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REPORT
on the work of the
CHILDREN'S CODE COMMISSION
of the State of Colorado
as established by legislative enactment of the
Thirty-sixth General Assembly

Denver, Colorado

January 10, 1949

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The Honorable Lee Knous, Governor, and
The Honorable Members of the General Assembly
State of Colorado

Gentlemen:

We the undersigned members of the Children's Code Committee wish to report to you concerning the progress made in performing the tasks originally assigned to the Children's Code Commission, and wish further to submit certain recommendations for your consideration.

As is generally known, the children's code commission act (S. B. 476) of the 36th General Assembly grew out of the experience and suggestions of numerous Colorado citizens over a period of years. In 1945, these experiences crystallized in a bill which would have established a special commission to study and recommend steps to harmonize and modernize the provisions of state law concerning children. The citizens responsible for introducing the bill, however, were dissuaded from pressing for its passage by the argument that the purposes of the bill could be achieved through the Interim Committee of the 35th General Assembly.

As a result of testimony presented before the Interim Committee, that committee referred the problem to its Subcommittee on Courts, Procedures and Statutory Revision.

Neither money nor staff was available for the research and investigations necessary. As a result, the Honorable Robert R. Tarbell, then a member of the House of Representatives from Gunnison, Saguache and Hinsdale Counties and chairman of the subcommittee, undertook to raise funds privately which would enable staff members of the University of Colorado to start the work. The result was the study of adoption legislation submitted with this report. (Colorado's Law Affecting Children. Unit I -- Adoption.)

Because of delays attendant upon providing for the work in this way, the study was not completed in time to have any legislative proposals on it for consideration by the 36th General Assembly in 1947.

The 36th General Assembly passed the bill (S.B. 476) creating a Children's Code Commission, and in December of 1947 the

Commission was appointed. The first meeting was called by the Governor for January 9th. At this meeting, the Commission organized as provided in the act, accepted the volunteer services of Mr. F. Allan Murphy of the Denver Public Schools as Secretary to the Commission, and began to explore ways of organizing and conducting its work.

The Commission viewed its task as that of utilizing the accumulated experiences of this and other states in the development of practical proposals for the efficient and effective fulfillment of the State's obligations concerning its children, in all instances where those obligations are not now being satisfactorily fulfilled. When laws were discovered which were completely obsolete, the Commission anticipated recommending that they be repealed. When laws were discovered which were confusing or conflicting, the Commission hoped also to discover a way out of the confusion or conflict which, in the light of experience, promised to be effective. When laws were discovered which under present-day conditions no longer provided adequate protection for the child, the Commission hoped to make changes or additions, which would provide more adequately for the child's interests. Last but not least, when laws were discovered which led to the uneconomical use of the State's finances and personnel resources, the Commission would recommend reorganization or other changes which would minimize the waste without impairing the effectiveness of the State's efforts. Satisfactory laws, of course, would remain unchanged.

In order to carry out the mandate of the General Assembly that the Commission make a careful study of child welfare, the members felt that they would need help in gathering and organizing information, and so arranged for the purchase of service and assistance from the Bureau of State and Community Service of the University of Colorado Extension Division.

The members of the Commission felt also that they would benefit greatly from the counsel and advice of people who had had special experience dealing with children in one way or another. They, therefore, established a board of consultants--sixty-five in number--who were chosen because they had worked with children and had some special knowledge of the problems involved.

Because certain phases of the work were technical in nature, the Commission appointed three special professional committees to review and criticize both the research done and the tentative proposals based on that research. The members were chosen from the fields of law, social work, and education, and were known as Special Research Consultants.

So many citizens had worked for the passage of the code act and so many had shown interest in other ways that the Commission asked them to organize Citizens' Advisory Committees in various areas of the state to consider both the research reports and any bills proposed by the Commission. The Commission also accepted, on an advisory basis, the valuable work of the Children's Laws Committee of the Denver Area Welfare Council.

The Commission soon realized that it did not have either sufficient time or sufficient funds to cover all the problems needing investigation, and hence decided to give priority to the study of the needs of children who do not live in their own homes and to start research on their problems in the following order:

- I. Indenture
- II. Relinquishment
- III. Adoption
- IV. Licensing
- V. Incorporation
- VI. Guardianship

The Commission also began to investigate other sources of assistance to supplement the work made possible by state funds. However, up to the time the Commission was dissolved, no additional funds had been received, although the National Committee on Child Labor had given generously of its time and services. This organization is a private, non-governmental agency with a well established record in the study and analysis of problems of school attendance and child labor.

As you know, on April 20th, 1948, a suit was filed against the members of the Children's Code Commission, alleging a defect in the legislative process by which the Commission was created. The action thus started resulted in a court decision ending the Commission as of June 14th, 1948. The Commission, after ordering its Secretary to turn over all its records to the Governor, formally dissolved.

We still felt a moral obligation, however, to our fellow citizens and to you, to conserve and utilize the work already done. A considerable portion of the funds appropriated for the use of the Commission had already been expended on research and the incidental costs of our work. Men and women all over the state had sacrificed time and attended meetings at their personal expense in order to give us assistance. Three units of research had been completed in addition to the study of adoptions prepared in the preceding biennium. Several proposals for legislative enactment had reached the draft stage.

In order to make the best possible use of this research material and to be able to report to you concerning the use of the

funds allotted to us, we resolved to organize as a committee to carry on the work we had already started. With the continued support of the Citizens' Committees and our Board of Consultants, we continued our weekly meetings, and were able to complete all but one (Guardianship) of the studies listed above.

We submit herewith our report for your consideration. In a study of child welfare problems and long range objectives it is to be expected that there will be differing points of view. Wherever there has been variance of opinion, we have endeavored to incorporate these differences into this report. On the following pages, you will find a statement by Monsignor Mulroy relative to the recommendations in which he differs from the majority of the Commission. We appreciate that these differences are those of a member who has had years of experience in the field of child welfare.

In our report, we have presented a brief summary of our findings and our recommendations regarding certain conditions pertaining to child welfare, which we believe should be corrected by legislation:

1. Indenture of Children
2. Relinquishment
3. Adoption
4. Licensing of Child Welfare Agencies and Institutions
5. Incorporation of Child Welfare Agencies and Institutions
6. Establishment of a new Code Commission

In addition, we have included some of the findings of uncompleted units of our work in explanation of our recommendation that a new Children's Code Commission be established.

As we have reviewed the many statutes affecting the welfare of children, we have become increasingly aware of the fact that many of them need examination and revision. Our state was a sparsely inhabited territory when some of them were passed, and though they were adequate enough for that period, they have long since ceased to provide the controls necessary for present day situations. Adapting these laws to current conditions is dictated not only by motives of humanity, but by motives of economy. Not only do inefficient provisions of the law lead to the direct waste of the state's resources, but the neglected and uncared-for child often develops into the poorly adjusted alcoholic or psychopathic adult who helps to fill our jails and institutions.

Therefore we recommend and recommend most earnestly that such a Commission be created, although we, ourselves, have no desire to serve on a new code commission. We wish, however, to

take the liberty of warning that two conditions must be met if a new commission is to function successfully.

In the first place, a new commission must be given sufficient time to complete its work and adequate funds to defray its expenses, including the employment of such executive, clerical, and technical assistance as may be required. On the basis of our experience, we do not see how any commission could thoroughly study all the problems which need review in less time than that recommended in our accompanying bill. We had time to consider only a few of the most pressing problems, and much of the work remains to be done.

In the second place, we believe that the Governor should have the greatest possible freedom in selecting the members of a new commission. We do not believe that the statute should make mandatory either the inclusion or the exclusion of persons affiliated with any group, organization, or public agency; to do so, might bar persons of the greatest competence and devotion to the general welfare.

We are pleased to note that both major political parties in the state recognized the importance of developing a modern children's code by endorsing the formation of a new children's code commission in their platforms.

We wish to thank the many public spirited men and women over the state who have so generously given of their time and effort in order to assist us. We wish especially to thank Mrs. Ruth E. Pike, who directed the research work for the Commission, and whose contributions to the Commission's work went far beyond her research responsibilities. And we wish to acknowledge with deepest gratitude our debt to Mr. F. Allan Murphy, who has served as our secretary, without pay, from the second meeting of the Commission through our last meeting as a committee, and Mr. D. Mack Easton, who served, also without pay, as our special research consultant.

Respectfully submitted,

Denver, Colorado
January 10, 1949

Bradford Murphy
Bradford Murphy, H.D., Chairman

Elizabeth E. Pellet
Mrs. Elizabeth Pellet

Mrs. Dorothy Thompson
Mrs. Dorothy Thompson

John R. Mulroy
Rev. John R. Mulroy

STATEMENT OF MONSIGNOR JOHN R. LULROY
MEMBER OF THE CHILDREN'S CODE COMMISSION.

It has been my pleasure to have been associated with the Children's Code Commission since its appointment by Governor Knous, likewise, to have been asked to remain on the Children's Code Committee and to work with them since the court decree caused the dissolution of the Commission. Both the Commission and the Committee have worked diligently on the same task, for the same purpose, to recommend legislation and other state government changes that will improve the care of neglected, dependent and handicapped children in our State.

I agree with the other members of the Committee in their recommendations to do away with indenture, to abolish county visitors, and to set up a new code commission, if this be deemed necessary, and to provide more formalized procedures in the matter of relinquishment. I question the need of special legislation in regard to the incorporation of new child welfare institutions or agencies since adequate control now exists in the Board of Standards of Child Care and, undoubtedly, would continue to exist in any alternative legislation that may be passed.

In regard to adoptions, we cannot ignore the work now being performed by the State Home for Dependent Children which has been one of its functions since the Home's foundation by the State of Colorado. However, if the State Welfare Department is to share responsibility for some types of adoptions, very well. By and large, the State Home has facilities for observations and care of prospective adoptive children, and we have no other institution to take its place.

The legislature should be urged to give an adequate budget so that the State Home can do an up-to-date job for the non-adoptable and the adoptable children committed to its care. The County Welfare Departments should be able to use the facilities of the State Home for Dependent Children in adoption cases. An increased budget should provide for technically qualified children's caseworkers and a staff of adequate size to streamline the adoption process so that a better job can be done by the State Home for Dependent Children.

With regard to the licensing of foster homes, child care agencies and institutions, I notice that the proposed legislation is silent on the subject of the standards for public child care agencies and institutions. Since the State does not finance private agencies and institutions, it can be asked why these voluntary organizations must submit to other

controls than those now being given by the Board of Standards of Child Care? I believe that the licensing function should remain where it is, namely, in the Board of Standards of Child Care. Some of my confreres on the Code Commission harbor a pre-conceived assumption that the present Board of Standards does not now and cannot in the future do an effective job because highly trained social workers are not staff members. This assumption, if consistently applied, rules out all on the Code Committee itself.

However, the statutes setting up the Board of Standards of Child Care should be strengthened, for instance, by extending the licensing authority to include all institutions giving twenty-four hour a day care to children. Also, its budget should be sufficient to provide for a more adequate staff in charge of enforcing standards and licensing. The present Board and its staff have done as splendid a job as is possible with an inadequate budget. Even to obtain this budget, however, they have had to struggle at each session of the legislature. It has been a thankless job as far as many people, even people most interested in this work are concerned. Yet, in my opinion, they deserve a great deal of credit for pioneering and promoting the work which is now being recommended to be turned over to the State Welfare Department. I see no advantage in abolishing the present type of Board and setting it up in another place where we know there will be more rigid controls under which many voluntary agencies and institutions may not be able to function.

In the last analysis, we should not go too far in state control of private or voluntary charitable efforts for children or for any other group of needy people in our commonwealth. Democracy does not mean needless state control; it means only such controls as are necessary for good work, which will be helpful to those under the care of private or public auspices.

John R. Hulroy
John R. Hulroy

I. CONCERNING INDENTURE OF DEPENDENT CHILDREN

Colorado still has on its statute books (Chap. 9, Sec. 1-33, C.S.A. 1935) a law of the Territory of Colorado, derived from the English Poor Law of 1601, which rests on the principle that any indigent child may be made to earn the full cost of his upbringing, by his labor, until he reaches his majority. The contract, or "articles of indenture," involves pledging the work of the child in return for board, lodging, clothing, three months schooling annually, such vocational training as the master is able to give, and a terminal payment consisting of a Bible, two new suits of clothes worth \$15.00 each, and \$25.00 in cash.

A similar provision existing in a grant of power to the State Home for Dependent Children (Chap. 33, Art. 2, Sec. 31, C.S.A. 1935) allowed this institution to place 120 boys and girls by "special indenture" during the 1943-1945 biennium. (See 25th biennial report, Colorado State Home, 1943-45, p. 10.)

Under Chapter 33, Section 81 all boys admitted to Clayton College are indentured to the Trustees of the College under the provisions of an Act of the General Assembly, entitled "An Act to authorize the placing of poor orphan children in charitable, educational institutions, and bind them thereto."

Chapter 131, Section 12, permits the binding out of boys who are inmates of the State Industrial School, ("...to bind him by articles of indenture...").

Such laws were once common and may have been the best available provision for children in a frontier agrarian society. Today they have been repealed in all states except Colorado, Montana, Arkansas, and Georgia.

Indenture is not necessary as a method of child care in Colorado. Services of various voluntary and state agencies are available to the courts in all jurisdictions in the state through which better types of care for children may be obtained--such as supervision in the child's own home (with financial assistance if necessary), foster family placement, adoptive placement or institutional care.

Evidence exists that when the present apprenticeship law was passed, persons supporting it thought that it would in effect repeal the law providing for the indenture of indigent children. The purposes of the two statutes, however, differ. The apprenticeship law (Chap. 9, Sec. 34-42, C. S. A. 1935) is intended to provide a means for vocational training. The older indenture law (Chap. 9, Sec. 1-33, C.S.A. 1935) is intended to provide a method for making the child bear the expense of his own rearing.

RECOMMENDATIONS

We recommend that Chapter 9, Sections 1 - 33; Chapter 33, Article 2, Section 31; and Chapter 33, Article 7, Section 81, C.S.A. 1935 be repealed, and that Chapter 131, Section 12, be amended, and suggest the following language for bills to that end:

A BILL

for

AN ACT TO REPEAL CHAPTER 9, SECTIONS 1 TO 33, BOTH INCLUSIVE, AND CHAPTER 33, SECTION 31, AND CHAPTER 33, SECTION 81, COLORADO STATUTES ANNOTATED, 1935, CONCERNING INDENTURING AND BINDING OF MINOR CHILDREN.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Sections 1 to 33, both inclusive, of Chapter 9, and Section 31 of Chapter 33, and Section 81 of Chapter 33, Colorado Statutes Annotated, 1935, are hereby repealed.

Section 2. The General Assembly hereby finds, determines and declares this Act to be necessary for the immediate preservation of the public peace, health and safety:

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

A BILL

for

AN ACT TO AMEND CHAPTER 131, SECTION 12, COLORADO STATUTES ANNOTATED, 1935, AS AMENDED, CONCERNING THE RELEASE OR PAROLE OF BOYS FROM THE INDUSTRIAL SCHOOL FOR BOYS.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Section 12 of Chapter 131, Colorado Statutes Annotated, 1935, as amended, is hereby amended to read as follows:

Section 12. When Board May Parole.--It shall be lawful for the Division of Public Welfare of the Executive Department, whenever any boy detained in the said institution has become so far reformed as to justify parole, to parole such boy under such terms as the head of the Division shall authorize, and to return such boy to the school upon a violation of the terms of such parole.

Section 2. The General Assembly hereby finds, determines and declares this Act to be necessary for the immediate preservation of the public peace, health and safety.

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

II. CONCERNING RELINQUISHMENT

Good provisions regarding the relinquishment of parental rights are a pre-requisite of good adoption procedure. Both the mother and the child must be protected from hurried, coerced and abrupt decisions. Moreover, (except where the petitioner to adopt is a blood relative, step-parent, or guardian of the child), it should be possible by good administration to protect the child and any adoptive parents from disruption of their relationships once adoption has taken place.

RECOMMENDATION

After careful study and wide consultation, we present the following suggested bill to achieve these safeguards:

A BILL

for

AN ACT CONCERNING THE RELINQUISHMENT OF MINOR CHILDREN.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Legislative Policy--The General Assembly hereby declares its conviction that the policies and procedures for relinquishment contained in this Act are necessary and desirable; that no parent or parents shall relinquish his or her child until such time as adequate counsel and guidance shall have been made available to such parent or parents, and until such time as the parent or parents can be said in the eyes of the people of the State of Colorado to realize the grave and solemn consequences which surround the relinquishment of a minor child. In enacting this legislation, the General Assembly fully realizes that to delay an order of relinquishment too long will, in many cases, unduly prejudice the future welfare and happiness of both child and parents; that to permit hasty relinquishment will, in equally many cases, unnecessarily deprive a child of its own birthright and be a constant source of grief and regret to the relinquishing parent or parents. This Act is therefore designed to strike a balance between the above mentioned extremes and in so doing best serve the interests and welfare of the people of the State of Colorado.

Section 2. Definition of Relinquishment--For the purpose of this Act "relinquishment" is defined as that act or group of acts by which a mother and father jointly, or either one of them severally, voluntarily release to a duly licensed child care or child placement agency or institution or to any County Welfare Department all the parental rights which they or each of them may have in a child or children, natural or adopted.

Section 3. Guidance and Counsel--Under the provisions of this Act, no order of relinquishment shall issue out of any juvenile or county court until such court is satisfied that the relinquishing parent or parents have been offered advice by a private child care or child placement agency or institution licensed by the State of Colorado, or by a County Department of Welfare, or by any social agency acceptable to the State Department of Public Welfare, such advice being designed to apprise such parent or parents of the consequences of his or her or their act, and so that no child shall be hastily deprived of its birthright. Under this Act, no advice will be in any way forced upon an unwilling parent, and the refusal of such advice shall in no way deprive the county or juvenile court of the power to issue an order of relinquishment, provided however, that the other provisions of this Act are complied with.

Section 4. Jurisdiction and Venue--Any juvenile or county court, shall have jurisdiction of all petitions of relinquishment. Provided however, that whenever the judge hearing the petition is interested in the proceedings or in any way feels that he is unqualified to handle the petition in an impartial manner, he shall call in the juvenile or county judge of a neighboring county to hear the petition.

Section 5. Procedure for Relinquishment--Any parent or parents desiring to relinquish his or her or their child shall petition, or shall be directed by any duly licensed child care or child placement agency or institution to petition, any county or juvenile court within the State of Colorado upon forms supplied by the Court, giving the following information:

- (1) Name of both natural parents, if known
- (2) Name of the child, if named
- (3) Ages of all parties concerned
- (4) Color, race and creed of the child
- (5) Why relinquishment is desired
- (6) The licensed agency to which relinquishment is desired
- (7) Whether counsel and guidance, provided for in Section 3 of this Act, has been offered.

Upon receipt of the above-mentioned petition, the Court shall summon the relinquishing parent or parents and the duly licensed agency or institution to which the child is to be relinquished, and shall hear the matter forthwith. If no relinquishment is to be granted, the Court shall enter an order dismissing the action.

If the Court is satisfied at the aforementioned hearing that the guidance and counsel provided for in Section 3 of this Act have been offered to the relinquishing parents or parent and that relinquishment would best serve the interests of all parties concerned as well as the interests of the people of the State of Colorado, it shall enter an interlocutory order of relinquishment.

If the Court is not satisfied that the relinquishing parent or parents have been offered the abovementioned counsel and guidance, it shall keep the matter under advisement, and shall forthwith order any agency set out in Section 3 of this Act and chosen by the relinquishing parent or parents to offer such guidance and counsel. At such time, not to exceed thirty (30) days, as the Court is satisfied that counsel and guidance has been offered to the relinquishing parent or parents, it shall re-hear the petition and at that time either dismiss the petition or grant an interlocutory order of relinquishment.

Section 6. Interlocutory Order of Relinquishment--
Every interlocutory order of relinquishment shall provide that for a period of at least thirty (30) days, the actual period to be set by the court at the time the order is made, the child be not legally relinquished. The order shall recite that during the interlocutory period the child shall not be adopted or in any way placed for adoption. The order shall also award the custody of the child to whomsoever the Court shall see fit, such custody to be effective only during the interlocutory period, and subject

to change by and supervision of the Court. During the interlocutory period, the court may upon motion of the relinquishing parent or parents or upon its own motion, and for good cause after a hearing, set aside such interlocutory order. Such interlocutory order shall be a final order as of the date of its entry.

Section 7. Final Order of Relinquishment--Upon the expiration of the interlocutory period the Court shall immediately issue a final order of relinquishment. Such order shall recite all pertinent facts brought out at the hearing and shall in addition recite:

- (1) That the Court is satisfied that the counsel and guidance provided for in Section 3 of this Act has been offered the relinquishing parent or parents.
- (2) That the Court has in reaching its decision consulted the State Department of Public Welfare or any duly licensed agency, and has reviewed all available case histories and other case material of the parties concerned.

The final order of relinquishment shall divest the relinquishing parent or parents of all legal rights and obligations they may have in respect to the child relinquished; and the order shall release the relinquished child from all legal obligations in respect to the relinquishing parent or parents. The fact that the relinquishing parent or parents be minors shall in no way affect the finality of the final order of relinquishment.

Section 8. Records--Records and papers in relinquishment proceedings from and after the filing of the petition shall be sealed and opened to inspection only upon an order of the Court for good cause shown. Clerks of the several courts shall keep separate dockets for relinquishment proceedings.

Section 9. Effect of Chapter--All laws or parts of laws in conflict or inconsistent with the provisions of this Chapter are hereby repealed. Provided however, that all relinquishments lawfully made prior to the effective date of this Act pursuant to prior law shall be valid although not made in

compliance with the provisions thereof, and provided further that this Act shall not affect relinquishment proceedings pending on the effective date thereof.

Section 10. The General Assembly hereby finds, determines and declares this Act to be necessary for the immediate preservation of the public peace, health, and safety.

Section 11. In the opinion of the General Assembly, an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

III. CONCERNING ADOPTION

The present adoption law in Colorado makes no provision for safeguarding the rights, privileges and responsibilities of the adoptive parents, the natural parents and the child.

Adoptive parents should be protected from taking responsibility for children about whose heredity or physical or mental capacity they know nothing--also from later disturbance of their relationship to the child by natural parents whose legal rights have not been protected.

Natural parents should be protected from having to make hurried decisions to give up a child.

A child should be protected from unnecessary separation from parents who might be able to keep him if they were able to obtain help during the time of anxiety and distress. He should be protected from adoption by people unfit to have the responsibility for rearing and training a child. He should be protected from interference after he has been established in an adoptive home, by natural parents who have legal claim because of some defect in the adoption proceedings.

RECOMMENDATIONS

We recommend that the law be changed in the following respects and for the following reasons:

Concerning Chapter 4, Colorado Statutes Annotated, 1935, on Adoptions:

1. The contents of a petition to adopt should be clearly established so that an adequate investigation of the petitioners and of the child may be made.
2. The head of the State Department of Public Welfare should be substituted for the use of "next friend" as guardian ad litem in those rare cases when there is no parent or guardian capable of consenting to an adoption. This is widely felt to be a superior way to safeguard the child's interests.
3. An adequate investigation of the petitioners, of the child and its background, and of the probable compatibility of petitioners and child, should be made by a trained investigator and the results reported to the Court before any

kind of adoption decree is made. This provision is meant to protect the child from adoption by inappropriate persons and to protect the petitioners from adopting an inappropriate child.

4. An interlocutory period should precede the final decree of adoption, and during this period the investigating agency should observe the home to make sure that the child and petitioners are compatible and that the adoption will be to the best interest of both the petitioners and the child.
5. All records should be kept confidential in order to avoid unnecessarily disturbing the relationships between the child and adoptive parents once the adoption has taken place.

Concerning children born in maternity hospitals (Chap. 78, Section 146, Colorado Statutes Annotated, 1935):

1. The status of any child with reference to relinquishment or adoption should not be influenced by its being born in a maternity hospital. We therefore recommend the amendment of this section.

We present the following suggested bills to achieve the changes recommended:

A BILL

for

AN ACT CONCERNING ADOPTION, AMENDING CHAPTER 4, COLORADO STATUTES ANNOTATED, 1935, AND REPEALING CHAPTER 33, SECTION 41, COLORADO STATUTES ANNOTATED, 1935.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Chapter 4, Colorado Statutes Annotated, 1935, is hereby amended to read as follows:

Chapter 4 Adoption

Section 1. Legislative Policy--The General Assembly hereby declares its conviction that the policies and procedures for adoption contained in this sub-title are necessary and desirable, having as their purpose

the three-fold protection of (1) the adoptive child, from unnecessary separation from his natural parents and from adoption by persons unfit to have such responsibility; (2) the natural parents from hurried and coerced decisions to give up the child; and (3) the adopting parents, by providing information about the child and his background, and guaranteeing them an undisturbed relationship with the child from and after the date of adoption.

Section 2. Jurisdiction and Venue--A Juvenile Court, if functioning, otherwise a county court shall have jurisdiction of all petitions for adoption. Any such petition may be filed in the county in which (1) the petitioner or petitioners have their domicile; or (2) the person to be adopted is located; or (3) any lawfully licensed child placement agency, having legal or physical care, custody or control of the person to be adopted, is located. Provided however, that whenever the judge receiving the petition is interested in the proceedings or in any way feels unqualified to handle the petition in an impartial manner, he shall call in the juvenile or county judge of a neighboring county to hear the petition.

Section 3. Who May Adopt--Any person over twenty-one years of age may petition the court to decree an adoption. Provided, however, that a person having a living spouse, may only file petition jointly with such spouse.

Section 4. Who May be Adopted--Any person, whether a minor or an adult, may be adopted.

Section 5. Petition to Adopt Minor Child--Every petition for adoption shall be verified by the petitioner or petitioners, and shall be entitled substantially as follows: "Ex parte in the matter of the petition of _____ for the adoption of a child." It shall contain:

- a. The name, date and place of birth, and place of residence of each petitioner, including the maiden name of the adopting mother;
- b. The name, date, and place of birth, and place of residence, if known to the petitioner, of the child to be adopted;
- c. The relationship, if any, of the child to the petitioner;
- d. The full name by which said child shall be known after adoption;

- e. The full description of the property, if any, of the child;
- f. The names of the parents of the child, and the address of each living parent, if known to the petitioner;
- g. The names and addresses of the guardian of the person and/or estate of the child, if any have been appointed;
- h. The name of the agency to which the child has been relinquished.

Section 6. Consent to Adoption--

1. Every petition for adoption shall be accompanied by written statements of consent, subscribed and sworn to by the persons giving such consent before a person authorized by law to administer an oath.
2. Consent to any proposed adoption shall be obtained from:
 - a. the person to be adopted if he is twelve years of age or over and
 - b. both natural parents, if married, if they are alive and have not lost their parental rights through court action or voluntary relinquishment or abandonment; or
 - c. one natural parent, if the other is not alive or has lost his parental rights as mentioned in -b- above; or
 - d. the mother of a child born out of wedlock, except that if the child has been legitimated according to the laws of any jurisdiction, the consent of the father shall then also be required, if he is alive and has not subsequently lost his parental rights through court action or voluntary relinquishment or abandonment; or
 - e. the mother of a child born in wedlock as a result of an extramarital relationship, if the illegitimacy of the child has been established to the satisfaction of the Court, and notice has been given to the husband of the mother of the child;
 - f. the legal guardian of the person to be adopted, if parental rights have been transferred by court action to such guardian; or
 - g. the executive head of any public or private child care or child placement institution or agency which through court action or voluntary relinquishment has been given the care, custody, and control of the person to be adopted including the right to consent to such an adoption.

- h. Executive head of the State Department of Public Welfare in any case not herein provided for.
- 3. The minority of a natural parent shall not be a bar to such parent's consent to adoption, and the adoption shall not thereby be invalidated, provided, a court of competent jurisdiction has decreed the relinquishment of said child and affirmed subsequent adoption.

Section 7. Hearing and Examination

- 1. Upon presentation of the petition for adoption to the Court the same shall be filed with the clerk thereof, and thereupon, the Court shall fix a day for hearing the petition and examining interested parties under oath, such date to be not less than thirty nor more than 60 days after filing of said petition, and shall require that investigations of all petitions for adoption be made as hereinafter provided before the hearing date and completed at least one week before hearing date.
- 2. Such investigation shall be made by the State Department of Public Welfare or one of its local units or a licensed child placement agency.
- 3. There shall be considered in such investigation the following information:
 - a. The physical and mental health, emotional stability and moral integrity of the petitioner or petitioners and the ability of the petitioner or petitioners to promote the welfare of the child.
 - b. The physical and mental condition of the child.
 - c. The child's family background including the names of parents and other identifying data regarding the parents, if obtainable;
 - d. Reasons for the child's relinquishment by his parent or parents, and their disposition toward the proposed adoption;
 - e. The suitability of the adoption of this child by this petitioner or petitioners, taking into account their respective racial, religious and cultural backgrounds, and the child's own disposition toward the adoption in any case in which the child's age makes this feasible.

4. The report of such investigation shall be made in writing and returned to the Court at least one week prior to the day fixed by the Court for the hearing, which shall not be less than thirty days nor more than sixty days after the filing of the petition.

Section 8. Notice of hearing--Due notice of pending adoption proceedings shall be given immediately upon the filing of a petition by personal service, or by publication as the court may order, to any person whose consent is necessary thereto, and, to the State Department of Public Welfare or its local unit, or any licensed private agency, and to the adoptive child if over twelve years of age.

Section 9. Hearing on the Petition--If, upon examination of the report submitted, the judge shall satisfy himself as to:

- a. The genuineness of consent to such adoption and the legal authority of the person or persons signing such consent,
- b. The good moral character, ability to support and educate such child and the suitability of the home of the person or persons adopting such child for said child,
- c. The mental and physical condition of the child as a proper subject for adoption in said home, and
- d. The fact that the best interests of the child will be served by said adoption,

he shall forthwith grant to the petitioner or petitioners, the temporary custody of the child for a period of one year, or for such shorter period as the Department of Public Welfare, its local unit, or a licensed child placement agency, shall recommend.

The Court shall retain jurisdiction over the adoption proceeding, and shall require that the Department of Public Welfare, its local unit, or a licensed child placement agency shall supervise the placement of the child, and make such visitations as the agency feels are necessary to carry out the purposes of this act.

All hearings with reference to adoption shall be closed to the public, and to any child, the subject of adoption, who is under 12 years of age; provided, however, that the judge may interview the child whenever he deems it fit and proper.

Section 10. Final Decree of Adoption--At the end of the trial period, the Court shall request a supplementary written report from the agency making the original report. If the Court be satisfied that the best interests and welfare of the child will be promoted by the issuance of a final decree of adoption of the person to be adopted, the Court shall, thereupon issue such final decree.

Section 11. Legal Effects of Final Decree of Adoption--From and after the entry of a final decree of adoption the following legal effects shall result:

1. The person adopted shall be to all intents and purposes, the child of the petitioner or petitioners. He shall be entitled to all the rights and privileges and be subject to all the obligations of a child born in lawful wedlock to the petitioner or petitioners.
2. The natural parents shall be divested of all legal rights and obligations in respect to the child, and the adopted child shall be free from all legal obligations of obedience and maintenance in respect to the natural parents.

Section 12. Orders of Adoption--Whenever the Court enters an order of adoption, certified copies shall be given to the adopting parents, and in case the consent to adopt was given by the State Department of Public Welfare or one of its local units, or a licensed private agency, a certified copy of the order of adoption shall be furnished by the Court to such licensed agency.

Section 13. Adoption of Adults--Persons over 21 years of age may be adopted on the petition of the adoptive parent or parents, with the consent of the person to be adopted and on notice, to the next of kin of the petitioner or petitioners, if upon hearing the petition the Court shall be satisfied that the adoption should be granted. The legal effect of such adoption shall be the same as that of a minor.

Section 14. Prohibited Compensation--No person or persons shall offer, give or receive any money or other consideration or thing of value in connection with the placing of any child for adoption, or in connection with the consent to adoption, or with petition for adoption, except attorneys' fees and such other charges and fees as may be approved by the Court.

Any person violating any part of this section shall, upon conviction, be subject to a fine of not more than \$500 or more than one year imprisonment or both.

Section 15. Records--Records and papers in adoption cases in the Courts and in all participating agencies from and after the filing of the petition shall be sealed and opened to inspection only upon an order of the Court for good cause. Clerks of the several courts shall keep separate dockets for adoption proceedings.

Section 16. Annulment--No attempt to invalidate a final decree of adoption by reason of any jurisdictional or procedural defect shall be received by the Court, or by any court of this State, unless regularly filed with such Court within two years following the entry of the final decree.

Section 17. Re-Adoption--No provisions of this Act shall prevent natural parents of any child from re-adopting said child, provided that all pertinent provisions of this act are complied with by such readopting parents.

Section 18. Effect of Chapter--All laws or parts of laws in conflict with or inconsistent with the provisions of this act are hereby repealed. Provided, however, that all adoptions lawfully made prior to the effective date of this Act pursuant to prior law shall be valid, although not made in compliance with the provisions thereof, and provided further that this Act shall not affect adoption proceedings pending on the effective date thereof.

Section 2. Chapter 33, Section 41, 1935 Colorado Statutes Annotated is hereby repealed.

Section 3. The General Assembly hereby finds, determines and declares this act to be necessary for the immediate preservation of the public peace, health and safety.

Section 4. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

A BILL

for

AN ACT TO AMEND CHAPTER 78, SECTION 146, 1935 COLORADO STATUTES ANNOTATED, CONCERNING MATERNITY HOMES.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. Section 146 of Chapter 78, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 146. Adoption of Children--No person licensed by the Colorado state board of health to maintain a maternity hospital shall advertise, or undertake or promise that he will adopt any child or children received or born in any such hospital, nor shall he hold out any promise, reward or inducement to any parent to part with any such child or children.

Section 2. The General Assembly hereby finds, determines and declares this Act to be necessary for the preservation of the public peace, health, and safety.

Section 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

IV. CONCERNING THE LICENSING OF CHILD WELFARE INSTITUTIONS AND AGENCIES

When children must live outside their natural homes or the homes of relatives, risks are involved for the child. It is the responsibility of the state to secure the cooperation of public and private agencies and individuals involved in the care, custody or control of children to the end that adequate safeguards are provided against these risks, so that the child may have proper care, a healthful environment, and an opportunity for normal intellectual and character development. The state should encourage adequate provisions for child care, and should require individuals and organizations to establish and maintain good standards of child care. To these ends, provisions for establishing minimum standards, for pointing the way to higher standards, and for licensing and inspection should be provided. The emphasis in licensing and inspection should be upon cooperation between licensing agency and institution or individual in maintaining good standards.

In order to provide for maximum economy and effectiveness, all licensing and inspecting functions in this field should be brought together in a single agency.

The main licensing function in Colorado is exercised by a lay board known as the Board of Standards of Child Care. West Virginia is the only other state using such a lay board to perform this function. This board of nine citizens is responsible for establishing and administering minimum standards for all types of child care and child placement services. The law does not seem to require investigation before licensing, or require that the licensing functions be clearly defined, but Board policies include these provisions. By statute, inspection must be at least annual.

Old laws seem to leave the Bureau of Child and Animal Protection with powers to set standards, issue licenses, require reports, and revoke licenses.

The Child Welfare Division of the State Department of Public Welfare does not participate in these functions, although it must approve all agencies and institutions and foster homes used by county welfare departments and reimbursible by state welfare funds.

A statute of 1893 gives powers of inspection to county boards of visitors.

In other words, instead of having these functions of investigation and approval administered by one responsible agency, they are scattered among at least four.

RECOMMENDATIONS

In order to achieve the objectives indicated above, and in order to achieve them more economically than would otherwise be possible, we recommend the following changes in the present law:

1. The functions of investigating, inspecting, counselling and licensing all child-welfare agencies and foster boarding homes should be vested in one state welfare agency. To do so will simplify matters for the applicants and licensees, will prevent duplication of work and personnel, and will make the whole process more economical.
2. Inspection at least twice annually should be required, instead of once as at present. These inspections are needed to protect the children involved and to provide occasion for assistance in meeting standards.
3. Wilfull and substantial violations of license provisions and intentional false reports to the licensing agency should be grounds for revoking licenses, as well as failure to maintain minimum standards.
4. Provisions for revocation should be established which give adequate protection to the licensee. No such provisions exist in the present statute.
5. The right of aggrieved persons to appeal to the courts should be strengthened and clarified, and the status of activities appealing revocations should be established.
6. Records of children involved should be made confidential.

We suggest the following language for bills, to achieve the changes recommended above:

A BILL

for

AN ACT TO AMEND CHAPTER 196, SESSION LAWS OF 1943, AS AMENDED BY CHAPTER 145, / CONCERNING THE LICENSING OF FOSTER BOARDING
SESSION LAWS OF 1945,

HOMES AND CHILD PLACEMENT AGENCIES; AND TO REGULATE THE
LICENSING OF AND SUPERVISE THE OPERATION OF ALL AGENCIES AND
INSTITUTIONS HAVING THE CARE, CUSTODY AND CONTROL OF CHILDREN.

Be it enacted by the General Assembly of the State of
Colorado:

Section 1 -- Chapter 196, Session Laws of 1943, as
amended by Chapter 145, Session Laws of 1945, is hereby amended
to read as follows:

Section 1 -- Definitions.

(a) A "foster boarding home" is defined for the purposes
of this Act as any institution, residence, dwelling or
home, including day nursery schools or day nurseries,
and children's camps, whether public or private, wherein
for the whole of the day or for any part thereof two
or more children under the age of eighteen are boarded,
cared for, or in any other way maintained, where such
children are not related within the second degree to
the operator of said home, dwelling, residence or insti-
tution; provided, however, that nothing in this Act
shall apply to public, private or parochial educational
institutions, or to the occasional care of children with
or without remuneration.

(b) A "child welfare agency" is defined for the purposes
of this Act as any person or institution, public or pri-
vate, incorporated or unincorporated, receiving, with
or without transfer of custody, one or more children
under the age of sixteen, not related to the operator
of said agency by blood within the second degree or by
marriage, unattended by parent or guardian, for the pur-
pose of providing such children with care and maintenance,
or for placing or arranging for the placing of such child
in the care, custody, or control of another.

(c) "Supervised activity" shall mean any child welfare
agency or foster boarding home subject to regulation
under this Act.

Section 2 -- License Required - No person, associa-
tion, corporation, institution or agency shall operate
as a child welfare agency or foster boarding home, or
advertise or solicit for either the placement or the
care, custody or control of children under the age of
sixteen years, without having in full force and effect
a written license from the State of Colorado, under the
signature of the Director of the Department of Public
Welfare.

Section 3 - Application for Initial License - Applications for licenses, as required by this Act, shall be made to the Department of Public Welfare upon blanks furnished by the Department. From these application blanks, the Department shall inform itself as to the applicant's qualifications to care for or supervise the care of children, and as to whether the applicant has facilities presently available or proposed which meet the minimum standards of this Act. Provided however, that all activities holding licenses under existing laws shall be entitled to licenses as a matter of course under the provisions of this Act, provided that such licenses are valid and subsisting at the passage of this Act. But nothing in this Section shall in any way restrict the powers of the Department of Public Welfare to revoke such licenses in accordance with the procedure set out in Sections 6 and 7.

Section 4 - Issuance of License - If, upon examination of the application and the applicant, the Department of Public Welfare is satisfied that the applicant is qualified for the proposed activity, it shall (upon receipt of a filing fee of \$1.00) issue in the name of the State of Colorado a license for the remainder of the calendar year in which application is made.

Section 5 - Continuing Supervision - The Department of Public Welfare shall prepare a set of standards to protect and promote the moral, physical, mental and social welfare of the child. Such standards shall be published by the Department and made available to any applicant for a license, or to any other interested party upon request.

It shall be the duty of the Department of Public Welfare to ascertain whether all supervised activities subject to this Act maintain the standards so set out; and said Department is hereby authorized to make inspections as often as it feels necessary, but not less than twice each year, to insure satisfactory compliance with the prescribed standards. The Department of Public Welfare, on such inspections, shall point out any deficiencies noticed, and shall assist the activity in every possible way to improve its own qualifications and to maintain adequate facilities for the care, custody and control of children.

Section 6 - Revocation of Licenses - The license of any child welfare agency or foster boarding home may be revoked upon a finding by the Department of Public Welfare that such activity has substantially and wilfully violated any provision of its license, has intentionally made any false statement or report to the Department, or has not maintained its qualifications to receive and care for children under the provisions of this Act or of any applicable Department regulation.

Section 7 - Revocation Procedure - No license shall be revoked unless the licensee is given notice in writing of the grounds for such revocation, and a public hearing upon at least 20 days written notice is had. Such notice shall be served upon the supervised activity concerned in the manner provided for service of process in civil suits under the Colorado Rules of Civil Procedure. The Director of the Department of Public Welfare shall have the power to issue subpoenas to compel the attendance of any person within the State, and to compel the disclosure of any relevant books and papers to the same extent, and in the manner provided for by the Rules of Civil Procedure for civil actions in this State. At the close of the hearing, the Director of the Department of Public Welfare may order either the revocation of the license, or a restriction of the privileges exercised by the activity under such license, provided, however, that in either case he shall set forth in writing the grounds for the action taken.

Section 8 - Judicial Review - Any activity or person aggrieved by any order or action of the State Department of Public Welfare may appeal to the Juvenile Court of the county where such person or activity conducts its business, or if such county does not have a Juvenile Court, then to the County Court of such county.

In all appeals taken under this Section, the proceedings in the appellate court shall be in all respects de novo. Said appellate court shall consider and pass upon all objections to the proceedings in the said cause, which may have been made before the Department of Public Welfare, and make such orders and render such judgment as shall be mete and proper, in such manner as though the cause had been originally begun in the Juvenile or County Court.

No activity shall continue operations under a license that has been revoked, or begin operations where a license has been denied, until the reviewing court shall have acted on the case, unless such activity upon cause

shown procures special authorization from the Department of Public Welfare or from the reviewing Court.

Section 9 - Renewal of Licenses - Licenses shall be renewed on the first day of January of each year upon application to the Department of Public Welfare, unless the said Department, under the provisions of this Act, shall see fit to refuse the application for renewal.

Section 10 - Records of Child Welfare Agencies - Every activity licensed as herein provided to receive, secure homes for, or otherwise care for children, shall keep a record containing the dates and places of birth, the names, ages and former residences of all such children received; a statement of the physical and mental condition of such children by a competent physician; the names, former residences, occupations and character so far as known of the parents, the dates of receptions, and of placing out in foster homes, together with the name, occupation and residence of the person with whom the child is placed; the date and cause of any removal to any other home, and a brief history of each child together with such other facts as the Department of Public Welfare shall require. All such records of any child shall be confidential, and shall be sealed in any court in which an adoption proceeding for such child is held.

Section 11 - Power of Consultation - In carrying out its obligations under this Act, the Department of Public Welfare shall have the power to consult with, and to solicit and receive assistance from other departments and agencies.

Section 12 - Penalties for Violating Act - Any person, agency, firm, corporation or association willfully violating any provision of this Act, or intentionally making any false statement or report to the Department of Public Welfare, or operating as a foster boarding home or child welfare agency without a duly issued license by the State of Colorado, shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars or more than three hundred dollars.

Section 2.-- All powers concerning the approval, visitation, inspection, and licensing, of associations, corporations, societies and institutions, receiving or having the care, custody or guardianship of children, now vested in the State Bureau of Child and Animal Protection by Chapter 33, Section 12, Colorado Statutes Annotated (1935) are hereby transferred to the Department of Public Welfare.

Section 3 -- All powers to license, investigate, regulate and inspect maternity homes and hospitals as vested in the State Bureau of Child and Animal Protection by Chapter 78, Section 5, Colorado Statutes Annotated (1935) are hereby transferred to the Department of Public Welfare.

Section 4 -- The General Assembly hereby finds, determines and declares this Act to be necessary for the immediate preservation of the public peace, health and safety.

Section 5 -- In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

A BILL

for

AN ACT TO REPEAL CHAPTER 31, SECTIONS 26 TO 30, BOTH INCLUSIVE, COLORADO STATUTES ANNOTATED, 1935, CONCERNING BOARD OF COUNTY VISITORS.

Be it enacted by the General Assembly of the State of Colorado:

Section 1 - Sections 26 to 30, both inclusive, of Chapter 31, Colorado Statutes Annotated, 1935, are hereby repealed.

Section 2 - The General Assembly hereby finds, determines and declares this Act to be necessary for the preservation of the public peace, health, and safety.

Section 3 - In the opinion of the General Assembly an emergency exists; therefore this act shall take effect and be in force from and after its passage.

V. CONCERNING THE INCORPORATION OF CHILD
WELFARE AGENCIES AND INSTITUTIONS

If the state is to encourage and facilitate good standards of child care and child placement, it may well provide for guidance and assistance to the community's organizations from the very beginning. This can be done by providing that no child care or child placement organization can be incorporated in Colorado until its proposed articles of incorporation have been examined and approved by the state department of public welfare. The purpose of such a provision should clearly be to guarantee that information and guidance is made available in the formative stages of child welfare organizations and institutions, and the examining agency should be prepared to give information and advice even before articles of incorporation are drafted.

No provision for this kind of service exists in Colorado law at the present time. There is no safeguard against an organization coming into existence, making considerable expenditures, and then finding that it cannot qualify for a license until part of what it has done is re-done in order to meet existing minimum standards.

RECOMMENDATIONS

We therefore recommend that provision be made for this kind of safeguard and service, and suggest the following language for a bill to accomplish this purpose:

A BILL

for

AN ACT CONCERNING CORPORATIONS NOT FOR PROFIT AND TO AMEND
CHAPTER 41, SECTIONS 172 TO 176 INCLUSIVE, 1935 COLORADO
STATUTES ANNOTATED.

Be it enacted by the General Assembly of the State of
Colorado:

Section 1 -- Chapter 41, Sections 172 to 176 inclusive,
1935 Colorado Statutes Annotated is hereby amended to read as
follows:

Section 172 -- (Same as now)

Section 173 -- (Same as now)

Section 174 -- (Same as now)

Section 175 -- (Same as now)

Section 176 -- (Same as now)

Section 176 (a) -- INCORPORATION OF CHILD WELFARE AGENCIES AND INSTITUTIONS: Any three or more persons, citizens of the United States, who shall desire to incorporate themselves for the purpose of maintaining, operating, or in any manner carrying on a child care or child placement agency or institution, or foster boarding home, shall, in addition to the papers and documents required by the preceding sections, file with the Secretary of State a certificate of qualification issued by the Department of Public Welfare, stating that the said applicants for a certificate of incorporation are eligible for a license to operate a child care or child placement agency or institution, or foster boarding home, or other child welfare agency. Until the above certificate of qualification has been filed, the Secretary of State may under no circumstances issue the applicants the necessary certificate of incorporation, or in any other manner cause the corporation to come into existence. The appropriate licensing agency shall not by the terms of this section be deprived of any powers it may have to revoke any license issued to a child welfare or child placement corporation organized under this section. Incorporation of any of the abovementioned child welfare agencies or institutions is not mandatory.

Section 2 -- The General Assembly hereby finds, determines and declares this Act to be necessary for the immediate preservation of the public peace, health and safety.

Section 3 -- In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

VI. CONCERNING THE NEED FOR FURTHER WORK

Because of lack of funds and time the Commission was not able to accomplish all that it would have liked to have been able to do. The members feel that much is yet to be accomplished in the following fields:

A. Administrative Organization

It is generally believed that efficient and economical administration depends in large part upon how the work is organized. It is widely thought that the most economical administration of the "welfare" activities of the state necessitates bringing all those activities into a single department or other administrative unit. Experience certainly indicates that, when two or more agencies are responsible for the same or closely related functions, confusion, duplication of effort, and uneconomical operation result. Yet the functions of inspecting, counseling, approving and licensing child welfare agencies are theoretically scattered among five different agencies of the state: the Board of Standards of Child Care, the Bureau of Child and Animal Protection, the State Division of Public Welfare, Boards of County Visitors, and Boards of County Commissioners.

It is not implied that all laws affecting children should be administered by one agency. But such gross overlapping and duplication as indicated above certainly indicate the need for a complete analysis of the legal provisions for administering laws affecting children, to the end that the state shall receive a full dollar value for each dollar expended.

If any legislative or administrative agency is set up to consider problems of administrative reorganization, it might well apply itself to this problem, but it should have an agency charged with the study of the content of the state's programs for children with which to cooperate.

B. Guardianship

A study of Colorado laws with regard both to guardianship of the child and to guardianship of the child's estate was prepared under authority of the Children's Code Commission. (See the 203 page report of findings which accompanies this report.) Limitations of time, however, have prevented us from basing any specific recommendations upon these findings, or even mastering the findings themselves, and the research agency has consistently refrained from including any recommendations with its report.

Even a cursory examination of the findings, however, indicates the need for continued study looking toward practical proposals:

In Colorado any "discreet and suitable person" may be appointed in certain instances to serve as guardian ad litem, although experience with this provision elsewhere is reportedly unsatisfactory.

Some states which allow a father or either parent to name a guardian for a child by will or deed have established safeguards against the possibility of thus establishing an incompetent, unsuitable or improper person as guardian. Colorado statutes involve no such safeguard, unless it be in the provision that the person named be a "proper person."

Both the Bureau of Child and Animal Protection and the Board of the State Home for Dependent Children may, under certain conditions, become the guardians of children.

A Colorado child without parents does not necessarily have a guardian, but if the child has property, there must be a guardian of that property. There is a growing conviction among interested persons that all children lacking parents should have guardians.

Other indications that the subject of guardianship needs further study and may need legislative changes can be found in the research report.

C. School Attendance

A preliminary study of Colorado laws regarding compulsory school attendance shows that Colorado fails to meet recommended standards in regard to (1) years of attendance required, (2) age and grade at which school attendance becomes non-compulsory, and (3) provisions for the education of the physically and mentally handicapped child. More important, however, these sub-standard provisions (Ch. 145, Sec. 263 et. seq. C.S.A. 1935) are seemingly in conflict with a portion of the State Constitution which reads as follows:

Art. IX, Sec. 11. Compulsory education. -- The General Assembly may require, by law, that every child of sufficient mental and physical ability, shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

We recommend that the people of this state be given an opportunity to empower the General Assembly by Constitutional Amendment to establish modern compulsory school attendance legislation. We believe that only when the General Assembly has such power can our present statutes be improved. If such an amendment is passed, the results of further research and study may be utilized by subsequent General Assemblies.

D. Public Education

Authorities in the field of education in Colorado point to the following as needing attention at the present time:

1. The passage of adequate legislation to implement the reorganization of the State Department of Education as authorized by the approval of Amendment I expressed by the vote of the people in the general election on November 2, 1948.
2. The necessity for research directed toward the revision and recodification of the school laws of Colorado.
3. Continued and increased state support for the public schools of the state, and research directed toward developing means for providing such increased support.
4. The necessity for assisting local districts, in cooperation with county and state officials, to plan reorganization of school administrative units toward a more efficient and economical program of education. State aid for transportation should be provided in connection with this program.

While we have not had an opportunity to study these matters, we think that this testimony indicates further reason to continue the study of Colorado's laws affecting children. Whether the study of school law, however, should be undertaken by a Children's Code Commission or by a special agency, we are not in a position to say.

E. Child Labor

A preliminary study of Colorado law relating to child labor shows that Colorado fails to meet recommended standards in regard to (1) types of employment open to children, (2) provisions against employment interfering with school work, (3) working hours per week, (4) working hours in addition to school attendance, (5) night work, (6) physical fitness, (7) administrative provisions, etc.

These findings, even though tentative, certainly show the need for continued study leading to careful judgments.

F. Other Problems

We have had no opportunity to study the following sections of Colorado's laws affecting children:

1. Non-support and Dependency
2. Special Institutions
3. Delinquency, Crime, and the Courts
4. Child Guidance
5. Health and Medical Services
6. Relief and Aid to Dependent Children
7. Recreation and Group Work

We believe, however, that the importance of adequate statutory provisions in these fields, plus the evidences of inadequacy in the fields which we have studied, indicate strongly that these fields also should be carefully studied.

RECOMMENDATIONS

In order to make the studies indicated above, and in order to provide later General Assemblies with proposals which would lead to a modern and satisfactory body of law affecting children, we recommend that an act be passed differing from the act of 1947 in the following respects and for the reasons indicated:

1. In order to be adequately representative, a larger Commission is needed than was provided in the act of 1947.
2. More funds are needed if the full scope of the Commission's work is to be completed carefully on the basis of adequate research.
3. More time is needed. Time must be allowed to assemble staff, to complete research, to explore alternative proposals, and to draft these proposals into specific form for legislative consideration.

We suggest the following language for a bill to achieve the recommendations above:

A BILL

for

AN ACT TO CREATE A CHILDREN'S CODE COMMISSION, TO DEFINE ITS DUTIES AND POWERS, TO PROVIDE FOR ITS EXPENDITURES, ITS REPORTS, AND THE TERMINATION OF ITS AUTHORITY: AND FOR AN APPROPRIATION OF FUNDS.

Be it enacted by the General Assembly of the State of Colorado:

Section 1. There is hereby created a Children's Code Commission, hereafter called the Commission, which shall consist of eleven (11) members to be appointed by the Governor for terms of four (4) years ending on or before June 1, 1953. The Governor shall make such appointments from a list of candidates whose names may be submitted by any interested groups, giving due consideration to: (1) Known interest of the candidate in Child Welfare; (2) The firmly established competence of the candidate; (3) The geographical differences in the state that should be represented. The members of the Commission shall serve without pay, but shall be reimbursed for the expenses reasonably incurred in the attendance of meetings, and in carrying out the provisions of this Act.

Section 2. The Commission shall choose from among its members a chairman and a vice-chairman. It shall hold meetings whenever called into session by the chairman, and shall make such rules and orders for the regulation of its own proceedings as it shall deem proper.

Section 3. The Commission shall make a careful study of child welfare in Colorado, including: (1) The needs of children which can be controlled or improved by legislative enactment, including in particular those children who are dependent, neglected, or delinquent, those children who are in danger of becoming delinquent, and children otherwise requiring special care; (2) the laws affecting children, including the operation and effect of existing laws, the existence of conflicting, obsolete or otherwise undesirable laws, and shall recommend such changes in the laws and additions to them as may be needed to embody the best experience on these subjects. Recommendations shall be designed to correct conditions which adversely affect the welfare of children. In making such study the Commission may hold hearings, examine documents and records belonging to state agencies dealing with children whenever such examination of documents and records is necessary for the compilation of data that may be of use and value to the commission in its work, examine existing studies, and enlist the aid of research organizations and other agencies specializing in the

subjects assigned to the commission. The Commission shall furnish annual reports to the Governor and to the General Assembly of the State of Colorado. On or before June 1, 1953, the Commission shall conclude its duties and submit to the Governor and to the General Assembly a report of its findings and recommendations, and thereupon the Commission shall stand discharged.

Section 4. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, a sum of fifteen thousand dollars (\$15,000) per annum, or so much thereof as may be necessary, to defray all expenses of the Commission, including the employment of such executive, clerical and technical assistance as may be required to carry out the purposes of this Act. Said appropriation shall be expended in accordance with the statutes of this state relating to the expenditure of appropriations, and warrants shall be drawn against the appropriation hereby made upon vouchers duly issued by the Commission and signed by the chairman and vice-chairman thereof.

Section 5. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

Section 6. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

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Office of Superintendent of Public Instruction
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Family and Children's Division
Denver Area Welfare Council
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Miss Marjorie Gallaher, Executive Secretary
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In addition to the Consultants and members of the Special Research Committees listed on the previous pages, the members of the Commission are deeply appreciative of work done by the Chairmen of the Advisory Committees and their co-workers throughout the state. The following people served capably as chairmen in their respective communities:

Mrs. Maurice Leckenby, Steamboat Springs

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Mrs. Fred B. Orman, Pueblo

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Mr. Jay G. Piccinati, Colorado Springs

Mrs. Arthur Wimmell, Lamar

DOCUMENTS SUBLITTED WITH THIS REPORT

One copy each of the following reports of findings on Colorado's laws affecting children has been presented to the Governor of the State of Colorado with this report:

1. Unit I - Adoption
2. Unit II - Indenture
3. Unit III - Guardianship
4. Unit IV - Incorporation, Licensing and
Inspection

BUREAU OF STATE AND COMMUNITY SERVICE
UNIVERSITY OF COLORADO EXTENSION DIVISION

Statement of Account with Children's Code Commission

Expenditures

Project Director	\$ 891.85	
Research Assistants	1,315.99	
Clerical and Stenographic		
services	560.74	
Supplies and miscellaneous	125.73	
Mimeographing	26.94	
Travel	78.75	
Total Expenditures	_____	\$3,000.00

Payments from Children's Code Commission	
to reimburse Bureau of State and Comm.	
Serv.	3,000.00

Balance _____ -----