideration.

Very sincerely yours,



CHILDREN'S COURT  
CITY OF NEW YORK

FRANKLIN CHASE MOFF  
PRESIDING JUDGE

April 4, 1932.

Hon. Nathan L. Miller,  
Governor, State of New York,  
Albany, New York.

My dear Governor Miller:-

Much to my regret it will not be possible for me to be present next Saturday at the hearing on the Walton Bill for the establishment of Children's Courts, owing to an accident which I met with a short time ago. Justice Collins, however, expects to attend and I feel sure that he can answer satisfactorily any objections which may be raised to the measure.

I hope with all my heart that you will approve of the bill. While it has been amended considerably since the original draft was submitted by the State Commission and while some of the phraseology does not commend itself to me, I believe it to be excellent in principle and to include all the desirable features which I discussed with you a month or two ago.

In my judgment it accords substantially with findings of the State Commission, with your own recommendations in your Annual Message and with the views of the citizens of our State as so emphatically expressed by them in the vote on the Constitutional Amendment last November. Its enactment

CHILDREN'S COURT  
CITY OF NEW YORK

FRANKLIN CHASE HOYT  
PRESIDING JUSTICE

- 2 -

April 6, 1922.

Hon. Nathan L. Miller.

will result in lasting benefit to the children of  
our community and place New York at the forefront  
in the cause of child welfare.

I, therefore, trust that it may  
receive your favorable consideration.

Respectfully,

*Franklin Chase Hoyt*

Children - minor offences



1.  
Whereas it appears to the members  
of the Women's Political Study Club of  
White Plains that the Walton Bill  
S. J. 1061, seeking to create a  
Children's County Court, will add  
not merely to the already heavy  
burden of taxpayers but to the  
expenditures and personal hardships  
of parents of offending children; and

Whereas, the White Plains Political Study  
Club, appreciating the desirability  
of keeping juvenile delinquents  
out of contact with adult culprits,  
and believing that without added  
expense or inconvenience to anyone,  
the chief purpose sought to be  
served by the Walton Bill can better  
be attained by the institution of  
a "Children's Hour" or a "Children's Day"  
in already existing Courts, <sup>87</sup>



2.

Resolved, that this organization  
place itself on record in  
opposition to the Walton ~~Act~~ <sup>Bill</sup>  
and that the Governor be urged  
to veto that measure for the  
reasons here stated and despite  
reports that he had committed  
himself in its favor to certain  
women politicians intent on  
"driving it through" despite  
objections of the constituted authorities  
of Westchester Co.

Mrs Edwin Arnold Pres.  
Jessie E. Long Cor. Sec.

TO THE BOARD OF SUPERVISORS OF  
WESTCHESTER COUNTY

Your Committee on Legislation desires to report that there is a bill before the Governor awaiting his action, known as the "Children's Court Bill", Senate Int. No. 1941, Pt. No. 1840.

This bill is mandatory in form and requires this and other counties to establish a Children's Court with an additional County Judge in this county, at ten thousand dollars per year, together with additional clerks, attendants, chief and other probationary officers and physicians, and other employees, and requires also separate quarters, records and places for detention of children.

In the opinion of your committee, if this bill becomes a law with the work that there is at the present time in the County Court, it will practically force the placing of an additional County Judge and by so doing will create an additional burden on this county, by anywhere from Forty to Seventy-five thousand dollars per year.

The cost, however, in the opinion of your Committee, is of minor importance as compared with some of the other provisions and requirements of this bill. The proposed act gives exclusive original jurisdiction in all children's cases to the Children's Court, which of necessity would have to sit at the county seat and would thereby compel the transferring of all children's cases to the county seat, no matter what these cases might be. Such cases include truancy cases and others and mean the attendance every day of a large number of children brought from various sections of the county at a great expense not only to the county, but also to those interested in the cases. By the proposed act the handling of these cases is taken away from the local authorities who in almost all instances are better acquainted by far with local conditions, the families of the children and the surrounding conditions and circumstances regarding their being in court.

There are many other serious objections to this bill, but to give minute the main objection is that it is mandatory and requires that all children's cases of every kind, nature and description be brought to White Plains, which to our minds is not only unreasonable and expensive, but unjust to the families concerned and detrimental to a large number of children, who by being so brought here will if not in theory be in fact imbued with more of a spirit of lawlessness than if the cases were handled quietly in their own communities.

Your Committee would therefore recommend that this Board of Supervisors, representing the County of Westchester, go on record as opposed to this bill and your Committee for that purpose would offer the following resolution:

**RESOLVED**, That the Board of Supervisors of Westchester County protests the signing of the bill known as the Children's Court Bill, Senate Int. No. 1941, Pt. No. 1840, on the grounds and for the reasons aforesaid and respectfully petition the Governor not to sign said bill, so that it cannot become a law and be it further

**RESOLVED**, That for the purpose of opposing said bill, the Chairman and Clerk of this Board, the Legislative Committee and the Committee on Public Welfare, including the County Hospital Committee, together with the County Attorney be and they hereby are authorized and directed to appear upon the hearing of this bill which is to be held on Saturday, April 24, at 11:00 A. M., at the Executive Chamber in the City of Albany, and do everything in their power to prevent this bill becoming a law and be it further

**RESOLVED**, That a certified copy of this resolution be forwarded to the Governor and be it further

**RESOLVED**, That a copy of this resolution, together with a letter be sent by the Clerk of this Board to such other boards of supervisors, or Chairman of such boards, or such other persons in the State of New York as to him shall seem advisable for the purpose and idea of calling to their attention the said proposed law, with its mandatory requirements, with request that they appear at the time of the hearing in opposition to the signing thereof by the Governor.

GEORGE A. CASEY  
CHAS. H. TOWNER  
JOHN J. SINNOTT  
EDWARD F. BARRETT  
JOHN G. JERSON  
A. L. WENDEVER  
HEN. I. TAYLOR  
Committee on Legislation.

STATE OF NEW YORK  
COUNTY OF WESTCHESTER, ss.

I do hereby certify that I have compared the foregoing Resolutions with the original on file in my office, and that the same is a correct transcript therefrom and of the whole of the said original Resolutions which were unanimously adopted by the Board of Supervisors of said County, April 3, 1922.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of said Board of Supervisors, April 3, 1922.

(Seal)

FRED L. MERRITT  
Clerk.

Chambers of the Supreme Court  
Barbater, New York

JOHN H. STEPHENS, JUDGE

March 24, 1922.

Honorable Nathan L. Miller,  
Governor,  
Executive Chambers,  
Albany, N.Y.

Dear Sir:-

I most respectfully request that Executive approval be withheld from Senator Walton's bill, Int. 1061, relating to the establishment of Children's Courts; I am unable to identify the corresponding assembly bill.

Enclosed herewith I beg leave to submit some observations which seem to me to justify my request.

With great and genuine esteem, I beg to be,

Yours very respectfully,

*John H. Stephens*



OBSERVATIONS ON

SENATOR WALTON'S BILL, Int. 1061,

by J.B.M. Stephens, Rochester, N.Y.

My personal interest in the subject of Children's Courts was enlisted at the time of the enactment of the act conferring jurisdiction in cases affecting children upon the Monroe County Court (Chapter 611, 1910) and my intimate knowledge of the subject was acquired in administering that act as County Judge of Monroe County from the time it became operative on January 1, 1911, for a period of eight years; I prefer, however, that the validity of these criticisms of the Walton Bill shall be determined solely by their own inherent force rather than have any sanction of authority from my experience.

GENERAL.

The constitutional amendment adopted in 1921, relating to Children's Courts and courts of Domestic Relations gave authority to the legislature to establish such courts (1) as separate courts, or (2) as parts of existing courts, and to confer upon them such jurisdiction as may be necessary.

The Monroe County act, above referred to, passed in 1910 conferred the necessary jurisdiction upon a court already existing and thus anticipated the second of the two methods of proceeding authorized by the constitutional amendment.

91 Senator Walton's bill when introduced in its original form or when it had possibly been once amended confused the two constitutional methods so that it was difficult to discover from the proposed act itself whether the Children's Court created by it was wedded to the County Court or separated from it and whether the bill was a marriage certificate or a decree of divorce; the opposition to that measure was so insistent and successful that it was withdrawn and a substitute introduced on Monday March 13; the later bill was still further amended and reprinted and passed by both houses of the legislature March 15, 1922 and is now



awaiting executive action; it is, of course, this last bill to which these observations relate.

This history of the legislation is given to indicate that the bill as finally passed was not available for examination by those interested in the subject with which it deals; the same is true with reference to its immediate predecessors; the legislators representing the County of Monroe are entitled to great credit in having Monroe County excepted from the new legislation thus preserving the present statute which has been successfully administered here for upwards of eleven years.

It is significant that the agencies themselves that were interested in the enactment of the Walton Bill and influential in procuring its passage were wavering in the adoption of the best means to accomplish the desired result but with the courage that often characterizes the activities of the uninformed spurred the bill to its enactment.

Ten counties are excluded from the operation of the bill; these counties comprise a little more than two thirds of the population of the State and the legislation is, therefore, applicable to a little less than one third of the population, but to most of the area of the State; of the counties to which the act applies eighteen of them voted in the negative upon the constitutional amendment and one of the counties, Onondaga, expressly excluded from the operation of the bill, except as it may be made operative by the Board of Supervisors in a part of the county, gave a favorable vote upon the constitutional amendment; Chautauqua and Ontario Counties which are also unaffected by the legislation voted No and Monroe County that is in like case voted Yes; the action of the last three mentioned counties may permissibly be interpreted to indicate that Chautauqua and that  
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did not wish to be disturbed and that Monroe desired the  
effects of the act enforced within her borders might be shared  
neighbors.

THE COUNTY AS A TERRITORIAL UNIT IN JURISDICTION.

The advantages sought to be accomplished by either of the two constitutional plans under the existing methods of administering control of children are in part at least (1) a court exercising jurisdiction over a larger territory thus contributing to greater uniformity in treatment and have at command better facilities for mental and medical examinations and for probationary over-sight, (2) a court exercising jurisdiction over a larger area of the conditions that affect child life, (3) a court exercising a continuous jurisdiction over a larger span of the life of a child, changing its custody from time to time if need be to promote the welfare of the child by adjusting it to new environments as its physical and mental growth and changed tendencies requires, and (4) a court in which presides a skilled and competent judge.

The first two of the advantages the Walton Bill secures; those numbered (3) and (4) are not secured.

The procedure prescribed by the bill under scrutiny is quite satisfactory up to the time the child is brought into court although it is questionable whether the allegations of the petition must conform to the present requirements of an information upon a criminal charge or whether the requirements of a civil proceeding are adequate, and although a new way of serving a summons has been found whose requirements are less in one particular and greater in another than in any method now known.

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After the child has been brought into court the practice does not essentially differ from that of the present police courts and courts of special sessions; the act is silent with reference to the period during which the court can continue to exercise jurisdiction.

One of the most vital provisions in the practice in + counties of Monroe, Ontario and Chautauqua is

that which confers upon the county court a continuing jurisdiction during the minority of the child; this jurisdiction not only extends the power of the court to exercise probationary supervision of the child after its sixteenth birthday but also enables the court to provide the institutional care best suited to the child's needs and to this end may change the commitment from time to time in the accomplishment of this purpose.

The advantage of securing a skilled and competent judge is not certainly safeguarded by the Walton act; the bill provides for the election of a judge of the Children's Court; the position is one of equal dignity with that of the county judge when appraised by the length of the term and the salary attached to the office; there are no qualifications, however, prescribed that a candidate must possess in order to be eligible to the position; he may or he may not be a lawyer or possess any other qualification for the position; if the county judge presides in the court this criticism, of course, does not apply.

#### THE BILL IS REACTIONARY.

The new legislation increases the number of delinquencies by bringing under that label violations by the child of home regulations and the distinction now in the law between delinquent, disorderly and ungovernable children has been abolished and disobedience to parents is made as serious an offense as the violation of the penal law; this is a confusion by adults of moral values which is unfair to the children.

91 The distinction between violations of penal laws and of home regulations was discussed in Matter of Knowack, 158 N.Y. 482.

I am of the confident opinion that the failure to maintain this distinction would meet with general disapproval; an extract from the last annual report of the Board of Managers of the State Agricultural and Industrial School at Industry is

pertinent, "We feel that it would add to the effectiveness of the work of the school if there were committed to us only boys who are really delinquents, and not those who are simply truants, who are often sent here by magistrates who construe the word "ungovernable" in the law to include truancy. But a boy who is only a truant, we cannot keep separate from the boys who have started on a career of crime. We believe, therefore, that legislation should be enacted making it impossible to send us boys who are truants only".

It appears that the management of the institution makes a practical distinction and if there is to be discrimination in fact between the two classes of offenders the difference should be indicated by the label attached to the misconduct of the child.

THE PROCEDURE AFTER ADJUDICATION IS INADEQUATELY DEFINED AND THE POWERS OF THE COURT UNCERTAIN.

The act particularly specifies five definite things that the court can do with a child after judgment, (a) suspend sentence, (b) parole and place child on probation, (c) commit the child, (d) continue the case, and (e) discharge the child.

In only one of these provisions is the child under probationary supervision and in only one is the child committed; the care and oversight of the child by the court and its probation officers with the one exception seems to end; it is true that there are further provisions for modifying or vacating the judgment, and giving power to stay execution, arrest judgment and grant a new trial but they are wholly inadequate to meet the situations that constantly arise in the practical administration of cases relating to children, as experience has abundantly shown.

THE LAW IS CARELESSLY DRAWN.

Those who framed the bill have used legal terms



with little regard to their current meaning and without a clear notion of their application to legal procedure; while there is evidence in support of this statement on each page I shall content myself with mentioning but a few.

A child is defined as "a person less than sixteen years of age"; a destitute child as a child "actually or apparently under the age of sixteen years \* \* \*"; jurisdiction is conferred in cases involving "children actually or apparently under the age of sixteen years".

The court is given like jurisdiction as is now conferred on county courts as concerns adoption; county courts as such have no jurisdiction in adoption.

The court is given jurisdiction over any person "charged with abandonment or non-support of a wife or and child"; section 480 of the penal law defines the crime of "abandonment of children"; the court to be established in each county is "a children's court" but the magistrate before whom a child is brought must transfer the case to "the juvenile court"; there is a confusion in the use of the words, order, judgment, sentence, and commitment; new terms have been introduced, discharge, release, remand, placement, replace, replacement, and recommitments, which serve no purpose.

Some of these criticisms may seem to be frivolous and they are referred to not so much because the act might not be practical but to indicate the conditions of haste and lack of care in which the bill was prepared.

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#### RELIGION.

The religious status of a child is now determined for judicial purposes by the religious faith of the parents of the child; the Walton bill determines this status by the religious persuasion of the child without in any way indicating that the faith and persuasion of young children shall be ascertained.

ained; if it be said that the bill follows the language of the constitution there is but one reply and that is that the constitution was carelessly drawn and is as bad as the bill in this particular.

#### BASTARDY CASES.

I am unalterably opposed to children's courts exercising exclusive jurisdiction in this class of cases.

#### CONSTITUTIONALITY.

The provision increasing the salary of the county judges is doubtless in violation of article VI, section 15; this would probably not invalidate the act but is another indication of its hasty preparation.

#### A QUESTION OF CONSTRUCTION.

The act will go into effect May 1; the courts will have been established on that day, officered by the automatic transfer of the officers of the county court except the judges and possessing exclusive jurisdiction in children's cases; the courts will not be able to function before November 1; the question may be raised where the jurisdiction resides over children's cases during the period the courts are unable to function.

#### THE BILL IS FUNDAMENTALLY WRONG IN ITS CONCEPTION 97 OF THE RELATION OF THE CHILD TO THE STATE.

The court in *Matter of Knowack*, 158 N.Y. 482, recognizes the generally accepted relation by saying in referring to the law protecting children from the neglect of their parents, as *parens patriae*, by this legislation seeks to children who are destitute and abandoned by those whose to care for and support them"; this doctrine the

present bill ignores.

AMENDMENTS.

Some of the agencies interested in the subject of child welfare tolerate the conceded imperfections of the bill because its defects can be supplied and its blemishes eliminated by amendment next year.

I am of the opinion that the establishment of children's courts of this character in many of the counties affected by the law will not be enthusiastically welcomed especially by the eighteen counties that voted against the constitutional amendment; I thoroughly believe in the county as the unit in the administration of cases relating to children and sincerely hope, therefore, that when the plan is presented to communities hesitant about accepting it there may not be so many valid arguments against the plan supplied by the Walton bill.

"A MORE EXCELLENT WAY".

As above indicated Monroe County anticipated by several years the adoption of the county as the unit in children's cases; it was accomplished by transferring jurisdiction in such cases to the Monroe County Court; I am very much enamored of this fashion of creating children's courts in counties; additional judicial aid in counties where it would be necessary can be had under Article VI, section 16, of the constitution.

The provision of the Walton bill for additional judicial officers is extremely awkward, the additional judge to be elected unless the county judge and the board of supervisors certify that it is not necessary; under the Monroe County plan an additional judge could be had if the board of supervisors that it is necessary.

Another advantage of conferring jurisdiction upon courts is that said court is a court of record.

The Monroe County act has operated for upwards of eleven years without requiring a single amendment; it is so clear in its procedural provisions and so easily adapted to the practice in the court that the forms prepared for use under it, guided by the terms of the act alone, and without any actual experience under it, have continued in use without any material change.

The new legislation initiates an experiment that in a large measure disregards the advantages obtained by the actual operation of a better bill.

Whatever has been said in anyway reflecting upon the care and ability of those who framed the bill has been said in ignorance of the persons and agencies who sponsored it; it is a legitimate conjecture, however, in view of the fact that the original measure repealed the Monroe County act that those interested in children's work here in the most populous unit affected by it had no knowledge of its preparation and introduction into the legislature, that other communities to which the act applies were also ignorant of its provisions; if this surmise be at all permissible it follows that the advocates of this legislation are to be found in the areas that are not practically concerned with legislation that affects the up-state communities.

I beg leave most respectfully to submit the above observations.

Dated, March 24, 1922.

*H. B. Williams*



S 1061 *Notfy*

CHARLES W. WALTON, CHAIRMAN  
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HENRY D. BAYER  
124 EAST 26TH STREET  
NEW YORK CITY

**NEW YORK STATE COMMISSION  
TO EXAMINE LAWS RELATING  
TO CHILD WELFARE**

PURSUANT TO CHAPTER 699, LAWS OF 1920

OFFICE OF THE COMMISSION  
137 EAST 22ND ST., NEW YORK CITY  
TELEPHONE GRAMERCY 6283  
GEORGE A. HALL, EXECUTIVE SECRETARY

March 27, 1932

Hon. Tracy Stagg,  
Counsel to the Governor,  
Executive Chamber, The Capitol,  
Albany, N. Y.

My dear Sir:

I assume that there is little doubt but what the Governor will approve the Walton Children's Court Bill, Int. 1081, Print No. 1830. In case, however, there should be requests for a public hearing and the Governor decides to grant such hearing, may I trouble you to see that this office is promptly notified so that our Commission may be represented? We do not, of course, ask for any hearing as the Commission has approved the main principles of the bill.

Sincerely yours,

*George A. Hall*  
Executive Secretary

VAGRANT CHILDREN

The People of the State of New York, represented  
in Senate and Assembly, do enact as follows:

Section 1. Subdivision 8 of Section 887 of the Code of  
Criminal Procedure is hereby repealed.

Section 2. Section 888 of the Code of Criminal Procedure  
is hereby repealed.

CONSENT TO MARRIAGE.

The People of the State of New York, represented  
in Senate and Assembly, do enact as follows:

Section 1. Section 15 of Article 3 of the Domestic Relations Law is hereby amended so as to read as follows:

Section 15. Duty of Town and City Clerks. \*\*\*\*\*

\*\*\*\*\* If it shall appear upon an application, as provided in this section, that the male applicant is under the age of eighteen years, then the Town or City Clerk, before he shall issue a license, shall require the written consent to the marriage from both parents of each applicant, or such as shall then be living, or if both parents of either or of both applicants are dead, then the written consent of the guardian or guardians of such applicants shall be required; if the male applicant be under the age of eighteen years, and the female applicant be under the age of sixteen years, then the consent of the judge of the Children's Court, or if there be no Children's Court, then of the Surrogate, shall be required in addition to that of the parents, and if either or both of such applicants be in the care of any public institution or agency, the consent of the executive officer of such institution or agency shall also be required.

ABANDONMENT

The People of the State of New York, represented  
in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of Section 901 of the Criminal  
Code is hereby amended by striking out the words "for the space of  
one year thereafter" and by inserting in lieu thereof the words  
"until his children shall have reached the age of sixteen years."



STATEMENT CONCERNING BILL FOR ESTABLISHMENT OF  
COUNTY BOARDS OF CHILD WELFARE

The bill seeks to standardize and to correlate the many different provisions of law now relating to the public care of unfortunate children. This is attempted not only through proposed changes in administrative organization and procedure but also through a reclassification of these children and a definition of each class.

As a recently adopted constitutional amendment, in authorizing the legislature to create special courts and to confer upon them certain powers concerning children, makes use of the terms dependent, neglected, and delinquent minors, it is necessary to define these. The definitions here suggested are based upon the provisions of the various laws and include such definitions now in force as are deemed adequate.

The law in dealing with unfortunate children, makes use of many different terms as listed below, and these may be grouped under the following headings:

<u>DEPENDENT</u>	<u>NEGLECTED</u>	<u>DELINQUENT</u>	<u>DEFECTIVE</u>	<u>ILLEGITIMATE</u>
destitute	abandoned	disorderly	blind	bastard
indigent	vagrant	ungovernable	deaf-mute	
friendless	exposed	truant	crippled	
orphan	deserted	incorrigible	deformed	
pauper			idiot	
			lunatic	
			insane	
			epileptic	
			feeble-minded	

The definitions of dependent, neglected, and delinquent children appearing in the bill are based upon the following distinctions:

A dependent child is one whose condition is due to no fault either of his own or of those responsible for his care.

A neglected child is one whose condition is due to no fault of his own, but to that of those responsible for his care.

A delinquent child is one whose condition is due to fault of his own.

The definition of a defective child corresponds closely with that found in certain special acts. As the definition of an illegitimate child or bastard (see section 836 of Code of Criminal Procedure) seems adequate, no amendment is suggested.

At present public care of dependent and neglected children is provided by county superintendents and town overseers of the poor, by special county and municipal officials, and also by local boards of child welfare which administer allowances to mothers. This bill provides for the establishment of a county board of child welfare charged with all of the duties with regard to such children now performed by the officials and boards mentioned and adds to these duties others that should be performed if adequate care is to be given. The bill is permissive in that its adoption is optional with each county and moreover an alternate plan is provided for, so that if any county does not wish to have a board to administer this work it may entrust the powers and assign the duties to an official and still have the advantage of a system uniform with that in effect in other counties where adopted. There is nowhere in the law at present a clear-cut definite statement of the powers and duties of poor law officials with regard to children, hence in providing for adequate administration this bill carefully sets forth and defines the powers and duties of the county public authority created by it; the poor law officials are not abolished but if this bill should be adopted by any county, would continue to care for young persons and adults while the care of children would devolve upon the newly created agency.

The Penal Law provides penalties for the abandonment of children but does not define this offense; this bill sets forth the acts

that constitute abandonment and not only provides for the care of abandoned children, but also clears the way for their adoption. It seeks to embody the best modern thought relating to the care of unfortunate children and also the experience of communities in the state which have in one way or another dealt with public administration of child welfare provisions.

The outstanding features of the measure are, first, the definitions which clarify the law; second, its permissive character which tends to develop local initiative; third, the opportunity to choose between administration by a board or by a director; fourth, its clearness of statement which leaves no doubt as to intent; and fifth, its comprehensiveness as to treatment and procedure.

AN ACT to define certain classes of children eligible for public care and protection; to provide for the establishment of county boards or departments of child welfare and for their support and supervision; to define the powers and duties of such boards or departments; and to make inapplicable to cases arising under this act all provisions of law inconsistent with this act.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1                   Section 1. Definitions of dependent, defective, neglected,  
2 abandoned and delinquent children and of juvenile delinquency. A dependent  
3 child is a child actually or apparently under the age of sixteen years who,  
4 through no neglect on the part of its parents, guardian, or person having  
5 its custody, is destitute or homeless, or in a state of want or suffering  
6 due to lack of sufficient suitable food, clothing, shelter, supervision, or  
7 medical or surgical care.

8                   A defective child is a child who is blind; or a deaf-mute;  
9 or so physically crippled or deformed as to make advisable special treatment  
10 or training; or insane; or epileptic; or feeble-minded or a mental defective  
11 as defined by law, or an imbecile or an idiot.

12                   A neglected child is a child under the age of sixteen years  
13 (1) who is an abandoned child; or (2) whose parents or parent having the  
14 right of guardianship is by reason of improvidence, immorality, depravity,  
15 incompetency, mental incapacity, cruelty or gross lack of interest in his  
16 welfare, unfit to have such right, whether the child be in the custody of  
17 such parent or not; or (3) whose parents, guardian, or lawful custodian  
18 fail without good reason to supply him with the necessaries of life or to  
19 provide for his proper care and training; or (4) who is suffering from any  
20 abnormal physical or mental condition requiring treatment or training in a  
21 hospital, institution, or elsewhere and whose parents, guardian, or lawful  
22 custodian refuse or fail to provide for such treatment or training; or (5)  
23 who wanders about any city, town, village, or elsewhere without proper or



1 lawful occupation; or (6) who lives with or innocently frequents the company  
2 of vicious, disreputable, immoral or criminal persons whether related to him  
3 or not; or (7) who innocently frequents any resort of questionable character  
4 or any place to which the admittance of persons of his age is prohibited,  
5 either with or without his parent, guardian, or custodian; or (8) who, with-  
6 out committing juvenile delinquency, forms associations or commits acts for  
7 the permitting of which a parent, guardian, custodian, or other person may be  
8 punishable by law; or (9) who is employed, shown, or used in any task, ex-  
9 hibition, or practice for permitting his engagement in which a person may be  
10 guilty of a misdemeanor, or who is disposed of or trained for participation  
11 in any such task, exhibition, or practice; or (10) who is in a situation or  
12 engages in an occupation where his life or limb is endangered or his health  
13 is likely to be injured or his morals are likely to be depraved.

14 An abandoned child is a child under the age of sixteen years  
15 who is deserted in any place by both parents or by the parent having his  
16 custody, or by other person charged with his care, and left (1) in destitute  
17 circumstances; or (2) without adequate means of support; or (3) without  
18 reasonable arrangements having been made for supplying him with necessary  
19 and proper food, clothing, shelter, education, and medical care until he  
20 shall have become sixteen years of age; or (4) without being visited or  
21 having payments made toward his support by his parent, guardian, or lawful  
22 custodian, without good reason, for the period of one year; or (5) in danger  
23 of becoming a burden upon the public.

24 A delinquent child is a child under the age of sixteen years  
25 who (1) without committing a felony violates any law or any local ordinance;  
26 or (2) commits any offense which, if committed by an adult, would be a crime  
27 not punishable by death or life imprisonment; or (3) engages in any occupa-  
28 tion unlawfully; or (4) has in his possession any dangerous weapon or instru-  
29 ment the manufacture or sale of which, or the disposal of which to such child,  
30 is forbidden by law; or (5) deserts his home without good and sufficient

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1 cause; or (6) keeps company with vicious, immoral, or criminal persons  
2 against the commands of his parents, guardian or custodian; or (7) is not  
3 susceptible of proper restraint or control by his parents, guardian, or  
4 custodian, or by the public officer or board responsible for his care, and  
5 habitually disobeys their reasonable and lawful commands; or (8) habitually  
6 uses profane or indecent language; or (9) gambles or knowingly enters any  
7 place where gambling is permitted or where his presence is in violation of  
8 law; or (10) habitually uses tobacco, intoxicating liquor, injurious or  
9 narcotic drugs, or other substance likely to interfere with his normal  
10 growth and development; or (11) so deports himself as to endanger the morals,  
11 health or general welfare of himself or of others.

12 Juvenile delinquency is the commitment by a child under the  
13 age of sixteen years of any of the offenses enumerated in the foregoing  
14 definition of a delinquent child.

15 The words "the board" when used in this act shall mean the  
16 county board of child welfare whose establishment is hereby authorized.

17 The word "child" or "children" when used in this act unless otherwise in-  
18 dicated shall mean respectively a person or persons under the age of six-  
19 teen years. This act shall be construed liberally and its purpose  
20 shall be the conservation and development of the child.

21 Section 2. Establishment of county board of child welfare.

22 The board of supervisors of any county outside of the city of New York may,  
23 by a majority vote of its members, establish under the provisions of this  
24 act a county board of child welfare which shall have the powers and duties  
25 hereinafter specified in respect to children dependent for support upon  
26 public funds or in need of public care or protection; provided, however,  
27 that in any city of the first or second class, the mayor and common council  
28 thereof may jointly determine that the provisions of this act shall be ad-  
29 ministered in such city by a municipal agency instead of by the county  
30 board of child welfare, and in the event of such determination, the county  
board herein provided for shall have no authority within such city and the

1 powers and duties herein conferred upon the county board shall be exercised  
2 and discharged within such city by the municipal agency designated for such  
3 service by the mayor and common council.

4           Section 3. Members of the board. The county board of child  
5 welfare shall consist of seven members, of whom the county official charged  
6 with the relief of the poor and either the chairman of the board of super-  
7 visors or other member thereof as may be designated by the board of super-  
8 visors, shall be ex-officio members. If any county has more than one  
9 superintendent of the poor, the county judge shall designate the superin-  
10 tendent who shall serve as a member of the board. The five other members  
11 shall be citizens of the county and shall be appointed by the county judge  
12 for such terms that the term of one member shall expire each year there-  
13 after. Such designation shall be in writing and shall be filed with the  
14 county clerk. The first appointments shall be made within thirty days  
15 after the board of supervisors has officially notified the county judge  
16 that it has established the board. Immediately upon the expiration of  
17 the term of office of an appointive member, his successor shall be appointed  
18 by the county judge for a full term of five years. In case of the failure of  
19 an appointive member to attend at least one meeting during a period of three  
20 months, it shall be the duty of the secretary of the board at once to certify  
21 such fact to the county judge. Unless the county judge shall, in writing  
22 addressed to the board within thirty days after receipt of such notice, ex-  
23 cuse such absence for illness or other sufficient reason, the term of office  
24 of the member shall terminate at the end of such period. Such excuse shall  
25 be filed with and made part of the records of the board. If a vacancy  
26 among the appointive members occur otherwise than by expiration of term,  
27 it shall, within thirty days be filled by the county judge for the unexpired  
28 term.

29           Section 4. Removal of members. Members of the board shall  
30 be subject to removal by the county judge or by the state board of charities,

1 for reasons stated in writing and after having been given an opportunity  
2 to be heard.

3           Section 5. Expenses of members. The members of the board  
4 shall receive no compensation for their services as members thereof but  
5 shall be entitled to reimbursement for the actual and necessary expense  
6 incurred by them in discharging their duties under this act.

7           Section 6. Organization; officers and employees; rules  
8 and regulations; reports and estimates. The county board of child welfare  
9 shall

10 (a) meet within ten days after appointment at the time and place designated  
11 by the county judge, organize, and fix the time of its regular meetings  
12 which shall be held at least monthly;

13 (b) elect a chairman and a vice-chairman from among its members, who shall  
14 hold office for one year or until their successors are elected;

15 (c) establish an office;

16 (d) establish rules and regulations for the conduct of its business, and  
17 duly enter upon the minutes of each meeting all action taken thereat.

18 Four or more members shall constitute a quorum for the transaction of bus-  
19 iness;

20 (e) appoint a secretary who shall be the executive officer of the board and  
21 who shall perform under its general supervision the functions necessary for  
22 carrying out the purposes of this act. The state board of charities shall  
23 prescribe the qualifications necessary in a candidate for appointment to  
24 the position of secretary and no person shall be appointed to such position  
25 who does not have such qualifications. Such secretary shall hold office  
26 at the pleasure of the board, except that he may be removed by the state  
27 board of charities for reasons stated in writing and addressed to the board  
28 and after having been given an opportunity to be heard;

29 (f) authorize the appointment by the secretary of such number of assistants



1 and other employees as it may deem necessary for carrying out the purposes  
2 of this act; and their compensation, together with that of the secretary,  
3 shall be within the limits of the appropriation made therefor by the board  
4 of supervisors. Such assistants and other employees shall be removable by  
5 the secretary;

6 (g) as soon as it is ready to function, notify in writing the county treas-  
7 urer, all officials within the county charged with the care and relief of  
8 the poor, the local board of child welfare established by article 7a of chap-  
9 ter 228 of the laws of New York, 1915, and all courts in the county author-  
10 ized to hear children's cases, that it is organized and prepared to exercise  
11 its powers and to perform its duties under this act; and give public notice  
12 to this effect;

13 (h) render to the board of supervisors at such times as it may require,  
14 a verified account of all moneys received and expended by it or under its  
15 direction;

16 (i) submit annually to the proper fiscal authorities of the county an  
17 estimate of the funds required to carry out the purposes of this act, such  
18 estimate to be furnished at such time before its annual meeting for approp-  
19 riating moneys and levying taxes as may be specified by the board of super-  
20 visors;

21 (j) submit annually to the board of supervisors a report of its work during  
22 the year.

23 Section 7. General responsibilities of the board. The  
24 board shall be responsible, as hereinafter provided, for the welfare of  
25 children within the county in need of public care, support or protection.  
26 It shall administer public aid to dependent children living with their  
27 mothers in their own homes, as hereinafter provided. It shall be respons-  
28 ible for the control, relief, and care of children received by it as public  
29 charges or committed to it by courts or magistrates; and it shall adminis-  
30 ter such control, relief, and care either directly or through child-caring

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1 societies or institutions which are duly incorporated and approved  
2 for such service by the state board of charities. The responsibility  
3 of the board for children so received or committed shall continue during  
4 their minority or until they are discharged to their own parents, to  
5 relatives of or within the third degree, or to guardians, or are adopted  
6 by foster parents, or, in the case of delinquent children, are returned by  
7 it to the court by which they were committed.

8 Section 8. Powers and duties of the board. The county

9 board of child welfare

10 (a) shall investigate the family conditions and circumstances of children  
11 alleged to be in need of public care or protection, in order to ascertain  
12 what care, supervision, treatment or other attention, if any, they require;

13 (b) may administer and supervise such relief for a dependent child as the  
14 board deems necessary to enable it to remain in its own home with its  
15 mother, when such mother is physically, mentally, and morally fit to  
16 care for such child, and is entitled to relief as a poor person, and  
17 when her husband is dead, or is a patient in a state institution for the  
18 insane, or is a patient in a sanatorium or hospital by reason of having  
19 tuberculosis, or is confined in a state prison under a minimum term or  
20 definite sentence of not less than five years; provided, however, that

1 nothing in this section shall be interpreted as limiting the power or  
2 duty of any poor law official to administer relief in their own homes  
3 to persons eligible therefor, who are not beneficiaries under the pro-  
4 visions of this paragraph;

5 (c) shall assume charge of and provide support for all dependent children  
6 for whom it is not possible, in the opinion of the board, to provide proper  
7 care in their own homes and who are legally entitled to public support in  
8 said county;

9 (d) shall receive, when committed to it, any child adjudged by a court or  
10 magistrate of competent jurisdiction to be a neglected child; and such court  
11 or magistrate shall have power to commit such child to the board;

12 (e) may receive any child adjudged by a court or magistrate of competent  
13 jurisdiction to be a delinquent child, when such child is committed to it  
14 by such court or magistrate; and such court or magistrate shall have power  
15 to commit such child to the board, provided that the board shall have agreed  
16 to receive it;

17 (f) shall report to the appropriate state agency the presence of every de-  
18 fective child in the county. When in the opinion of the board, the welfare  
19 of any such child requires it, the board shall take steps in accordance  
20 with the provisions of law to obtain his admittance to some state or other  
21 suitable school, hospital or other institution if he is in need of insti-  
22 tutional care; or to obtain treatment and care in his own home or elsewhere  
23 for him if not in need of institutional care, or if institutional care can-  
24 not be obtained; provided, however, that nothing in this section shall be  
25 construed as authorizing the board to expend or to contract to expend any  
26 public funds for such treatment or care unless the child is a dependent  
27 neglected, or delinquent child in the care of the board;

28 (g) shall reinvestigate, at least once every year, the circumstances of  
29 the parents or of the person having the right of guardianship of each child



1 who is in the care of the board outside its own home; and reinvestigate,  
2 at least once every six months, the family conditions and circumstances  
3 of each child who is left in its own home under the care or supervision  
4 of the board;

5 (h) shall, on request of a court or magistrate, collect from parents  
6 or guardians whose children have been committed to the board by such  
7 court or magistrate, such sums as the parents or guardians are ordered  
8 to pay; and in the case of any children who are in the care of the board,  
9 collect or, if necessary, bring proceedings against their parents or  
10 guardians to collect, such sums for the support, care, examination, or  
11 treatment of such children as their parents or guardians are able to  
12 pay or as the court shall order;

13 (i) shall provide for mental or physical examination of any child under  
14 its care or supervision whom the board has reason to suspect of mental  
15 or physical defect or disease, such examination to be paid for when  
16 necessary from moneys appropriated for the use of the board;

17 (j) shall provide for necessary medical or surgical treatment in its own  
18 home or in a hospital, institution, or other suitable place, for any  
19 child under the care or supervision of the board, such treatment to be  
20 paid for when necessary from moneys appropriated for the use of the board;

21 (k) may place any child who is in its care in a family boarding home, or  
22 in a family free home, or in an institution, according to the needs of  
23 the child such home or institution to be governed by persons of the  
24 religious faith of the child whenever practicable. Placements in  
25 family homes may be made either directly or through child-caring  
26 societies or institutions duly incorporated and approved for such  
27 service by the state board of charities.

28 A family free home is the home of a private family or



1 individual wherein a child, not a relative of or within the third degree,  
2 is placed for its maintenance and nurture without the payment to such  
3 family or individual of any consideration therefor.

4 A family boarding home is the home of a private family or  
5 individual in which there reside not more than five children not related  
6 to such family or individual, placed therein for maintenance and nurture  
7 in return for a consideration periodically paid to such family or indi-  
8 vidual therefor.

9 (l) may transfer from one place to another any child in its care;

10 (m) may place, on trial, in his own home or elsewhere any child in its  
11 care;

12 (n) may discharge to parents, relatives of or within the third degree,  
13 or guardian, any child in its care other than a delinquent child, when  
14 such discharge seems to the board to be for the welfare of the child;

15 (o) may institute proceedings in a court of competent jurisdiction to  
16 have a child declared to be an abandoned child, or a neglected child

17 whenever in its opinion such action would be for the child's best interests;

18 (p) may investigate the alleged neglect or abuse of an apparently neglect-  
19 ed child, and when necessary institute proceedings in a court of competent  
20 jurisdiction against a parent or other adult for any offense committed  
21 against such child; provided, however, that nothing in this paragraph  
22 shall be construed as impairing the powers heretofore conferred by law  
23 upon any incorporated humane society, or society for the prevention of  
24 cruelty to children;

25 (q) may institute proceedings in a court of competent jurisdiction to  
26 have a guardian appointed for any child for whose care it is responsible  
27 and whose interests in its opinion would be promoted by such action;

1 (r) shall act as guardian of the person, or of the person and property,  
2 of any child for whose care it is responsible when so appointed by a court  
3 authorized by law to appoint guardians for minors; and any such court shall  
4 have the power to appoint the board of child welfare as guardian of a child;  
5 (s) shall give or withhold its consent to the adoption of any child cared  
6 for by the board as a public charge apart from its own family;  
7 and such consent shall be necessary to such adoption.

8           Section 9. State supervision of board. The board of child  
9 welfare shall be subject to the general supervision and to the rules and  
10 regulations of the state board of charities and shall make to the state  
11 board of charities such reports as it may require. The state board of  
12 charities shall have power to investigate the work of the board of child  
13 welfare and to make such orders concerning such work as it may deem just  
14 and equitable; and such orders shall be complied with by the county board  
15 of child welfare. The state board of charities may visit children for  
16 whose care the board of child welfare is responsible, and may order the  
17 return of such children to such board if found to be unsuitably cared for.

18           Section 10. Contracts with private agencies. The board  
19 of child welfare may enter into contracts with child-caring institutions,  
20 associations or societies duly incorporated and approved for such service  
21 by the state board of charities to receive and care for children entrusted  
22 to them by said board; and the bills presented by such institutions, assoc-  
23 iations or societies for such service, in accordance with the terms of such  
24 contracts, shall be paid by the county treasurer when approved by the board.

25           Section 11. Appropriation and determination of charges.  
26 The board of supervisors shall annually appropriate and make available for  
27 the board of child welfare such sum as such board of supervisors may deem  
28 necessary for carrying out the provisions of this act and shall include  
29 the sum so appropriated in fixing the tax levy for the county. Should

1 the sum so appropriated be exhausted during the year by reason of un-  
2 anticipated conditions, the board of supervisors may appropriate such  
3 additional sums as in its judgment may be necessary to meet such con-  
4 ditions and such additional appropriations shall be paid from available  
5 funds in the county treasury; but should there be no funds available  
6 therefor, the county treasurer shall, upon order of the board of super-  
7 visors, borrow a sufficient sum to pay such appropriation in anticipation  
8 of taxes to be collected. No board of child welfare shall expend or con-  
9 tract to expend any public moneys not specifically appropriated as herein  
10 provided.

11 The board of supervisors of any county may determine, as  
12 provided in section one hundred and thirty-eight of the poor law, whether  
13 the actual expense for the relief of dependant and neglected children  
14 under this act shall be a charge upon the county or upon the respective  
15 towns thereof. Delinquent children committed to the board by any court  
16 or magistrate shall be charges upon the county.

17 Section 12. Fraud and misapplication of funds. A person  
18 who shall procure or attempt to procure directly or indirectly any allow-  
19 ance for relief or other benefit under this act for or on account of a  
20 person not entitled thereto, or who shall knowingly or wilfully pay or  
21 permit to be paid any relief or other benefit to a person not entitled  
22 thereto, shall be guilty of a misdemeanor.

23 Section 13. Transfer of funds. As soon as the board shall  
24 notify the county treasurer in writing that it is organized, he shall  
25 transfer to an account subject to its order all unexpended balances of any  
26 moneys theretofore appropriated for the fiscal year then current by the  
27 board of supervisors for the care of dependant, neglected and delinquent  
28 children or for the relief of mothers with children; and such moneys so

1 transferred shall be used by the board for the purposes for which they  
2 were appropriated.

3           Section 14. Transfer of powers and duties. Upon the estab-  
4 lishment of the board and the giving of public notice by it that it is  
5 organized and prepared to exercise its powers and to discharge its duties,  
6 all the powers and duties in relation to children under sixteen years of  
7 age theretofore vested in the county superintendent of the poor, in any  
8 county official by whatever title known who is charged with the relief of  
9 the poor of the county, in town overseers of the poor, or in the city  
10 commissioner of charities or other official or agency performing like  
11 duties, if any there be, of any city subject to the provisions of this  
12 act, shall thereupon be vested solely in the board of child welfare estab-  
13 lished under the provisions of this act. As soon as the board shall in  
14 writing inform the public officials named above in this section that it is  
15 organized and prepared to exercise its powers and to discharge its duties,  
16 such officials shall thereupon deliver to such county board of child wel-  
17 fare all records of children under their care. As soon as the board shall  
18 officially inform any board of child welfare existing in the county, es-  
19 tablished either by article 7a of chapter 228 of the laws of New York, 1915,  
20 or by any special act of the legislature, that it is organized and prepared  
21 to exercise its powers and to discharge its duties, such board so establish-  
22 ed shall at once transfer all moneys, books, papers, property and other  
23 belongings in its possession to the county board of child welfare established  
24 under this act, and shall thereupon cease to exist; and the act creating  
25 such board or under which such board performed its functions shall be super-  
26 seded by the provisions of this act.

27           Upon the giving of public notice by the board that it has  
28 begun to exercise the powers and to discharge the duties vested in it by



1 this act, all children then in private institutions or family homes,  
2 through commitment or placement by any peer law official, court or  
3 magistrate or other public authority within the jurisdiction of the  
4 board, except children who have been committed as juvenile delinquents,  
5 shall have the status of children accepted by or committed to the board.

6           Section 15. County Department instead of board. In any  
7 county outside the city of New York, the board of supervisors, instead of  
8 establishing a county board of child welfare as provided in this act, may,  
9 by a majority vote of its members, create a county department of child  
10 welfare and authorize and direct the county superintendent of the poor  
11 or other county official by whatever title known who is charged with the  
12 relief of the poor of the county, to appoint a competent person as director  
13 of such department; or if there be already in the county a public depart-  
14 ment similar thereto, the board of supervisors upon request in writing from  
15 the county official having its control may, by a majority vote of its  
16 members, authorize such official to reorganize such department as a county  
17 department of child welfare and to appoint a competent person as director  
18 thereof. Such official shall have the power to remove such director from  
19 office. Such director when so appointed shall be the executive officer of  
20 such department; he shall have all the powers conferred by this act upon  
21 a county board of child welfare and upon the secretary thereof; he shall  
22 perform all the duties imposed by this act upon such a board; and he shall  
23 be subject to the supervision, rules, and regulations of the state board  
24 of charities as such a board would be, if established. The compensation  
25 of such director with that of every other employee of the department of  
26 child welfare shall be fixed by the board of supervisors. When a director  
27 of the county department of child welfare is appointed as provided in this  
28 section, the provisions of section 14 of this act, as well as all other

1 parts of this act not inconsistent with the provisions of this section,  
2 shall apply and take effect as in the case of the establishment of a  
3 county board of child welfare. The state board of charities shall  
4 prescribe the qualifications necessary in a candidate for appointment  
5 to the position of director of the county department of child welfare  
6 and no person shall be appointed to such position who does not have such  
7 qualifications.

8 Section 16. All acts or parts of acts inconsistent with  
9 or repugnant to this act or any provision thereof shall be held inappli-  
10 cable to any case arising under this act.

11 Section 17. This act shall take effect on the first day  
12 of September, nineteen hundred and twenty-two.

ABANDONMENT

The People of the State of New York, represented  
in Senate and Assembly, do enact as follows:

Section 1. Subdivision 1 of Section 901 of the Criminal  
Code is hereby amended by striking out the words "for the space of  
one year thereafter" and by inserting in lieu thereof the words "until  
his children shall have reached the age of sixteen years."

VAGRANT CHILDREN

The People of the State of New York, represented  
in Senate and Assembly, do enact as follows:

Section 1. Subdivision 8 of Section 867 of the Code of  
Criminal Procedure is hereby repealed.

Section 2. Section 868 of the Code of Criminal Procedure  
is hereby repealed.



CONSENT TO MARRIAGE

The People of the State of New York, represented  
in Senate and Assembly, do enact as follows:

Section 1. Section 15 of Article 3 of the Domestic Relations Law is hereby amended so as to read as follows:

Section 15. Duty of Town and City Clerks. \*\*\*\*\*

\*\*\*\*\* If it shall appear upon an application, as provided in this section, that the male applicant is under the age of eighteen years, then the Town or City Clerk, before he shall issue a license, shall require the written consent to the marriage from both parents of each applicant, or such as shall then be living, or if both parents of either or of both applicants are dead, then the written consent of the guardian or guardians of such applicants shall be required; if the male applicant be under the age of eighteen years, and the female applicant be under the age of sixteen years, then the consent of the judge of the Children's Court, or if there be no Children's Court, then of the Surrogate, shall be required in addition to that of the parents, and if either or both of such applicants be in the care of any public institution or agency, the consent of the executive officer of such institution or agency shall also be required.

A D O P T I O N

The People of the State of New York, represented in  
Senate and Assembly, do enact as follows:

1           Section 1. Sections 110, 111, 112, 113, 114, 115, 116,  
2 117, and 118, of Article 7 of the Domestic Relations Law are hereby amended <sup>X</sup>  
3 so as to read as follows:

4           Section 110. Definitions. Effect of Article. Adoption is  
5 the legal act whereby an adult takes a minor into the relation of child and  
6 thereby acquires the rights and incurs the responsibilities of parent in  
7 respect to such minor. In this article, the person adopting is designated  
8 the "foster parent," and the word "adult" means a person twenty-one years  
9 of age or over.

10           An adult unmarried person, or an adult husband or adult wife,  
11 or an adult husband and his adult wife together, may adopt a minor in pur-  
12 suance of this article, and a minor shall not hereafter be adopted except  
13 in pursuance hereof. Proof of the lawful adoption of a minor heretofore  
14 made may be received in evidence, and any such adoption shall not be abro-  
15 gated by the enactment of this chapter but shall have the effect of an  
16 adoption hereunder. Nothing in this article with regard to an adopted  
17 child inheriting from the foster parent applies to any will, devise or  
18 trust made or created before June twenty-fifth, eighteen hundred and  
19 seventy-three, or alters, changes or interferes with such will, devise or  
20 trust, and as to any such will, devise or trust, a child adopted before  
21 that date is not an heir so as to alter estates or trusts or devises in  
22 wills so made or created; and nothing in this article with regard to an  
23 adult adopted pursuant hereto inheriting from the foster parent applies  
24 to any will, devise or trust, made or created before April twenty-second,  
25 nineteen hundred and fifteen or alters, changes or interferes with such  
26 will, devise or trust, and as to any such will, devise or trust, an adult

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1 so adopted is not an heir so as to alter estates or trusts or devises  
2 in wills so made or created.

3 Section 111. Consent Necessary to Adoption. The consent  
4 of the following persons shall be necessary to the adoption of a minor:

- 5 1. Of the minor, if over twelve years of age.
- 6 2. Of the foster parent's husband or wife unless  
7 lawfully separated, or unless they jointly adopt such minor.
- 8 3. Of the parents or surviving parent if the minor  
9 be a legitimate child; and of the mother if the minor be an  
10 illegitimate child; provided that the consent of a parent from  
11 whom the guardianship of the person of the minor has been taken  
12 by a court of competent jurisdiction or who has been adjudged to  
13 be insane shall not be necessary; and provided, further, that  
14 if the minor be in the care of an agency, society, institution  
15 or official, or be under the jurisdiction of a children's court  
16 or other court of similar jurisdiction, notice of the applica-  
17 tion for adoption shall be given to such agency, society, insti-  
18 tution, official or court.
- 19 4. Of the person or of the authorized representative  
20 of a society, institution, agency, or official having the legal  
21 guardianship of the person of the minor if the minor has no  
22 father or mother who can be found and whose consent is necessary  
23 under sub-division 3 hereof.
- 24 5. Where a minor to be adopted is of the age of  
25 eighteen years or over, the judge or surrogate may direct, in  
26 his discretion, that the consent of the persons referred to in  
27 the preceding subdivisions of this section shall be waived, if  
28 in his opinion, the moral or temporal interests of such minor will  
29 be promoted thereby and such consent cannot, for any reason, be

1           obtained.

2           Section 112. Requisites for Adoption. In adoption the  
3 following requirements must be observed:

4           1. The foster parents or parent, the person to be  
5 adopted and all the persons whose consent is necessary under  
6 section 111 of this Article must appear before the county  
7 judge or the surrogate of the county where the foster parent  
8 or parents reside, or, if the foster parents or parent do  
9 not reside in this state, in the county where the minor  
10 resides, and be examined by such judge or surrogate, except  
11 as provided by the next subdivision.

12           2. They must present to such judge or surrogate an  
13 application for adoption containing (a) the consents required,  
14 (b) an agreement on the part of the foster parents or parent  
15 to adopt and treat the minor as his, or her or their own law-  
16 ful child, and (c) a statement of the age of the person to  
17 be adopted, as nearly as the same can be ascertained, which  
18 statement shall be taken prima facie as true. If a change  
19 in the name of the minor is desired, such application shall  
20 also state the new name by which the minor shall be known.  
21 The application must be signed by the foster parents or  
22 parent and by each person whose consent is necessary to the  
23 adoption, and severally acknowledged by said persons before  
24 such judge or surrogate; but where a parent, person, in-  
25 stitution, agency, society, or official having the legal  
26 guardianship of the person of the minor resides in some  
27 other country, state or county, the written acknowledged  
28 consent of such parent or person or of the authorized  
29 representative of such institution, agency, society or



1 official, certified as conveyances are required to be  
2 certified to entitle them to record in a county in this  
3 state, is equivalent to appearance in person. In all  
4 cases where the consents of the persons mentioned in sub-  
5 divisions one, two, three, and four of section one hundred  
6 and eleven have been waived as provided in subdivision  
7 five of said section, notice of such application shall be  
8 served upon such persons as the judge or surrogate may direct.

9 Section 113. Order. If convinced that the moral and  
10 temporal interests of the person to be adopted will be promoted thereby,  
11 which shall be determined through independent inquiry by the court in  
12 case the person to be adopted be under the age of eighteen years, the  
13 judge or surrogate shall make an order allowing and confirming such  
14 adoption, reciting the reasons therefor, and directing that the person  
15 to be adopted shall henceforth be regarded and treated in all respects as  
16 the child of the foster parent or parents. If the judge or surrogate  
17 is also convinced that there is no reasonable objection to the change of  
18 name proposed, the order shall also direct that the name of the minor be  
19 changed to such name as shall have been designated in the application.  
20 Such order, together with the application and written acknowledged consent,  
21 if any, shall be filed and recorded in the office of the county clerk.  
22 The fact of illegitimacy shall in no case appear upon the record. If the  
23 minor be a dependent, neglected, or delinquent child who is in the care of  
24 any person not its parent or of any private society or institution or of  
25 any public official, agency, or institution, such child shall be given  
26 when practicable to persons of the same religious persuasion as the child.  
27 Section 114. Effect of Adoption. From the time of filing  
28 and recording the order of adoption, the parents of the person adopted  
29 are relieved of all parental duties toward, of all responsibility for,

1 and of all rights over such person, or to his property by descent or  
2 succession; except that where a parent who has procured a divorce, or  
3 a surviving parent who has lawful guardianship of the person of a minor, lawfully/<sup>marries</sup>  
4 again, or where an adult unmarried person who has become a foster parent  
5 and has lawful guardianship of the person of a minor, marries, and such parent or foster  
6 parent consents that the person who thus becomes the stepfather or step-  
7 mother of such minor may adopt such minor, such parent or foster parent,  
8 so consenting, shall not thereby be relieved of any parental duties  
9 toward, or be deprived of any rights over said minor, or to his property  
10 by descent or succession. If the order allowing and confirming the  
11 adoption shall direct that the name of the minor be changed, the minor  
12 shall be known by the new name designated in such order.

13           The adopted person's rights of inheritance and succession  
14 from his natural parents shall remain unaffected by such adoption. The  
15 foster parent or parents and the person adopted sustain toward each other  
16 the legal relation of parent and child, and have all the rights and are  
17 subject to all the duties of that relation, including the right of in-  
18 heritance from each other, except as the same is affected by the pro-  
19 visions of this section in relation to adoption by a stepfather or step-  
20 mother, and such right of inheritance extends to the heirs and next of  
21 kin of the person adopted and such heirs and next of kin shall be the  
22 same as if he were the legitimate child of the person adopting, but as  
23 respects the passing and limitation over of real or personal property  
24 dependent according to the provisions of any instrument upon the foster  
25 parent's dying without heirs, the person adopted is not deemed the child  
26 of the foster parent so as to defeat the rights of remainder-men. The  
27 person so adopted may be adopted directly from his foster parents or  
28 from either of such foster parents by another person in the same manner  
29 as from parents and as if such foster parents were the parents of such

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1 person so adopted.

2 Section 115. Adoption of Adults. An unmarried adult,  
3 an adult husband and his adult wife jointly, or an adult husband with  
4 the consent of his wife, or an adult wife with the consent of her husband  
5 may adopt a person twenty-one years of age or over. The proceeding for  
6 such adoption shall be the same as that for the adoption of a minor except  
7 that the consents of persons other than the person to be adopted, the  
8 foster parent or parents, and the wife or husband of the foster parent  
9 shall not be necessary. The effect of such adoption shall be to establish  
10 foster parents or parent and the adult adopted.

11 Section 116. Application for Abrogation of Adoption.

12 A person who shall have been adopted in pursuance of this chapter or of  
13 any act repealed thereby, or any person, official or agency on behalf of  
14 such person, or a foster parent who shall have adopted a person in pur-  
15 suance of this chapter or of any act repealed thereby may apply in person  
16 to the county judge or surrogate's court of the county in which the foster  
17 parent then resides, or if the foster parent resides without the state,  
18 where the original papers of adoption are on file, or where the natural  
19 parent or parents or persons whose consent would be necessary to an  
20 original adoption reside, for the abrogation of such adoption. The foster  
21 parent may apply for such abrogation on the ground of wilful desertion or  
22 of any misdemeanor or ill behavior on the part of the person adopted, or  
23 that the abrogation would be for the best interests of the foster parent's  
24 home or of the person adopted. The application of the person adopted or  
25 of any person, official or agency on behalf of such person may be on the  
26 ground of cruelty; misuse; denial of necessary food, shelter, or cloth-  
27 ing; inability to support, maintain, or educate such person adopted; or  
28 because of the inability or failure of the foster parent to perform his  
29 duty toward the person adopted; or because the best interests of the person  
130 adopted would be served thereby. The application shall be by petition

1 setting forth the grounds for the abrogation and the substance of the  
2 agreement of adoption and shall be verified by the petitioner.

3           Section 117. Citation and Proceeding. Upon receipt of  
4 the application a citation shall be issued by the judge or surrogate, in  
5 or out of court, directed to all the persons then living and agencies that  
6 were parties to the adoption and requiring them to appear in court at the  
7 time set for the hearing of the case. The provisions of the code of civil  
8 procedure relating to the issuing, contents, time and manner of service  
9 of citations issued out of a surrogate's court and to the hearing on the  
10 return thereof and to enforcing the attendance of witnesses and to all  
11 proceedings thereon and to appeals from decrees of surrogate's court not  
12 inconsistent with this chapter, shall apply to such citation and to all  
13 proceedings thereon. Such judge or court shall have power to order or to  
14 compel the production of the person adopted. If the person adopted be a  
15 minor and the foster parent apply for the abrogation of the adoption and  
16 no one appear on behalf of the minor, before the hearing shall proceed a  
17 special guardian shall be appointed by the judge or court to protect the interests  
18 of the minor in such proceeding, and the foster parent shall pay to such  
19 special guardian such sum as the court shall direct for the purpose of pay-  
20 ing the fees and of meeting the necessary expenses of preparing for and con-  
21 testing the application on behalf of the minor. The court shall conduct  
22 the examination as for an original adoption.

23           Section 118. Agreement and Order of Abrogation. If the  
24 abrogation of adoption be desired by all parties concerned, an agreement  
25 shall be executed by the foster parents, by the person adopted if over the age  
26 of twelve years and by the other persons whose consent was neces-  
27 sary to the original adoption, whereby the foster parent agrees, or whereby  
28 the foster parent and the person adopted if the latter be over the age of  
29 twelve years agree, to relinquish the relation of parent and child and

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1 all the rights acquired by such adoption, and the parent or guardian  
2 of the person adopted ~~or of the institution, agency, society or official~~  
3 ~~which formerly had the guardianship of the person of the person adopted~~  
4 agree to reassume his former relation. The consent of a foster parent whose  
5 right of guardianship of the person of an adopted child shall have been taken away  
6 by a court of competent jurisdiction or who shall have been adjudged  
7 insane, is unnecessary to such agreement. Upon the presentation of such  
8 agreement duly signed and acknowledged, the judge or surrogate if con-  
9 vinced that the abrogation would be for the best interests of the person  
10 adopted, shall endorse upon such agreement his consent to the abrogation  
11 of the adoption. Such agreement and the consent of the judge or surrogate  
12 shall be filed and recorded in the office of the county clerk of the county  
13 where the foster parent resides and a copy thereof filed and recorded in  
14 the office of the county clerk of the county where the parents or guardian  
15 reside or where such institution, agency, society, or official is located  
16 if within the state, and from the time of filing and recording thereof the  
17 adoption shall be abrogated and the person adopted shall reassume his  
18 original name and his parents or guardian or the institution, agency,  
19 society, or official which formerly had the guardianship of his person  
20 shall reassume their former relation.

21           If charges are alleged in the application for abrogation of  
22 the adoption according to the provisions of section 116 of this article  
23 and the judge or surrogate shall determine on the proofs made before him  
24 that grounds for abrogation exist and that the interests of the person  
25 adopted or of the foster parent would be promoted by granting the applica-  
26 tion, an order shall be made and entered abrogating the adoption and from  
27 the time of the filing and recording thereof in the office of the county  
28 clerk the status of the person adopted shall be as if no proceedings had  
29 been had for his adoption. If the person whose adoption is abrogated be

1 at the time under the age of sixteen years and the abrogation be  
2 ordered because of the neglect of the child by his foster parent or  
3 because of the child's delinquency the judge or surrogate shall remand  
4 the child to the court of the county having jurisdiction over neglected  
5 or delinquent children. After one such application alleging mistreat-  
6 ment by a foster parent has been denied, a citation of the same foster  
7 parent on a subsequent application may be issued or denied in the dis-  
8 cretion of the judge or surrogate to whom such subsequent application  
9 shall be made.

TRANSFER OF INMATES OF STATE INSTITUTIONS.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1                   Section 1. Section 18 of the State Charities Law is  
2 hereby amended so as to read as follows:

3                   Section 18. When, in the judgment of the state board  
4 of charities, any inmate of any state charitable institution more  
5 properly belongs in a state charitable institution other than the one  
6 to which he or she was originally committed, or would be benefited by  
7 transfer to any other state charitable institution, the state board of  
8 charities ~~with the written approval of the governor~~ may order such  
9 transfer of such inmate. Before issuing such order the state board of  
10 charities shall notify the board of managers of the institution from  
11 which and of the institution to which such transfer is to be made, and  
12 shall afford them an opportunity to be heard. Copies of such order  
13 shall be sent to the boards of managers and the superintendents of the  
14 institution where the inmate then is and of the institution to which he  
15 or she is to be transferred. The authorities of the institution to which  
16 such inmate is to be transferred shall, at the expense of such institu-  
17 tion, provide for the conveyance of such inmate from such other state  
18 charitable institution as may be designated by the state board of  
19 charities in such order, and such inmate shall be received by the  
20 authorities of the institution to which such transfer is made. When  
21 any inmate is so transferred there shall be furnished certified copies  
22 of the commitment papers and of the record of such inmate. The board  
23 of managers of the institution to which such inmate is transferred  
24 shall have all the powers and duties in relation to such inmate which  
25 it possesses in relation to other inmates of such institution.

GUARDIANSHIP

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1                   Section 1. Sections 86 and 88 of Article 6 of the Domestic  
2 Relations Law are hereby repealed and in lieu thereof new sections are  
3 hereby enacted to read as follows:

4                   "Section 86. Guardianship of Person of Minor. The guardian-  
5 ship of the person of a minor is the right and duty to control such  
6 minor for his nurture, training and protection, and includes the custody  
7 of such minor. The custody of a minor is the keeping of such minor for  
8 his security.

9                   "The guardianship of the person of a minor shall not be  
10 transferred from or surrendered by any person, society, institution,  
11 agency, or official to any person, society, institution, agency, or  
12 official except by order or upon approval of a court authorized to appoint  
13 guardians.

14                   "The custody of a minor may be transferred temporarily by  
15 the guardian of his person to any society, institution, agency, official  
16 or person, except as forbidden by law.

17                   "No person, society, or institution having the custody of a  
18 minor shall be paid or receive any money from public funds for the support  
19 of such minor unless such minor shall have been accepted as a public  
20 charge by the public official or agency charged with the relief of the  
21 poor or committed as a public charge by a court of competent jurisdiction."

22                   "Section 88. The parent or guardian of a neglected child  
23 committed by a court of competent jurisdiction to a public official or  
24 agency charged with the relief of the poor shall not be entitled to the  
25 custody of such child unless such custody is restored to such parent or  
26 guardian in the manner prescribed by law."



CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

RECEIVED AT 53 AND 55 STATE ST., ALBANY, N. Y.

2SA W 19

HUDSONFALLS NY 1003A MAR 7 1922

MATHAN L MILLER 269

*S-1061*  
*Pr-1234*

GOVERNOR STATE OF NEWYORK EXECUTIVE CHAMBER ALBANY NY

WASHINGTON COUNTY COMMITTEE DEPENDENT CHILDREN PROTEST AGAINST BILL

SENATE INT ONE THOUSAND SIXTY ONE NUMBER ONE TWO THREE FOUR

G K PARIS

1030A

136

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

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RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

1922 MAR 6 PM 1 29

B112NY 408 EXTRA

HUDSON NY 1051 6

GOV MILLER

594

EXECUTIVE MANSION ALBANY NY

*S 1061*

THE COLUMBIA COUNTY COMMITTEE OF THE STATE CHARITIES AID ASSN STRONGLY

OPPOSE BILL SENATE INT 1061 NUMBER 1234 WE SEEK YOUR HEARTY

COOPERATION IN ITS SUPPRESSION

MRS NATHAN D GARNSEY PRES MRS ROBERT R LIVINGSTON CHAIRMAN

LEGISLATIVE COMMITTEE.

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CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	NH
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION



# TELEGRAM

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	NH
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

1922 MAR 4 PM 1 53

A490NY 17 1 EXTRA

NYACK NY 140P 4

GOV NATHAN L MILLER      339  
ALBANY NY

ROCKLAND COUNTY WOMEN IMPIORE THE GOVERNOR TO KEEP SENATE BILL  
TEN SIXTY ONE FROM BECOMING LAW  
MRS EDWARD H MAYNARD CHAIRMAN.

County of Westchester  
Court House  
White Plains, N.Y.

SUPERVISORS CHAMBERS

DAVID S. MURDEN  
CHAIRMAN  
WM. A. DAVIDSON  
COUNTY ATTORNEY  
FRED L. MERRITT  
CLERK  
ROBERT MASON  
ASSISTANT CLERK

DAVID S. MURDEN  
SUPERVISOR, TOWN OF CORTLANDT  
PEEKSKILL, N. Y.

PEEKSKILL, N. Y.

March 28th. 1932.

✓  
Hon. Nathan D. Miller,  
Executive Chamber,  
Albany, N. Y.

*Saturday Apr 8/32  
11 a.m.*

Dear Sir:-

Will you kindly advise me the date of the  
hearing on Senate Bill No. 1800, Int. No. 1061 establishing  
Childrens Courts in the several counties of the State.

Very truly yours,

*David Murden*  
Supervisor.

*Wolfe*  
*Barnett*

HENRY R. BARRETT  
WHITE PLAINS, N. Y.  
MONMOUTH S. BUCKBEE  
WHITE PLAINS, N. Y.

BARRETT & BUCKBEE  
COUNSELORS AT LAW  
WHITE PLAINS, N. Y.

TELEPHONE 635-636 WHITE PLAINS

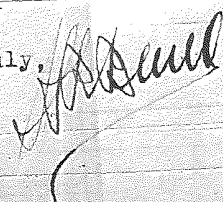
April 3rd, 1922.

Mr. W. G. McCarthy,  
Executive Chamber,  
Albany, N.Y.

Dear Mr. McCarthy:-

I have received your letter in regard  
to the Children's Court bill and thank you very much for  
your information.

Yours very truly,



HRB-S

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HENRY R. BARRETT  
WHITE PLAINS, N. Y.  
MONMOUTH S. BUCKBEE  
WHITE PLAINS, N. Y.

BARRETT & BUCKBEE  
COUNSELORS AT LAW  
WHITE PLAINS, N. Y.

TELEPHONE 635-636 WHITE PLAINS

March 28, 1922.

*Barrett  
has been*

Hon. Nathan L. Miller,  
Albany,  
N. Y.

Dear Governor:

It has been suggested to me that I send you a memorandum on the bill to create children's courts. I had not, up to this time, been generally familiar with this bill, but have made some study on it and enclose my views in regard to it, a copy of which I have sent to the man who made the suggestion to me.

Yours truly,

*H. R. Barrett*

Encl.

HRB/NAB

*11.18  
11 a.m.*

MEMORANDUM IN REGARD TO SENATE BILL INTRODUCTORY NO.  
1061 - PRINTED NOS. 1234, 1452, 1697 and 1800, ESTABLISH-  
ING CHILDREN'S COURTS, DEFINING THEIR JURISDICTION,  
POWER AND DUTIES, AND REGULATING PROCEDURE THEREIN.

This bill in its final form differs considerably from the bill when first introduced and is mandatory, requiring the establishment of a Children's Court in each County of the State, except the five Counties of Greater New York, Chautauqua, Monroe and Ontario, Erie outside of Buffalo and Onondaga outside of Syracuse, unless made applicable thereto under the provisions of Section 46.

By Section 4 it is made mandatory to select a judge who shall have the same pay as a Judge of the County Court unless the County Judge and the Board of Supervisors shall certify that the existing judge can do the work. There is a provision for extra compensation for this work, based on population and varying from \$500 to \$1,500.

By section 5, the Children's Court when established has exclusive original jurisdiction

"of all cases or proceedings involving the hearing, trial, parole, remand or commitment of children actually or apparently under the age of sixteen years for any violation of law, and in all cases involving juvenile delinquency; children who are material witnesses, as provided by law; children who are mental defectives, as provided by law; improper guardianship, or neglected children, as provided herein. Subject to the limitations herein provided, the court also shall have jurisdiction in proceedings to determine the question of the rightful custody of children whose custody is subject to controversy, as related to their immediate care.

The "court" shall have like jurisdiction and authority as is now conferred on "county courts" as concerns "adoption" or and "guardianship".

And not only that, but it shall have like exclusive original jurisdiction:

"subject to the jurisdiction of a court of record in a civil action or proceeding, to inquire into, hear and determine the liability of any person who abuses, neglects or wilfully fails to provide for the proper maintenance of a wife or and child; of any person charged with abandonment or non-support of a wife or and child; of any parent of any child committed pursuant to any provision of law, or of any other person required by law to support or maintain such a child."

It also has power to determine the amount of payments for support.

It also has exclusive original jurisdiction in bastardy cases; also all cases which arise against any parent who is charged with an act of omission in regard to the child, which act is a violation of any State law or municipal ordinance (this in cases less than a felony).

Three sections are devoted to the procedure, service of summons etc.

Eight sections are devoted to hearings and adjudications, including the provision that the Court may arrange for the board of children temporarily in a private home, subject to the supervision of the Court, or with any one ~~where~~ or more duly authorized organizations, agencies, societies or institutions, the expense of which shall be appropriated by the Board of Supervisors.

When a child is in need of medical or surgical care, the Court may make an order for treatment at home, at the hospital or institution, the expense thereof approved and duly audited to be a charge upon the State, County or the proper sub-division thereof.



In Section 26 - page 23 - lines 6 to 11, we find the following -

"This act shall be construed to the end that the care, custody and discipline of the children brought before the court shall approximate as nearly as possible that which they should receive from their parents, and that as far as practicable they shall be treated not as criminals but as children in need of aid, encouragement and guidance."

Article 4 provides that the Judge may appoint clerks, stenographers, court attendants, probation officers, physicians and psychologists, the compensation to be fixed by the Board of Supervisors.

In the same article appears the following -

"§37. Co-operation of officials and organizations. It is hereby made the duty of every county, town or municipal official or department in each county to render assistance and co-operation within his or its jurisdictional power to further the objects of this act."

Article 5 is taken up with general provisions, procedure etc. and in Section 47, at page 33 appears the following -

"The Board of Supervisors of a county is hereby authorized and required to appropriate and raise any moneys needed, and may if necessary authorize the issue of bonds where other moneys are not available sufficient to comply with the provisions of this act."

This bill was drawn after the adoption of a Constitutional amendment at the election in 1921, authorizing such courts.

It may be said without malice and without any undue reflection on what we usually know as public welfare societies and bodies, that this bill is drafted to make this court a sort of adjunct to these societies.



The Judge does not have to be a lawyer, at least there is no provision to that effect. It provides a machinery that would not only run into great expense, but would be very inconvenient and cumbersome, as will be referred to later.

It immediately creates a County Judge at a salary the same as the existing County Judge and no qualifications at all are indicated for such incumbent.

It might be naturally supposed that the Board of Supervisors of the respective counties would have something to say about what this bill would cost; the language of the Act, which seems to be a doubtful quality of legislation would indicate that the Judge with the societies of whom he would be really the representative, would certify what they believed to be the necessary amount and the Board of Supervisors would be required to provide such appropriations.

The worst feature of the bill is the inconvenience it would cause, together with the attendant expenses. Children under sixteen accused of any short comings mentioned in the Act would have to be brought before the Court because the Court has exclusive original jurisdiction of such cases.

Therefore any child who violates any law or municipal ordinance, who is incorrigible, ungovernable or habitually disobedient, or is a habitual truant or runs away or uses bad language or any of the other things named in the Act would have to be brought before this Court.

In Westchester County for illustration, there are four cities, upwards of twenty villages, which have a City Judge or Police Magistrate or something corresponding thereto, that now take charge of these minor cases and in the main, do it with a

good deal of sense and wisdom. In addition, in eighteen towns, Justices of the Peace have jurisdiction.

So far as the language of the act is understood, these cases would all have to come to the Children's Court as nobody else would have jurisdiction, which would be very inconvenient, a waste of time and a very large expense.

The opportunities for spending money in this Bill, even in good faith, are very great, and if the Court certified the necessary moneys for necessary expenses from its point of view, it is a question whether the Board of Supervisors could refuse to furnish the money.

The bad features of the bill are -

1. No provisions for qualifications of such a Judge.
2. Fixing an arbitrary salary, equal to that of the Judge in the existing County Court.
3. The power given the Judge of such a Court in the way of certifying expenses, appointments of assistants and people, and experts of various kinds, incurring of bills for maintenance and aid of various kinds.
4. The expenses entailed in bringing all offenders to a central point for many minor things better treated at home.

This bill is drafted so that the institution of the Court is mandatory and the County is substantially forced to provide the money to operate it if it is certified to by the Court that the moneys are needful or necessary. This is bad legislation and a doubtful principle of municipal government, particularly with an experiment.

These cases would not have to come to the children, & could be  
looked after by the parents of the child in question,  
and the law would be in accordance with the  
best interests of the child.

Probably the intention of the drafters and backers  
of this bill were good, but it would create unnecessary in-  
convenience, expense and continual disagreement. The probabilities  
of the bad features of it outweigh the possibilities for good in its  
present form and it should not become a law.

March 29, 1922.

Mr. Henry R. Barrett,  
Barrett & Buckbee,  
White Plains, New York.

My dear Barrett:-

I acknowledge with thanks your letter of March twenty-eighth and the memorandum on the bill to create children's courts, which will receive my careful consideration.

P.S. Very sincerely yours,

*The bill is on for a hearing  
Saturday morning April 8, at eleven  
o'clock & it might be well for you to  
appear*



CHILDREN'S COURT  
CITY OF NEW YORK

FRANKLIN CHASE HOYT  
PRESIDING JUSTICE

March 2, 1922.

Hon. Nathan L. Miller,  
Governor of New York,  
Albany, New York.

My dear Governor Miller:-

Most unfortunately I am leaving New York tomorrow for a short vacation, otherwise I should immediately go to Albany to see you in regard to the situation which has arisen over the Children's Court bill.

I am very much surprised to see the bill which has been introduced by Senator Walton. This is not the bill which was passed upon and approved by our State Commission, and it has never been presented to us in this form for our consideration.

I have been talking over the matter with Mr. Clepper this morning, and I feel sure that he can present my views to you. We both of us agree that the bill, as introduced, would be a great step backwards, and that it would be far better to have no legislation at all than to have this measure enacted into law.

Very sincerely yours,

*Franklin Chase Hoyt*

An ACT in relation to ~~the~~ children's courts,  
constituting Chapter 75 of the  
Consolidated Laws.

The People of the State of New York, represented in  
Senate and Assembly, do enact as follows:

CHAPTER 75 OF THE CONSOLIDATED LAWS.

Children's Court Law

Article I. Short title; organization of courts (Secs. 1-4).

II. Institution of proceedings (Secs. 10-13).

III. Procedure (Secs. 20-28).

IV. Probation (Secs. 35-36).

V. Adjudication; compensation; appeals (Secs. 40-46).

VI. General provisions (Secs. 53-55).

*Commissioner's juvenile  
Court bill modified to  
Westchester County  
Children's Aid and  
others.*

**AN ACT establishing children's courts  
in counties except in the cities  
of New York and Buffalo and counties  
whose boards of supervisors and  
county judges determine that it shall  
not apply thereto; regulating procedure  
therein; and defining the jurisdiction,  
powers and duties thereof.**

**The People of the State of New York, re-  
presented in Senate and Assembly, do enact  
as follows:**

**ARTICLE I**

- Section 1. Short title; application
- 2. Definitions
- 3. Establishment of children's courts
- 4. Judge
- 5. Jurisdiction

**ARTICLE II**

- Section 10. Petition
- 11. Issuance of summons
- 12. Service of summons
- 13. Arrest; transfer of cases from  
other courts

**ARTICLE III**

- Section 20. Custody of child; release
- 21. Place of detention
- 22. Hearing; Judgment
- 23. Mental and physical examinations;  
treatment
- 24. Modification, setting aside or  
vacating of judgment
- 25. Appointment of guardian
- 26. Adoption
- 27. Religion of custodial persons and  
agencies
- 28. Power and jurisdiction of other  
courts

**ARTICLE IV**

- Section 35. Appointment of probation officers  
and other employees
- 36. Probation

ARTICLE V

- Section 40. Support of child committed to  
custodial agency  
41. Additional compensation for Judge  
42. Necessary travelling expenses shall  
be paid  
43. Judge may hold court in any place  
in county; may appoint commissions  
44. Appeals  
45. Rules; forms  
46. Seal of court

ARTICLE VI

- Section 53. General provisions  
54. Certain provisions of law; when  
not applicable

ARTICLE VII

- Section 60. When act takes effect



ARTICLE I

- Section 1. Short title; application
- 2. Definitions
- 3. Establishment of children's courts
- 4. Judge
- 5. Jurisdiction

1           Section 1. Short title; application. This act shall be  
2 known as the "Children's Court Act," and shall apply to all counties of  
3 the state except the counties of New York, Kings, Bronx, Queens and  
4 Richmond, and that part of the county of Erie embraced within the  
5 territorial limits of the city of Buffalo, and counties whose boards of  
6 Supervisors and county judges jointly determine that the provisions of  
7 this act shall not be applicable thereto.

8           Section 2. Definitions 1. Whenever the word "court" is used  
9 without modification in this act it shall refer to the children's court;  
10 the term "judge", when used in this act shall refer to the judge pre-  
11 siding in the court established by this act; the word "child" shall mean  
12 a person less than sixteen years of age; the word "child" or "children"  
13 may be held to mean one or more children, and the word "parent" or  
14 "parents" may be held to mean one or more parents, when consistent with  
15 the intent of this act.

16           2. A delinquent child is a child under the age of sixteen  
17 years who (1) without committing a felony violates any law or any local  
18 ordinance; or (2) commits any offense which, if committed by an adult,  
19 would be a crime not punishable by death or life imprisonment; or (3)  
20 engages in any occupation unlawfully; or (4) has in his possession any  
21 dangerous weapon or instrument the manufacture or sale of which, or  
22 the disposal of which to such child, is forbidden by law; or (5) deserts  
23 his home without good and sufficient cause; or (6) keeps company with  
24 a vicious, immoral, or criminal person or persons against the commands  
25 of his parents, guardians or custodian; or (7) is not susceptible of

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ARTICLE I

SECTION 1. SHORT TITLE; APPLICATION.  
SECTION 2. DEFINITIONS.  
SECTION 3. JUDGE.  
SECTION 4. JURISDICTION.

Section 1. Short title; application. This act shall be known as the Children's Court Act. There is hereby established in every county, outside of the City of New York, whose board of supervisors by a majority vote of its members, shall accept this act as applicable to such county, a children's court, which shall have the jurisdiction, powers and duties hereinafter provided.

Section 2. Definitions 1. Whenever the word "court" is used without modification in this act it shall refer to the children's court; the term "judge", when used in this act shall refer to the judge presiding in the court established by this act; the word "child" shall mean a person less than sixteen years of age; the word "child" or "children" may be held to mean one or more children, and the word "parent" or "parents" may be held to mean one or more parents, when consistent with the intent of this act.

Section 3. Definitions 1. Whenever the word "court" is used without modification in this act it shall refer to the children's court; the term "judge", when used in this act shall refer to the judge presiding in the court established by this act; the word "child" shall mean a person less than sixteen years of age; the word "child" or "children" may be held to mean one or more children, and the word "parent" or "parents" may be held to mean one or more parents, when consistent with the intent of this act.

Section 4. Jurisdiction 1. A delinquent child is a child under the age of sixteen years who (1) without committing a felony violates any law or any local ordinance; or (2) commits any offense which, if committed by an adult, would be a crime not punishable by death or life imprisonment; or (3) engages in any occupation unlawfully; or (4) has in his possession any dangerous weapon or instrument the manufacture or sale of which, or the disposal of which to such child, is forbidden by law; or (5) deserts his home without good and sufficient cause; or (6) keeps company with a vicious, immoral, or criminal person or persons against the commands of his parents, guardians or custodians; or (7) is not susceptible of

1 proper restraint or control by his parents, guardian, or custodian,  
2 or by the public officer or board responsible for his care, and  
3 habitually disobeys their reasonable and lawful commands; or (8)  
4 habitually uses profane or indecent language; or (9) gambles or know-  
5 ingly enters any place where gambling is permitted or where his pre-  
6 sence is in violation of law; or (10) habitually uses tobacco, in-  
7 toxicating liquor, injurious or narcotic drugs, or other substance likely  
8 to interfere with his normal growth and development; or (11) so departs  
9 himself as to endanger the morals, health or general welfare of himself  
10 or of others.

11           3. Juvenile delinquency is the commission by a child of any  
12 offense enumerated in the foregoing definition of a delinquent child.  
13 The age of the child shall be computed as of the time when the offense  
14 was committed.

15           4. A neglected child is a child under the age of sixteen years  
16 (1) who is an abandoned child; or (2) whose parents are or whose parent  
17 having the right of guardianship is, by reason of improvidence, im-  
18 morality, depravity, incompetency, mental incapacity, cruelty or gross  
19 lack of interest in his welfare, unfit to have such right, whether or  
20 not the child be in the custody of such parents or parent; or (3)  
21 whose parents, guardian, or lawful custodian fail without good reason  
22 to supply him with the necessaries of life or to provide for his proper  
23 care and training; or (4) who is suffering from any abnormal physical or  
24 mental condition requiring treatment or training in a hospital, in-  
25 stitution, or elsewhere and whose parents, guardian, or lawful custodian  
26 refuse or fail to provide for such treatment or training; or (5) who  
27 wanders about any city, town, village, or elsewhere without proper  
28 or lawful occupation; or (6) who lives with or innocently frequents the  
29 company of <sup>a</sup> vicious, disreputable, immoral or criminal person or persons

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1 whether related to him or not; or (7) who innocently frequents any  
2 resort of questionable character or any place to which the admittance  
3 of persons of his age is prohibited, either with or without his parent,  
4 guardian, or custodian; or (8) who, without committing juvenile de-  
5 linquency, forms associations or commits acts for the permitting which  
6 a parent, guardian, custodian, or other person may be punishable by law;  
7 or (9) who is employed, shown, or used in any task, exhibition, or  
8 practice for permitting his engagement in which a person may be guilty  
9 of a misdemeanor, or who is disposed of or trained for participation in  
10 any such task, exhibition, or practice; or (10) who is in a situation  
11 or engages in an occupation where his life or limb is endangered or his  
12 health is likely to be injured or his morals are likely to be depraved.

13 An abandoned child is a child under the age of sixteen years  
14 who is deserted in any place by both parents, or by the parent having his  
15 custody, or by other person charged with his care, and left (1) in des-  
16 titute circumstances; or (2) without adequate means of support; or (3)  
17 without reasonable arrangements having been made for supplying him with  
18 necessary and proper food, clothing, shelter, education, <sup>and</sup> medical care  
19 until he shall have become sixteen years of age; or (4) without being  
20 visited or having payments made toward his support by his parent,  
21 guardian, or lawful custodian, without good reason, for the period of  
22 one year; or (5) in danger of becoming a burden upon the public.

23 The guardianship of the person of a child is the right and  
24 duty to control such child for his nurture, training and protection and  
25 includes the right of custody of such child.

26 Custody of a child is the keeping of such child for his security.

27 ~~Section 4. Establishment of children's courts. A children's~~  
28 ~~court is hereby established in each county of the state, except as~~  
29 ~~limited by Section one of this act.~~



1 Section <sup>3.</sup> Judge. In every county <sup>in which a children's court is</sup>  
2 <sup>established in accordance with the provisions of section 1 of this act, the</sup>  
3 ~~provisions of this act are specifically made not applicable, the~~

4 electors of the county shall at the next general election following the  
5 taking effect of this act, choose a judge of the children's court of  
6 such county to serve for such term and to be paid such salary as the  
7 law provides for a county judge; provided, however, that where it shall  
8 appear from a certificate filed with the secretary of state by the  
9 county judge and the board of supervisors of such county on or before the  
10 first day of September preceding such election that the judicial business  
11 of such county will not in their opinion justify the election of a  
12 judge of the children's court and that the county judge or judges or  
13 special county judge of such county already in office can adequately  
14 perform the duties of judge of the children's court in addition to the  
15 duties already imposed by law, no such election shall be held in such  
16 county, and in such case the county judge or judges or such special  
17 county judge shall perform the additional duties herein conferred.

18 If there be more than one county judge in any county in which  
19 no judge of the children's court has been provided, such judges may,  
20 by vote or agreement, designate or assign one of their number to be the  
21 judge of the children's court, and such designation or assignment shall  
22 be for the full term, or remainder of term, for which he was elected or  
23 appointed. Whenever a judge is thus assigned two certificates of such  
24 assignment shall be issued by the judges making the same, one of which  
25 shall be given to the judge thus designated or assigned, and the other  
26 shall be filed with the county clerk. Any judge so designated or  
27 assigned may, upon filing a formal request with his colleagues, be re-  
28 lieved of such assignment. In the absence or disability of the judge  
29 of the children's court, a county judge may preside or act in his stead,  
and in case of the inability of the latter to act, the surrogate, if

1 there be one in such county, may serve temporarily as judge of the  
2 said court. A vacancy occurring in the office of judge of the  
3 children's court, otherwise than through expiration of term, shall be  
4 filled in the same manner as like vacancies occurring in the Supreme  
5 Court.

6 Section <sup>4</sup> 5. Jurisdiction. 1. Children. The children's court  
7 when established in any county shall have for the purposes of this act  
8 exclusive original jurisdiction in every case of a neglected child or  
9 a delinquent child as herein defined who resides in or is at the time in  
10 the county, and also in all cases of children who are material witnesses.  
11 Subject to the limitations herein provided, the court also shall have  
12 jurisdiction in proceedings to determine the question of the rightful  
13 custody or guardianship of children whose guardianship is subject to con-  
14 troversy, relating to their immediate care and custody and, in proceedings  
15 to appoint guardians or for the adoption of children coming within its  
16 jurisdiction under any of the provisions of this act; provided, however,  
17 that this section shall not be construed as abridging the power and  
18 jurisdiction now exercised by the supreme court and the surrogates'  
19 courts; but such courts may refer cases relating to the custody, guardian-  
20 ship, or adoption of children to the children's court for hearing and  
21 determination.

22 When once jurisdiction over any child shall have been obtained  
23 by the court, such child shall continue, for the purposes of this act,  
24 under the jurisdiction of the court during its minority or until discharged  
25 by the court, ~~or until committed to an institution~~, or until committed  
26 to a public <sup>institution,</sup> board, department or official.

27 2. Adults. Whenever the welfare of a child is involved the  
28 children's court in each county shall have within such county exclusive

1 original jurisdiction in any proceeding arising under any of the pro-  
2 visions of this act, to inquire into, hear and determine the liability  
3 of any person who abuses, neglects or wilfully fails to provide for  
4 the proper maintenance of a wife or child; of any person charged with  
5 abandonment or non-support of a wife or child under any provision of  
6 law; of any parent of any child committed to an institution pursuant  
7 to any provision of law, or of any other person required by law to  
8 support or maintain such a child. And the court may take evidence  
9 in any such hearing or proceeding and may render judgment thereon. If  
10 judgment be rendered affirming such liability, the court may examine  
11 into the ability of any such person or persons adjudged liable, to  
12 pay for the maintenance, in whole or in part, of such wife or child,  
13 and if satisfied that such person is able to contribute toward their  
14 support, may, by order require of any such person the weekly payment  
15 toward their maintenance or support of such sum of money and in such  
16 manner as the court shall deem fair and equitable. If the sum paid  
17 shall be for the maintenance of a child committed by the court to an  
18 institution, it must be credited to the institution, town or county  
19 maintaining the child.

20 a. Any violation of any order made pursuant to the provisions  
21 of this section shall be a misdemeanor, but the court, may, in its  
22 discretion, proceed with and adjudicate upon it as contempt of court.

23 b. Proceedings under this section may be instituted by an  
24 interested party or on the court's own motion, and a reasonable  
25 opportunity to appear shall be afforded the respondent; and to secure  
26 or to compel the attendance of any necessary person the court may  
27 issue a summons or in a proper case a warrant or other process. The  
28 proceeding shall, however, be in the nature of a civil proceeding and  
29 shall not require a judgment of "disorderly persons" to authorize the

1 issuance of an order; and such order when made shall be enforceable  
2 and subject to execution in all respects as provided by title eight  
3 of part six of the code of criminal procedure respecting the support  
4 of poor persons.

5           3. The court shall have exclusive original jurisdiction in the  
6 hearing and determination of bastardy cases and shall have jurisdiction  
7 to issue a warrant and make or withhold an order of filiation authorized  
8 by law in such proceedings or make any other or further order incidental  
9 thereto as he may deem necessary.

10           4. Except as herein otherwise provided, the court shall have  
11 original jurisdiction to hear, try and determine all cases, less than  
12 the grade of felony, which may arise against any parent or other adult  
13 responsible for or contributing to the delinquency or neglect of any  
14 child; or who is charged with any act or omission in respect to any  
15 child, which act or omission is a violation of any state law or  
16 municipal ordinance. The court shall also have exclusive original  
17 jurisdiction in all cases against persons charged with failure to obey  
18 any order of the court made in pursuance of the provisions of this  
19 section.

20           5. The court shall have power to punish, in the manner and  
21 subject to the limitations prescribed by article nineteen of the  
22 judiciary law, any person guilty of criminal contempt.

ARTICLE II  
INSTITUTION OF PROCEEDINGS

- ~~ARTICLE II~~  
Section 10. Petition  
11. Issuance of summons  
12. Service of summons  
13. Arrest; transfer of cases from other courts

23           Section 10. Petition. Any person having knowledge or information  
24 that a child is a neglected or a delinquent child may institute a proceedi



1 by filing with the court a petition verified by affidavit, setting  
2 forth the alleged facts which bring such child within the provisions  
3 of this act and asking the court to adjudge such child to be neglected  
4 or delinquent as the case may be. The title of the proceeding shall  
5 be "Children's Court, County of \_\_\_\_\_, in the matter  
6 of \_\_\_\_\_, a child under sixteen years of age." The  
7 petition shall set forth the name and residence of the child and of  
8 the parents, if known to the petitioner, or the name and residence of  
9 the person having the guardianship, custody, control or supervision of  
10 such child, if the same be known to the petitioner, or shall set forth  
11 that they are unknown if that be the fact.

12           Section 12. Issuance of summons. Upon the filing of the  
13 petition the court may forthwith or after an investigation by a pro-  
14 bation officer or other person, issue or cause to be issued to the  
15 child, unless such child be in the custody of the court, and to the  
16 parent, or in case there be no parent, to the person having the guardian-  
17 ship, control, custody, or supervision of such child, or to the person  
18 with whom the child may be, a summons signed by the judge or by the  
19 clerk of the court, requiring them to appear at the place and time  
20 stated in the summons, to show cause why such child should not be dealt  
21 with according to law.

22           Section 13. Service of summons. Service of summons shall be  
23 made personally by delivering to and leaving with the persons summoned  
24 a true copy thereof; provided, that if the judge is satisfied that reason-  
25 able but unsuccessful effort has been made to serve the summons personall  
26 upon any of the parties named therein, or if it shall appear to the  
27 satisfaction of the judge that it is for any reason impracticable to  
28 serve a summons personally upon the person or persons to whom it is

1 directed, the judge may make an order directing that service shall be  
2 made by registered mail or by publication or in such other manner as  
3 he may determine. It shall be sufficient to confer jurisdiction if  
4 service is effected at any time before the time fixed in the summons  
5 for the return thereof, but the judge, if requested by a parent, or in  
6 case there is no parent, by the person having the guardianship or  
7 custody of the child, shall not proceed with the hearing earlier than  
8 three days after such service. Failure to serve a summons on any  
9 person other than the child shall not impair the jurisdiction or right  
10 of the court to proceed in cases of alleged delinquent children.  
11 If the person summoned shall fail without reasonable cause to appear and  
12 abide the order of the court, he may be proceeded against and punished  
13 as for contempt of court. In case the summons cannot be served or the  
14 parties served fail to obey the same, and in any case when it shall  
15 appear to the judge that such summons will be ineffectual, or that the  
16 welfare of the child requires that it shall be brought forthwith into  
17 the custody of the court, a warrant may be issued by the court for the  
18 arrest of the child or the parent or guardian or other person having  
19 custody of the child, or with whom the child may be. It shall be the  
20 duty of the sheriff or other peace officer of the county to serve or  
21 execute all process<sup>es</sup> issued by the court, but such papers may be served  
22 or executed by any person delegated by the court or judge for that  
23 purpose.

24 Section 13. Arrest; transfer of cases from other courts.  
25 Nothing in this act shall be construed as forbidding the taking into  
26 custody, with or without a warrant, of any child as now or hereafter may  
27 be provided by law, nor as forbidding the issuing of warrants by  
28 magistrates as provided by law. Whenever a child less than sixteen years  
29 of age is brought before a magistrate in any county such magistrate

1 shall transfer the case to the children's court by an order directing  
 2 that the child be taken forthwith to the place of detention designated  
 3 by the judge of the children's court; such magistrate may, by order  
 4 admit such child to bail or release it in the custody of some suitable  
 5 person as provided by law, to appear before the court at a time  
 6 designated in the said order. All papers and processes relating to  
 7 the case in the hands of such magistrate shall be forthwith transmitted  
 8 to the court and shall become part of its records. The court shall  
 9 thereupon proceed to hear and dispose of such case in the same manner  
 10 as if the proceedings had been instituted in the court upon petition.  
 11 Between the time of the arrest of such child and its appearance before  
 12 the court, it shall, if not released, be detained subject to the order  
 13 of the court.

ARTICLE III  
 PROCEDURE.

- Section 20. Custody of child; release
- 21. Place of detention
- 22. Hearing; Judgment
- 23. Mental and physical examination;  
treatment
- 24. Modification, setting aside or  
vacating of judgment
- 25. Appointment of guardian
- 26. Adoption
- 27. Religion of custodial persons and  
agencies
- 28. Power and jurisdiction of other  
courts

14 Section 20. Custody of child; release. If it appears from the  
 15 petition that the child is an alleged delinquent, or an alleged neglected  
 16 child, the judge may endorse or cause to be endorsed upon the summons  
 17 an order that the officer serving the same shall at once take such child  
 18 into custody.

19 In the case of any child who has been taken into custody, or  
 20 pending the final disposition of any case, such child may be released on

1 bail or in the custody of a parent, guardian or other person having it  
2 in charge or may be placed in the custody of a probation officer or  
3 other person appointed or designated by the judge, to be brought before  
4 the court at the time specified. When not released as herein provided,  
5 such child, pending the hearing of the case, shall be detained in such  
6 place of detention as is hereinafter provided for.

7       Section 21. Place of detention. No child coming within the pre-  
8 visions of this act shall be placed in or committed to any prison, jail,  
9 lockup, or other place where such child can come in contact in any manner  
10 with any adult convicted of crime or under arrest and charged with crime.  
11 Provision shall be made for the temporary detention of such children in  
12 a detention home to be conducted as an agency of the court for the pur-  
13 poses of this act; or the court may arrange for the boarding of such  
14 children temporarily in a private home or homes in the custody of some  
15 fit person or persons, subject to the supervision of the court, or the  
16 court may arrange with any incorporated institution, society or association,  
17 maintaining a suitable place of detention for children in said county  
18 to the end that such place of detention shall receive for temporary  
19 care any child within the jurisdiction of the court, or the court may  
20 commit the child to the custody of the superintendent of the poor or to  
21 such other officer, board or department as may be authorized to receive  
22 children as public charges, who shall provide for such child as in the  
23 case of a dependent child or as otherwise authorized by law.

24       In case a detention home is established as an agency of the court,  
25 it shall be furnished and carried on so far as possible, as a family  
26 home in charge of a superintendent or matron who shall reside therein.  
27 The court may appoint a matron or superintendent or both and other  
28 necessary employees for such home in the same manner as probation officers



1 are appointed under this act, their salaries to be fixed and paid in the  
2 same manner as the salaries of probation officers. The necessary expenses  
3 incurred in maintaining such detention home shall be paid by the county.

4 In case the court shall arrange for the boarding of children  
5 temporarily detained in private homes, a reasonable sum for the board of  
6 such children while so temporarily detained shall be paid by the county.

7 In case the court shall arrange with any incorporated institution,  
8 society or association for the use of a detention home maintained by such  
9 institution, society or association, he shall enter an order which shall  
10 be effectual for the purpose, and a reasonable sum shall be appropriated  
11 by the board of supervisors of the county for the compensation of such  
12 institution, society or association for the care of such children as  
13 shall be detained therein.

14 Section 22. Hearing; judgment. Upon the return of the summons  
15 or other process or after any child has been taken into custody, and at  
16 the time set for the hearing, the court shall proceed to hear and de-  
17 termine the case in a summary manner. The court may conduct the examina-  
18 tion of witnesses and receive reports of probation officers as to the  
19 child's habits, surroundings, conditions and tendencies, ~~and~~ and may  
20 adjourn the hearing from time to time so as to enable the court to render  
21 such an order or judgment as shall best conserve or protect the welfare  
22 of the child and carry out the objects of this act. At any stage of the  
23 proceedings the judge may, in his discretion, appoint any suitable person  
24 to be the guardian ad litem of the child for the purposes of the pro-  
25 ceeding.

26 The court, if satisfied that the child is in need of the care,  
27 protection or discipline of the state, may so adjudicate and may find  
28 the child to be delinquent or neglected. Thereupon the court may:

29 (a) Continue the case and place the child on probation

1 to remain in his own home or in the custody of a  
2 relative or other fit person, subject to the super-  
3 vision of the probation officer and the further orders  
4 of the court; or

5 (b) Commit the child to the custody of the  
6 superintendent of the poor or to such other officer,  
7 board or department as may be authorized to receive  
8 children as public charges, who shall provide for such  
9 child as in the case of a dependent child or as otherwise  
10 authorized by law; or

11 (c) Commit the child to a suitable institution  
12 maintained by the state or any subdivision thereof, or to any  
13 suitable private institution, society or association in-  
14 corporated under the laws of the state and approved by the  
15 state board of charities, authorized to care for children  
16 or to place them in suitable family homes; or

17 (d) Render such other and further judgment or make  
18 such other order or commitment as the court may be authorized  
19 by law to make.

20 Section 23. Mental and physical examinations; treatment.

21 The court in its discretion, either before or after a hearing, may  
22 cause any child within its jurisdiction to be examined by a physician  
23 or psychologist qualified as an examiner under the mental deficiency  
24 law and appointed or designated for the purpose by the court. If it  
25 shall appear to the court that any child within its jurisdiction is  
26 mentally defective, he may cause such child to be examined as provided  
27 for in the mental deficiency law and if found to be a mental defective  
28 as therein defined, he may commit such child in accordance with the  
29 provisions of said law. Whenever a child within the jurisdiction of

21 the court and under the provisions of this act appears to the court  
22 to be in need of mental or medical or surgical examination, observation  
23 or treatment in a hospital or elsewhere, a suitable order may be made  
24 therefor and the expenses thereof, when approved by the court, shall  
25 be a charge upon the county or the appropriate subdivision thereof;  
26 but the court may adjudge that the person or persons having the duty  
27 under the law to support such child shall pay a part or all of the ex-  
28 penses of such treatment as provided in Section forty of this act.

*Modification or vacating of judgment.*  
29 Section 24. <sup>A</sup>My parent or guardian, or if there be no parent  
30 or guardian, the next friend of any child who has been or shall here-  
31 after be committed by the court to the custody of an institution,  
32 board, association, society or person, may at any time file with the  
33 court a petition verified by affidavit setting forth under what con-  
34 ditions such child is living, and that the application for the re-  
35 lease of the child has been made to and denied by such institution,  
36 association, society or person, or that such institution, association,  
37 society or person has failed to act upon such application within a  
38 reasonable time. A copy of such petition shall at once be served by  
39 the court upon such institution, association, society or person. ~~xxx~~  
40 ~~xx~~  
41 If, upon examination of the petition and reply, the court is of the  
42 opinion that an investigation should be had, it may, upon due notice to  
43 all concerned, proceed to hear the facts and determine the question  
44 at issue and may with the concurrence of the superintendent of the  
45 poor or such other officer, board or department as may be authorized  
46 to receive children as public charges, return such child to the  
47 custody of its parents or guardian or direct such institution,  
48 association, society or person to make such other arrangements for the  
49 child's care and welfare as the circumstances of the case may require.

1           In any juvenile delinquency proceeding, the court may stay  
2 execution, set aside or arrest judgment, or grant a new trial or  
3 hearing, on any of the grounds authorizing any court of criminal  
4 jurisdiction so to do; provided, that this court may, in the exercise  
5 of its powers of protection over the child, ~~as a part of the state,~~  
6 make such an order regardless of whether a motion therefor was made  
7 before or after final judgment or commitment. The court may entertain  
8 an application to that effect by any interested person, or may act  
9 on its own motion on giving proper notice to interested parties or to  
10 any institution having custody of the child.

11           The court may at any time during the progress of a proceeding  
12 arising under any provision of this act, vacate any commitment pre-  
13 viously made where it can be shown to the satisfaction of the court  
14 that a mistake of fact was made in adjudicating the child's religion;  
15 or may on its own motion or on application, after giving reasonable  
16 notice to interested parties or to the institution having custody of  
17 the child, proceed with judgment as if such erroneous commitment had  
18 not been made or make such other or further order as may to the court  
19 seem just.

20           Any child under the jurisdiction of the court shall be  
21 subject to the visitation or supervision of the probation officer or  
22 other agent of the court authorized to visit or supervise such child.

23           Section 25. Appointment of guardian. Whenever in the course  
24 of a proceeding instituted under this act, it shall appear that the  
25 welfare of any child within its jurisdiction will be promoted by the  
26 appointment or the discharge of an individual as general guardian of  
27 its person, or by the appointment or discharge of an individual or  
28 corporation as general guardian of its property, or by both, the court  
29 shall have jurisdiction to make such appointment, either upon the



1 application of the child or of some relative or friend, or upon the  
2 court's own motion. Before making such appointment the court shall  
3 cause notice to be served upon the parent or parents of such child  
4 in such manner and for such time prior to the hearing as the court may  
5 deem reasonable. In the appointment of such guardians the court shall  
6 be governed by all the provisions of law governing the appointment of  
7 guardians in the surrogate's court. In any case arising under this act  
8 the court may determine as to whether the father, mother or other person  
9 shall have the custody and direction of the child, subject to the pre-  
10 visions of section twenty-four of this act.

11 Section 26. Adoption. Proceedings for adoption arising under  
12 this act shall be in the manner and form prescribed for such proceedings  
13 in the county or surrogate's court.

14 Section 27. Religion of custodial persons and agencies. In  
15 committing a child to any institution or other agency, unless such in-  
16 stitution or agency is supported and controlled by the state or a sub-  
17 division thereof, or in placing the child under any guardianship, super-  
18 vision or control other than that of its natural guardian, the court shall,  
19 so far as practicable, select as such agency, institution, society or  
20 association one which is governed by persons of the same religious per-  
21 suasion as the child, or shall place it with an individual holding  
22 the same religious persuasion as such child.

23 The term "whenever practicable", or "so far as practicable",  
24 when used in this act in relation to the custody of a child shall,  
25 ~~construed literally and shall~~, subject to the laws governing adoption  
26 and guardianship, be deemed to mean that no child shall be placed in the  
27 custody of any person except one of the same religious persuasion as the  
28 child, unless it be established that no proper person willing to assume  
29 such custody, is available, nor in the custody of any home or institution

1 except one governed by persons of the same religious faith as the child,  
 2 unless it be established that no proper home or institution authorized  
 3 to take such remand or such commitment is available. If a child is  
 4 placed with a person, home or institution other than one of its own  
 5 religious persuasion, the order so directing shall recite that the fact  
 6 therein stated was established to the satisfaction of the court. Placing  
 7 in the custody of a person, home or institution shall be subject to  
 8 appeal, review, modification or change as provided by law. This section  
 9 shall not be so construed, however, as to prevent the remand of a child,  
 10 during the pendency of proceedings, to a society for the prevention of  
 11 cruelty to children; to a temporary detention home maintained as an  
 12 agency of the court for the purposes of this act, nor to the placing  
 13 of any child in a hospital for necessary treatment.

14 Section 29. Power and jurisdiction of other courts. Nothing in  
 15 this act shall be held to deprive county courts, courts of special  
 16 sessions, police courts and magistrates' courts from holding the same  
 17 or concurrent jurisdiction with this court to hear and dispose of cases  
 18 embraced within subdivision <sup>four</sup> ~~five~~ of section <sup>four</sup> ~~five~~ of this act, which are  
 19 pending in those courts when this act takes effect, but such cases may  
 20 be transferred to the children's court for hearing and determination  
 21 therein. Nothing herein shall be construed as abridging the general  
 22 chancery power and jurisdiction exercised by the supreme court over the  
 23 persons and estates of minors, nor as abridging the authority of the  
 24 surrogate's court to appoint guardians as now provided by law.

ARTICLE IV  
 PROBATION

Section 35. Appointment of probation officers and other employees.

36. <sup>170</sup> ~~Probation~~ *Powers and duties of probation officers.*

25 Section 35. Appointment of probation officers and other employees.

26 The judge shall appoint a chief probation officer of the court who shall

1 be paid such compensation as the judge shall determine, subject to the  
 2 approval of the board of supervisors of the county. He may appoint, in  
 3 his discretion, other probation officers who shall receive such salaries  
 4 as he may determine subject to the approval of the board of supervisors  
 5 or who may serve without pay as volunteer probation officers. The  
 6 chief probation officer shall have supervision, under the <sup>direction</sup> ~~direction~~  
 7 of the judge, of the work of all other probation officers.

8 The judge shall appoint a clerk and a stenographer and may  
 9 appoint such other employees as he may deem necessary. They shall be  
 10 paid such compensation as the judge shall determine, subject to the  
 11 approval of the board of supervisors. All such employees may be re-  
 12 moved by the judge at any time.

13 <sup>Powers and Duties of Probation Officers.</sup>  
 14 Section 36. ~~Probation.~~ It shall be the duty of a probation  
 15 officer to make such investigation before, during and after the hearing  
 16 of any case as the court may direct and to report his findings to the  
 17 court. He shall have charge <sup>of</sup> ~~the~~ the child before, during, and after  
 18 the hearing, as directed by court. He shall visit and keep himself  
 19 informed as to the conduct and condition of each child under his  
 20 supervision and shall make report thereof to the court. Probation  
 21 officers shall, for the purposes of this act have the powers of peace  
 22 ~~officers.~~  
 23 ~~makers.~~

- ARTICLE V.  
 ADJUDICATION; COMPENSATION; APPEALS.  
 Section 40. Support of child committed to custodial agency  
 41. Additional compensation for judge.  
 42. Necessary travelling expenses shall be paid  
 43. Judge may hold court in any place in county;  
 may appoint commissions  
 44. Appeals  
 45. Rules; forms  
 46. Seal of court

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22 Section 40. Support of child committed to custodial agency.  
 23 Whenever any child is committed by the court to the custody of any in-  
 24 stitution, association, society or person, other than its parents or  
 25 guardian, compensation for the care of such child when approved by the

1 court, shall be a charge upon the county, or the appropriate subdivision  
2 thereof. But the court may, after issuance and service of an order  
3 to show cause upon the parent or other person having the duty under the  
4 law to support such child, adjudge that such parent or other person shall  
5 pay in such manner as the court may direct such sum as will cover in  
6 whole or in part the support of such child, and wilful failure to pay  
7 such sum, shall be a misdemeanor and punishable as such, or such person  
8 may, in the discretion of the court, be punished as for criminal contempt  
9 of court.

10 Section 41. Additional compensation for judge. The board of  
11 supervisors, in their discretion, may allow additional compensation  
12 to a judge for services in the children's court.

13 Section 42. Necessary travelling expenses shall be paid. The  
14 judge may in his discretion authorize the payment of necessary travelling  
15 expenses incurred by himself or by any witness or person summoned or  
16 otherwise required to appear at the hearing of any case coming within  
17 the provisions of this act. Such expense when approved by the judge  
18 shall be a county charge.

19 Section 43. Judge may hold court in any place in county; may  
20 appoint commissions. The judge may arrange to hold court at such times  
21 and places in the county as in his opinion seems desirable, but such  
22 sessions shall not be held in conjunction with sessions of the county  
23 court at which cases against adults are heard or at which business other  
24 than that provided for by this act is transacted. He may, in his dis-  
25 cretion, and for any reason deemed by him to be sufficient, appoint  
26 a commission, to take testimony or receive evidence and report the  
27 same to the court for its determination, under such circumstances and with  
28 such limitations as to the court may seem just. Such testimony or  
29 evidence may be received by the court with the full force and effect  
30 governing the receiving or taking of evidence or testimony by commission.  
31 The reasonable expenses of such commission, when approved by the court,  
32 shall become a charge against the county.

33 Section 44. Appeals. An appeal may be taken from any final order  
34 <sup>or</sup> judgment of the court to the appellate division of the supreme court within



1 thirty days after the entry of said order or judgment.  
2 If any such appeal shall be taken by the guardian ad litem ap-  
3 pointed for a child by the court, the court may in its dis-  
4 cretion grant an order to audit and may allow payment for the  
5 actual disbursements made by such guardian ad litem for printing  
6 the papers necessary for taking the appeal. When allowed by  
7 the judge the said disbursements shall become a county charge,  
8 and shall be paid by the county.

9 Section 45a. Rules; forms. The court shall have power to  
10 devise and publish rules regulating the procedure in cases  
11 coming before the court under the provisions of this act, and  
12 for the conduct of all probation and other officers of the court  
13 in such cases. The court shall devise and cause to be printed  
14 such forms for records and for the various petitions, orders,  
15 processes and other papers as shall meet the requirements of  
16 the court; and all expenses incurred in complying with the  
17 provisions of this act shall be a county charge.

18 Section 46. Seal of court. The children's court shall have  
19 an official seal, on which shall be engraved the arms of the state  
20 of New York, and the words "Children's Court", together with  
21 the name of the county. All process issued by the court shall  
22 be sealed with such seal and signed by the judge, the clerk of  
23 court, or such other clerk as may, from time to time, be  
24 designated by the judge.

ARTICLE VI

GENERAL PROVISIONS

Section 53. General provisions

54. Certain provisions of law; when not applicable.

1. Section 53. General provisions. In the hearing of any case
2. coming within the provisions of this act the general public may be ex-
3. cluded and only such persons admitted thereto as have a direct interest
4. in the case. All cases in which children are directly involved or ap-
5. pear shall be heard separately and apart from the trial of cases against
6. adults. A room separate and apart from the regular court room shall be
7. provided for the use of the children's court, together with suitable
8. quarters for the use of the judge, the probation officers and other
9. employees of the court.
10. The Court shall maintain a full and complete record of all cases brought
11. before it. All records may be withheld from indiscriminate public
12. inspection in the discretion of the judge, but such records shall
13. be open to inspection by the parents, guardians or other authorized
14. representative of the child concerned.
15. This act shall be construed liberally and as preventive as well
16. as remedial in character. The powers hereby conferred are intended to
17. be general and for the purpose of effecting the beneficial purposes
18. herein set forth. ~~It is the intention of this act that in all pro-~~
19. ~~ceedings under its provisions the court shall proceed upon the theory~~
20. ~~that a child under its jurisdiction is the ward of the state and is~~
21. ~~subject to the discipline and entitled to the protection which the state~~
22. ~~should give such child under the circumstances disclosed in the case.~~
23. The duty shall be constant upon the court to give such child subject
24. to its jurisdiction such oversight and control as will conduce to the
25. welfare of such child and to the best interests of the state.

1. No adjudication under the provisions of this act shall operate  
2. as a disqualification of any child subsequently to hold public office  
3. or as a forfeiture of any right or privilege or to receive any license  
4. granted by public authority; and no child shall be denominated a  
5. criminal by reason of such adjudication, nor shall such adjudication be  
6. denominated a conviction. Neither the fact that a child has been before  
7. the children's court for hearing, nor any confession, admission or state-  
8. ment made by him to the court or to any officer thereof while he is under  
9. the age of sixteen years, shall ever be admissible as evidence against  
10. him or his interests in any other court.

11. Section 54. Certain provisions of law; when not applicable. All  
12. provisions of the Penal Law or Code of Criminal Procedure or other  
13. statute inconsistent with or repugnant to any of the provisions of this  
14. act shall be considered inapplicable to the cases arising under this  
15. act.

~~ARTICLE VII~~

~~Section 55. When act takes effect.~~

55.  
16. Section 55. When act takes effect: This act shall take effect  
17. July first, nineteen hundred and twenty-two.

DIFFERENCES BETWEEN COMMISSION'S JUVENILE  
COURT BILL AND PROPOSED BILL.

Section 1 of Commission's bill is made permissive in its application to counties.

Section 2. Definition of adult is omitted and definition of delinquent and neglected children are modified and the definition of an abandoned child is added as also definitions of the guardianship of the person and of custody of a child.

Section 4. At the end of this section a sentence is added providing for the filling of vacancies occurring in the office of judge otherwise than through expiration of term.

Section 5. The continuing jurisdiction of the court in the cases of children in its care has been changed so that when children are committed to ~~the~~ public board, department, officer, or institution, the jurisdiction of the court ceases.

Section 13. The power of magistrates to discharge children is stricken out.

Section 20. In Section 20 the wording is shortened so as "an alleged ~~and~~ neglected child" covers the wording in the Commission's bill.

Section 22. The wording is changed somewhat so that the court must conduct examinations and receive reports in every case before taking action, and sub-division B of this section is omitted.

Section 23. The wording <sup>is changed so that</sup> concerning the children in need of mental, medical or surgical examination, observation or treatment <sup>is</sup> provided for.

Section 24. The first sentence is omitted and the balance of the paragraph is reworded.

Section 35. In line 21 the words "the appointment .....riminal procedure" are omitted, and this section is changed so that the powers and duties of probation officers shall not be according to the provisions of the general probation law, but instead in accordance with the provisions of the following section.

Section 36. Defines the powers and duties of probation officers so as to preserve the effective probation aspects of their work.

Section 37 is omitted as not being necessary.



*Commissioner's  
Juvenile Court bill*

An act establishing children's courts  
in all counties outside the City of  
New York, defining their jurisdiction,  
powers and duties and regulating procedure  
therein.

The People of the State of New York, represented in Senate and  
Assembly, do enact as follows:

ARTICLE I

- Section 1. Short title; application  
2. Definitions  
3. Establishment of children's courts  
4. Judge  
5. Jurisdiction

ARTICLE II

- Section 10. Petition  
11. Issuance of summons  
12. Service of summons  
13. Arrest; transfer of cases from  
other courts

ARTICLE III

- Section 20. Custody of child; release  
21. Place of detention  
22. Hearing; judgment  
23. Mental and physical examinations;  
treatment  
24. Modification, setting aside or  
vacating of judgment  
25. Appointment of guardian  
26. Adoption  
27. Religion of custodial persons and  
agencies  
28. Power and jurisdiction of other  
courts

ARTICLE IV

- Section 35. Appointment of probation officers  
and other employees  
36. Probation  
37. Cooperation of officials and organ-  
izations

ARTICLE V

- Section 40. Support of child committed to custodial agency
- 41. Additional compensation for Judge
- 42. Necessary traveling expenses shall be paid
- 43. Judge may hold court in any place in county; may appoint commissions
- 44. Appeals
- 45. Rules; forms
- 46. Seal of court

ARTICLE VI

- Section 53. General provisions
- 54. Certain provisions of law; when not applicable

ARTICLE VII

- Section 60. When act takes effect

ARTICLE I

- Section 1. Short title; application
- 2. Definitions
- 3. Establishment of children's courts
- 4. Judge
- 5. Jurisdiction

1 Section 1. Short title; application. This act shall be known as the "Chil-  
2 dren's Court Act," and shall apply to all counties of the state except the counties  
3 of New York, Kings, Bronx, Queens and Richmond, <sup>and</sup> ~~and~~ that part of the county of Erie  
4 embraced within the territorial limits of the city of Buffalo.

5 Section 2. Definitions 1. Whenever the word "court" is used without modi-  
6 fication in this act it shall refer to the children's court; the term "judge", when  
7 used in this act shall refer to the judge presiding in the court established by this  
8 act; the word "child" shall mean a person less than sixteen years of age; the word  
9 "adult" shall mean a person sixteen years of age or older; the word "child" or "chil-  
10 dren" may be held to mean one or more children, and the word "parent" or "parents" may  
11 be held to mean one or more parents, when consistent with the intent of this act.

12 2. A child shall be deemed delinquent (a) who commits any act or omission,  
13 which, if committed by an adult, would be a crime not punishable by death or life im-  
14 prisonment; (b) who violates any other state law or any municipal or local ordinance;  
15 (c) who is incorrigible, ungovernable or habitually disobedient and beyond the control  
16 of its parents, custodians or other lawful authority; (d) who is habitually truant;  
17 (e) who, without just cause and without the consent of parents, guardian or other cus-  
18 todian, absents himself from his home or place of abode; (f) who engages in any occu-  
19 pation in violation of law or who visits any place that unlawfully exists or where his  
20 presence is permitted in violation of law; (g) who habitually uses obscene or profane  
21 language; or (h) who so departs himself as wilfully to endanger the morals, health or  
22 general welfare of himself or others.

23 3. Juvenile delinquency is the <sup>intent</sup> commission by a child of any offense enumerated  
24 in the foregoing definition of a delinquent child. The age of the child shall be con-  
25 <sup>was</sup>puted as of the time when the offense ~~is~~ committed.

1 4. A child shall be deemed to be ~~without proper guardianship or~~ neglected  
2 (a) who is abandoned; (b) whose parents, guardian or person with whom the child lives  
3 by reason of improvidence, neglect, cruelty, mental incapacity, immorality or depravity  
4 fail or are unfit properly to care for such child; (c) who is under unlawful or improp-  
5 er supervision, care, custody or restraint by any person; (d) who wanders about the  
6 city, town, village or elsewhere without proper or lawful occupation or restraint;  
7 (e) whose parents, guardian, or custodian neglect and refuse, when able to do so, to  
8 provide necessary medical, surgical, institutional or other remedial care for such  
9 child; (f) who engages in any occupation for engaging in which an adult may be pun-  
10 ished by law or is found in any place for permitting which an adult may be punished;  
11 (g) who is in such condition of want or suffering, or is under such improper or insuff-  
12 ficient guardianship or control as to endanger the morals, health or general welfare of  
13 himself or others.

14 Section 5. Establishment of children's courts. A children's court is hereby  
15 established, in each county of the state, except as limited by Section one of this act.

16 Section 4. Judge. In every county except those to which the provisions of  
17 this act are specifically made not applicable, the electors of the county shall at the  
18 next general election following the taking effect of this act, choose a judge of the  
19 children's court of such county to serve for such term and <sup>to</sup> be paid such salary as the  
20 law provides for a county judge; provided, however, that where it shall appear from a  
21 certificate filed with the secretary of state by the county judge and the board of su-  
22 pervisors of such county on or before the first day of September preceeding such election  
23 that the judicial business of such county will not in their opinion justify the election  
24 of a judge of the children's court and that the county judge or judges or special county  
25 judge of such county already in office can adequately perform the duties of judge of the  
26 children's court in addition to the duties already imposed by law, no such election shall  
27 be held in such county, and in such case the county judge or judges or such special county  
28 judge shall perform the additional duties herein conferred. 180

29 If there be more than one county judge in any county in which no judge of the



1 children's court has been provided, such judges may, by vote or agreement, designate  
2 or assign one of their number to be the judge of the children's court, and such designa-  
3 tion or assignment shall be for the full term, or remainder of term, for which he was  
4 elected or appointed. Whenever a judge is thus assigned two certificates of such as-  
5 signment shall be issued by the judges making the same, one of which shall be given to  
6 the judge thus designated or assigned, and the other shall be filed with the county  
7 clerk. Any judge so designated or assigned may, upon filing a formal request with his  
8 colleagues, be relieved of such assignment. In the absence or disability of the judge  
9 of the children's court, a county judge may preside or act in his stead, and in case  
10 of the inability of the latter to act, the surrogate, if there be one in such county,  
11 may serve temporarily as judge of the said court.

12 Section 5. Jurisdiction. 1. Children. The children's court in each county  
13 shall have within such county exclusive original jurisdiction of all cases or proceed-  
14 ings involving the hearing, trial, parole, remand or commitment of children actually or  
15 apparently under the age of sixteen years for any violation of law; and in all cases  
16 where such children are the victims of any act or neglect to act for which any person  
17 over the age of sixteen years is liable to punishment, or where the welfare of such  
18 children requires or appears to require the protection of the court, including all cases  
19 of children who are material witnesses and of children without proper guardianship or  
20 who are neglected. Subject <sup>to</sup> the limitations herein provided, the court also shall  
21 have jurisdiction in proceedings to determine the question of the rightful custody or  
22 guardianship of children whose guardianship is subject to controversy, relating to their  
23 immediate care and custody and, in proceedings to appoint guardians or for the adoption  
24 of children coming within its jurisdiction under any of the provisions of this act; pro-  
25 vided, however, that this section shall not be construed as abridging the power and ju-  
26 risdiction now exercised by the supreme court and the surrogates' courts;  
27 but such courts may refer cases relating to the custody, guardianship, or adoption of  
28 children to the children's court for hearing and determination.

29 When once jurisdiction over any child shall have been obtained by the court,

1. Such child shall continue, for the purposes of this act, under the jurisdiction of the court during its minority unless discharged prior thereto by the court.

2. Adults. Whenever the welfare of a child ~~was~~ involved the children's court in each county shall have within such county exclusive original jurisdiction in any proceeding arising under any of the provisions of this act, to inquire into, hear and determine the liability of any person who abuses, neglects or wilfully fails to provide for the proper maintenance of a wife or child; of any person charged with abandonment or non-support of a wife or child under any provision of law; of any parent of any child committed to an institution pursuant to any provision of law, or of any other person required by law to support or maintain such a child. And the court may take evidence in any such hearing or proceeding and may render judgment thereon. If judgment be rendered affirming such liability, the court may examine into the ability of any such person or persons adjudged liable, to pay for the maintenance, in whole or in part, of such wife or child, and if satisfied that such person is able to contribute toward their support, may, by order require of any such person the weekly payment toward their maintenance or support of such sum of money and in such manner as the court shall deem fair and equitable. If the sum paid shall be for the maintenance of a child committed by the court to an institution, it must be credited to the institution, town or county maintaining the child.

a. Any violation of any order made pursuant to the provisions of this section shall be a misdemeanor, but the court, may, in its discretion, proceed with and adjudicate upon it as contempt of court.

b. Proceedings under this section may be instituted by an interested party or on the court's own motion, and a reasonable opportunity to appear shall be afforded the respondent; and to secure or to compel the attendance of any necessary person the court may issue a summons or in a proper case a warrant or other process. The proceeding shall, however, be in the nature of a civil proceeding and shall not require a judgment of "disorderly persons" to authorize the issuance of an order; and such order when made shall be enforceable and subject to execution in all respects as provided by title eight of part

1 six of the code of criminal procedure respecting the support of poor persons.

2 3. The court shall have exclusive original jurisdiction in the hearing and detec-  
3 mination of bastardy cases and shall have jurisdiction to issue a warrant and make or  
4 withhold an order of filiation authorized by law in such proceedings or make  
5 any other or ~~any~~ further order incidental thereto as he may deem necessary.

6 4. Except as herein otherwise provided, the court shall have original jurisdiction  
7 to hear, try and determine all cases, less than the grade of felony, which may arise  
8 against any parent or other adult responsible for or ~~who~~ <sup>may</sup> contribute to the delinquency  
9 ~~or~~ neglect <sup>of</sup> any child; or who is charged with any act or omission in respect to any  
10 child, which act or omission is a violation of any state law or municipal ordinance.  
11 The court shall also have exclusive original jurisdiction in all cases against persons  
12 charged with ~~the~~ failure to obey any order of the court made in pursuance of the provisions  
13 of this section.

14 5. The court shall have power to punish, in the manner and subject to the limita-  
15 tions prescribed by article nineteen of the judiciary law, any person guilty of ~~a~~ crim-  
16 inal contempt.

17 ARTICLE II

- Section 10. Petition
- 11. Issuance of summons
- 12. Service of summons
- 13. Arrest; transfer of cases from other courts

18 Section 10. Petition. Any person having knowledge or information that a child  
19 is a neglected or a delinquent child may institute a proceeding by filing with the  
20 court a petition verified by affidavit, setting forth the alleged facts which bring such  
21 child within the provisions of this act and asking the court to adjudge such child to  
22 be neglected or delinquent as the case may be. The title of the proceeding shall be  
23 "Children's Court, County of \_\_\_\_\_, in the matter of \_\_\_\_\_, a  
24 child under sixteen years of age." The petition shall set forth the name and residence  
25 of the child and of the parents, if known to the petitioner, or the name and residence  
26 of the person having the guardianship, custody, control or supervision of such child,

1 if the same be known to the petitioner, or shall set forth that they are unknown if  
2 that be the ~~fact~~ fact.

3 Section 11. Issuance of summons. Upon the filing of the petition the court  
4 may forthwith or after an investigation by a probation officer or other person, issue  
5 or cause to be issued to the child, unless such child be in the custody of the court,  
6 and to the parent, or in case there be no parent, to the person having the guardian-  
7 ship, control, custody, or supervision of such child, or to the person with whom the  
8 child may be, a summons signed by the judge or by the clerk of the court, requiring  
9 them to appear at the place and time stated in the summons, to show cause why such  
10 child should not be dealt with according to law.

11 Section 12. Service of summons. Service of ~~summons~~ summons shall be made personally  
12 by delivering to and leaving with the persons summoned a true copy thereof; provided,  
13 that if the judge is satisfied that reasonable but unsuccessful effort has been  
14 made to serve the summons personally upon any of the parties named therein, or if it  
15 shall appear to the satisfaction of the judge that it is for any reason impracticable  
16 to serve a summons personally upon the person or persons to whom it is directed, the  
17 judge may make an order directing that service shall be made by registered mail or by  
18 publication or in such other manner as he may determine. It shall be sufficient  
19 to confer jurisdiction if service is effected at any time before the time fixed in  
20 the summons for the return thereof, but the judge, if requested by a parent, or in  
21 case there is no parent, by the person having the guardianship or custody of the child  
22 shall not proceed with the hearing earlier than three days after such service. Failure  
23 to serve a summons on any person other than the child shall not impair the jurisdiction  
24 or right of the court to proceed in cases of alleged delinquent children. If the per-  
25 son summoned shall fail without reasonable cause to appear and abide the order of the  
26 court, he may be proceeded against and ~~may~~ punished as for contempt of court. In case the  
27 summons cannot be served or the parties served fail to obey the same, and in any case  
28 when it shall appear to the judge that such summons will be ineffectual, or that the  
29 welfare of the child requires that it shall be brought forthwith into the custody of



1 the court, a warrant may be issued by the court for the arrest of the child or the  
2 parent or guardian or other person having custody of the child, or with whom the  
3 child may be. It shall be the duty of the sheriff or other peace officer of the  
4 county to serve or execute all process<sup>s</sup> issued by the court, but such papers may be  
5 served or executed by any person delegated by the court or judge for that purpose.

6 Section 18. Arrest; transfer of cases from other courts. Nothing in this act  
7 shall be construed as forbidding the taking into custody, with or without a warrant, of  
8 any child as now or hereafter may be provided by law, nor as forbidding the issuing of  
9 warrants by magistrates as provided by law. Whenever a child less than sixteen years  
10 of age is brought before a magistrate in any county such magistrate shall transfer the  
11 case to the children's court by an order directing that the child be taken forthwith to  
12 the place of detention designated by the judge of the children's court; such magistrate  
13 may, however, discharge such child in accordance with law, or by order admit such child  
14 to bail or release it in the custody of some suitable person as provided by law, to ap-  
15 pear before the court at a time designated in the said order. All papers and processes  
16 relating to the case in the hands of such magistrate shall be forthwith transmitted to  
17 the court and shall become part of its records. The court shall thereupon proceed to  
18 hear and dispose of such case in the same manner as if the proceedings had been in-  
19 stituted in the court upon petition. Between the time of the arrest of such child and  
20 its appearance before the court, it shall, if not released, be detained subject to the  
21 order of the court.

22

ARTICLE III

- Section 20 Custody of child; release
- 21 Place of detention
- 22 Hearing; Judgment
- 23 Mental and physical examinations;  
treatment
- 24 Modification, setting aside or  
vacating of judgment
- 25 Appointment of guardian
- 26 Adoption
- 27 Religion of custodial persons and  
agencies
- 28 Power and jurisdiction of other courts

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23 Section 20 Custody of child; release. If it appears from the petition that

1 the child is an alleged delinquent, or is alleged to be in such condition or surround-  
2 ings that its welfare requires that its custody should be immediately assumed by the  
3 court, the judge may endorse or cause to be endorsed upon the summons an order that  
4 the officer serving ~~ix~~ the same shall at once take such child into custody.

5 In the case of any child who has been taken into custody, or pending the final  
6 disposition of any case, such child may be released on bail or in the custody of a  
7 parent, guardian or other person having it in charge or may be placed in the custody  
8 of a probation officer or other person appointed or designated by the judge, to be  
9 brought before the court at the time specified. When not released as herein provided,  
10 such child, pending the hearing of the case, shall be detained in such place of deten-  
11 tion as is hereinafter provided for.

12 Section 21. Place of detention. No child coming within the provisions of this  
13 act shall be placed in or committed to any prison, jail, lockup, or other place where  
14 such child can come in contact in any manner with any adult convicted of crime or under  
15 arrest and charged with crime. Provision shall be made for the temporary detention  
16 of such children in a detention home to be conducted as an agency of the court for the  
17 purposes of this act; or the court may arrange for the boarding of such children  
18 temporarily in a private home or homes in the custody of some fit person or persons,  
19 subject to the supervision of the court, or the court may arrange with any incorporated  
20 institution, society or association, maintaining a suitable place of detention for  
21 children in said county to the end that such place of detention shall receive for tem-  
22 porary care any child within the jurisdiction of the court, or the court may commit  
23 the child to the custody of the superintendent of the poor or to such other officer,  
24 board or department as may be authorized to receive children as public charges, who  
25 shall provide for such child as in the case of a dependent child or as otherwise  
26 authorized by law.

27 In case a detention home is established as an agency of the court, it shall be  
28 furnished and carried on so far as possible, as <sup>superin-</sup> a family home in charge of a ~~superin-~~  
29 tendent or matron who shall reside therein. The court may appoint a matron or super-

1 intendent or both and other necessary employees for such home in the same manner as  
2 probation officers are appointed under this act, their salaries to be fixed and paid  
3 in the same manner as the salaries of probat/ion officers. The necessary expenses in-  
4 curred in maintaining such detention home shall be paid by the county.

5 In case the court shall arrange for the boarding of children temporarily de-  
6 tained in private homes, a reasonable sum for the board of such children while so tem-  
7 perarily detained shall be paid by the county.

8 In case the court shall arrange with any incorporated institution, society or  
9 association for the use of a detention home maintained by such institution, society or  
10 association, he shall enter an order which shall be effectual for the purpose, and a  
11 reasonable sum shall be appropriated by the board of supervisors of the county for the  
12 compensation of such institution, society or association for the care of such children  
13 as shall be detained therein.

14 Section 22. Hearing; judgment. Upon the return of the summons or other process  
15 or after any child has been taken into custody, and at the time set for the hearing, the  
16 court shall proceed to hear and determine the case in a summary manner. The court may  
17 adjourn the hearing from time to time and inquire into the habits, surroundings, con-  
18 ditions and tendencies of the child, so as to enable the court to render such an order  
19 or judgment as shall best conserve or protect the welfare of the child and carry  
20 out the objects of this act. At any stage of the proceedings the judge may, in his dis-  
21 cretion, appoint any suitable person to be the guardian ad ~~litem~~ <sup>litem</sup> of the child for the  
22 purposes of the proceeding.

23 The court, if satisfied that the child is in need of the care, protection or  
24 discipline of the state, may so adjudicate and may find the child to be delinquent, ne-  
25 glected, ~~or without proper guardianship~~ <sup>may</sup>. Thereupon the court ~~may~~:

26 (a) Continue the case and place the child on probation to remain in  
27 his own home or in the custody of a relative or other fit person, subject to the  
28 supervision of the probation officer and the further orders of the court; or

29 (b) Continue the case and commit the child for a certain designated period

1 or periods to any suitable institution for the purposes of ~~the~~ observa-  
 2 tion and for its better correction and protection, with the power to  
 3 place or replace the child upon probation upon the termination of such  
 4 period.

5 (c) Commit the child to the custody of the superintendent of the  
 6 poor or to such other officer, board or department as may be authorized  
 7 to receive children as public charges, who shall provide for such child  
 8 as in the case of a dependent child or as otherwise authorized by law; or

9 (d) Commit the child to a suitable institution maintained by the  
 10 state or any subdivision thereof, or to any suitable private institution,  
 11 society or association incorporated under the laws of the state and ap-  
 12 proved by the state board of charities, authorized to care for children  
 13 or to place them in suitable family homes; or

14 (e) Render such other and further judgment or make such other  
 15 order or commitment as the court may be authorized by law to make

16 Section 23. Mental and physical examinations; treatment. The court in its  
 17 discretion, either before or after a hearing, may cause any child within its jurisdic-  
 18 tion to be examined by a physician or psychologist <sup>qualified as an examiner under the mental deficiency law and</sup> appointed or designated for the pur-  
 19 pose by the court. If it shall appear to the court that any child within its jurisdic-  
 20 tion is mentally defective, he may cause such child to be examined as provided for in  
 21 the mental deficiency law and if found to be a mental defective as therein defined, he  
 22 may commit such child in accordance with the provisions of said law. Whenever a child  
 23 within the jurisdiction of the court and under the provisions of this act appears to  
 24 the court to be in need of medical or surgical care a suitable order may be made for  
 25 the treatment of such child in a hospital or otherwise, and the expenses thereof, when  
 26 approved by the court, shall be a charge upon the county or the appropriate subdivision  
 27 thereof; but the court may adjudge that the person or persons having the duty under the  
 28 law to support such child shall pay a part or all of the expenses of such treatment as  
 29 provided in Section forty of this act.



1 Section 24. Modification, setting aside or vacating of judgment.

2 Any order or judgment made by the court in the case of any child committed,  
3 by virtue of any proceeding other than that of juvenile delinquency,  
4 may be vacated and set aside for cause which the court may deem sufficient  
5 and shall be subject to such modifications from time to time as the court  
6 may consider to be for the welfare of such child. Any parent or guardian,  
7 or if there be no parent or guardian, the next friend of any child who has  
8 been or shall hereafter be committed by the court to the custody of an  
9 institution, board, association, society or person, may at any time file with  
10 the court a petition verified by affidavit setting forth under what conditions  
11 such child is living, and that the application for the release of the child  
12 has been made to and denied by such institution, association, society or  
13 person, or that such institution, association, society or person has  
14 failed to act upon such application within a reasonable time. A copy of such  
15 petition shall at once be served by the court upon such institution, associ-  
16 tion, society or person, or upon the superintendent of poor, or such other  
17 officer, board or department as may be authorized to receive children as  
18 public charges, whose duty it shall be to file a reply to the same within  
19 five days. If, upon examination of the petition and reply, the court is of  
20 the opinion that an investigation should be had, it may, upon due notice to  
21 all concerned, proceed to hear the facts and determine the question at issue,  
22 and may return such child to the custody of its parents or guardian or direct  
23 such institution, association, society or person to make such other arrange-  
24 ments for the child's care and welfare as the circumstances of the case  
25 may require.

26 In any juvenile delinquency proceeding, the court may stay execution,  
27 set aside or arrest judgment, or grant a new trial or hearing, on any of the  
28 grounds authorizing any court of criminal jurisdiction so to do; provided,  
29 that this court may, in the exercise of its powers of protection over the  
30 child as a ward of the state, make such an order regardless of whether a  
31 motion therefor was made before or after final judgment or commitment. The

1 court may entertain an application to that effect by any interested person,  
2 or may act on its own motion on giving proper notice to interested parties or  
3 to any institution having custody of the child.

4 The court may at any time during the progress of a proceeding arising  
5 under any provision of this act, vacate any commitment previously made where  
6 it can be shown to the satisfaction of the court that a mistake of fact was  
7 made in adjudicating the child's religion; or may on its own motion or on  
8 application, after giving reasonable notice to interested parties or to the  
9 institution having custody of the child, proceed with judgment as if such  
10 erroneous commitment had not been made or make such other or further order as  
11 may to the court seem just.

12 Any child under the jurisdiction of the court shall be subject to the  
13 visitation or supervision of the probation officer or other agent of the  
14 court authorized to visit or supervise such child.

15 Section 25. Appointment of guardian. Whenever in the course of a pro-  
16 ceeding instituted under this act, it shall appear that the welfare of any  
17 child within its jurisdiction will be promoted by the appointment or the  
18 discharge of an individual as general guardian of its person, or by the  
19 appointment or discharge of an individual or corporation as general guardian  
20 of its property, or by both, the court shall have jurisdiction to make such  
21 appointment, either upon the application of the child or of some relative or  
22 friend, or upon the court's own motion. Before making such appointment the  
23 court shall cause notice to be served upon the parent or parents of such  
24 child in such manner and for such time prior to the hearing as the court may  
25 deem reasonable. In the appointment of such guardians the court shall be  
26 governed by all the provisions of law governing the appointment of guardians  
27 in the surrogate's court. In any case arising under this act the court may  
28 determine as to whether the father, mother or other person shall have the  
29 custody and direction of the child, subject to the provisions of section  
30 twenty-four of this act.

1 Section 26. Adoption. Proceedings for adoption arising under this  
2 act shall be in the manner and form prescribed for such proceedings in the  
3 county or surrogate's court.

4 Section 27. Religion of custodial persons and agencies. In committing  
5 a child to any institution or other ~~custodial~~ agency, unless such institution  
6 or agency is supported and controlled by the state or a subdivision thereof,  
7 or in placing the child under any guardianship, supervision or control other  
8 than that of its natural guardian, the court shall, so far as practicable,  
9 select as such ~~custodial~~ agency, institution, society or association one  
10 which is governed by persons of the same religious persuasion as the child,  
11 or shall place it with an individual holding the same religious persuasion as  
12 such child.

13 The term "whenever practicable", or "so far as practicable", when used  
14 in this act in relation to the custody of a child shall be construed  
15 literally and shall, subject to the laws governing adoption and guardianship,  
16 be deemed to mean that no child shall be placed in the custody of any person  
17 except one of the same religious persuasion as the child, unless it be  
18 established that no proper person willing to assume such custody, is available  
19 nor in the custody of any home or institution except one governed by persons  
20 of the same religious faith as the child, ~~unless~~ unless it be established that no  
21 proper home or institution authorized to take such remand or such commitment  
22 is available. If ~~such~~ a child is placed with a person, home or institution other  
23 than one of its own religious persuasion, the order so directing shall recite  
24 that the fact therein stated was established to the satisfaction of the court.  
25 Placing in the custody of a person, home or institution shall be subject to  
26 appeal, review, modification or change as provided by law. This section shall  
27 not be so construed, however, as to prevent the remand of a child, during the  
28 pendency of proceedings, to a society for the prevention of cruelty to children;  
29 to a temporary detention home maintained as an agency of the court for the  
30 purposes of this act, nor to the placing of any child in a hospital for ne-  
31 cessary treatment

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1 Section 28. Power and jurisdiction of other courts. Nothing in this act  
2 shall be held to deprive county courts, courts of special sessions, police courts  
3 and magistrates' courts from holding the same or concurrent jurisdiction with  
4 this court to hear and dispose of cases embraced within subdivision four of  
5 section five of this act, which are pending in these courts when this act takes  
6 effect, but such cases may be transferred to the children's court for hearing  
7 and determination therein. Nothing herein shall be construed as abridging the  
8 general chancery power and jurisdiction exercised by the supreme court over  
9 the persons and estates of minors, nor as abridging the authority of the  
10 surrogate's court to appoint guardians as now provided by law.

11 ARTICLE IV

12 Section 35. Appointment of probation officers and other employees.

13 36. Probation

14 37 Cooperation of officials and organizations

15 Section 35. Appointment of probation officers and other employees.

16 The judge shall appoint a chief probation officer of the court who shall be  
17 paid such compensation as the judge shall determine, subject to the approval of  
18 the board of supervisors of the county. He may appoint, in his discretion, other  
19 probation officers who shall receive such salaries as he may determine subject  
20 to the approval of the board of supervisors or who may serve without pay as  
21 volunteer probation officers. The appointment, powers and duties of such  
22 probation officers shall be in accordance with the provisions relating to  
23 probation officers contained in section eleven -A of the code of criminal  
24 procedure. The chief probation officer shall have supervision, under the  
25 direction of the judge, of the work of all other probation officers.

26 The judge shall appoint a clerk and a stenographer and may appoint such  
27 other employees as he may deem necessary. They shall be paid such compensation  
28 as the judge shall determine, subject to the approval of the board of  
29 supervisors. All such employees may be removed by the judge at any time.

30 Section 36. Probation. All provisions of the general laws of the



1 state relating to the use of probation, so far as they are applicable, shall  
2 apply to cases coming within the provisions of this act, except that in the  
3 case of a child the probation period may be continued by the court for any period  
4 during the minority of such child.

5 Section 37. Cooperation of officials and organizations. It is hereby made  
6 the duty of every county, town or municipal official or department in such county  
7 to render assistance and cooperation within his or its jurisdictional power to  
8 further the objects of this act. All institutions or other agencies to which  
9 any child coming within the provisions of this act may be sent are hereby re-  
10 quired to give such information concerning such child to the court or to any  
11 officer thereof, or other person designated or appointed by the court, as the  
12 judge, officer, or other person may require for the purposes of this act. The  
13 court is authorized to seek the cooperation of all societies or organizations,  
14 public or private, having for their object the protection or aid of children,  
15 to the end that the court may be assisted in every reasonable way to give each  
16 child within its jurisdiction such care, protection and assistance as will best  
17 conserve its welfare.

18 ARTICLE V.

19 Section 40. Support of child committed to custodial agency.

20 41. Additional compensation for judge.

21 42. Necessary travelling expenses shall be paid

22 43. Judge may hold court in any place in county;  
may appoint commissions

23 44. Appeals

24 45. Rules; forms

25 46. Seal of court

26 Section 40. Support of child committed to custodial agency. Whenever  
27 any child is committed by the court to the custody of any institution, associ-  
28 ation, society or person, other than its parents or guardian, compen-  
29 sation for the care of such child when approved by the court, shall be a charge  
30 upon the county, or the appropriate subdivision thereof. But the court may, after

1 issuance and service of an order to show cause upon the parent or other  
2 person having the duty under the law to support such child, adjudge that such  
3 parent or other person shall pay in such manner as the court may direct such  
4 sum as will cover in whole or in part the support of such child, and wilful  
5 failure to pay such sum, shall be a misdemeanor and punishable as such, or  
6 such person may, in the discretion of the court, be punished as for a  
7 criminal contempt of court.

8 Section 41. Additional compensation for judge. The board of supervisors,  
9 in their discretion, may allow additional compensation to a judge for services  
10 in the children's court.

11 Section 42. Necessary travelling expenses shall be paid. The judge may  
12 in his discretion authorize the payments of necessary travelling expenses  
13 incurred by himself or by any witness or person summoned or otherwise required  
14 to appear at the hearing of any case coming within the provisions of this act.  
15 Such expense when approved by the judge shall be a county charge.

16 Section 43. Judge may hold court in any place in county; may appoint  
17 commissions. The judge may arrange to hold court at such times and  
18 places in the county as in his opinion seems desirable, but such sessions shall  
19 not be held in conjunction with sessions of the county court at which cases  
20 against adults are heard or at which business other than that provided for by  
21 this act is transacted. He may, in his discretion, and for any reason deemed  
22 by him to be sufficient, appoint a commission, to take testimony or receive  
23 evidence and report the same to the court for its determination, under such  
24 circumstances and with such limitations as to the court may seem just. Such  
25 testimony or evidence may be received by the court with the full force and  
26 effect governing the receiving or taking of evidence or testimony by commis-  
27 sion. The reasonable expenses of such commission, when approved by the court,  
28 shall become a charge against the county.

29 Section 44. Appeals. An appeal may be taken from any final order or  
30 judgment of the court to the appellate division of the supreme court within

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1 thirty days after the entry of said order or judgment. If any such appeal  
2 shall be taken by the guardian ad litem appointed for a child by the court,  
3 the court may in its discretion grant an order to audit and may allow  
4 payment for the actual disbursements made by ~~the said~~<sup>such</sup> guardian ad litem  
5 for printing the papers necessary for taking the appeal. When allowed by  
6 the judge the said disbursements shall become a county charge, and shall  
7 be paid by the county.

8 Section 45. Rules; forms. The court shall have power to devise and  
9 publish rules regulating the procedure in cases coming before the court  
10 under the provisions of this act, and for the conduct of all probation  
11 and other officers of the court in such cases. The court shall devise  
12 and cause to be printed such forms for records and for the various petitions,  
13 orders, processes and other papers as shall meet the requirements of the  
14 court; and all expenses incurred in complying with the provisions of this  
15 act shall be a county charge.

16 Section 46. Seal of court. The children's court shall have an  
17 official seal, on which shall be engraved the arms of the state of New  
18 York, and the words "Children's Court", together with the name of the  
19 county. All process issued by the court shall be sealed with such seal  
20 and signed by the judge, the clerk of court, or such other clerk as may,  
21 from time to time, be designated by the judge.

22 ARTICLE VI.

23 Section 53. General provisions

24 54. Certain provisions of law; when not applicable

25 Section 53. General provisions. In the hearing of any case coming  
26 within the provisions of this act the general public may be excluded and  
27 only such persons admitted thereto as have a direct interest in the case.  
28 All cases in which children are directly involved or appear shall be heard  
29 separately and apart from the trial of cases against adults. A room  
30 separate and apart from the regular court room shall be provided for the

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1 use of the children's court, together with suitable quarters for the  
2 use of the judge, the probation officers and other employees of the  
3 court.

4 The Court shall maintain a full and complete record of all cases  
5 brought before it. All records may be withheld from indiscriminate  
6 public inspection in the discretion of the judge, but such records shall  
7 be open to inspection by the parents, guardians or other authorized  
8 representative of the child concerned.

9 This act shall be construed liberally and as remedial in character.  
10 The powers hereby conferred are intended to be general and for the pur-  
11 pose of effecting the beneficial purposes herein set forth. It is the  
12 intention of this act that in all proceedings under its provisions the  
13 court shall proceed upon the theory that a child under its jurisdiction  
14 is the ward of the state and is subject to the discipline and entitled  
15 to the protection which the state should give such child under the ~~same~~ cir-  
16 cumstances disclosed in the case. The duty shall be constant upon the  
17 court to give such child subject to its jurisdiction such oversight and  
18 control as will conduce to the welfare of such child and to the best  
19 interests of the state.

20 No adjudication under the provisions of this act shall operate  
21 as a disqualification of any child subsequently to hold public office  
22 or as a forfeiture of any right or privilege or to receive any license  
23 granted by public authority; and no child shall be denominated a  
24 criminal by reason of such adjudication, nor shall such adjudication be  
25 denominated a conviction. Neither the fact that a child has been before  
26 the children's court for hearing, nor any confession, admission or state-  
27 ment made by him to the court or to any officer thereof while he is under  
28 the age of sixteen years, shall ever be admissible as evidence against him  
29 or his interests in any other court.

30 Section 54. Certain provisions of law; when not applicable. All



1 provisions of the Penal Law or Code of Criminal Procedure or other  
2 statute inconsistent with or repugnant to any of the provisions of this act  
3 shall be considered inapplicable to the cases arising under this act.

4 ARTICLE VII

5 Section 60. When act takes effect.

6 Section 60. When act takes effect. This act shall take effect

7 July first, nineteen hundred and twenty-two.

ROY SMITH WALLACE

NEW YORK LEGISLATURE  
NEW YORK

186 Norton Avenue  
New Rochelle, N. Y.

April 7, 1922

Governor Nathan Miller  
State House  
Albany, New York

Dear Sir

I am very much interested in the Children's  
Court Bill which is now before you for signature. I  
thoroughly believe in the necessity for an independ-  
ent Children's Court for Westchester County and I  
earnestly hope you will sign the bill now before you.

Very sincerely yours,

  
Roy Smith Wallace

RSE/ST

CHAMBERS OF CHARLES BELL  
COUNTY JUDGE AND SURROGATE  
OF HERKIMER COUNTY  
HERKIMER, N.Y.

CHARLES F. SPRAGUE  
CLERK OF THE SURROGATE'S COURT

April 7th,  
1922.

Hon. Nathan L. Miller,  
Executive Chamber,

Albany,  
N.Y.

Dear Governor; -

We are opposed to Senate Bill Int. No.  
1061 Pr. No. 1800, known as the Childrens' Court Bill.

Mr. George H. Bunce, County Attorney of  
this (Herkimer) County is in Newburg, as I understand,  
but will endeavor to be at hearing on this Bill to-  
morrow in opposition thereto.

Yours very truly,

*Charles Bell*

N. J. HERRICK  
LAWYER  
CANAJOHARIE, N. Y.  
MONTGOMERY COUNTY DISTRICT ATTORNEY

Canajoharie, N. Y.  
April 7th, 1922.,

Hon. Nathan L. Miller,  
Executive Chamber, Albany, N. Y.

Dear Governor:-

Miss M. Ida Curry has requested me to state my views concerning the so called juvenile court bill. From what experience I have had with juvenile matters, I believe this bill is a decided improvement on the existing law. For that reason I am in favor of the bill.

Very sincerely,





March 31, 1922.

State Industrial Commission  
Capitol  
Albany, N. Y.

Gentlemen:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Fr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with refer-  
ence to this measure, you should be present at this  
hearing.

Yours very truly,

CTS/A

201

March 31, 1922.

Hon. Charles W. Walton  
c/o Tobin, Wiswall & Walton  
State Street, Albany, N.Y.

My dear Senator:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Albany, N. Y., a public hearing will be had before  
Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with refer-  
ence to this measure, you should be present at this  
hearing.

Yours very truly,

CTS/a

202

March 31, 1922.

Hon. David S. Murden  
Chairman, Board of Supervisors  
Court House, White Plains, N.Y.

My dear Chairman:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

A

203

5

March 31, 1922.

Hon. Franklin C. Hoyt  
City Magistrate  
New York City.

My dear Judge:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

204

A



March 31, 1922.

Charles J. Tobin, Esquire  
Secretary, State Council of Catholic Charities  
State Street, Albany, N. Y.

Dear Sir:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber, Capitol,  
Albany, N. Y., a public hearing will be had before  
Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

CTS/a

205

March 31, 1922.

Mr. Charles H. Rafferty  
Olean  
N. Y.

Dear Sir:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

March 31, 1922.

State Charities Aid Association  
Hon. Homer Folks, Secretary  
1105 East 22nd Street  
New York City.

Gentlemen:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

A

207

March 31, 1922.

Hon. George C. Hall  
137 East 22nd Street  
New York City.

Dear Sir:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber, Capitol,  
Albany, N. Y., a public hearing will be had before  
Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

208



March 31, 1922.

Hon. J. B. N. Stephens  
Rochester  
N. Y.

My dear Mr. Stephens:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M. at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled -

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

March 31, 1922.

Prison Association of New York  
135 E. 15th Street  
New York City.

Gentlemen:

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled -

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

A

March 31, 1922.

Hon. Horace W. Fitch  
County Judge  
Canandaigua, N.Y.

My dear Judge:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with refer-  
ence to this measure, you should be present at this  
hearing.

Yours very truly,

March 31, 1922.

Reverend Bishop Gibbons  
Albany  
N. Y.

My dear Bishop:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers,  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,



March 31, 1922.

Hon. C. W. H. Arnold  
County Judge  
Poughkeepsie, N. Y.

My dear Judge:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

A

213

5/06/

Senator Walton

David S. Murden, Chairman Board of Supervisors, Court House  
H. Franklin C. Hoyt, City Magistrate, City Hall

State Council of Catholic Clergy

Chas. J. Tobin, Esq., Secy. State Council Catholic Clergy  
162 State St Albany

Charles H. Pefferty, Glenville

State Charities and Assoc. - Howard T. Lister  
102 State St Albany

George C. Hall, Esq., Secy. etc., 137 E. 22d St. New York  
New York State Charities

Wm. J. B. Mc Stephens, Rochester N.Y.

Prison Assn. of N.Y., 135 E. 15th St. New York

Hon. James W. Bellah, Co. Judge, Conandaugua  
Bishop Fulton

Hon. C. W. H. Arnold, Co. Judge, Poughkeepsie

March 31, 1922.

Hon. Charles E. Hardies  
Montgomery County Judge  
Amsterdam, N. Y.

My dear Judge:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	White
Night Letter	N. L.

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise character is indicated by the symbol appearing after the check.

# WESTERN UNION TELEGRAM

NEWCOMB CARLTON, PRESIDENT. GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	Blue
Night Message	White
Night Letter	N. L.

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise character is indicated by the symbol appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

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GOV MILLER

367 EXECUTIVE CHAMBER ALBANY NY

SENATE BILL IMP 1061 NO 1234 SHOULD NOT BE ENACTED PROVISIONS

UNWORKABLE INCONSISTENT AND DETRIMENTAL TO WELFARE OF CHILDREN

CHAS B HARDIES MONTGOMERY COUNTY JUDGE.

216



March 31, 1922.

Mrs. Edward H. Maynard,  
Chairman, Rockland County Women  
Nyack, N. Y.

My dear Mrs. Maynard:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Fr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

March 31, 1922.

Mrs. Nathan D. Garnsey, President  
The Columbia County Committee of State  
Charities Aid Association  
Hudson, N.Y.

My dear Mrs. Garnsey:-

On Saturday, April 6, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers,  
and duties, and regulating procedure  
therein."

If you desire to be heard with refer-  
ence to this measure, you should be present at this  
hearing.

Yours very truly,

March 31, 1922.

Mrs. Robert R. Livingston,  
Chairman, The Columbia County Committee  
of the State Charities Aid Association  
Hudson, N. Y.

My dear Mrs. Livingston:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

219

A

March 31, 1922.

G. K. Paris, Esquire  
Washington County Committee Dependent Children  
Hudson Falls, N. Y.

My dear Mr. Paris:-

On Saturday, April 8, 1922, at  
eleven o'clock A. M., at the Executive Chamber,  
Capitol, Albany, N. Y., a public hearing will be  
had before Governor Miller concerning

Senate Bill, Int. 1061, Fr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

A



March 31, 1922.

Miss Caroline L. Bill, President  
The Westchester County Federation of Women  
New York City.

My dear Miss Bill:-

On Saturday, April 8, 1922, at eleven  
o'clock A. M., at the Executive Chamber, Capitol,  
Albany, N. Y., a public hearing will be had before  
Governor Miller concerning

Senate Bill, Int. 1061, Pr. 1800, entitled-

"An Act establishing children's courts,  
defining their jurisdiction, powers  
and duties, and regulating procedure  
therein."

If you desire to be heard with reference  
to this measure, you should be present at this hearing.

Yours very truly,

Chambers of Ontario County Court  
Canandaigua, N. Y.

HORACE W. FITCH, JUDGE

April 1st, 1922.

Hon. C. Tracey Stagg,  
Counsel to the Governor,  
Executive Chamber,  
Albany, N. Y.

My dear Mr. Stagg:

I just received your letter advising me of the hearing before Governor Miller on April 8th at 11 o'clock A. M. at the Executive Chamber upon the Children's Court Bill.

As you probably know, Ontario County was left out of this bill, but I have gone over it since it was passed and while I am glad that Ontario County was left out, still I am satisfied that this is as good a bill for the territory sought to be covered as doubtless could be worked out and I sincerely hope that Governor Miller will sign it.

I have been requested by the New York State Commission to Examine Laws Relating to Child Welfare to appear at this public hearing in behalf of the bill and if I can possibly get away to go down to Albany next Saturday will gladly do so.

We have been able to secure splendid results in this county under our bill and I do not see any reason why the other counties coming under the jurisdiction sought in this bill cannot do likewise.

Respectfully yours,

*Horace W. Fitch*

HWF/LEW

April 3rd, 1922.

Mr. Henry R. Barrett,  
Barrett & Buckbee,  
White Plains, New York.

My dear Mr. Barrett:-

With reference to the Children's Court Bill, I find that Judge Fitch of Ontario County, who originally opposed the bill and requested a hearing, is now in favor of it and I enclose herewith a copy of his letter. The enclosed list also shows the organizations who are opposed to this bill.

When I wrote you last week, it was our understanding that two County Boards of Supervisors would be represented but since then, I have been informed by Mr. Stagg that no other County Board of Supervisors except your own, of which Mr. Murden is Chairman, have requested to be notified of the hearing.

Very sincerely yours,

WCM/10  
Enc.

223

A D O P T I O N

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Sections 110, 111, 112, 113, 114, 115, 116,  
2 117, and 118, of Article 7 of the Domestic Relations Law are hereby amended  
3 so as to read as follows:

4 Section 110. ~~Definitions: Effect of Article.~~ Adoption is  
5 the legal act whereby an adult takes a minor into the relation of child and  
6 thereby acquires the rights and incurs the responsibilities of parent in  
7 respect to such minor. In this article, the person adopting is designated  
8 the "foster parent," and the word "adult" means a person twenty-one years  
9 of age or over.

10 An adult unmarried person, or an adult husband or adult wife,  
11 or an adult husband and his adult wife together, may adopt a minor in pur-  
12 suance of this article, and a <sup>minor</sup> child shall not hereafter be adopted except  
13 in pursuance hereof. Proof of the lawful adoption of a minor heretofore  
14 made may be received in evidence, and any such adoption shall not be abro-  
15 gated by the enactment of this chapter but shall have the effect of an  
16 adoption hereunder. Nothing in this article with regard to an adopted  
17 child inheriting from the foster parent applies to any will, devise or  
18 trust made or created before June twenty-fifth, eighteen hundred and  
19 seventy-three, or alters, changes or interferes with such will, devise or  
20 trust, and as to any such will, devise or trust, a child adopted before  
21 that date is not an heir so as to alter estates or trusts or devises in  
22 wills so made or created; and nothing in this article with regard to an  
23 adult adopted pursuant hereto inheriting from the foster parent applies  
24 to any will, devise or trust, made or created before April twenty-second,  
25 nineteen hundred and fifteen or alters, changes or interferes with such  
26 will, devise or trust, and as to any such will, devise or trust, an adult



1 so adopted is not an heir so as to alter estates or trusts or devises  
2 in wills so made or created.

3 Section 111. Consent Necessary to Adoption. The consent  
4 of the following persons shall be necessary to the adoption of a minor:

5 1. Of the minor, if over twelve years of age.

6 2. Of the foster parent's husband or wife unless  
7 lawfully separated, or unless they jointly adopt such minor.

8 3. Of the parents or surviving parent if the minor  
9 be a legitimate child; and of the mother if the minor be an  
10 illegitimate child; provided that the consent of a parent from  
11 whom the guardianship of the person of the minor has been taken  
12 by a court of competent jurisdiction or who has been adjudged to  
13 be insane shall not be necessary; and provided, further, that  
14 if the minor be in the care of an agency, society, institution  
15 or official, or be under the jurisdiction of a Children's court  
16 or other court of similar jurisdiction, notice of the applica-  
17 tion for adoption shall be given to such agency, society, insti-  
18 tution, official or court.

19 4. Of the person or of the authorized representative  
20 of a society, institution, agency, or official having the legal  
21 guardianship of the person of the minor if the minor has no  
22 father or mother who can be found and whose consent is necessary  
23 under sub-division 3 hereof.

24 5. Where a minor to be adopted is of the age of  
25 eighteen years or over, the judge or surrogate may direct, in  
26 his discretion, that the consent of the persons referred to in  
27 the preceding subdivisions of this section shall be waived, if  
28 in his opinion, the moral or temperal interests of such minor will  
29 be promoted thereby and such consent cannot, for any reason, be

1           obtained.

2                   Section 112. Requisites for Adoption. In adoption the  
3 following requirements must be <sup>observed:</sup> followed:

4                   1. The foster parents or parent, the person to be  
5 adopted and all the persons whose consent is necessary under  
6 section 111 of this Article must appear before the county  
7 judge or the surrogate of the county where the foster parent  
8 or parents reside, or, if the foster parents or parent do  
9 not reside in this state, in the county where the minor  
10 resides, and be examined by such judge or surrogate, except  
11 as provided by the next subdivision.

12                   2. They must present to such judge or surrogate an  
13 application for adoption containing (a) the consents required,  
14 (b) an agreement on the part of the foster parents or parent  
15 to adopt and treat the minor as his, or her or their own law-  
16 ful child, and (c) a statement of the age of the person to  
17 be adopted, as nearly as the same can be ascertained, which  
18 statement shall be taken prima facie as true. If a change  
19 in the name of the minor is desired, such application shall  
20 also state the new name by which the minor shall be known.  
21 The application must be signed by the foster parents or  
22 parent and by each person whose consent is necessary to the  
23 adoption, and severally acknowledged by said persons before  
24 such judge or surrogate; but where a parent, person, in-  
25 stitution, agency, society, or official having the legal  
26 guardianship of the person of the minor resides in some  
27 other country, state or county, the written acknowledged  
28 <sup>226</sup> consent of such parent or person or of the authorized  
29 representative of such institution, agency, society or

1 official, certified as conveyances are required to be  
2 certified to entitle them to record in a county in this  
3 state, is equivalent to appearance in person. In all  
4 cases where the consents of the persons mentioned in sub-  
5 divisions one, two, three, and four of section one hundred  
6 and eleven have been waived as provided in subdivision  
7 five of <sup>said</sup> such section, notice of such application shall be  
8 served upon such persons as the judge or surrogate may direct.

9 Section 113. Order. If convinced that the moral and  
10 temporal interests of the person to be adopted will be promoted thereby,  
11 which shall be determined through independent inquiry by the court in  
12 case the person to be adopted be under the age of eighteen years, the  
13 judge or surrogate shall make an order allowing and confirming such  
14 adoption, reciting the reasons therefor, and directing that the person  
15 to be adopted shall henceforth be regarded and treated in all respects as  
16 the child of the foster parent or parents. If the judge or surrogate  
17 is also convinced that there is no reasonable objection to the change of  
18 name proposed, the order shall also direct that the name of the minor be  
19 changed to such name as shall have been designated in the application.  
20 Such order, together with the application and written acknowledged consent,  
21 if any, shall be filed and recorded in the office of the county clerk.  
22 The fact of illegitimacy shall in no case appear upon the record. If the  
23 <sup>minor</sup> child be a dependent, neglected, or delinquent child who is in the care of  
24 any person not its parent or of any private society or institution or of  
25 any public official, agency, or institution, such child shall be given  
26 when practicable to persons of the same religious persuasion as the child.

27 <sup>227</sup> - Section 114. Effect of Adoption. From the time of filing  
28 and recording the order of adoption, the parents of the person adopted  
29 are relieved of all parental duties toward, & all responsibility for,

1 and of all rights over such <sup>person</sup> child, or to his property by descent or  
2 succession; except that where a parent who has procured a divorce, or  
3 a surviving parent who has lawful <sup>jurisdiction of the person of a minor</sup> custody of a child, lawfully marries  
4 again, or where an adult unmarried person who has become a foster parent  
5 and has lawful <sup>guardianship of the person of a minor</sup> custody of a child, marries, and such parent or foster  
6 parent consents that the person who thus becomes the stepfather or step-  
7 mother of such <sup>minor</sup> child may adopt such <sup>minor</sup> child, such parent or foster parent,  
8 so consenting, shall not thereby be relieved of any parental duties  
9 toward, or be deprived of any rights over said <sup>minor</sup> child, or to his property  
10 by descent or succession. If the order allowing and confirming the  
11 adoption shall direct that the name of the <sup>minor</sup> child be changed, the <sup>minor</sup> child  
12 shall be known by the new name designated in such order.

13                   The adopted person's rights of inheritance and succession  
14 from his natural parents shall remain unaffected by such adoption. The  
15 foster parent or parents and the person adopted sustain toward each other  
16 the legal relation of parent and child, and have all the rights and are  
17 subject to all the duties of that relation, including the right of in-  
18 heritance from each other, except as the same is affected by the pro-  
19 visions of this section in relation to adoption by a stepfather or step-  
20 mother, and such right of inheritance extends to the heirs and next of  
21 kin of the person adopted and such heirs and next of kin shall be the  
22 same as if he were the legitimate child of the person adopting, but as  
23 respects the passing and limitation over of real or personal property  
24 dependent according to the provisions of any instrument upon the foster  
25 parent's dying without heirs, the person adopted is not deemed the child  
26 of the foster parent so as to defeat the rights of remainder-men. The  
27 person so adopted may be adopted directly from his foster parents or  
28 from either of such foster parents by another person in the same manner  
29 as from parents and as if such foster parents were the parents of such



1 person so adopted.

2                   Section 115. Adoption of Adults. An unmarried adult,  
3 an adult husband and his adult wife jointly, or an adult husband with  
4 the consent of his wife, or an adult wife with the consent of her husband  
5 may adopt a person twenty-one years of age or over. The proceeding for  
6 such adoption shall be the same as that for the adoption of a minor except  
7 that the consents of persons other than the person to be adopted, the  
8 foster parent or parents, and the wife or husband of the foster parent  
9 shall not be necessary. ~~The effect of such adoption shall be to establish~~  
~~the relation of parent and child between such~~

10                   Section 116. Application for Abrogation of Adoption.  
11 A person who shall have been adopted in pursuance of this chapter or of  
12 any act repealed thereby, or any person, official or agency on behalf of  
13 such person, or a foster parent who shall have adopted a person in pur-  
14 suance of this chapter or of any act repealed thereby may apply in person  
15 to the county judge or surrogate's court of the county in which the foster  
16 parent then resides, or if the foster parent resides without the state,  
17 where the original papers of adoption are on file, or where the natural  
18 parent or parents or persons whose consent would be necessary to an  
19 original adoption reside, for the abrogation of such adoption. The foster  
20 parent may apply for such abrogation on the ground of wilful desertion or  
21 of any misdemeanor or ill behavior on the part of the person adopted, or  
22 that the abrogation would be for the best interests of the foster parent's  
23 home or of the person adopted. The application of the person adopted or  
24 of any person, official or agency on behalf of such person may be on the  
25 ground of cruelty; misuse; denial of necessary food, shelter, or cloth-  
26 ing; inability to support, maintain, or educate such person adopted; or  
27 because of the inability or failure of the foster parent to perform his  
28 duty toward the person adopted; or because the best interests of the person  
29 adopted would be served thereby. The application shall be by petition

1 setting forth the grounds for the abrogation and the substance of the  
2 agreement of adoption and shall be verified by the petitioner.

3 Section 117. Citation and Proceeding. Upon receipt of  
4 the application a citation shall be issued by the judge or surrogate, in  
5 or out of court, directed to all the persons then living and agencies that  
6 were parties to the adoption and requiring them to appear in court at the  
7 time set for the hearing of the case. The provisions of the code of civil  
8 procedure relating to the issuing, contents, time and manner of service  
9 of citations issued out of a surrogate's court and to the hearing on the  
10 return thereof and to enforcing the attendance of witnesses and to all  
11 proceedings thereon and to appeals from decrees of surrogate's court not  
12 inconsistent with this chapter, shall apply to such citation and to all  
13 proceedings thereon. Such judge or court shall have power to order or to  
14 compel the production of the person adopted. If the person adopted be a  
15 minor and the foster parent apply for the abrogation of the adoption and  
16 no one appear on behalf of the minor, before the hearing shall proceed a  
17 special guardian <sup>shall</sup> be appointed by the judge or court to protect the interests  
18 of the minor in such proceeding, and the foster parent shall pay to such  
19 special guardian such sum as the court shall direct for the purpose of pay-  
20 ing the fees and of meeting the necessary expenses of preparing for and con-  
21 ducting the application on behalf of the minor. The court shall conduct  
22 the examination as for an original adoption.

23 Section 118. Agreement and Order of Abrogation. If the  
24 abrogation of adoption be desired by all parties concerned, an agreement  
25 shall be executed by the foster parents, <sup>by</sup> the person adopted if over the age  
26 of twelve years and <sup>by</sup> the other persons, <sup>or guardian of the living</sup> whose consent would have been neces- <sup>with</sup>  
27 sary to an original adoption, whereby the foster parent agrees, or whereby  
28 the foster parent and the person adopted if the latter be over the age of  
29 twelve years agree, to relinquish the relation of parent and child and <sup>230</sup>

1 all the rights acquired by such adoption, and the parent or guardian  
2 of the person adopted ~~or of the institution, agency, society or official~~  
3 ~~which formerly had the guardianship of the person of the person adopted~~  
4 agree to reassume <sup>his former</sup> ~~such~~ relation. The consent of a foster parent whose  
5 right of guardianship <sup>of the person of</sup> ~~over~~ an adopted child shall have been taken away  
6 by a court of competent jurisdiction or who shall have been adjudged  
7 insane, is unnecessary to such agreement. Upon the presentation of such  
8 agreement duly signed and acknowledged, the judge or surrogate if con-  
9 vinced that the abrogation would be for the best interests of the person  
10 adopted, shall endorse upon such agreement his consent to the abrogation  
11 of the adoption. Such agreement and the consent of the judge or surrogate  
12 shall be filed and recorded in the office of the county clerk of the county  
13 where the foster parent resides and a copy thereof filed and recorded in  
14 the office of the county clerk of the county where the parents or guardian  
15 reside or where such institution, agency, society, or official is located  
16 if within the state, and from the time of filing and recording thereof the  
17 adoption shall be abrogated and the person adopted shall reassume his  
18 original name and his parents or guardian or the institution, agency,  
19 society, or official which formerly had the guardianship of his person  
20 shall reassume their former relation.

21                   If charges are alleged in the application for abrogation of  
22 the adoption according to the provisions of section 116 of this article  
23 and the judge or surrogate shall determine on the proofs made before him  
24 that grounds for abrogation exist and that the interests of the person  
25 adopted or of the foster parent would be promoted by granting the applica-  
26 tion, an order shall be made and entered abrogating the adoption and from  
27 the time of the filing and recording thereof in the office of the county  
28 clerk the status of the person adopted shall be as if no proceedings had  
29 been had for his adoption. If the person whose adoption is abrogated be

1 at the time under the age of sixteen years and the abrogation be  
2 ordered because of the neglect of the child by his foster parent or  
3 because of the child's delinquency the judge or surrogate shall remand  
4 the child to the court of the county having jurisdiction over neglected  
5 or delinquent children. After one such application alleging mistreat-  
6 ment by a foster parent has been denied, a citation of the same foster  
7 parent on a subsequent application may be issued or denied in the dis-  
8 cretion of the judge or surrogate to whom such subsequent application  
9 shall be made.

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STATEMENT CONCERNING BILL FOR ESTABLISHMENT OF  
COUNTY BOARDS OF CHILD WELFARE

The bill seeks to standardize and to correlate the many different provisions of law now relating to the public care of unfortunate children. This is attempted not only through proposed changes in administrative organization and procedure but also through a reclassification of these children and a definition of each class.

As a recently adopted constitutional amendment, in authorizing the legislature to create special courts and to confer upon them certain powers concerning children, makes use of the terms dependent, neglected, and delinquent minors, it is necessary to define these. The definitions here suggested are based upon the provisions of the various laws and include such definitions now in force as are deemed adequate.

The law in dealing with unfortunate children, makes use of many different terms as listed below, and these may be grouped under the following headings:

<u>DEPENDENT</u>	<u>NEGLECTED</u>	<u>DELINQUENT</u>	<u>DEFECTIVE</u>	<u>ILLEGITIMATE</u>
destitute	abandoned	disorderly	blind	bastard
indigent	vagrant	ungovernable	deaf-mute	
friendless	exposed	truant	crippled	
orphan	deserted	incorrigible	deformed	
pauper			idiot	
			lunatic	
			insane	
			epileptic	
			feeble-minded	

The definitions of dependent, neglected, and delinquent children appearing in the bill are based upon the following distinctions:

A dependent child is one whose condition is due to no fault either of his own or of those responsible for his care.

A neglected child is one whose condition is due to no fault of his own, but to that of those responsible for his care.

A delinquent child is one whose condition is due to fault of his own.

The definition of a defective child corresponds closely with that found in certain special acts. As the definition of an illegitimate child or bastard (see section 838 of Code of Criminal Procedure) seems adequate, no amendment is suggested.

At present public care of dependant and neglected children is provided by county superintendents and town overseers of the poor, by special county and municipal officials, and also by local boards of child welfare which administer allowances to mothers. This bill provides for the establishment of a county board of child welfare charged with all of the duties with regard to such children now performed by the officials and boards mentioned and adds to these duties others that should be performed if adequate care is to be given. The bill is permissive in that its adoption is optional with each county and moreover an alternate plan is provided for, so that if any county does not wish to have a board to administer this work it may, entrust the powers and assign the duties to an official and still have the advantage of a system uniform with that in effect in other counties where ~~it had been~~ adopted. There is nowhere in the law at present, a clear-cut definite statement of the powers and duties of poor law officials with regard to children, hence in providing for adequate administration this bill carefully sets forth and defines the powers and duties of the county public authority created by it; the poor law officials are not abolished but if this bill should be adopted by any county, would continue to care for young persons and adults while the care of children would devolve upon the newly created agency.

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The Penal Law provides penalties for the abandonment of children but does not define this offense; this bill sets forth the acts that constitute abandonment and not only provides for the care of abandoned

children, but also clears the way for their adoption. It seeks to embody the best modern thought relating to the care of unfortunate children and also the experience of communities in the state which have in one way or another dealt with public administration of child welfare provisions.

The outstanding features of the measure are, first, the definitions which clarify the law; second, its permissive character which tends to develop local initiative; third, the opportunity to choose between administration by a board or by a director; fourth, its clearness of statement which leaves no doubt as to intent; and fifth, its comprehensiveness as to treatment and procedure.

AN ACT to define certain classes of children eligible for public care and protection; to provide for the establishment of county boards or departments of child welfare and for their support and supervision; to define the powers and duties of such boards or departments; and to make inapplicable to cases arising under this act all provisions of law inconsistent with this act.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1                   Section 1. Definitions of dependent, defective, neglected,  
2 abandoned and delinquent children and of juvenile delinquency. A dependent  
3 child is a child actually or apparently under the age of sixteen years who,  
4 through no neglect on the part of its parents, guardian, or person having  
5 its custody, is destitute or homeless, or in a state of want or suffering  
6 due to lack of sufficient suitable food, clothing, shelter, supervision, or  
7 medical or surgical care.

8                   A defective child is a child who is blind; or a deaf-mute;  
9 or so physically crippled or deformed as to make advisable special treatment  
10 or training; or insane; or epileptic; or feeble-minded or a mental defective  
11 as defined by law, or an imbecile or an idiot.

12                   A neglected child is a child under the age of sixteen years  
13 (1) who is an abandoned child; or (2) whose parents or parent having the  
14 right of guardianship is by reason of improvidence, immorality, depravity,  
15 incompetency, mental incapacity, cruelty or gross lack of interest in his  
16 welfare, unfit to have such right, whether the child be in the custody of  
17 such parent or not; or (3) whose parents, guardian, or lawful custodian  
18 fail without good reason to supply him with the necessaries of life or to  
19 provide for his proper care and training; or (4) who is suffering from any  
20 abnormal physical or mental condition requiring treatment or training in a  
21 hospital, institution, or elsewhere and whose parents, guardian, or lawful  
22 custodian refuse or fail to provide for such treatment or training; or (5)  
23 who wanders about any city, town, village, or elsewhere without proper or



1 lawful occupation; or (6) who lives with or innocently frequents the company  
2 of vicious, disreputable, immoral or criminal persons whether related to him  
3 or not; or (7) who innocently frequents any resort of questionable character  
4 or any place to which the admittance of persons of his age is prohibited,  
5 either with or without his parent, guardian, or custodian; or (8) who, with-  
6 out committing juvenile delinquency, forms associations or commits acts for  
7 the permitting of which a parent, guardian, custodian, or other person may be  
8 punishable by law; or (9) who is employed, shown, or used in any task, ex-  
9 hibition, or practice for permitting his engagement in which a person may be  
10 guilty of a misdemeanor, or who is disposed of or trained for participation  
11 in any such task, exhibition, or practice; or (10) who is in a situation or  
12 engages in an occupation where his life or limb is endangered or his health  
13 is likely to be injured or his morals are likely to be depraved.

14 An abandoned child is a child under the age of sixteen years  
15 who is deserted in any place by both parents or by the parent having his  
16 custody, or by other person charged with his care, and left (1) in destitute  
17 circumstances; or (2) without adequate means of support; or (3) without  
18 reasonable arrangements having been made for supplying him with necessary  
19 and proper food, clothing, shelter, education, and medical care until he  
20 shall have become sixteen years of age; or (4) without being visited or  
21 having payments made toward his support by his parent, guardian, or lawful  
22 custodian, without good reason, for the period of one year; or (5) in danger  
23 of becoming a burden upon the public.

24 237 A delinquent child is a child under the age of sixteen years  
25 who (1) without committing a felony violates any law or any local ordinance;  
26 or (2) commits any offense which, if committed by an adult, would be a crime  
27 not punishable by death or life imprisonment; or (3) engages in any occupa-  
28 tion unlawfully; or (4) has in his possession any dangerous weapon or instru-  
29 ment the manufacture or sale of which, or the disposal of which to such child,  
30 is forbidden by law; or (5) deserts his home without good and sufficient

1 cause; or (6) keeps company with vicious, immoral, or criminal persons  
2 against the commands of his parents, guardian or custodian; or (7) is not  
3 susceptible of proper restraint or control by his parents, guardian, or  
4 custodian, or by the public officer or board responsible for his care, and  
5 habitually disobeys their reasonable and lawful commands; or (8) habitually  
6 uses profane or indecent language; or (9) gambles or knowingly enters any  
7 place where gambling is permitted or where his presence is in violation of  
8 law; or (10) habitually uses tobacco, intoxicating liquor, injurious or  
9 narcotic drugs, or other substance likely to interfere with his normal  
10 growth and development; or (11) so departs himself as to endanger the moral  
11 health or general welfare of himself or of others.

12 Juvenile delinquency is the commission by a child under the  
13 age of sixteen years of any of the offenses enumerated in the foregoing  
14 definition of a delinquent child.

15 The words "the board" when used in this act shall mean the  
16 county board of child welfare whose establishment is hereby authorized.

17 The word "child" or "children" when used in this act unless otherwise in-  
18 dicated shall mean respectively a person or persons under the age of six-  
19 teen years. This act shall be construed liberally and its purpose  
20 shall be the conservation and development of the child.

21 Section 2. Establishment of county board of child welfare.

22 The board of supervisors of any county outside of the city of New York may,  
23 by a majority vote of its members, establish under the provisions of this  
24 act a county board of child welfare which shall have the powers and duties  
25 hereinafter specified in respect to children dependent for support upon  
26 public funds or in need of public care or protection; provided, however,  
27 that in any city of the first or second class, the mayor and common council  
28 thereof may jointly determine that the provisions of this act shall be ad-  
29 ministered in such city by a municipal agency instead of by the county  
30 board of child welfare, and in the event of such determination, the county  
board herein provided for shall have no authority.

1 powers and duties herein conferred upon the county board shall be exercised  
2 and discharged within such city by the municipal agency designated for such  
3 service by the mayor and common council.

4           Section 3. Members of the board. The county board of child  
5 welfare shall consist of seven members, of whom the county official charged  
6 with the relief of the poor and either the chairman of the board of super-  
7 visors or other member thereof as may be designated by the board of super-  
8 visors, shall be ex-officio members. If any county has more than one  
9 superintendent of the poor, the county judge shall designate the superin-  
10 tendent who shall serve as a member of the board. The five other members  
11 shall be citizens of the county and shall be appointed by the county judge  
12 for such terms that the term of one member shall expire each year there-  
13 after. Such designation shall be in writing and shall be filed with the  
14 county clerk. The first appointments shall be made within thirty days  
15 after the board of supervisors has officially notified the county judge  
16 that it has established the board. Immediately upon the expiration of  
17 the term of office of an appointive member, his successor shall be appointed  
18 by the county judge for a full term of five years. In case of the failure of  
19 an appointive member to attend at least one meeting during a period of three  
20 months, it shall be the duty of the secretary of the board at once to certify  
21 such fact to the county judge. Unless the county judge shall, in writing  
22 addressed to the board within thirty days after receipt of such notice, ex-  
23 cuse such absence for illness or other sufficient reason, the term of office  
24 of the member shall terminate at the end of such period. Such excuse shall  
25 be filed with and made part of the records of the board. If a vacancy  
26 among the appointive members occur otherwise than by expiration of term,  
27 it shall, within thirty days be filled by the county judge for the unexpired  
28 term.

29           Section 4. Removal of Members. Members of the board shall  
30 be subject to removal by the county judge or by the state board of charities,



1 for reasons stated in writing and after having been given an opportunity  
2 to be heard.

3 Section 5. Expenses of members. The members of the board  
4 shall receive no compensation for their services as members thereof but  
5 shall be entitled to reimbursement for the actual and necessary expense  
6 incurred by them in discharging their duties under this act.

7 Section 6. Organization; officers and employees; rules  
8 and regulations; reports and estimates. The county board of child welfare  
9 shall

10 (a) meet within ten days after appointment at the time and place designated  
11 by the county judge, organize, and fix the time of its regular meetings  
12 which shall be <sup>held</sup> at least monthly;

13 (b) elect a chairman and a vice-chairman from among its members, who shall  
14 hold office for one year or until their successors are elected;

15 (c) establish an office;

16 (d) establish rules and regulations for the conduct of its business; and  
17 duly enter upon the minutes of each meeting all action taken thereat.

18 Four or more members shall constitute a quorum for the transaction of bus-  
19 iness;

20 (e) appoint a secretary who shall be the executive officer of the board and  
21 who shall perform under its general supervision the functions necessary for  
22 carrying out the purposes of this act. The state board of charities shall  
23 prescribe the qualifications necessary in a candidate for appointment to  
24 the position of secretary and no person shall be appointed to such position  
25 who does not have such qualifications. Such secretary shall hold office  
26 at the pleasure of the board, except that he may be removed by the state  
27 board of charities for reasons stated in writing and addressed to the board  
28 and after having been given an opportunity to be heard; 340

29 (f) authorize the appointment by the secretary of such number of assistants



1 and other employees as it may deem necessary for carrying out the purposes  
2 of this act; and their compensation, together with that of the secretary,  
3 shall be within the limits of the appropriation made therefor by the board  
4 of supervisors. Such assistants and other employees shall be removable by  
5 the secretary;

6 (g) as soon as it is ready to function, notify in writing the county treas-  
7 urer, all officials within the county charged with the care and relief of  
8 the poor, the local board of child welfare established by article 7a of chap-  
9 ter 228 of the laws of New York, 1915, and all courts in the county author-  
10 ized to hear children's cases, that it is organized and prepared to exercise  
11 its powers and to perform its duties under this act; and give public notice  
12 to this effect;

13 (h) render to the board of supervisors at such times as it may require,  
14 a verified account of all moneys received and expended by it or under its  
15 direction;

16 (i) submit annually to the proper fiscal authorities of the county an  
17 estimate of the funds required to carry out the purposes of this act, such  
18 estimate to be furnished at such time before its annual meeting for approp-  
19 riating moneys and levying taxes as may be specified by the board of super-  
20 visors;

21 (j) submit annually to the board of supervisors a report of its work during  
22 the year.

23 <sup>241</sup> Section 7. General responsibilities of the board. The  
24 board shall be responsible, as hereinafter provided, for the welfare of ~~child~~  
25 children within the county in need of public care, support or protection.  
26 It shall administer public aid to dependent children living with their  
27 mothers in their own homes, as hereinafter provided. It shall be respons-  
28 ible for the control, relief, and care of children received by it as public  
29 charges or committed to it by courts or magistrates; and it shall adminis-  
30 ter such control, relief, and care either directly or through child-caring

1 societies or institutions which are duly incorporated and approved  
2 for such service by the state board of charities. The responsibility  
3 of the board for children so received or committed shall continue during  
4 their minority or until they are discharged to their own parents, to  
5 relatives of or within the third degree, or to guardians, or are adopted  
6 by foster parents, or, in the case of delinquent children, are returned by  
7 it to the court by which they were committed.

8                   Section 8. Powers and duties of the board. The county  
9 board of child welfare

10 (a) shall investigate the family conditions and circumstances of children  
11 alleged to be in need of public care or protection, in order to ascertain  
12 what care, supervision, treatment or other attention, if any, they require;

13 (b) may administer and supervise such relief for a dependent child as the  
14 board deems necessary to enable it to remain in its own home with its  
15 mother, when such mother is physically, mentally, and morally fit to  
16 care for such child, and is entitled to relief as a poor person, and  
17 when her husband is dead, or is a patient in a state institution for the  
18 insane, or is a patient in a sanatorium or hospital by reason of having  
19 tuberculosis, or is confined in a state prison under a minimum term or  
20 definite sentence of not less than five years; provided, however, that

1 nothing in this section shall be interpreted as limiting the power or  
2 duty of any poor law official to administer relief in their own homes  
3 to persons eligible therefor, who are not beneficiaries under the pro-  
4 visions of this paragraph;

5 (c) shall assume charge of and provide support for all dependent children  
6 for whom it is not possible, in the opinion of the board, to provide proper  
7 care in their own homes and who are legally entitled to public support in  
8 said county;

9 (d) shall receive, when committed to it, any child adjudged by a court or  
10 magistrate of competent jurisdiction to be a neglected child; and such court  
11 or magistrate shall have power to commit such child to the board;

12 (e) may receive any child adjudged by a court or magistrate of competent  
13 jurisdiction to be a delinquent child, when such child is committed to it  
14 by such court or magistrate; and such court or magistrate shall have power  
15 to commit such child to the board, provided that the board shall have agreed  
16 to receive it;

17 (f) shall report to the appropriate state agency the presence of every de-  
18 fective child in the county. When in the opinion of the board the welfare  
19 of any such child requires it, the board shall take steps in accordance  
20 with the provisions of law to obtain his admittance to some state or other  
21 suitable school, hospital or other institution if he is in need of insti-  
22 tutional care; or to obtain treatment and care in his own home or elsewhere  
23 for him if not in need of institutional care, or if institutional care can-  
24 not be obtained; provided, however, that nothing in this section shall be  
25 construed as authorizing the board to expend or to contract to expend any  
26 public funds for such treatment or care unless the child is a dependent,  
27 neglected, or delinquent child in the care of the board; 243

28 (g) shall reinvestigate, at least once every year, the circumstances of  
29 the parents or of the person having the right of guardianship of each child



1 who is in the care of the board outside its own home; and reinvestigate,  
2 at least once every six months, the family conditions and circumstances  
3 of each child who is left in its own home under the care or supervision  
4 of the board;

5 (h) shall, on request of a court or magistrate, collect from parents  
6 or guardians whose children have been committed to the board by such  
7 court or magistrate, such sums as the parents or guardians are ordered  
8 to pay; and in the case of any children who are in the care of the board,  
9 collect or, if necessary, bring proceedings against their parents or  
10 guardians to collect, such sums for the support, care, examination, or  
11 treatment of such children as their parents or guardians are able to  
12 pay or as the court shall order;

13 (i) shall provide for mental or physical examination of any child under  
14 its care or supervision whom the board has reason to suspect of mental  
15 or physical defect or disease, such examination to be paid for when  
16 necessary from moneys appropriated for the use of the board;

17 (j) shall provide for necessary medical or surgical treatment in its own  
18 home or in a hospital, institution, or other suitable place, for any  
19 child under the care or supervision of the board, such treatment to be  
20 paid for when necessary from moneys appropriated for the use of the board;

21 (k) may place any child who is in its care in a family boarding home, or  
22 in a family free home, or in an institution, according to the needs of  
23 the child such home or institution to be governed by persons of the  
24 religious faith of the child whenever practicable. Placements in  
25 family homes may be made either directly or through child-caring  
26 societies or institutions duly incorporated and approved for such  
27 service by the state board of charities. 211

28 . A family free home is the home of a private family or



1 individual wherein a child, not a relative of or within the third degree,  
2 is placed for its maintenance and nurture without the payment to such  
3 family or individual of any consideration therefor.

4 A family boarding home is the home of a private family or  
5 individual in which there reside not more than five children not related  
6 to such family or individual, placed therein for maintenance and nurture  
7 in return for a consideration periodically paid to such family or indi-  
8 vidual therefor.

9 (l) may transfer from one place to another any child in its care;

10 (m) may place, on trial, in his own home or elsewhere any child in its  
11 care;

12 (n) may discharge to parents, relatives of or within the third degree,  
13 or guardian, any child in its care other than a delinquent child, when  
14 such discharge seems to the board to be for the welfare of the child;

15 (o) may institute proceedings in a court of competent jurisdiction to  
16 have a child declared to be an abandoned child, or a neglected child  
17 whenever in its opinion such action would be for the child's best interests;

18 (p) may investigate the alleged neglect or abuse of an apparently neglect-  
19 ed child, and when necessary institute proceedings in a court of competent  
20 jurisdiction against a parent or other adult for any offense committed  
21 against such child; provided, however, that nothing in this paragraph  
22 shall be construed as impairing the powers heretofore conferred by law  
23 upon any incorporated humane society, or society for the prevention of  
24 cruelty to children;

25 (q) may institute proceedings in a court of competent jurisdiction to  
26 have a guardian appointed for any child for whose care it is responsible  
27 and whose interests in its opinion would be promoted by such action;

1 (r) shall act as guardian of the person, or of the person and property,  
2 of any child for whose care it is responsible when so appointed by a court  
3 authorized by law to appoint guardians for minors; and any such court shall  
4 have the power to appoint the board of child welfare as guardian of a child;  
5 (s) shall give or withhold its consent to the adoption of any child cared  
6 for by the board as a public charge apart from its own family;  
7 and such consent shall be necessary to such adoption.

8                   Section 9. State supervision of board. The board of child  
9 welfare shall be subject to the general supervision and to the rules and  
10 regulations of the state board of charities and shall make to the state  
11 board of charities such reports as it may require. The state board of  
12 charities shall have power to investigate the work of the board of child  
13 welfare and to make such orders concerning such work as it may deem just  
14 and equitable; and such orders shall be complied with by the county board  
15 of child welfare. The state board of charities may visit children for  
16 whose care the board of child welfare is responsible, and may order the  
17 return of such children to such board if found to be unsuitably cared for.

18                   Section 10. Contracts with private agencies. The board  
19 of child welfare may enter into contracts with child-caring institutions,  
20 associations or societies duly incorporated and approved for such service  
21 by the state board of charities to receive and care for children entrusted  
22 to them by said board; and the bills presented by such institutions, assoc-  
23 iations or societies for such service, in accordance with the terms of such  
24 contracts, shall be paid by the county treasurer when approved by the board.

25                   216           Section 11. Appropriation and determination of charges.  
26 The board of supervisors shall annually appropriate and make available for  
27 the board of child welfare such sum as such board of supervisors may deem  
28 necessary for carrying out the provisions of this act and shall include  
29 the sum so appropriated in fixing the tax levy for the county. Should

1 the sum so appropriated be exhausted during the year by reason of un-  
2 anticipated conditions, the board of supervisors may appropriate such  
3 additional sums as in its judgment may be necessary to meet such con-  
4 ditions and such additional appropriations shall be paid from available  
5 funds in the county treasury; but should there be no funds available  
6 therefor, the county treasurer shall, upon order of the board of super-  
7 visors, borrow a sufficient sum to pay such appropriation in anticipation  
8 of taxes to be collected. No board of child welfare shall expend or con-  
9 tract to expend any public moneys not specifically appropriated as herein  
10 provided.

11 The board of supervisors of any county may determine, as  
12 provided in section one hundred and thirty-eight of the poor law, whether  
13 the actual expense for the relief of dependent and neglected children  
14 under this act shall be a charge upon the county or upon the respective  
15 towns thereof. Delinquent children committed to the board by any court  
16 or magistrate shall be charges upon the county.

17 Section 12. Fraud and misapplication of funds. A person  
18 who shall procure or attempt to procure directly or indirectly any allow-  
19 ance for relief or other benefit under this act for or on account of a  
20 person not entitled thereto, or who shall knowingly or wilfully pay or  
21 permit to be paid any relief or other benefit to a person not entitled  
22 thereto, shall be guilty of a misdemeanor.

23 <sup>247</sup> Section 13. Transfer of funds. As soon as the board shall  
24 notify the county treasurer in writing that it is organized, he shall  
25 transfer to an account subject to its order all unexpended balances of any  
26 moneys theretofore appropriated for the fiscal year then current by the  
27 board of supervisors for the care of dependent, neglected and delinquent  
28 children or for the relief of mothers with children; and such moneys so



1 transferred shall be used by the board for the purposes for which they  
2 were appropriated.

3                   Section 14. Transfer of powers and duties. Upon the estab-  
4 lishment of the board and the giving of public notice by it that it is  
5 organized and prepared to exercise its powers and to discharge its duties,  
6 all the powers and duties in relation to children under sixteen years of  
7 age theretofore vested in the county superintendent of the poor, in any  
8 county official by whatever title known who is charged with the relief of  
9 the poor of the county, in town overseers of the poor, or in the city  
10 commissioner of charities or other official or agency performing like  
11 duties, if any there be, of any city subject to the provisions of this  
12 act, shall thereupon be vested solely in the board of child welfare estab-  
13 lished under the provisions of this act. As soon as the board shall in  
14 writing inform the public officials named above in this section that it is  
15 organized and prepared to exercise its powers and to discharge its duties,  
16 such officials shall thereupon deliver to such county board of child wel-  
17 fare all records of children under their care. As soon as the board shall  
18 officially inform any board of child welfare existing in the county, es-  
19 tablished either by article 7a of chapter 228 of the laws of New York, 1915,  
20 or by any special act of the legislature, that it is organized and prepared  
21 to exercise its powers and to discharge its duties, such board so establish-  
22 ed shall at once transfer all moneys, books, papers, property and other  
23 belongings in its possession to the county board of child welfare established  
24 under this act, and shall thereupon cease to exist; and the act creating  
25 such board or under which such board performed its functions shall be super-  
26 seded by the provisions of this act.                   248

27                   Upon the giving of public notice by the board that it has  
28 begun to exercise the powers and to discharge the duties vested in it by



1 this act, all children then in private institutions or family homes,  
2 through commitment or placement by any poor law official, court or  
3 magistrate or other public authority within the jurisdiction of the  
4 board, except children who have been committed as juvenile delinquents,  
5 shall have the status of children accepted by or committed to the board.

6           Section 15. County Department instead of board. In any  
7 county outside the city of New York, the board of supervisors, instead of  
8 establishing a county board of child welfare as provided in this act, may,  
9 by a majority vote of its members, create a county department of child  
10 welfare and authorize and direct the county superintendent of the poor  
11 or other county official by whatever title known who is charged with the  
12 relief of the poor of the county, to appoint a competent person as director  
13 of such department; or if there be already in the county a public depart-  
14 ment similar thereto, the board of supervisors upon request in writing from  
15 the county official having its control may, by a majority vote of its  
16 members, authorize such official to reorganize such department as a county  
17 department of child welfare and to appoint a competent person as director  
18 thereof. Such official shall have the power to remove such director from  
19 office. Such director when so appointed shall be the executive officer of  
20 such department; he shall have all the powers conferred by this act upon  
21 a county board of child welfare and upon the secretary thereof; he shall  
22 perform all the duties imposed by this act upon such a board; and he shall  
23 be subject to the supervision, rules, and regulations of the state board  
24 of charities as such a board would be, if established. The compensation  
25 of such director with that of every other employee of the department of  
26 child welfare shall be fixed by the board of supervisors. When a director  
27 of the county department of child welfare is appointed as provided in this  
28 section, the provisions of section <sup>14</sup>~~13~~ of this act, as well as all other

1 parts of this act not consistent with the provisions of this section,  
2 shall apply and take effect as in the case of the establishment of a  
3 county board of child welfare. The state board of charities shall  
4 prescribe the qualifications necessary in a candidate for appointment  
5 to the position of director of the county department of child welfare  
6 and no person shall be appointed to such position who does not have such  
7 qualifications.

8                   Section 16. All acts or parts of acts inconsistent with  
9 or repugnant to this act or any provision thereof shall be held inappli-  
10 cable to any case arising under this act.

11                   Section 17. This act shall take effect on the first day  
12 of September, nineteen hundred and twenty-two.

ILLEGITIMACY

The People of the State of New York, represented  
in Senate and Assembly, do enact as follows:

Section 1. Sections 74, 75 of Article 5 of the Poor  
Law are hereby repealed.

# WESTERN UNION TELEGRAM



NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CL  
A  
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Nigh  
If none appears after the words this is a telegram. If its character is indicated by the symbol appearing after the check.

Check the check number of the telegram. Other symbols appearing after the check.

RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

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MTVERNON NY 5

GOV NATHAN L MILLER

6 ALBANY NY

WESTCHESTER WOMANS CLUB OF MTVERNON NY URGE YOU TO SIGN THE  
CHILDRENS COURT BILL

MRS CAROLYN G SETLEY SECY.

252



STATEMENT CONCERNING BILL FOR ESTABLISHMENT OF  
CHILDREN'S COURTS.

The chief purpose of this bill is to provide a way by which a children's court may be established in any county, outside the city of New York where such courts already exist, without compelling any county to accept a court that it does not desire.

A constitutional amendment recently adopted authorizes the legislature to establish courts, either independently or as parts of courts already existing, with such jurisdiction as may be necessary for the correction, protection, guardianship and disposition of delinquent, neglected or dependent minors and for the punishment and correction of adults responsible for or contributing to such delinquency, neglect or dependency. Provision is made in another bill for the establishment of county boards of child welfare for the care of dependent children and such children are not, therefore, placed under the jurisdiction of the children's court. The definitions of neglected and delinquent children in this bill are chiefly a collection of provisions of law now in force in the state with a few changes or additions as thought necessary, and are based upon the following distinctions:

A neglected child is one whose condition is due to no fault of his own but to that of those responsible for his care.

A delinquent child is one whose condition is due to fault of his own.

253

Only a few counties outside the city of New York have special children's courts. This bill establishes a **children's court** in any county whose board of supervisors and county court judge accept it. The court is given jurisdiction in cases of children under sixteen years of age who are neglected or delinquent, or whose custody is in controversy

and also in cases of adults responsible for or contributing to the neglect or delinquency of children and in cases of bastardy. The judge of the county court is made judge of the children's court but he and the board of supervisors may provide for the election of a judge of the children's court to devote his full time to the business of the court whenever they shall deem it necessary. The bill gives to the judge of the children's court the right to appoint and discharge probation officers and other court attendants or employees but leaves their compensation to be fixed by the board of supervisors; it provides for the establishment of a detention home by the board of supervisors when in their opinion this is necessary; it sets out the duties of probation officers and it defines clearly the power of the court in respect to any child found to be either a neglected or a delinquent child.

The leading features of the bill are (1) that its acceptance is left to each county; (2) that the board of supervisors has control of the expenditure of public funds of the county by the children's court; (3) that it is a court of narrow rather than wide jurisdiction, its scope being confined almost exclusively to children under sixteen years of age who are neglected or delinquent; and (4) that since the judge may be either the judge of the county court or a judge elected by the people of the county for full time service, it is adapted to any county whether of small or large population.

AN ACT to provide for the establishment of children's courts as parts of county courts; to define their jurisdiction, powers and duties; to define the classes of children within their jurisdiction, and the custody and guardianship of the person of children; to provide for judges of children's courts and for their compensation and that of court employees; to prescribe the procedure in dealing with children and to provide for their detention and care; to define the powers and duties of probation officers and other court appointees; to provide for appeals; and to make inapplicable to cases arising under this act all provisions of law inconsistent with this act.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1           Section 1. Definitions. The words "the court" when used in  
2 this act, shall mean the children's court whose establishment is author-  
3 ized by this act.

4           The words "the judge" when used in this act, shall mean the  
5 judge of the children's court.

6           The word "child" or "children" when used in this act, shall  
7 mean respectively any person or persons under the age of sixteen years.

8           A neglected child is a child under the age of sixteen years

9 (1) who is an abandoned child; or (2) whose parents or parent having the  
10 right of guardianship is by reason of improvidence, immorality, depravity,  
11 incompetency, mental incapacity, cruelty or gross lack of interest in his  
12 welfare, unfit to have such right, whether the child be in the custody of  
13 such parent or not; or (3) whose parents, guardian, or lawful custodian  
14 fail without good reason to supply him with the necessaries of life or to  
15 provide for his proper care and training; or (4) who is suffering from  
16 any abnormal physical or mental condition requiring treatment or training  
17 in a hospital, institution, or elsewhere and whose parents, guardian, or  
18 lawful custodian refuse or fail to provide for such treatment or training;  
19 or (5) who wanders about any city, town, village, or elsewhere without

1 proper or lawful occupation; or (6) who lives with or innocently  
2 frequents the company of vicious, disreputable, immoral or criminal  
3 persons whether related to him or not; or (7) who innocently frequents  
4 any resort of questionable character or any place to which the admittance  
5 of persons of his age is prohibited, either with or without his parent,  
6 guardian, or custodian; or (8) who, without committing juvenile delin-  
7 quency, forms associations or commits acts for the permitting of which  
8 a parent, guardian, custodian or other person may be punishable by law;  
9 or (9) who is employed, shown, or used in any task, exhibition, or  
10 practice for permitting his engagement in which a person may be guilty  
11 of a misdemeanor, or who is disposed of or trained for participation in  
12 any such task, exhibition, or practice; or (10) who is in a situation  
13 or engages in an occupation where his life or limb is endangered or his  
14 health is likely to be injured or his morals likely to be depraved.

15           An abandoned child is a child under the age of sixteen  
16 years who is deserted in any place by both parents, or by the parent  
17 having his custody, or by other persons charged with his care, and left  
18 (1) in destitute circumstances; or (2) without adequate means of support;  
19 or (3) without reasonable arrangements having been made for supplying him  
20 with necessary and proper food, clothing, shelter, education, and medical  
21 care until he shall have become sixteen years of age; or (4) without being  
22 visited or having payments made toward his support by such parent, guardian  
23 or lawful custodian, without good reason, for the period of one year; or  
24 (5) in danger of becoming a burden upon the public.

25           A delinquent child is a child under the age of sixteen  
26 years who (1) without committing a felony, violates any law or any local  
27 ordinance; or (2) commits any offense which, if committed by an adult,  
28 would be a crime not punishable by death or life imprisonment; or (3)



1 engages in any occupation unlawfully; or (4) has in his possession any  
2 dangerous weapon or instrument the manufacture or sale of which, or the  
3 disposal of which to such child is forbidden by law; or (5) deserts his  
4 home without good and sufficient cause; or (6) keeps company with vicious,  
5 immoral, or criminal persons against the commands of his parents, guardian,  
6 or lawful custodian; or (7) is not susceptible of proper restraint or con-  
7 trol by his parents, guardian, teacher, or lawful custodian, or by the  
8 public officer or board responsible for his care, and habitually disobeys  
9 their reasonable and lawful commands; or (8) habitually uses profane, or  
10 indecent language; or (9) gambles or knowingly enters any place where  
11 gambling is permitted or where his presence is in violation of law; or  
12 (10) habitually uses tobacco, intoxicating liquor, injurious or narcotic  
13 drugs, or other substance likely to interfere with his normal growth and  
14 development; or (11) so deports himself as to endanger the morals, health  
15 or general welfare of himself or of others.

16 Juvenile delinquency is the commission by a child under the  
17 age of sixteen years of any of the offenses enumerated in the foregoing  
18 definition of a delinquent child.

19 Section 2. Establishment of Children's Court. There is  
20 hereby established in every county, outside the city of New York, whose  
21 judge of the county court and board of supervisors, by a majority vote of  
22 its members, shall jointly accept this act as applicable to the county,  
23 a children's court as a part of the county court, which shall be known  
24 for convenience as the Children's Court of 257 County and which  
25 shall have the jurisdiction, powers and duties hereinafter set forth;  
26 provided, however, that this act shall not apply to any county in which  
27 a children's court has been established by special act of the legislature  
28 unless the board of supervisors of such county, by a majority vote of its

1 members, and the judge of such children's court shall jointly agree that  
2 such children's court shall be a court under the provisions of this act,  
3 and the children's court after such agreement shall be held established  
4 according to the provisions of this act and shall have the jurisdiction,  
5 powers and duties hereinafter set forth, and the special act under which  
6 such children's court theretofore existed shall be held superseded by  
7 this act.

8                   Section 3. Jurisdiction. The children's court, when  
9 established in any county, shall have for the purposes of this act ex-  
10 clusive original jurisdiction in every case of a neglected child or a  
11 delinquent child as herein defined, who resides in or is at the time in  
12 the county, and in the case of a child under the age of seventeen years  
13 charged with an offense committed before he reached the age of sixteen  
14 years if the offense was juvenile delinquency as herein defined; and in  
15 the case of a child under sixteen years of age whose custody is the  
16 subject of controversy, except that when the question of the custody of  
17 a child is incidental to the determination of a cause pending before the  
18 supreme or surrogate's court, such court shall not be deprived by any  
19 of the provisions of this act of the jurisdiction to determine such  
20 question, but may, in its discretion, refer such question to the children's  
21 court for hearing and determination.

22                   The children's court shall have jurisdiction concurrent  
23 with other courts to punish and correct as disorderly persons all persons  
24 over the age of sixteen years responsible for or contributing to the neglect  
25 of a neglected child or the delinquency of a delinquent child, and to compel  
26 the support of a neglected child by the person or persons legally chargeable  
27 therewith.

28                   The court shall have the same original jurisdiction in pro-  
29 ceedings respecting bastards as justices of the peace and police justices.

1 The powers of the court and the procedure in such cases shall be as provided  
2 by law for such cases when brought before justices of the peace or police  
3 justices, except that the judge may hear and determine such cases without  
4 associating with himself another magistrate.

5                   When jurisdiction has been obtained by the children's court  
6 in the case of any child, such child shall continue for the purposes of  
7 this act under the jurisdiction of the court until he becomes twenty-one  
8 years of age unless discharged prior thereto by the court, or if delinquent  
9 unless committed prior thereto to an institution maintained by the state,  
10 or if neglected unless committed prior thereto to a public official or  
11 agency.

12                   Section 4. Judge. The judge of the county court shall be  
13 judge of the children's court. If there be only one judge of the county  
14 court, the board of supervisors may allow additional compensation to such  
15 judge in consideration of the additional duties imposed upon him by this  
16 act.

17                   If there be two or more judges of the county court in any  
18 county in which a children's court is established, such judges or a majority  
19 of them shall annually designate in a written communication addressed to  
20 the board of supervisors and made a part of the records of the children's  
21 court, which judge of the county court shall be judge of the children's  
22 court and such judge of the county court when so designated shall be  
23 judge of the children's court for the next ensuing year.

24                   259       If the judge or judges of the county court, if there be two,  
25 or a majority of them if there be more than two, and the board of super-  
26 visors of any county in which a children's court has been established  
27 under this act, jointly agree that it is necessary for a judge of the  
28 county court to devote his full time to the business of the children's  
29 court, there shall be elected thereafter at the regular election, in the

1 same manner and for the same term as judges of the county court, a judge  
2 of the children's court, who shall be inducted into his office in the same  
3 manner as a judge of the county court, who shall devote his full time to  
4 the business of the children's court, and who shall receive the same com-  
5 pensation as a judge of the county court; provided, however, that if a  
6 vacancy should occur in the office of judge of the children's court other-  
7 wise than through expiration of the term, the judge of the county court  
8 shall, in a written communication addressed to the board of supervisors and  
9 made a part of the records of the children's court, designate a suitable  
10 person resident in the county to act as judge of the children's court for  
11 the unexpired portion of the term, and such person so designated, when duly  
12 inducted into office, shall have all the powers and shall perform all the  
13 duties of the judge of the children's court and shall receive the compensa-  
14 tion fixed for such office.

15 In the absence of the judge of the children's court on ac-  
16 count of disability or other valid excuse, the county judge may hold  
17 sessions of the children's court for the trial of cases arising under the  
18 provisions of this act at such times and places as the said county judge  
19 may determine.

20 Section 5. General Provisions Sessions of the court shall be  
21 held at such times and at such places as the judge shall from time to time  
22 determine, but such sessions shall not be held in conjunction with sessions  
23 of the county court at which cases against adults are heard or at which  
24 business other than that provided for by this act is transacted. The court  
25 may exclude the general public from the room or place of hearing of the  
26 case of any child, and also any person who appears to the court to have a  
27 harmful or undue influence over such child even if such person has a direc-  
28 interest in the case.



1 The court shall keep a full and complete record of all  
2 cases before it, such record to be known as the Children's Court Record  
3 of \_\_\_\_\_ County. Any and all such records may by order of the court.  
4 be withheld from public inspection, but the record of any child shall be  
5 open at all times to inspection by the person having the right of guardian-  
6 ship of the child.

7 This act shall be construed liberally and as preventive as  
8 well as remedial in character. No adjudication under its provisions shall  
9 operate as a disqualification of any child subsequently to hold public  
10 office; nor shall any child be denominated a criminal by reason of any  
11 such adjudication. Neither the fact that a child has been before the  
12 children's court for hearing, nor any confession, admission, or statement  
13 made by him to the court or to any officer thereof while he is under the  
14 age of sixteen years, shall ever be admissible as evidence against him or  
15 his interests in any other court.

16 Section 6. Probation officers and other employees. The  
17 judge shall have power

18 (a) to appoint such number of clerks, stenographers, and court attendants  
19 as the board of supervisors may authorize;

20 (b) to appoint a chief probation officer and as many other probation  
21 officers as the board of supervisors may authorize; provided, however, that  
22 the judge may appoint any agent, officer, or representative of the local  
23 public agency charged with the care or protection of children, or of any  
24 other agency, society, or organization, or any other person, as volunteer  
25 probation officer, to act either in a specific case or generally as the  
26 court may order, but no such volunteer probation officer shall receive pay  
27 from public funds for his services; 261

28 (c) to appoint when authorized by the board of supervisors, a children's

1 court physician who shall be duly licensed to practice medicine in the  
2 state and who shall make physical examinations of children as the court  
3 may order;

4 (d) to appoint when authorized by the board of supervisors a children's  
5 court psychologist who <sup>shall</sup> ~~will~~ be a qualified examiner as defined by the  
6 Mental Deficiency Law and who shall make such mental examinations of  
7 children as the court may order;

8 (e) to discharge any such clerk, stenographer, court attendant, probation  
9 officer, children's court physician or children's court psychologist at  
10 any time.

11 Notice of such appointment or discharge and the date there-  
12 of shall be given in writing by the judge to the board of supervisors at  
13 its next regular meeting after such appointment or discharge. The com-  
14 pensation of every such clerk, stenographer, court attendant, probation  
15 officer, children's court physician, and children's court psychologist  
16 shall be fixed by the board of supervisors.

17 Section 7. Statement and petition as to a neglected or  
18 delinquent child. Any person having knowledge or information that a child  
19 is a neglected or a delinquent child as defined in section I of this act,  
20 may institute a proceeding by filing in the court a statement made upon  
21 information and belief and certified to by affidavit, setting forth the  
22 allegations which bring such child within the provisions of this act, and  
23 by petitioning the court to adjudge such child to be a neglected or a  
24 delinquent child as the case may be. The title of the proceeding shall  
25 be "Children's Court, County of 262, in the matter of \_\_\_\_\_,  
26 a child under sixteen years of age." The statement shall set forth the  
27 names and residence of the child and of the parents, if known to the  
28 petitioner, or the name and residence of the person having the guardian-

1 ship, custody, control, or supervision of such child, if the same be known  
2 to the petitioner, or shall set forth that they are unknown if that be  
3 the fact.

4                   Section 8. Issuance of summons. Upon the filing of the  
5 statement and petition, the court may forthwith or after an investigation  
6 by a probation officer or other person, cause to be issued to the child,  
7 unless such child be already in the custody of the court, and to the parent,  
8 or in case there be no parent, to the person having the guardianship,  
9 control, custody, or supervision of such child, or to the person with  
10 whom the child may be, a summons signed by the judge or by the clerk of  
11 the court requiring them to appear at the place and time stated in the  
12 summons, to show cause why such child should not be adjudged neglected  
13 or delinquent and dealt with according to the provisions of this act.  
14 The court may order that the child be taken into custody immediately by  
15 the officer serving the summons.

16                   Section 9. Service of summons. Service of summons with-  
17 in the county shall be made personally by delivering to and leaving with  
18 the parent, guardian, or custodian of the child a true copy thereof.  
19 If the court be satisfied that reasonable but unsuccessful effort has  
20 been made to serve the summons personally upon the party or parties named  
21 therein, other than the child, it may at any stage of the proceedings,  
22 make an order providing for substitute service by delivering a copy of  
23 the summons or a supplemental summons to some member of the child's  
24 family or other person over twenty-one years of age with whom the child  
25 may live or be found, or in such other manner as it may direct; if it  
26 shall appear to the court that any of the parties other than the child  
27 named in said summons are without the county, the summons may be served  
28 by registered mail, by publication, or personally in such manner and at

1 such time before the hearing as it may direct. Service of the summons  
2 before the time fixed therein for its return shall be sufficient to  
3 warrant the court in proceeding with the case but the court, if post-  
4 ponement be requested, shall not proceed with the hearing earlier than  
5 the third day after service. Proof of service shall be made as in other  
6 courts of record. Failure to serve summons upon any person other than  
7 the child shall not impair the right of the court to proceed in any case  
8 when it shall have declared such case to be an emergency. The summons  
9 shall be a mandate of the court, and wilful failure to obey its require-  
10 ments shall subject any person guilty thereof to punishment as for con-  
11 tempt.

12                   The sheriff of the county shall serve or cause to be  
13 served papers as directed by the court; provided, however, that papers may  
14 be served by any probation officer, or by any other person when ordered by  
15 the court to do so. The expenses incurred in serving the summons shall be  
16 a county charge.

17                   Section 10. Arrest; transfer from other courts. Nothing  
18 in this act shall be construed as forbidding the issuing of a warrant in  
19 the case of a child or the taking into custody, with or without warrant,  
20 of any child, as provided by law. Whenever a child apparently under six-  
21 teen years of age is charged with any offense or is alleged to be a  
22 neglected child and is brought before any court or magistrate other than  
23 the children's court, such court or magistrate shall at once transfer  
24 the case to the children's court and thereupon the child shall be taken  
25 forthwith to the children's court or to the place of detention designated  
26 by the judge. All papers and processes relating to the case in the hands  
27 of such court or magistrate shall be forthwith transmitted to the children's  
28 court and shall be filed therein. The children's court shall proceed



1 to hear and dispose of such case in the same manner as if the proceeding  
2 had been instituted in such court by petition; provided, however, that if  
3 the court find, that it has not jurisdiction it shall transfer the case  
4 to the proper court for hearing.

5                   Section 11. Place of detention. In no case arising  
6 under this act shall any child actually or apparently under sixteen years  
7 of age be held in any jail, lock-up or other place of confinement for  
8 adults, nor be transported in any patrol wagon or like conveyance to-  
9 gether with an adult offender.

10                   The judge may entrust a child held for hearing or as a  
11 witness to his parent or other suitable person or to the public agency  
12 or official having the care of dependent children in the county, subject  
13 to the orders of the court, or he may arrange with any society or associ-  
14 ation which is duly incorporated and approved for such service by the  
15 state board of charities and which maintains a suitable place of detention  
16 for children, for the use of such place as a temporary detention home for  
17 children who are under the jurisdiction of the court. The court may order  
18 that reasonable compensation be paid by the county to such society or  
19 association for such care; provided, however, that such compensation shall  
20 not exceed the sum fixed by the board of supervisors for such care.

21                   If the judge shall certify to the board of supervisors  
22 that a suitable arrangement for such temporary care of children cannot  
23 be made or continued, such board may establish, equip, and maintain a  
24 home for the detention of children under the court's jurisdiction. Such  
25 detention home shall be apart from any place of confinement of adults.  
26 It shall be an agency of the court for the purposes of this act and, so  
27 far as possible, shall be furnished and conducted as a family home in  
28 charge of a superintendent or matron who shall reside therein; provided,

1 however, that no female child shall be placed in such detention home except  
2 under the care of a matron.

3           The judge, when authorized by the board of supervisors, may  
4 appoint a superintendent or matron or both and other necessary employees  
5 of the detention home. The compensation of any such superintendent, matron  
6 or other employee of such home shall be fixed by the board of supervisors.  
7 The judge may discharge any superintendent, matron or other employee of  
8 such home at any time. Notice of such discharge and the date thereof shall  
9 be given in writing by the judge to the board of supervisors at its next  
10 regular meeting after such discharge. The necessary expense incurred in  
11 maintaining such detention home shall upon order of the judge be paid by  
12 the county out of funds appropriated by the board of supervisors for the  
13 purpose.

14           Section 12. Powers and duties of probation officers. The  
15 chief probation officer shall, under the direction of the court, have  
16 supervision of the work of all other probation officers and he shall, when  
17 ordered by the judge, act as clerk of the court. It shall be the duty of  
18 a probation officer to make such investigations before, during, and after  
19 the hearing of any case as the court may direct and to report his findings  
20 to the court. He shall have charge of the child before, during, and after  
21 the hearing, as directed by the court. He shall visit and keep himself  
22 informed as to the conduct and condition of each child under his super-  
23 vision and shall make report thereof to the court. He shall keep accurate  
24 accounts of all moneys or other articles collected or taken from persons  
25 under his supervision and shall make report thereof to the court. Pro-  
26 bation officers shall, for the purposes of this act, have the powers of  
27 peace officers.

28           Section 13. Hearings; judgment and disposition. Upon the

1 return of the summons, or after the child has been taken into custody,  
2 the court shall proceed at the time set to hear the case in a summary  
3 manner. It shall conduct the examination of witnesses and shall receive  
4 reports of probation officers as to the child's habits, behavior, associ-  
5 ations, and home conditions, and other matters that bear upon the case,  
6 together with reports of mental and physical examinations of the child.  
7 The court may adjourn the hearing from time to time and order further in-  
8 vestigation to be made by probation officers or other persons. The nature  
9 of the proceeding shall be explained in so far as this is possible to the  
10 child and also to his parent, guardian, or person responsible for his care  
11 if any of these appear. The court may appoint some suitable person as  
12 guardian ad litem of the child.

13                   After having heard the case, the court, if convinced that  
14 the child is either a neglected or a delinquent child as defined in this  
15 act, may so adjudge and thereupon

16 (a) release the child on probation to his own home, or elsewhere, subject  
17 to the orders of the court and to the visits, supervision, and control of  
18 a probation officer;

19 (b) commit the child to a relative or other person upon such conditions  
20 as the court may deem wise and subject to its orders; provided that the  
21 person to whom the child is committed may return such child to the court  
22 at any time if he deem this necessary or advisable;                   267

23 (c) commit the child to a public agency or official within the county  
24 authorized by law to receive and to care for neglected or delinquent  
25 children; provided, however, that no delinquent child shall be so committed  
26 unless such agency or official agree to receive it, and provided, further  
27 that such agency or official may return to the court at any time a delin-  
28 quent child so committed to it; and provided, further, that a neglected

1 child so committed shall remain under the care and protection of such  
2 public agency or official until he becomes twenty-one years of age or is  
3 discharged prior thereto by such agency or official as provided by law;  
4 (d) commit the child if delinquent to a suitable institution maintained  
5 solely for the care of minors by the state or by any subdivision thereof  
6 until he becomes twenty-one years of age or is discharged prior thereto  
7 by such institution as provided by law; or

8 (e) commit the child to any appropriate institution or society duly in-  
9 corporated and approved by the state board of charities for the care of  
10 neglected or delinquent children; provided, however, that such institution  
11 or society may return to the court at any time a child so committed to it.

12                 The adjudging of a child to be a neglected child according  
13 to subdivision (1), (2), or (3) of the definition of a neglected child  
14 in this act when specified in the decree and order, shall deprive the  
15 parents, parent, or duly appointed guardian of such child of all rights  
16 of custody and guardianship over such child.

17                 The court may order any child in its jurisdiction who is  
18 in its opinion, a mental defective, to be examined as provided for in the  
19 Mental Deficiency Law and if found to be a mental defective as therein  
20 defined, may commit such child in accordance with the provisions of <sup>said</sup> such  
21 law.

22                 The court may order any child in its jurisdiction to be  
23 examined by a physician and may arrange for medical or surgical care or  
24 treatment for any such child found to be in need of such care or treatment.

25                 The court may at any time terminate its jurisdiction over  
26 a child by discharge.

268

27                 Section 14. Compensation and liability for support and  
28 care. Whenever a child is committed under the provisions of this act to



1 any private society or institution or to any person other than his  
2 parent or guardian, compensation for his support and care if committed  
3 as a delinquent child, shall be unless otherwise agreed a charge upon  
4 the county, and if committed as a neglected child and retained in accord-  
5 ance with the rules of the state board of charities, shall be unless other-  
6 wise agreed a charge upon the county or upon the town in which he has a  
7 settlement as may have been determined by the board of supervisors; but  
8 in any case the court may, after notice to the parent or guardian and in-  
9 quiry into his ability to support such child so committed, order such  
10 parent or guardian to pay to the court or to a designated agency or person  
11 such sums at such times as it may direct for the support and treatment of  
12 the child. Wilful failure to pay as ordered may be punished as contempt  
13 of court.

14 Section 15. Determining child's age; order nunc pro tunc.

15 The court shall determine the age of every child before it for hearing  
16 and the age so determined shall be entered upon all orders of release on  
17 probation or of commitment and shall be held for the purposes of this act  
18 to be the age of the child.

19 When it becomes necessary to commit or to recommit any  
20 person under the jurisdiction of the court who is sixteen years of age  
21 or over, an order nunc pro tunc may be entered by the court as of the  
22 date of the original judgment in his case and such order shall have the  
23 same force as if the person were under sixteen years of age.

24 Section 16. Appeals. An appeal may be taken from any  
25 final order or judgment of any children's court to the Appellate Division  
26 of the Supreme Court within thirty days after the entry of such order or  
27 judgment and if such appeal be taken by a guardian ad litem, the court  
28 may in its discretion allow such guardian ad litem an amount sufficient  
to cover the expenses incurred in printing the papers on appeal and such

1 allowance shall be a county charge. No order or judgment transferring  
2 the right of custody or guardianship of a child shall, however, be super-  
3 seded by appeal unless the judge shall grant a stay of execution pending  
4 the appeal and it shall be the duty of the judge to grant such stay of  
5 execution unless he be convinced that the interests of the child would be  
6 prejudiced thereby.

7                   Section 17. Definition of custody and guardianship of  
8 person; appointment of guardian of person. The guardianship of the person  
9 of a child is the right and duty to control such child for his nurture,  
10 training and protection, and includes the custody of such child. Custody  
11 of a child is the keeping of such child for his security.

12                   Whenever in the course of any proceeding instituted under  
13 the provisions of this act, it shall appear to the court that the welfare  
14 of any child within its jurisdiction would be promoted by the appointment  
15 of a guardian of its person, the court shall have power to make such  
16 appointment. Before making such appointment the court shall cause an order  
17 to be issued and served upon the parent or parents, the guardian, person,  
18 or agency having the child in charge, to show cause why such guardian  
19 should not be appointed. In any case arising under the provisions of this  
20 act, the court may award the custody or guardianship of the person or both  
21 of any child before it to the father, mother, or other person, or to a  
22 public agency, or public official, or to a society or institution approved  
23 by the state board of charities for the care of children, as to the court  
24 seems wise, provided that in awarding such custody or guardianship the  
25 court may order the father, mother, or guardian to pay such sums as the  
26 court may fix for the support of the child.

27                   270 Nothing herein contained shall be construed as abridging  
28 the general chancery powers and jurisdiction of the supreme court over

1 the estates of minors, nor as abridging the powers of the surrogate to  
2 appoint guardians, nor as depriving any court of its jurisdiction over  
3 adults.

4           Section 18. Rules, records and forms. The court shall  
5 have power to make and to publish rules regulating its procedure in cases  
6 coming under the provisions of this act and for the guidance of probation  
7 officers and all other officers of the court. It shall devise and cause  
8 to be printed for public use a book in which shall be preserved the records  
9 of the children's court, which shall be known as the Children's Court  
10 Record, and such other forms as may be necessary for carrying out the  
11 provisions of this act. All expenses incurred in complying with the pro-  
12 visions of this section shall be a charge upon the county.

13           Section 19. Other provisions of law inapplicable. All  
14 provisions of the Penal Law or of the Code of Criminal Procedure, and of  
15 other statutes inconsistent with or repugnant to this act shall be con-  
16 sidered inapplicable to cases arising under this act.

17           Section 20. This act shall take effect on the first day  
18 of September, nineteen hundred and twenty-two.

51061

# THE PRISON ASSOCIATION OF NEW YORK

INCORPORATED IN 1846

135 EAST FIFTEENTH STREET  
NEW YORK

EXECUTIVE COMMITTEE  
GEO. W. WICKERSHAM, CHAIRMAN

EUGENE SMITH  
PRESIDENT

ROBERT W. DE FOREST  
THOMAS MOTT OSBORNE  
GEORGE W. KIRCHWEY  
GEORGE W. WICKERSHAM  
VICE-PRESIDENTS

C. C. AUCHINCLOSS  
TREASURER 135 E. 15TH ST.

DECATUR M. SAWYER  
SECRETARY

O. F. LEWIS  
GENERAL SECRETARY

E. R. CASS, ASST. GEN. SEC'Y.

## PURPOSES OF THE SOCIETY

1. THE PROTECTION OF SOCIETY AGAINST CRIME.
2. THE REFORMATION OF THE CRIMINAL.
3. PROTECTION FOR THOSE UNJUSTLY ACCUSED.
4. PROBATION FOR FIRST OFFENDERS.
5. IMPROVEMENT IN PRISONS AND PRISON DISCIPLINE.
6. EMPLOYMENT AND WHEN NECESSARY, FOOD, TOOLS AND SHELTER FOR DISCHARGED PRISONERS.
7. NECESSARY AID FOR PRISONERS' FAMILIES.
8. SUPERVISION FOR THOSE ON PROBATION AND PAROLE.
9. NEEDED LEGISLATION.

IRA BARROWS  
GEORGE BLUMENTHAL  
B. OGDEN CHISOLM  
J. PENMORE COOPER

MRS. JAMES F. CURTIS  
FULTON CUTTING  
J. E. DAVIS  
WILLIAM H. GRATWICK

HENRY G. GRAY  
HENRY E. GREGORY  
ALEXANDER M. HADDEN  
E. TROWBRIDGE HALL

EDWIN O. HOLTER  
RICHARD M. HURD  
FRANK D. PAVEY  
WILSON M. POWELL

MRS. G. T. RICE  
DEAN SAGE  
MORTIMER SCHIFF  
ROSWELL SKEEL, JR.

TELEPHONE  
1470 STUYVESANT

March 27th, 1922.

Hon. Nathan L. Miller,  
Governor, State of New York,  
Executive Chamber, The Capitol,  
Albany, New York.

RE: SENATE INT. 1061, PR. 1800. By Mr. Walton.

Dear Sir: -

The Law Committee of the Prison Association desires to be recorded in favor of the above bill. The idea of the Juvenile Court has challenged the world by its importance. Of all the courts dealing with offenders, its procedure as administered during its twenty years of existence strikes at the most practical as well as the deepest issues relating to delinquency and delinquents. When operating effectively the Juvenile Court, together with cooperating agencies, has the chance to check and prevent the development of criminal careers vastly more than any other court. The purpose of the Juvenile Court has all along been quite clearly different from courts established under the criminal law. Its business is not to follow set forms of treatment of offenders. Its idea is individualization both of understanding and of treatment.

It is hoped that this measure will meet with your approval.

Very truly yours,

*E. R. Cass*  
Acting General Secretary.

ERC: KJ

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FIFTY-SECOND ANNUAL CONGRESS AMERICAN PRISON ASSOCIATION  
DETROIT, MICHIGAN, OCTOBER 12-18, 1922



*Hearing*

*5/661*

*Chas W. Fitch*

Chambers of Ontario County Court  
Canandaigua, N. Y.

HORACE W. FITCH, JUDGE

March 4th, 1922.

Hon. Nathan L. Miller,  
Governor, Executive Chamber,  
Albany, N. Y.

My dear Governor:

I am advised by the State Charities Aid Association that under date of February 27th Senator Walton introduced a bill which is No. 1234, providing for a county-wide Children's Court in all of the counties of this state, except Greater New York and that this bill repeals all of the special acts creating juvenile courts in the state. That of course would repeal the act under which Monroe County is working, the Chautauque County act and the Ontario County act which was passed in 1913, being Chapter 270 of the Laws of that year.

As County Judge I have presided over the Children's Court of this county for a little more than six years and I am sure that our act is giving splendid satisfaction.

I am interested in seeing every county in the State of New York have a suitable Children's Court and in my judgment it should be a part of the County Court, but if only a part of the things are true concerning the bill above referred to and its provisions which have been called to my attention I most earnestly protest against this bill becoming a law of the state.

I do this not only in behalf of the children of Ontario County, in whom of course I am greatly and primarily interested because of my work, but also in behalf of the children of the state.

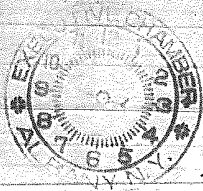
I am not going to presume upon your time to call attention to any of the defects in this bill as I have no doubt others will do so, but I most courteously urge you, if the bill should come to you for approval, not to sign it and I respectfully ask if it should come to you for approval and you should seriously consider it that I may be granted a hearing before any executive action is definitely taken.

273

Most respectfully yours,

*Horace W. Fitch*

HWF/LAW




MAR - 6 1922

274

CLASS OF SERVICE / SYMBOL	
Telegram	Blue
Day Letter	Blue
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE / SYMBOL	
Telegram	Nite
Day Letter	Nite
Night Message	Nite
Night Letter	N L

If none of these three symbols appears after the check (number of words) this is a telegram. Otherwise its character is indicated by the symbol appearing after the check.

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GOVERNOR MILLER

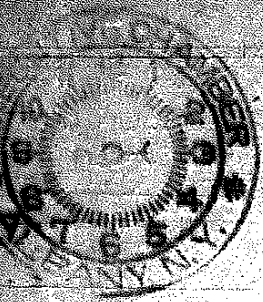
567

CAPITAL ALBANY NY

THE ORANGE COUNTY COMMITTEE OF THE STATE CHARITIES AID ASSOCIATION  
 PROTESTS AGAINST THE PASSAGE OF SENATOR WALTONS BILL NUMBER ONE TWO  
 THREE FOUR PERIOD THIS BILL IN NO WAY SATISFIES THE REQUIREMENTS  
 FOR CHILDRENS LEGISLATIONS DESIRED BY OUR ORGANIZATION FOR DEPENDENT  
 CHILDREN AND WE ARE OPPOSED TO ITS ENACTMENT  
 GERALD F. ADEE PRESIDENT ORANGE COUNTY COMMITTEE.

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MAR - 6 1955

276



MONTGOMERY COUNTY COURT CHAMBERS  
AMSTERDAM, NEW YORK  
CHARLES E. HANDEE, JUDGE

March 3rd, 1922.

Hon. Nathan L. Miller,  
Albany, N.Y.

My dear Governor Miller:

My attention has been called to the proposed legislation, known as the Board of Child Welfare bill. I am very much interested, both as a judicial officer and as a citizen, in the purpose of the bill and the work which it is intended to cover. I can see no reason why there should be any objection to the bill on the part of anyone who is interested in children.

As only criticism of the bill is that it is not mandatory and is only permissive, it should be mandatory. We certainly have progressed sufficiently in this age where the machinery of the people should be compelled to take an interest in this character of work. To allow the various boards of supervisors to determine whether or not the act should be operative in any particular county is allowing the matter to be made into politics and it, also, allows the State to consider dollars and cents instead of the lives of children.

Further, in my opinion, there should be no objection to permitting county boards of Child Welfare to receive neglected children when committed to the boards by a court. The centralization of such work is absolutely necessary for its success and for best results. If one board is allowed to take children under certain circumstances and another under other circumstances, then a diversity of work and interest is created, such as would create beyond question, inconsistencies, more or less overlapping and, no doubt, many complications between two bodies endeavoring to cover the same field or, at least, violating the right so to do.

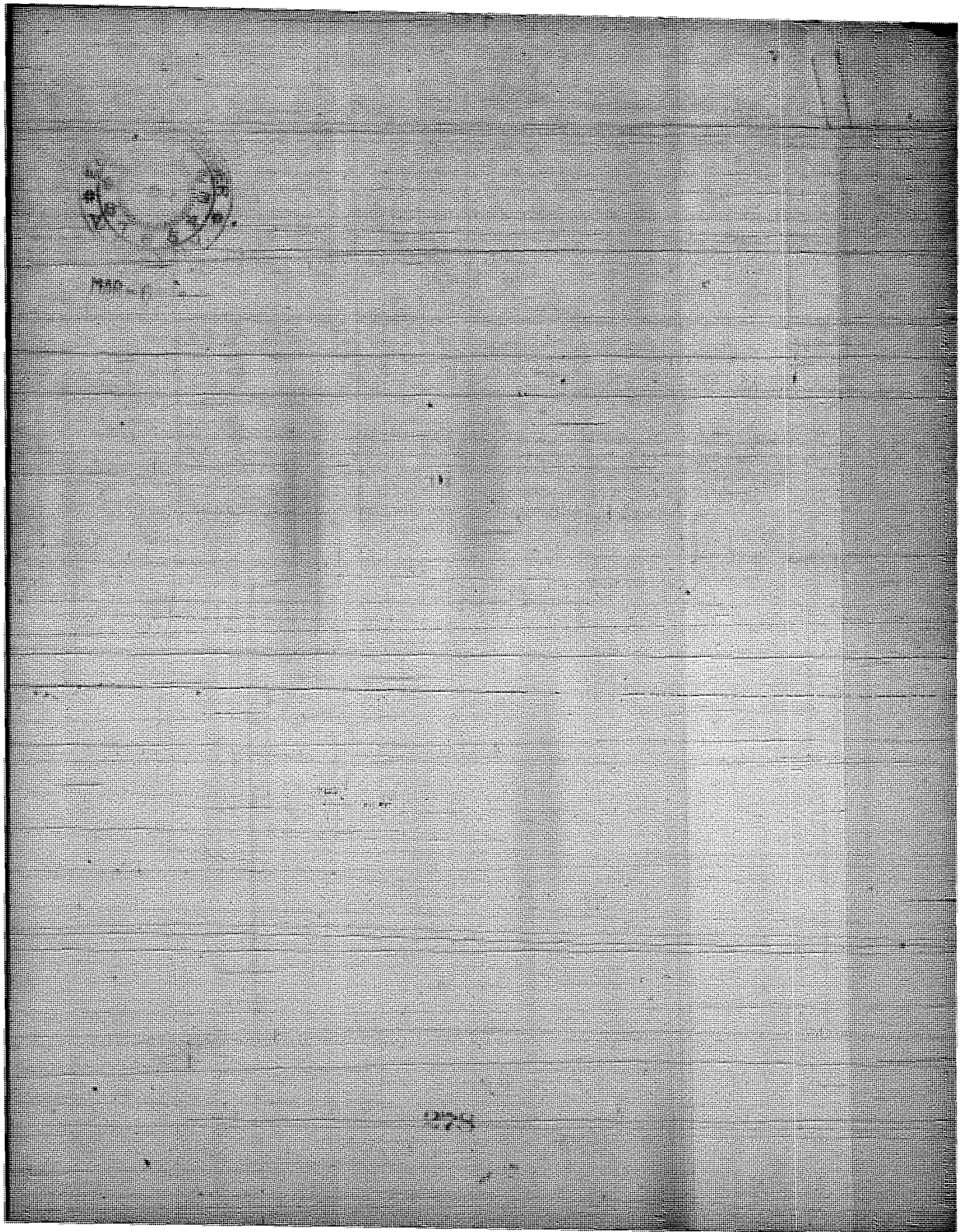
Three things now to my mind, very important in the success of this work: centralization of the work under a certain head, mandatory provisions and non-political course.

Yours very truly,

377

*Charles E. Handee*

CEH:RMB





S 1061

7-2-20

Bishop's House,  
Albany.

March 8, 1922.

Honorable Nathan L. Miller,  
Executive Chamber,  
Albany, N.Y.

Your Excellency:

In your memorandum on Senate Bill 1452, introduced by Senator Walton and having to do with Juvenile Courts, you asked that the following part of general provisions on page 12, lines 6 to 16 be stricken out.

" If a person corporation, association, agency, society or institution shall subsequently place, release or and remove such child from whence it was placed or released the fact of such removal and the disposition made of such child shall be entered upon such record. A duplicate copy of the record in the first instance and the subsequent removal or removals of such child shall be filed with the State Board of Charities within ten days therefrom."

At a meeting of the State Council of Catholic Charities held last evening, it was the unanimous opinion of the representatives of the seven dioceses comprising the representation of the Catholic Church in the entire State, that this is one of the most important provisions of the bill, and we respectfully ask that it be retained in its entirety.

For years large groups of our orphan institute and neglected children have been placed out by child placing agencies, some of them quasi-public child placing agencies, and by agents other than those of our Church, and through their methods large groups of these children have been lost to the Catholic Faith. Many of these agencies are chartered in such a way that they are not compelled to report placement and transfers to the State Board of Charities. They answer the requirement of the statute in placing children in catholic homes in the first instance, but because they are not compelled to report subsequent placements or to keep a full record of the final disposition of the child, it is impossible for us to discover the actual home of the child, and to determine whether or not the child is being brought up in the Catholic Faith. We oftentimes discover the abode or home of the child by accident, and in hundreds of instances we have found that this catholic child has been placed in a non-catholic home and non-catholic environments, and is being brought up by foster parents outside of our Faith. Taught by past experience and because we deem this saving clause to be so vital to our interests, we respectfully submit that it should be retained in the bill.

Bishop's House.  
Albany.

Trusting that your Excellency will see your way to  
approve of this suggestion, I remain,

Yours respectfully,

*Edmund J. Kelly*

Bishop of Albany.

Chairman of State Council of Catholic Charities.



March 9th, 1922.

Rt. Rev. Edmund F. Gibbons,  
Bishop of Albany,  
Albany, New York.

My dear Bishop Gibbons:-

I acknowledge your letter of March eighth with reference to Senate Bill 1452, introduced by Senator Walton. I have never requested that the provision quoted in your letter and found on Page 12 Lines 8 to 16 of the Bill be stricken out. I think this is one of the most important provisions in the Bill and I assure you that it will not be stricken out.

Very sincerely yours,

March 6, 1922.

Hon. Leonard W. H. Gibbs, Chairman,  
Cities Committee,  
Senate Chamber,  
Capitol, Albany, N.Y.

My dear Senator:-

I am enclosing herewith, for your information, two letters which I have received from W. Fenton Myers, Esq., Farmers National Bank Building, Amsterdam, N.Y., and Mrs. Preston Paris, Chairman of the Washington County Committee of the State Charities Aid Association, Hudson Falls, N.Y., on the subject of Child Welfare legislation.

Very sincerely yours,

282

March 6, 1922.

W. Fenton Myers, Esq.,  
Conover, Myers & Searis,  
Farmers National Bank Bldg.  
Amsterdam, N.Y.

My dear Mr. Myers:-

I acknowledge your letter of March second with reference to legislation on Child Welfare. Your letter is being referred, for attention, to the Committee in charge of such legislation.

Very sincerely yours,

283

March 6, 1922.

Mrs. Preston Paris, Chairman,  
Washington County Committee of the  
State Charities Aid Association,  
Hudson Falls, New York.

My dear Mrs. Paris:-

I acknowledge your letter written  
on behalf of the Washington County Com-  
mittee for Dependent Children with refer-  
ence to legislation on Child Welfare.  
Your letter is being referred, for at-  
tention, to the Committee in charge of  
such legislation.

Very sincerely yours,

284



**Dutchess County Court Chambers**

C. W. H. ARNOLD  
DUTCHESS COUNTY JUDGE

*Child Welfare*

Poughkeepsie, N. Y., February 27th, 1912

Governor Miller,  
The Capitol,  
Albany, N.Y.

Your Excellency:

It has been called to my attention that in the discussion of the Board of Child Welfare bill now under consideration it has been stated that the present Dutchess County law does not operate well; that neglected children in the county are not receiving proper care, and that it is absolutely essential to have private Societies for the Prevention of Cruelty to Children in the field if children are not to be left in a state of want or neglect.

From my observation of the operation of the Dutchess County law I think the present centralized plan for the care of dependent, neglected, defective and delinquent children is working very well, and it is unnecessary for any private society to handle any of the work. Although there is a Society for Prevention of Cruelty to Children in Dutchess County, it does not function to any appreciable extent as the work is being so well handled that the society's existence is unnecessary. In my judgment it would not be wise for a county to accept a plan for a so-called centralized system of child care which did not give it full power to receive on court commitment neglected children to be cared for as other poor children would be. I would strongly advise that a

**Dutchess County Court Chambers**

C. W. H. ARNOLD  
DUTCHESS COUNTY JUDGE

Poughkeepsie, N. Y., February 27th, 1922

-2-

county Board of Child Welfare should have administrative control  
over neglected as well as dependent and defective children.

Respectfully yours,

*C. W. H. Arnold*  
DUTCHESS COUNTY JUDGE.

A-M.

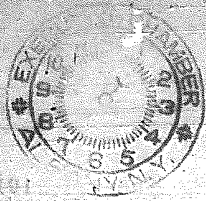
*Daniel P. Blinn*  
Dutchess County Surrogate

*Edward A. Conger*  
City Judge Poughkeepsie  
from Jan. 1. 1918 to Jan. 1. 1922

*John B. Hunt*  
City Judge Poughkeepsie

(A. C.) *J. J. Meaker*

*Laura J. Wylie*  
President Women's City & County Club  
*Samuel R. Davis Sheriff*



FFRO 8100

S. 1061

STATEMENT CONCERNING BILL FOR ESTABLISHMENT OF  
CHILDREN'S COURTS.

The chief purpose of this bill is to provide a way by which a children's court may be established in any county, outside the city of New York where such courts already exist, without compelling any county to accept a court that it does not desire.

A constitutional amendment recently adopted authorizes the legislature to establish courts, either independently or as parts of courts already existing, with such jurisdiction as may be necessary for the correction, protection, guardianship and disposition of delinquent, neglected or dependant minors and for the punishment and correction of adults responsible for or contributing to such delinquency, neglect or dependency. Provision is made in another bill for the establishment of county boards of child welfare for the care of dependant children and such children are not, therefore, placed under the jurisdiction of the children's court. The definitions of neglected and delinquent children in this bill are chiefly a collection of provisions of law now in force in the state with a few changes or additions as thought necessary, and are based upon the following distinctions:

A neglected child is one whose condition is due to no fault of his own but to that of those responsible for his care.

A delinquent child is one whose condition is due to fault of his own.

Only a few counties outside the city of New York have special children's courts. This bill establishes a children's court in any county whose board of supervisors and county court judge accept it.

The court is given jurisdiction in cases of children under sixteen years



of age who are neglected or delinquent, or whose custody is in controversy and also in cases of adults responsible for or contributing to the neglect or delinquency of children and in cases of bastardy. The judge of the county court is made judge of the children's court but he, and the board of supervisors may provide for the election of a judge of the children's court to devote his full time to the business of the court whenever they shall deem it necessary. The bill gives to the judge of the children's court the right to appoint and discharge probation officers and other court attendants or employees but leaves their compensation to be fixed by the board of supervisors; it provides for the establishment of a detention home by the board of supervisors when in their opinion this is necessary; it sets out the duties of probation officers and it defines clearly the power of the court in respect to any child found to be either a neglected or a delinquent child.

The leading features of the bill are (1) that its acceptance is left to each county; (2) that the board of supervisors has control of the expenditure of public funds of the county by the children's court; (3) that it is a court of narrow rather than wide jurisdiction, its scope being confined almost exclusively to children under sixteen years of age who are neglected or delinquent; and (4) that since the judge may be either the judge of the county court or a judge elected by the people of the county for full time service, it is adapted to any county whether of small or large population.

AN ACT to provide for the establishment of children's courts as parts of county courts; to define their jurisdiction, powers and duties; to define the classes of children within their jurisdiction, and the custody and guardianship of the person of children; to provide for judges of children's courts and for their compensation and that of court employees; to prescribe the procedure in dealing with children and to provide for their detention and care; to define the powers and duties of probation officers and other court appointees; to provide for appeals; and to make inapplicable to cases arising under this act all provisions of law inconsistent with this act.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1           Section 1. Definitions. The words "the court" when used in  
2 this act, shall mean the children's court whose establishment is author-  
3 ized by this act.

4           The words "the judge" when used in this act, shall mean the  
5 judge of the children's court.

6           The word "child" or "children" when used in this act, shall  
7 mean respectively any person or persons under the age of sixteen years.

8           A neglected child is a child under the age of sixteen years  
9 (1) who is an abandoned child; or (2) whose parents or parent having the  
10 right of guardianship is by reason of improvidence, immorality, depravity,  
11 incompetency, mental incapacity, cruelty or gross lack of interest in his  
12 welfare, unfit to have such right, whether the child be in the custody of  
13 such parent or not; or (3) whose parents, guardian, or lawful custodian  
14 fail without good reason to supply him with the necessities of life or to  
15 provide for his proper care and training; or (4) who is suffering from  
16 any abnormal physical or mental condition requiring treatment or training  
17 in a hospital, institution, or elsewhere and whose parents, guardian, or  
18 lawful custodian refuse or fail to provide for such treatment or training;  
19 or (5) who wanders about any city, town, village or elsewhere without

1 proper or lawful occupation; or (6) who lives with or innocently  
2 frequents the company of vicious, disreputable, immoral or criminal  
3 persons whether related to him or not; or (7) who innocently frequents  
4 any resort of questionable character or any place to which the admittance  
5 of persons of his age is prohibited, either with or without his parent,  
6 guardian, or custodian; or (8) who, without committing juvenile delin-  
7 quency, forms associations or commits acts for the permitting of which  
8 a parent, guardian, custodian or other person may be punishable by law;  
9 or (9) who is employed, shown, or used in any task, exhibition, or  
10 practice for permitting his engagement in which a person may be guilty  
11 of a misdemeanor, or who is disposed of or trained for participation in  
12 any such task, exhibition, or practice; or (10) who is in a situation  
13 or engages in an occupation where his life or limb is endangered or his  
14 health is likely to be injured or his morals are likely to be depraved.

15 An abandoned child is a child under the age of sixteen  
16 years who is deserted in any place by both parents, or by the parent  
17 having his custody, or by other persons charged with his care, and left  
18 (1) in destitute circumstances; or (2) without adequate means of support;  
19 or (3) without reasonable arrangements having been made for supplying him  
20 with necessary and proper food, clothing, shelter, education, and medical  
21 care until he shall have become sixteen years of age; or (4) without being  
22 visited or having payments made toward his support by such parent, guardian  
23 or lawful custodian, without good reason, for the period of one year; or  
24 (5) in danger of becoming a burden upon the public.

25 A delinquent child is a child under the age of sixteen  
26 years who (1) without committing a felony, violates any law or any local  
27 ordinance; or (2) commits any offense which, if committed by an adult,  
28 would be a crime not punishable by death or life imprisonment; or (3)

1 engages in any occupation unlawfully; or (4) has in his possession any  
2 dangerous weapon or instrument the manufacture or sale of which, or the  
3 disposal of which to such child is forbidden by law; or (5) deserts his  
4 home without good and sufficient cause; or (6) keeps company with vicious,  
5 immoral, or criminal persons against the commands of his parents, guardian,  
6 or lawful custodian; or (7) is not susceptible of proper restraint or con-  
7 trol by his parents, guardian, teacher, or lawful custodian, or by the  
8 public officer or board responsible for his care, and habitually disobeys  
9 their reasonable and lawful commands; or (8) habitually uses profane, or  
10 indecent language; or (9) gambles or knowingly enters any place where  
11 gambling is permitted or where his presence is in violation of law; or  
12 (10) habitually uses tobacco, intoxicating liquor, injurious or narcotic  
13 drugs, or other substance likely to interfere with his normal growth and  
14 development; or (11) so deports himself as to endanger the morals, health  
15 or general welfare of himself or of others.

16 Juvenile delinquency is the commitment by a child under the  
17 age of sixteen years of any of the offenses enumerated in the foregoing  
18 definition of a delinquent child.

19 Section 2. Establishment of Children's Court. There is  
20 hereby established in every county, outside the city of New York, whose  
21 judge of the county court and board of supervisors, by a majority vote of  
22 its members, shall jointly accept this act as applicable to the county,  
23 a children's court as a part of the county court, which shall be known  
24 for convenience as the Children's Court of \_\_\_\_\_ County and which  
25 shall have the jurisdiction, powers and duties hereinafter set forth;  
26 provided, however, that this act shall not apply to any county in which  
27 a children's court has been established by special act of the Legislature  
28 unless the board of supervisors of such county, by a majority vote of its



1 members, and the judge of such children's court shall jointly agree that  
2 such children's court shall be a court under the provisions of this act,  
3 and the children's court after such agreement shall be held established  
4 according to the provisions of this act and shall have the jurisdiction,  
5 powers and duties hereinafter set forth, and the special act under which  
6 such children's court theretofore existed shall be held superseded by  
7 this act.

8                   Section 3. Jurisdiction. The children's court, when  
9 established in any county, shall have for the purposes of this act ex-  
10 clusive original jurisdiction in every case of a neglected child or a  
11 delinquent child as herein defined, who resides in or is at the time in  
12 the county, and in the case of a child under the age of seventeen years  
13 charged with an offense committed before he reached the age of sixteen  
14 years if the offense was juvenile delinquency as herein defined; and in  
15 the case of a child under sixteen years of age whose custody is the  
16 subject of controversy, except that when the question of the custody of  
17 a child is incidental to the determination of a cause pending before the  
18 supreme or surrogate's court, such court shall not be deprived by any  
19 of the provisions of this act of the jurisdiction to determine such  
20 question, but may, in its discretion, refer such question to the children's  
21 court for hearing and determination.

22                   The children's court shall have jurisdiction concurrent  
23 with other courts to punish and correct as disorderly persons all persons  
24 over the age of sixteen years responsible for or contributing to the neglect  
25 of a neglected child or the delinquency of a delinquent child, and to compel  
26 the support of a neglected child by the person or persons legally chargeable  
27 therewith.

28                   The court shall have the same original jurisdiction in pro-  
29 ceedings respecting bastards as justices of the peace and police justices.

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1 The powers of the court and the procedure in such cases shall be as provided  
2 by law for such cases when brought before justices of the peace or police  
3 justices, except that the judge may hear and determine such cases without  
4 associating with himself another magistrate.

5 When jurisdiction has been obtained by the children's court  
6 in the case of any child, such child shall continue for the purposes of  
7 this act under the jurisdiction of the court until he becomes twenty-one  
8 years of age unless discharged prior thereto by the court, or if delinquent  
9 unless committed prior thereto to an institution maintained by the state,  
10 or if neglected unless committed prior thereto to a public official or  
11 agency.

12 Section 4. Judges. The judge of the county court shall be  
13 judge of the children's court. If there be only one judge of the county  
14 court, the board of supervisors may allow additional compensation to such  
15 judge in consideration of the additional duties imposed upon him by this  
16 act.

17 If there be two or more judges of the county court in any  
18 county in which a children's court is established, such judges or a majority  
19 of them shall annually designate in a written communication addressed to  
20 the board of supervisors and made a part of the records of the children's  
21 court, which judge of the county court shall be judge of the children's  
22 court and such judge of the county court when so designated shall be  
23 judge of the children's court for the next ensuing year.

24 If the judge or judges of the county court, if there be two,  
25 or a majority of them if there be more than two, and the board of super-  
26 visors of any county in which a children's court has been established  
27 under this act, jointly agree that it is necessary for a judge of the  
28 county court to devote his full time to the business of the children's  
29 court, there shall be elected thereafter at the regular election, in the

1 same manner and for the same term as judges of the county court, a judge  
2 of the children's court, who shall be inducted into his office in the same  
3 manner as a judge of the county court, who shall devote his full time to  
4 the business of the children's court, and who shall receive the same com-  
5 pensation as a judge of the county court; provided, however, that if a  
6 vacancy should occur in the office of judge of the children's court other-  
7 wise than through expiration of the term, the judge of the county court  
8 shall, in a written communication addressed to the board of supervisors and  
9 made a part of the records of the children's court, designate a suitable  
10 person resident in the county to act as judge of the children's court for  
11 the unexpired portion of the term, and such person so designated, when duly  
12 inducted into office, shall have all the powers and shall perform all the  
13 duties of the judge of the children's court and shall receive the compensa-  
14 tion fixed for such office.

15 In the absence of the judge of the children's court on ac-  
16 count of disability or other valid excuse, the county judge may hold  
17 sessions of the children's court for the trial of cases arising under the  
18 provisions of this act at such times and places as the said county judge  
19 may determine.

20 Section 5. General Provisions. Sessions of the court shall be  
21 held at such times and at such places as the judge shall from time to time  
22 determine, but such sessions shall not be held in conjunction with sessions  
23 of the county court at which cases against adults are heard or at which  
24 business other than that provided for by this act is transacted. The court  
25 may exclude the general public from the room or place of hearing of the  
26 case of any child, and also any person who appears to the court to have a  
27 harmful or undue influence over such child even if such person has a direct  
28 interest in the case.

1           The court shall keep a full and complete record of all  
2 cases before it, such record to be known as the Children's Court Record  
3 of \_\_\_\_\_ County. Any and all such records may by order of the court  
4 be withheld from public inspection, but the record of any child shall be  
5 open at all times to inspection by the person having the right of guardian-  
6 ship of the child.

7           This act shall be construed liberally and as preventive as  
8 well as remedial in character. No adjudication under its provisions shall  
9 operate as a disqualification of any child subsequently to hold public  
10 office; nor shall any child be denominated a criminal by reason of any  
11 such adjudication. Neither the fact that a child has been before the  
12 children's court for hearing, nor any confession, admission, or statement  
13 made by him to the court or to any officer thereof while he is under the  
14 age of sixteen years, shall ever be admissible as evidence against him or  
15 his interests in any other court.

16           Section 6. Probation officers and other employees. The  
17 judge shall have power

18 (a) to appoint such number of clerks, stenographers, and court attendants  
19 as the board of supervisors may authorize;

20 (b) to appoint a chief probation officer and as many other probation  
21 officers as the board of supervisors may authorize; provided, however, that  
22 the judge may appoint any agent, officer, or representative of the local  
23 public agency charged with the care or protection of children, or of any  
24 other agency, society, or organization, or any other person, as volunteer  
25 probation officer, to act either in a specific case or generally as the  
26 court may order, but no such volunteer probation officer shall receive pay  
27 from public funds for his services;

28 (c) to appoint when authorized by the board of supervisors, a children's



1 court physician who shall be duly licensed to practice medicine in the  
2 state and who shall make physical examinations of children as the court  
3 may order;

4 (d) to appoint when authorized by the board of supervisors a children's  
5 court psychologist who shall be a qualified examiner as defined by the  
6 Mental Deficiency Law and who shall make such mental examinations of  
7 children as the court may order;

8 (e) to discharge any such clerk, stenographer, court attendant, probation  
9 officer, children's court physician or children's court psychologist at  
10 any time.

11 Notice of such appointment or discharge and the date there-  
12 of shall be given in writing by the judge to the board of supervisors at  
13 its next regular meeting after such appointment or discharge. The com-  
14 pensation of every such clerk, stenographer, court attendant, probation  
15 officer, children's court physician, and children's court psychologist  
16 shall be fixed by the board of supervisors.

17 Section 7. Statement and petition as to a neglected or  
18 delinquent child. Any person having knowledge or information that a child  
19 is a neglected or a delinquent child as defined in section I of this act,  
20 may institute a proceeding by filing in the court a statement made upon  
21 information and belief and certified to by affidavit, setting forth the  
22 allegations which bring such child within the provisions of this act, and  
23 by petitioning the court to adjudge such child to be a neglected or a  
24 delinquent child as the case may be. The title of the proceeding shall  
25 be "Children's Court, County of \_\_\_\_\_, in the matter of \_\_\_\_\_,  
26 a child under sixteen years of age." The statement shall set forth the  
27 names and residence of the child and of the parents, if known to the  
28 petitioner, or the name and residence of the person having the guardian-

1 ship, custody, control, or supervision of such child, if the same be known  
2 to the petitioner, or shall set forth that they are unknown if that be  
3 the fact.

4 Section 8. Issuance of summons. Upon the filing of the  
5 statement and petition, the court may forthwith or after an investigation  
6 by a probation officer or other person, cause to be issued to the child,  
7 unless such child be already in the custody of the court, and to the parent,  
8 or in case there be no parent, to the person having the guardianship,  
9 control, custody, or supervision of such child, or to the person with  
10 whom the child may be, a summons signed by the judge or by the clerk of  
11 the court requiring them to appear at the place and time stated in the  
12 summons, to show cause why such child should not be adjudged neglected  
13 or delinquent and dealt with according to the provisions of this act.  
14 The court may order that the child be taken into custody immediately by  
15 the officer serving the summons.

16 Section 9. Service of summons. Service of summons with-  
17 in the county shall be made personally by delivering to and leaving with  
18 the parent, guardian, or custodian of the child a true copy thereof.  
19 If the court be satisfied that reasonable but unsuccessful effort has  
20 been made to serve the summons personally upon the party or parties named  
21 therein, other than the child, it may at any stage of the proceedings,  
22 make an order providing for substitute service by delivering a copy of  
23 the summons or a supplemental summons to some member of the child's  
24 family or other person over twenty-one years of age with whom the child  
25 may live or be found, or in such other manner as it may direct; if it  
26 shall appear to the court that any of the parties other than the child  
27 named in said summons are without the county, the summons may be served  
28 by registered mail, by publication, or personally, in such manner and at

1 such time before the hearing as it may direct. Service of the summons  
2 before the time fixed therein for its return shall be sufficient to  
3 warrant the court in proceeding with the case but the court, if post-  
4 ponement be requested, shall not proceed with the hearing earlier than  
5 the third day after service. Proof of service shall be made as in other  
6 courts of record. Failure to serve summons upon any person other than  
7 the child shall not impair the right of the court to proceed in any case  
8 when it shall have declared such case to be an emergency. The summons  
9 shall be a mandate of the court, and wilful failure to obey its require-  
10 ments shall subject any person guilty thereof to punishment as for con-  
11 tempt.

12 The sheriff of the county shall serve or cause to be  
13 served papers as directed by the court; provided, however, that papers may  
14 be served by any probation officer, or by any other person when ordered by  
15 the court to do so. The expenses incurred in serving the summons shall be  
16 a county charge.

17 Section 10. Arrest; transfer from other courts. Nothing  
18 in this act shall be construed as forbidding the issuing of a warrant in  
19 the case of a child or the taking into custody, with or without warrant,  
20 of any child, as provided by law. Whenever a child apparently under six-  
21 teen years of age is charged with any offense or is alleged to be a  
22 neglected child and is brought before any court or magistrate other than  
23 the children's court, such court or magistrate shall at once transfer  
24 the case to the children's court and thereupon the child shall be taken  
25 forthwith to the children's court or to the place of detention designated  
26 by the judge. All papers and processes relating to the case in the hands  
27 of such court or magistrate shall be forthwith transmitted to the children's  
28 court and shall be filed therein. The children's court shall proceed

1 to hear and dispose of such case in the same manner as if the proceeding  
2 had been instituted in such court by petition; provided, however, that if  
3 the court find that it has not jurisdiction it shall transfer the case  
4 to the proper court for hearing.

5 Section 11. Place of detention. In no case arising  
6 under this act shall any child actually or apparently under sixteen years  
7 of age be held in any jail, lock-up or other place of confinement for  
8 adults, nor be transported in any patrol wagon or like conveyance to-  
9 gether with an adult offender.

10 The judge may entrust a child held for hearing or as a  
11 witness to his parent or other suitable person or to the public agency  
12 or official having the care of dependent children in the county, subject  
13 to the orders of the court, or he may arrange with any society or associ-  
14 ation which is duly incorporated and approved for such service by the  
15 state board of charities and which maintains a suitable place of detention  
16 for children, for the use of such place as a temporary detention home for  
17 children who are under the jurisdiction of the court. The court may order  
18 that reasonable compensation be paid by the county to such society or  
19 association for such care; provided, however, that such compensation shall  
20 not exceed the sum fixed by the board of supervisors for such care.

21 If the judge shall certify to the board of supervisors  
22 that a suitable arrangement for such temporary care of children can not  
23 be made or continued, such board may establish, equip, and maintain a  
24 home for the detention of children under the court's jurisdiction. Such  
25 detention home shall be apart from any place of confinement of adults.  
26 It shall be an agency of the court for the purposes of this act and, so  
27 far as possible, shall be furnished and conducted as a family home in  
28 charge of a superintendent or matron who shall reside therein; provided,



1 however, that no female child shall be placed in such detention home except  
2 under the care of a matron.

3 The judge, when authorized by the board of supervisors, may  
4 appoint a superintendent or matron or both and other necessary employees  
5 of the detention home. The compensation of any such superintendent, matron  
6 or other employee of such home shall be fixed by the board of supervisors.  
7 The judge may discharge any superintendent, matron or other employee of  
8 such home at any time. Notice of such discharge and the date thereof shall  
9 be given in writing by the judge to the board of supervisors at its next  
10 regular meeting after such discharge. The necessary expense incurred in  
11 maintaining such detention home shall upon order of the judge be paid by  
12 the county out of funds appropriated by the board of supervisors for the  
13 purpose.

14 Section 12. Powers and duties of probation officers. The  
15 chief probation officer shall, under the direction of the court, have  
16 supervision of the work of all other probation officers and he shall, when  
17 ordered by the judge, act as clerk of the court. It shall be the duty of  
18 a probation officer to make such investigations before, during, and after  
19 the hearing of any case as the court may direct and to report his findings  
20 to the court. He shall have charge of the child before, during, and after  
21 the hearing, as directed by the court. He shall visit and keep himself  
22 informed as to the conduct and condition of each child under his super-  
23 vision and shall make report thereof to the court. He shall keep accurate  
24 accounts of all moneys or other articles collected or taken from persons  
25 under his supervision and shall make report thereof to the court. Pro-  
26 bation officers shall, for the purposes of this act, have the powers of  
27 peace officers.

28 Section 13. Hearing; judgment and disposition. Upon the

1 return of the summons, or after the child has been taken into custody,  
2 the court shall proceed at the time set to hear the case in a summary  
3 manner. It shall conduct the examination of witnesses and shall receive  
4 reports of probation officers as to the child's habits, behavior, associ-  
5 ations, and home conditions, and other matters that bear upon the case,  
6 together with reports of mental and physical examinations of the child.  
7 The court may adjourn the hearing from time to time and order further in-  
8 vestigation to be made by probation officers or other persons. The nature  
9 of the proceeding shall be explained in so far as this is possible to the  
10 child and also to his parent, guardian, or person responsible for his care  
11 if any of these appear. The court may appoint some suitable person as  
12 guardian ad litem of the child.

13 After having heard the case, the court, if convinced that  
14 the child is either a neglected or a delinquent child as defined in this  
15 act, may so adjudge and thereupon  
16 (a) release the child on probation to his own home, or elsewhere, subject  
17 to the orders of the court and to the visits, supervision, and control of  
18 a probation officer;  
19 (b) commit the child to a relative or other person upon such conditions  
20 as the court may deem wise and subject to its orders; provided that the  
21 person to whom the child is committed may return such child to the court  
22 at any time if he deem this necessary or advisable;  
23 (c) commit the child to a public agency or official within the county  
24 authorized by law to receive and to care for neglected or delinquent  
25 children; provided, however, that no delinquent child shall be so committed  
26 unless such agency or official agree to receive it, and provided, further  
27 that such agency or official may return to the court at any time a delin-  
28 quent child so committed to it; and provided, further, that a neglected

1 child so committed shall remain under the care and protection of such  
2 public agency or official until he becomes twenty-one years of age or is  
3 discharged prior thereto by such agency or official as provided by law;  
4 (d) commit the child if delinquent to a suitable institution maintained  
5 solely for the care of minors by the state or by any subdivision thereof  
6 until he becomes twenty-one years of age or is discharged prior thereto  
7 by such institution as provided by law; or  
8 (e) commit the child to any appropriate institution or society duly in-  
9 corporated and approved by the state board of charities for the care of  
10 neglected or delinquent children; provided, however, that such institution  
11 or society may return to the court at any time a child so committed to it.

12 The adjudging of a child to be a neglected child according  
13 to subdivision (1), (2), or (3) of the definition of a neglected child  
14 in this act when specified in the decree and order, shall deprive the  
15 parents, parent or duly appointed guardian of such child of all rights  
16 of custody and guardianship over such child.

17 The court may order any child in its jurisdiction who is  
18 in its opinion, a mental defective, to be examined as provided for in the  
19 Mental Deficiency Law and if found to be a mental defective as therein  
20 defined, may commit such child in accordance with the provisions of said  
21 law.

22 The court may order any child in its jurisdiction to be  
23 examined by a physician and may arrange for medical or surgical care or  
24 treatment for any such child found to be in need of such care or treatment.

25 The court may at any time terminate its jurisdiction over  
26 a child by discharge.

27 Section 14. Compensation and liability for support and  
28 care. Whenever a child is committed under the provisions of this act to

1 any private society or institution or to any person other than his  
2 parent or guardian, compensation for his support and care if committed  
3 as a delinquent child, shall be unless otherwise agreed a charge upon  
4 the county, and if committed as a neglected child and retained in accord-  
5 ance with the rules of the state board of charities, shall be unless other-  
6 wise agreed a charge upon the county or upon the town in which he has a  
7 settlement as may have been determined by the board of supervisors; but  
8 in any case the court may, after notice to the parent or guardian and in-  
9 quiry into his ability to support such child so committed, order such  
10 parent or guardian to pay to the court or to a designated agency or person  
11 such sums at such times as it may direct for the support and treatment of  
12 the child. Wilful failure to pay as ordered may be punished as contempt  
13 of court.

14 Section 15. Determining child's age; order nunc pro tunc.

15 The court shall determine the age of every child before it for hearing  
16 and the age so determined shall be entered upon all orders of release on  
17 probation or of commitment and shall be held for the purposes of this act  
18 to be the age of the child.

19 When it becomes necessary to commit or to recommit any  
20 person under the jurisdiction of the court who is sixteen years of age  
21 or over, an order nunc pro tunc may be entered by the court as of the  
22 date of the original judgment in his case and such order shall have the  
23 same force as if the person were under sixteen years of age.

24 Section 16. Appeals. An appeal may be taken from any

25 final order or judgment of any children's court to the Appellate Division  
26 of the Supreme Court within thirty days after the entry of such order or  
27 judgment and if such appeal be taken by a guardian ad litem, the court  
28 may in its discretion allow such guardian ad litem an amount sufficient  
to cover the expenses incurred in printing the papers on appeal and such



1 allowance shall be a county charge. No order or judgment transferring  
2 the right of custody or guardianship of a child shall, however, be super-  
3 seded by appeal unless the judge shall grant a stay of execution pending  
4 the appeal and it shall be the duty of the judge to grant such stay of  
5 execution unless he be convinced that the interests of the child would be  
6 prejudiced thereby.

7                   Section 17. Definition of custody and guardianship of  
8 person; appointment of guardian of person. The guardianship of the person  
9 of a child is the right and duty to control such child for his nurture,  
10 training and protection, and includes the custody of such child. Custody  
11 of a child is the keeping of such child for his security.

12                   Whenever in the course of any proceeding instituted under  
13 the provisions of this act, it shall appear to the court that the welfare  
14 of any child within its jurisdiction would be promoted by the appointment  
15 of a guardian of its person, the court shall have power to make such  
16 appointment. Before making such appointment the court shall cause an order  
17 to be issued and served upon the parent or parents, the guardian, person,  
18 or agency having the child in charge, to show cause why such guardian  
19 should not be appointed. In any case arising under the provisions of this  
20 act, the court may award the custody or guardianship of the person or both  
21 of any child before it to the father, mother, or other person, or to a  
22 public agency, or public official, or to a society or institution approved  
23 by the state board of charities for the care of children, as to the court  
24 seems wise, provided that in awarding such custody or guardianship the  
25 court may order the father, mother, or guardian to pay such sums as the  
26 court may fix for the support of the child.

27                   Nothing herein contained shall be construed as abridging  
28 the general chancery powers and jurisdiction of the supreme court over

1 the estates of minors, nor as abridging the powers of the surrogate to  
2 appoint guardians, nor as depriving any court of its jurisdiction over  
3 adults.

4           Section 18. Rules, records and forms. The court shall  
5 have power to make and to publish rules regulating its procedure in cases  
6 coming under the provisions of this act and for the guidance of probation  
7 officers and all other officers of the court. It shall devise and cause  
8 to be printed for public use a book in which shall be preserved the records  
9 of the children's court, which shall be known as the Children's Court  
10 Record, and such other forms as may be necessary for carrying out the  
11 provisions of this act. All expenses incurred in complying with the pro-  
12 visions of this section shall be a charge upon the county.

13           Section 19. Other provisions of law inapplicable. All  
14 provisions of the Penal Law or of the Code of Criminal Procedure, and of  
15 other statutes inconsistent with or repugnant to this act shall be con-  
16 sidered inapplicable to cases arising under this act.

17           Section 20. This act shall take effect on the first day  
18 of September, nineteen hundred and twenty-two.

ILLEGITIMACY

The People of the State of New York, represented  
in Senate and Assembly, do enact as follows:

Section 1. Sections 74, 75 of Article 5 of the 1901

Law are hereby repealed.



CATTARAUGUS COUNTY  
STATE OF NEW YORK

Child Welfare Commission

REGULAR MEETINGS FIRST WEDNESDAY EACH MONTH  
SALAMANCA, NEW YORK

February 14th. 1922 192

*W. H. Miller*  
Hon. Nathan L. Miller,  
Governor of New York State,  
Albany, N. Y.

*Chas. J. Miller*  
My Dear Governor;

I have been interested in your efforts to reduce taxation, and believing you to be in earnest in those efforts, wish to call your attention to a bill introduced in the Assembly by Mr. Purchill, providing for the payment of \$30.00 per month to a widow with one child and \$10.00 per month for each additional child under 16 years of age, as an amendment to the Child Welfare Law.

I am NOT speaking for our Board, but as an individual taxpayer of the State and Cattaraugus County.

I was one of the original Board appointed after the law was enacted in 1915, and am the only one of that original Board who has not resigned.

I have personally investigated many cases of widows applying for allowance under that law and therefore speak from experience. I say most emphatically that the passage of the proposed amendment would load the taxpayers of the cities, towns and counties of the state with a very great burden, that of supporting a lot of women who are well able to work. I will not say all women would shirk their duty. We have had many very worthy widows on our lists in the past seven years, but also have found many who are not so worthy. They will



CATTARAUGUS COUNTY,  
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**Child Welfare Commission**

REGULAR MEETINGS FIRST WEDNESDAY EACH MONTH  
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*not work if they can help it.*

*> years*

My opinion, based upon experience, is that the law is all right as it is - i.e. leaving the amount of the allowance to be determined by each Board after thorough investigation of the conditions in each case.

I like to help orphans, am willing to work for them without compensation. There seems to be a strong effort on the part of a few people to force the employment of salaried persons in this work. The country districts DO NOT NEED to pay salaries, and if such is made compulsory I cease at once to have anything further to do with the work.

I worked hand-in-hand to the best of my ability with the late George E. Green of Binghamton, to gain the passage of the Child Welfare Law. As a Brother Red Man, Mr. Green and I had worked on the idea of that law in that fraternity. I am also deeply interested in Moosheart, Ill. where we have nearly 1100 boys and girls, orphans of Moose. Am interested in the work, not in salaries, but as in nearly all works of this kind there are sure to appear men and women who see a chance to turn the work into a "political place holder" machine.

I earnestly hope that you will give the proposed amendment very careful scrutiny if it reaches you. If all these office seeking men and women would go to work the good old U.S.A. and the Empire State would soon be running on an even keel.

*Senator DeHart Amos  
knows me.*

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Most respectfully yours,

*Chas. H. Rafferty*

On Tuesday, April 4, 1922, at twelve o'clock, noon,  
at the Executive Chamber, Albany, N.Y., a public hearing  
will be had before Governor Miller on Senate Bill, Int.  
209, Pr. 208, entitled -

"AN ACT to authorize the town board of  
Cornwall, Orange county, to make an  
appropriation for assisting in defraying  
the expense of the celebration of such  
town in the opening of the Hudson river  
highway."

If you desire to be heard with reference to this  
measure, you should be present at this hearing.

Yours very truly,

Notify  
Senator Baughman *W. Calver* 67 Farmington St  
Assemblyman Brundage *W. E. - 17 City Pl. Newburgh*  
Graham Hitchcock, Esq., 44 Smith St Newburgh NY

*Notified*

*3-27-22*



March 29, 1952.

Graham Atwater, Esq.,  
44 Smith Street  
Newburgh, N. Y.

Dear Sir:-

On Tuesday, April 4, 1952, at  
twelve o'clock, noon, at the Executive Chamber,  
Albany, N. Y., a public hearing will be had before  
Governor Miller on Senate Bill, Int. 209, Pt. 209,  
entitled-

\*AN ACT to authorize the town board of  
Cornwall, Orange County, to make an  
appropriation for assisting in defray-  
ing the expense of the celebration of  
such town in the opening of the Hudson  
River Highway.\*

If you desire to be heard with refer-  
ence to this measure, you should be present at this  
hearing.

Yours very truly,

311

March 29, 1922.

Hon. Caleb H. Baucus  
67 Farrington Street  
Newburgh, N. Y.

Dear Sir:-

On Tuesday, April 4, 1922, at  
twelve o'clock, noon, at the Executive Chamber,  
Albany, N. Y., a public hearing will be had before  
Governor Miller on Senate Bill, Int. 209, Pr. 208,  
entitled-

"AN ACT to authorize the town board  
of Cornwall, Orange County, to  
make an appropriation for assisting  
in defraying the expense of the  
celebration of such town in the  
opening of the Hudson river highway."

If you desire to be heard with refer-  
ence to this measure, you should be present at this  
hearing.

Yours very truly,



March 29, 1922.

Hon. Arthur E. Brundage  
17 City Terrace  
Newburgh, N. Y.

Dear Sir:-

On Tuesday, April 4, 1922, at twelve o'clock, noon, at the Executive Chamber, Albany, N. Y., a public hearing will be had before Governor Miller on Senate Bill, Int. 209, Fr. 306, entitled.

"AN ACT to authorize the town board of Cornwall, Orange County, to make an appropriation for assisting in defraying the expense of the celebration of such town in the opening of the Hudson river highway."

If you desire to be heard with reference to this measure, you should be present at this hearing.

Yours very truly,

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7

TRANSFER OF INMATES OF STATE INSTITUTIONS.

The People of the State of New York, represented in  
Senate and Assembly, do enact as follows:

1                   Section 1. Section 18 of the State Charities Law is  
2 hereby amended so as to read as follows:

3                   Section 18. When, in the judgment of the state board  
4 of charities, any inmate of any state charitable institution more  
5 properly belongs in a state charitable institution other than the one  
6 to which he or she was originally committed, or would be benefited by  
7 transfer to any other state charitable institution, the state board of  
8 charities ~~with the written approval of the governor~~ may order such  
9 transfer of such inmate. Before issuing such order the state board of  
10 charities shall notify the board of managers of the institution from  
11 which and of the institution to which such transfer is to be made, and  
12 shall afford them an opportunity to be heard. Copies of such order  
13 shall be sent to the boards of managers and the superintendents of the  
14 institution where the inmate then is and of the institution to which he  
15 or she is to be transferred. The authorities of the institution to which  
16 such inmate is to be transferred shall, at the expense of such institu-  
17 tion, provide for the conveyance of such inmate from such other state  
18 charitable institution as may be designated by the state board of  
19 charities in such order, and such inmate shall be received by the  
20 authorities of the institution to which such transfer is made. When  
21 any inmate is so transferred there shall be furnished certified copies  
22 of the commitment papers and of the record of such inmate. The board  
23 of managers of the institution to which such inmate is transferred  
24 shall have all the powers and duties in relation to such inmate which  
25 it possesses in relation to other inmates of such institution.



)   
 G U A R D I A N S H I P .

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1           Section 1. Sections 86 and 88 of Article 6 of the Domestic  
2 Relations Law are hereby repealed and in lieu thereof new sections are  
3 hereby enacted to read as follows:

4           "Section 86. Guardianship of Person of Minor. The guardian<sup>d</sup>  
5 ship of the person of a minor is the right and duty to control such  
6 minor for his nurture, training and protection, and includes the custody  
7 of such minor. The custody of a minor is the keeping of such minor for  
8 his security.

9           "The guardianship of the person of a minor shall not be  
10 transferred from or surrendered by any person, society, institution,  
11 agency, or official to any person, society, institution, agency, or  
12 official except by order or upon approval of a court authorized to appoint  
13 guardians.

14           "The custody of a minor may be transferred temporarily by  
15 the guardian of his person to any society, institution, agency, official,  
16 or person, except as forbidden by law.

17           "No person, society, or institution having the custody of a  
18 minor shall be paid or receive any money from public funds for the support  
19 of such minor unless such minor shall have been accepted as a public  
20 charge by the public official or agency charged with the relief of the  
21 poor or committed as a public charge by a court of competent jurisdiction.

22           "Section 88. The parent or guardian of a neglected child  
23 committed by a court of competent jurisdiction to a public official or  
24 agency charged with the relief of the poor shall not be entitled to the  
25 custody of such child unless such custody is restored to such parent or  
26 guardian in the manner prescribed by law."

*Legislation  
Child  
Welfare*

# State Council of Catholic Charities

Archdiocese  
of  
New York  
Dioceses  
of  
ALBANY  
BROOKLYN  
BUFFALO  
ROCHESTER  
SYRACUSE

February 11, 1922

122 STATE STREET  
ALBANY, N. Y.

Hon. Nathan L. Miller,  
Capitol,  
Albany, N.Y.

Dear Governor Miller:-

The special committee of the State Council of Catholic Charities has examined the proposals as made from various sources in relation to the Children's Courts and new Child Welfare Act. There are some very important differences between the bills as proposed and the bills as drafted by and for the State Council. The Committee from the Council would be pleased to sit in at conference that you might call, at an early date, to go over the various proposals.

It is suggested that there should be present Senator Walton, as Chairman of the Children's Code Committee; Mr. Cumming, Bill Drafting Commissioner; Mr. Theo. F. McCarrick, Chairman of the Child Welfare Boards Association of the State; Judge Hoyt and Judge Collins of the Children's Court of New York, who, we understand, are mainly responsible for the present draft of the Children's Court Bill; Charles E. Johnson, Secretary and such other persons as you desire to have present. From our group there will be Father Keegan of New York, Mr. Joseph F. Keany of Brooklyn, myself, and possibly one or two others. In the meantime we are making changes in our two bills so as to meet, as near as possible, the program as announced in your message to the legislature.

It is our thought that greater progress would be made if some agreement could be reached on this legislation before it is introduced in the legislature.

Respectfully yours,

*Charles E. Johnson*  
Charles E. Johnson,  
Secretary.

CJT/WMT

*Sen. Walton*

316



February 16th, 1942.

Charles J. Tobin, Esq.,  
162 State Street,  
Albany, N. Y.

My dear Mr. Tobin:

Replying to your letter of  
February 11th, Senator Falton informs me  
that a conference is being arranged such  
as you suggest in an effort to bring the  
conflicting views together.

Very sincerely yours,

317

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	DL
Night Message	NM
Night Letter	NL

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# WESTERN UNION



# TELEGRAM

NEWCOMB CARLTON, PRESIDENT      GEORGE W. E. ATKINS, FIRST VICE-PRESIDENT

CLASS OF SERVICE	SYMBOL
Telegram	
Day Letter	DL
Night Message	NM
Night Letter	NL

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RECEIVED AT 53 & 55 STATE ST., ALBANY, N. Y.

A317NY 83

RH NEWYORK NY 1104A 3

FROM CHARLES W WALTON

246 SENATE CHAMBER ALBANY NY

SURPRISED AT CHILDRENS COURT BILL INTRODUCED IT IS ENTIRELY DIFFERENT FROM COMMISSIONS BILL HOPE YOU WILL DISCARD IT BETTER NO LEGISLATION THAN THIS

JUSTICE FRANKLIN CHASE HOYT.