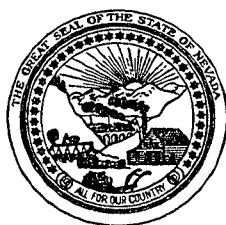


**CHILD WELFARE  
AND  
ADOPTION IN NEVADA**

A New Law and a New Approach

BULLETIN NO. 58



NEVADA LEGISLATIVE COUNSEL BUREAU

MARCH 1963

Carson City, Nevada



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Parenthood is part biological and part environmental. Parenthood can develop naturally, with all warmth and affection, without biological paternity. Adoption is such a relationship - it is not created in court but better protected and secured in court. It is not an artificial relationship, but a natural one. Adoption can exist even without court action, as it did for hundreds of years in England until 1926. An informal adoption exists at the time of placement - legislative bodies have delegated the function of protecting and registering this relationship to the courts through issuance of formal orders of adoption. This delegation could be given as well to a quasi-judicial administrative body.

--Ernest A. Mitler

## PREFACE

On June 30, 1961, pursuant to Chapter 17, Statutes of Nevada 1961, an investigative report on adoption practices in Nevada was presented to the Nevada Legislative Commission by the Office of the Attorney General. This report was essentially fact finding, with emphasis on possible violations of law and unethical conduct. The present report and suggested draft for a strengthened adoption law was made at the request of the Legislative Commission. It was prepared by Ernest A. Mitler and submitted to the Legislative Commission in January of 1963.

Abuses and irregularities in the adoption field can be eliminated only by improving and expanding community services in the adoption field. In turn, these services can be made genuinely effective only by a total improvement in the state's public and private welfare programs. Once this foundation has been established, an enlightened, progressive adoption law can be of value to the community. It was necessary, therefore, to review existing child welfare services before preparing a proposed new adoption law.

Courts, institutions, social agencies - in fact, every service connected with children and adoption - were visited in Nevada. The vast majority of individuals giving service in the field of child welfare were interviewed. Out-of-state field trips were made to Wisconsin, Arizona, California. All of these agencies and individuals cooperated fully.

As mentioned above, this study was conducted and the report written, by Mr. Ernest A. Mitler of New York City. Mr. Mitler received his B.A. from Yale in 1939 and an L.L.B. from Columbia in 1943. From 1943 to 1955, Mr. Mitler served as Assistant District Attorney in New York County, investigating and prosecuting baby selling cases, along with other duties. From 1955 to 1958, he was Associate Counsel, United States Sub-Committee on Juvenile Delinquency, conducted field investigations nationally, and holding hearings on adoption abuses. During 1959, he served as consultant and investigator for the Department of Welfare, Connecticut, and for the Legislative Committee on Family Law, New York. His work during 1960 as special investigator for the California Department of Social Welfare, when he conducted an investigation into the California baby selling racket, resulted in the conviction of three persons in New York City for interstate baby selling between New York and California.

It is hoped that this report will not only provide the basis for improved legislation in the child welfare and adoption field, but will stimulate thinking and action to expand the state's overall program for serving children.



## SUMMARY

A. A good adoption program is dependent on a sound well-rounded social service program provided by public and private social agencies. The basic machinery to accomplish this is non-existent in many vital areas of service in Nevada.

Completely absent in Nevada are (1) professionally staffed welfare planning councils, (2) maternity shelters for unmarried mothers, (3) qualified family counseling services, (4) private child-welfare and adoption agencies with professionally trained staffs (with one exception), (5) Travelers' Aid, a valuable agency for referral of unmarried mothers to appropriate community resources, (6) a unit in the State Welfare Department providing full, well-rounded protective services for children. Presently these services are carried out in token fashion or hardly at all by the Department, due to limitations imposed by statute, staff and budget.

Until these services are developed, a good adoption law would have little genuine value. The law is contingent on sound services for its success.

B. By tradition, by statute, by attorney general's opinion, the Welfare Department is assigned a restricted role in providing non-material protective services. By statute, the Department should be given the mandate to perform fully protective and rehabilitative services. Welfare Departments in the United States now usually have this obligation. Then the Department should be provided with staff and funds to perform these services.

C. Any person insane, criminal or mentally retarded can operate an adoption agency under present Nevada law. Babies can be sold for any amount without violating the law. A licensing law controlling adoption agencies and a law against baby selling is necessary.

D. Adoption law should provide:

(1) Limiting all placements for adoption to licensed private agencies. No one except a licensed agency or State Welfare may place for adoption, including doctors, lawyers or any individual, even if this is done without profit.

(2) Consents for adoption must be taken before a representative of the State Welfare Department.

(3) If private placements are permitted to continue, the Welfare Department must receive 14 days pre-placement notification before any child is placed for adoption.

(4) Counties shall provide without charge assistance to all persons petitioning for adoption. It shall not be necessary to have a lawyer to secure an adoption decree.

## INTRODUCTION

The goals of this report are: first, to stimulate thinking about Nevada's social welfare and adoption needs; and, second, to suggest new approaches to meet these problems. Finally, amendments and improvements to the existent adoption law of the state will be recommended. These recommendations concerning legislative changes can only effectively serve the community if the first two goals are met. Formal, technical statutory changes without strengthening community services would be barren and meaningless. To transpose to Nevada the fine provisions of Wisconsin's Children's Code and Adoption Law without bringing the Wisconsin type of services to children in Nevada would be an empty literary exercise. Wisconsin's outstanding adoption law has acquired its status not through the wording of the statute, but the application of the principles embodied in the statute to existing community services in the state.

For several years, there has been an awareness that abuses in the adoption field and defects in adoption services exist in Nevada. It is against this background that the assignment was made by the Legislative Counsel Bureau to have recommendations prepared to strengthen the state's adoption law. This, obviously, can be done effectively only by strengthening at the same time the state's total adoption and child welfare program. This is the framework and the scope of this report.

The following assumptions are the foundation for this study:

(1) Every proposal, whether a new law or expansion of a service, has been suggested in answer to one question - Will it meet a need? Multiplying or expanding services alone creates an illusion of activity. By doing a lot of new things, the community conscience may be eased, but this is a useless form of self-deception. Assigning new functions to agencies that do not have the personnel, status or capacity to effectively meet the immediate problem is simply a form of evasion. Services rendered are not equivalent to meeting community needs.

(2) A sound overall children's and family code covering all aspects of neglect, dependency, delinquency, child placement, adoption, termination of parental rights combined with a normal structure of public and private agencies meeting community needs is an absolute condition of a good adoption program and law. Simply getting a good law on the books would be no more than an empty exercise in English, deferring further the time for the solving of the total problem. **ESSENTIALLY, NEVADA'S ADOPTION PROBLEM CAN BE MET ONLY BY IMPROVING ALL OF THE PUBLIC AND PRIVATE COMMUNITY SERVICES THROUGH LONG-RANGE SOCIAL PLANNING.**

(3) Dispensing of monetary assistance is only one function of public welfare. Protective services to families and children, a standard public welfare function, includes adoption services, casework with neglected and dependent children, as well as dealing with many aspects of delinquency. In Los Angeles, the County Welfare Department picks up children found in socially undesirable circumstances in front of public places to illustrate one of the non-money dispensing functions commonly performed by Welfare Departments in the United States. Improved adoption service means assignment of additional functions to Nevada's Welfare Department. The Department is unable to perform present responsibilities in the area of protective services due to absence of number and type of staff needed. Without developing a strong protect-

ive service division in the State Welfare Department, assignment of additional functions to the Department would be empty ritual.

(4) Machinery must exist in every community to professionally evaluate child welfare, adoption and overall welfare programs. This is non-existent in Nevada.

(5) Piece-by-piece, bit-by-bit approach to meeting social problems brings negative results. Public services must be integrated, woven together, planned with vision. Nevada has split and fragmentized its public social services far too widely.

Adoption services are one part of the protective services to children. Protective services normally include, along with adoption, working with cases of neglect, dependency, and many facets of delinquency. The techniques used involve professional case work, giving counselling service to families, unmarried mothers, and children. A good adoption program is only as strong as the social services are in a community.

In Nevada, private, professionally-staffed social agencies are relatively undeveloped, and protective services, including adoption services, are principally the responsibility of the State Welfare Department (Catholic Welfare Bureau is an exception).

Of the estimated 18 million people visiting the state each year, probably more than half pass through Clark County; many of these non-residents remain many months; many bring with them social problems; many unmarried mothers are included in this group. Add to this the normal population of Clark County, which is approaching the mark of 200,000. How many people are there rendering public protective services (in the Welfare Department) to this vast and complex community with its staggering number of visitors? There are exactly 2 workers in the State Welfare Office in Clark County. Machinery either on a public or private level doesn't exist to come to grips decisively with social problems stemming from the tremendous number of tourist and non-residents in the state. Adoption and problems of non-residents are closely connected - many babies are being taken out of the state by non-residents. For several years as many children were being transferred for adoption to Utah as placed in the state. Dr. Wyatt's baby-placing operation dealt essentially with non-resident mothers and adoptive couples. During her twenty-seven years of child-placing activities, Mrs. Jean Edgar of Sparks dealt with mothers and couples from all parts of the West. With the exception of the Welfare Department's program for unmarried mothers, which serves non-resident mothers, provision to meet problems of non-residents are very limited. Absent is any device on a social service level to meet problems of non-resident children lost, left unattended in cars and on sidewalks in large numbers throughout the night and day, and moral conditions leading to adolescent pregnancies in many trailer camps. This is all part of the broad child-welfare and adoption problem that is left unmet. Only enlightened social planning by welfare planning council and legislative leadership can start to meet these problems.

An improved adoption law cannot operate in a vacuum. Eliminating adoption abused requires a Welfare Department staff that has the time, the skill, and the opportunity to conduct careful home studies, and has the opportunity of conducting careful, intensive field investigations. If this cannot be done, then enacting a good adoption law would simply be an exercise in writing.

This report recommends many measures that will strengthen social services in the state. However, at present, the State Welfare Department is not even

able to fulfill its contract with Clark County to render services in the fields of neglect and dependency, largely because there is no staff available to effectively render these complex services.

A meaningful and good adoption law is completely dependent on sound social services to support the law. There is a direct and close relevancy between all social services and adoption. It is absolutely impossible to isolate any of these services from each other. For example: children are often released for adoption by married couples, due to family disintegration. In California, 45% of the children placed for adoption last year were not born out of wedlock - many of these children came from families where there were social problems. A sound family counselling service might have prevented separation of the child from its home. Or, on the other hand, the same service might have advised the parents when the family was too deteriorated to liberate the child for adoption. This kind of counselling work should be done at present by the protective service unit of the State Welfare Department - an absolute impossibility in absence of the necessary staff. Children remaining for extended periods of time in foster homes and institutions can often be liberated for adoption with skillful review of their cases by trained social workers when it is obvious that they will never be united with their own families. This requires a trained staff in a public welfare department. Travelers' Aid has served nationally as an agency to inform of the exact adoption services available (or not available) in the community - where to go for shelter, where to go for work, whether it is advisable to move to another community where ampler services are available. In the absence of Travelers' Aid in Clark County, many of these girls visit the Clark County Relief Administration to be told that they should return to their own home towns, the very places they have been fleeing from - an open invitation for them to turn to the baby black market as their only outlet. It is obvious that provisions must be made in Nevada - on a public level - to meet these problems in order to establish a strong social welfare and adoption program.

A SOUND ADOPTION PROGRAM AND LAW CAN EXIST ONLY WHEN NEVADA HAS DEVELOPED A  
COMPLETE STRUCTURE OF PROGRESSIVE SOCIAL SERVICES FOR CHILDREN  
AND ADULTS

Without a play, an elaborate theatre is meaningless; without an orchestra, a beautiful music hall is worthless. Enacting a well-thought-out child welfare code and adoption law would be an equally empty exercise in legislative drafting without a sound and complete structure of public and private social services to support the law.

Enumerated in the following analysis are some of the basic social services that are needed in every community but which are presently absent in Nevada.

(a) All states, with the exception of Nevada, have some form of licensing child-placing and/or adoption agencies. Control, supervision and official accountability over any group giving systematic and professional services and care to children is vital - Nevada does not have such a licensing system. The existing foster-home licensing system does not cover adoption agencies or social agencies except for homes caring for children placed there by the state (Welfare Department, courts or any other jurisdictions within the state or counties). In fifteen out of Nevada's seventeen counties, the insane, criminal, or black-market baby operators are absolutely free to operate any kind of child-placing or child-care agency - even to charging \$10,000 a child for adoption with complete immunity from any interference by this state. No license is required, and there is no law against baby selling.

(b) Shelter services for pregnant girls, a vital need in a well-integrated adoption program, exists in almost every other state. Shelters for pregnant women planning to place their children for adoption do not exist in Nevada.

(c) A uniform state-administered system of licensing all homes caring for children, whether with or without compensation, is in operation in most states. Even where the foster home licensing program is not completely state-administered, there is some control at least over these foster homes on a county or city level throughout the country. In fifteen out of Nevada's seventeen counties, there is absolutely no licensing system over homes caring for children where the placement is made privately. The state does not have power to license these homes.

(d) In California, more than 45 percent of the children placed for adoption were NOT born out of wedlock. Families faced with a temporary crisis - sometimes of a non-financial nature - place their children for adoption, in this situation, due to poor social planning. Family counselling agencies, which exist in most large communities and states, often provide the social guidance and planning to hold the family together during such a crisis. No qualified family service and counselling agency exists in the state.

(e) Just as bureaus of criminal identification are vital to law enforcement agencies to secure information about a person's criminal background, social service exchanges provide comprehensive information about a person's contact with any social agencies in the community. If a caseworker wants to give guidance or assistance to a client, it is necessary to work with the whole family unit. Only through using a social service exchange can a comprehensive picture be secured of the families' contact with social service agencies. Reno has abandoned the only social service exchange that existed in the state.

(f) Travelers' Aid units providing guidance, assistance and making referrals to other social agencies are found throughout the country at airports and railroad stations in most large communities or wherever there is an acute need to meet the problems of transients. Frequently, unwed pregnant girls are referred immediately to an appropriate social agency from a Travelers' Aid unit at a railroad station or airport, or they are informed of the absence of the necessary services in the local community. An estimated eighteen million persons passed through Nevada - principally Clark and Washoe counties - last year. Many of these transients arrived carrying with them acute social problems. There are probably no transportation terminals in greater need of a Travelers' Aid unit than those in Washoe and Clark Counties. Obviously, the kind of services, the extent of financial aid and even the manner of offering the services will have to be adapted for the particular problems to be met in this state. A Travelers' Aid unit cannot be converted into a financial assistance unit for those who have suffered economic losses in gambling. In New York City and Miami, many pregnant unwed girls, who might otherwise fall into the hands of black market baby operators, are referred to local adoption agencies or Travelers' Aid units at the transportation terminals.

(g) Social agencies, obviously, can only perform their function with qualified, trained staffs. All communities in the United States suffer acutely from a shortage of trained social workers, psychiatric social workers, and other necessary experts and specialists. Nevada suffers more acutely from these shortages than the majority of states. Due to the lack of in-service training facilities in the county and state welfare departments and the magnetic attraction of California's well-developed private and public social agencies, it is difficult to attract qualified personnel to staff these agencies in Nevada. Competition for graduate social workers is extremely keen in the United States. The national shortage of trained workers is severe. Frequent personnel changes (especially in the state welfare department's office in Clark County), a relatively poor state tradition in social welfare, lack of well-developed private and public community welfare services, lack of public and legislative support of welfare programs, create an atmosphere that makes Nevada relatively unattractive to graduate social workers. A state stipend should supplement Federal stipend to give professional social work training to Nevadans.

(h) Each state and community has unique and distinctive problems. This requires careful social planning. Coordinating the activities of a widely varied group of community welfare services provided by private and public agencies also requires careful planning. Social planning developing new programs cannot be done by occasional semi-fraternal and social meetings held between community leaders and interested persons of good-will. In almost all states, and in all sizable communities, there is a professional staff on a full-time basis, operating as coordinators of social agencies and as a social planning unit. In New York, a central counsel - a joint group of private and public agencies - has a substantial professional staff for social planning. It is this very staff that is responsible for the country's first adolescent hospital for developing a program to combat youth gangs and for developing an adoption unit in the city's public welfare department. In Los Angeles, the professional staff of the Welfare Planning Council spearheaded a state-wide citizens' committee of six hundred that dealt with California's adoption problems. As a result of the committee's work, the number of adoption agencies in California jumped from two to over thirty-five. Chaos, duplication, conflicts were certain to exist in a community without a coordinating council with a central professional staff. Nevada has no public or private professionally-staffed social planning unit in the social welfare field. An

endless number of committees and groups have been set up temporarily, or function in a token fashion throughout the state, but they do not in any way perform the needed service.

Vitally needed is a unit of the Society for the Prevention of Cruelty to Children, a national organization using "aggressive casework techniques." Very simply, trained agents from this organization, schooled in probation work, police work and some social welfare training, study and fully investigate all cases involving neglect, dependency, sex molestation of children, assaults on children. Not only do they assist the police in the field in making arrests where a child is damaged physically or emotionally, but they also make a full study of the social structure of the child's home to determine what the root of the problem is. The child is thus protected by the arrest of the offender and the society tries - using casework techniques - to build a firmer family structure. Agents of the Society do not wait in their offices for clients to come in, but respond immediately in the field when they are informed of a situation jeopardizing children. The Society works in close cooperation not only with the police but the social agency. It is a private agency, normally given police powers and supported by the community. It has operated with great success as a liaison between public and private agencies, the police and the welfare departments. In New York, all cases involving sexual attacks on children are turned over by the detectives to agents of the Society to help with the prosecution and carry on after the case to help rehabilitate the child. This service would be invaluable in Nevada. Agents for the Society, paid for by private sources, would be available at all hours to examine conditions affecting children lying in cars or observed in hazardous conditions on the streets, or left unattended in trailer camps. These are conditions that are inevitable when 18 million transients visit any area.

A community service council exists in Reno; it is composed of leading citizens but its operation to date is in no way a substitute for a full-time well-staffed social planning unit. This is Nevada's greatest need in the area of human welfare. Most of the state's social welfare problems are dealt with on a piecemeal basis or simply overlooked or cast aside. (This is with particular reference to problems of a non-material, non-financial nature.) Basic philosophical problems about social responsibilities have to be studied and answered. For example, who has the responsibility for meeting a whole myriad of social problems attributable to transients and tourists who are not residents of the state? What are the social consequences of the gambling industry in Nevada on family life? What facilities can be developed to meet the needs in the adoption field of unmarried mothers who are not residents of the state? Should an effort be made to bring well-developed child care and adoption facilities from California into Nevada? Or, should Nevada develop its own services?

Whatever social planning exists at present in Nevada is too fragmentary, too sporadic, to meet the rapidly expanding social needs of the state.

In southern Nevada, there were no significant population centers until the rapid expansion of Clark County and Las Vegas, starting with the construction of Hoover Dam in the early 30's. Construction workers for the dam sparked the early growth of an already established small town in Las Vegas. The legalization of gambling in the state in 1932, of course, accounts in large measure for the tremendous development of Las Vegas in recent years. Clark County has scarcely had time to adequately develop its community services.

Without going into exhaustive detail, the State Welfare Department has made a determined effort to recruit a professional staff, to follow national standards in child welfare under the leadership of the Child Welfare League of America and the United States Children's Bureau, and to develop a sound adoption program. Without a full structure of supporting private social services, this is an almost impossible task. Furthermore, a strongly individualistic philosophy and a lack of a true understanding of the need of these services by the community has made the Department's child welfare program difficult to operate effectively. Even though there is a relatively well-staffed new girls' correction school, a tremendous improvement in the boys' correction school in Elko under Director Oliver Forsterer, and a rapidly expanding program in mental health, nonetheless Nevada has huge gaps in community services.

Wisconsin, with one of the most advanced child welfare programs in the United States, has a population composed largely of Germans and Scandinavians who immigrated to the United States at the time when social welfare services were extremely advanced already in their own countries. In both Germany and Scandinavia, in the early part of this century, social security programs, including child welfare programs - were in full operation. Some aspects of these programs have not as yet been adopted in the United States. In the early 1900's, Norway, followed by the other Scandinavian countries, adopted the Castleberg laws which give an illegitimate child the same status legally as a legitimate child. Maternity centers have operated throughout Scandinavia, serving on an equal basis the rich and poor, the unwed and the wed, meeting in the same center all the problems of all of the social economic and medical problems of pregnancy. With this background, child welfare services developed rapidly, both on the public and private level, in Wisconsin. In New York, the first landing place for immigrants from all over the world in the United States, it is only natural that a wide variety of private social agencies should develop to meet the needs of these people. Well-financed through the community, operated by powerful and influential boards of directors with considerable influence in the legislative body, it is obvious that these human welfare services should be relatively well developed not only in New York, but in the northeastern states.

An attempt to automatically transfer and impose on the State of Nevada the very services now being given in the northeastern states would be unfair and would not fit the needs of this state.

Beyond a difference in philosophy regarding social services, there is also a basic difference in attitude toward social problems. This difference in attitude has a direct connection with the state's adoption program. Recently an investigative visit was made to verify circumstances surrounding the adoption of a child by a notorious madam operating a house of prostitution in northern Nevada. The facts substantiated were that the madam for over twenty years had operated the leading house of prostitution in the area and received a child privately for adoption while still operating the establishment and had received a decree of adoption while still operating the establishment and had received a decree of adoption after a cursory social investigation. The evidence was that the local attorney, as well as the judge who granted the decree, were aware of the fact that the adoptive mother was a notorious madam. Additional evidence was developed that prior to securing the decree, the adoptive mother had been observed (by a responsible social worker) physically abusing the child. Since these facts had been initially presented in a newspaper in Reno, and the existence of such a case had been vehemently denied, a careful investigation was made of this case. A member of the Welfare Department's staff in that community disclosed that she had been employed as a domestic in the madam's

house of prostitution and felt nothing but goodwill toward her because of the madam's generosity toward her. It was further learned that the madam and her prostitute employees received a semi-official health inspection periodically at the local health department. Another welfare department official alleged that the adoptive mother and madam had been active in local community services and at one time during an epidemic had done valiant work.

This town is not a lawless or backward community. It is an orderly, small, well-run Nevada community, but, as in Beatty, Wadsworth, Tonopah, Hawthorne and other Nevada towns, prostitution is semi-officially condoned, reflecting a difference in viewpoint toward this social problem from most of the rest of the country. In developing a new adoption program and law for Nevada, these differences in attitudes, customs and approach to social problems must be constantly borne in mind. These variations in attitudes may well represent a more realistic and enlightened approach to some of society's social problems.

NEED TO SPELL OUT DEFINITION OF CHILD  
WELFARE SERVICES

In Clark County, to perform a function that involves round-the-clock, seven-days-a-week field work in a dynamic large community, there are technically three full-time workers assigned directly to protective services for children in the State Welfare Office in Las Vegas. At night and over weekends no service on an emergency level is rendered by this office in neglect or dependency cases. The Juvenile Bureau of the Las Vegas Police Department reports that in neglect cases frequently they are unable to reach anyone in the Welfare Department, that over the weekends or at night there is a complete absence of service from the Welfare Department. Six neglected children were recently, on the information of a neighbor, taken to the Las Vegas police station. Hour after hour officers tried to get assistance from the Welfare Department for purposes of placing the children and giving them adequate care. After five hours of desperate attempts by the officers to secure the help of a welfare worker, all efforts to secure the Department's assistance were abandoned. The children were returned to an uncle in the neighborhood by the police since they had been told by the Welfare Department that there was nothing that they could do and that the only foster home available was full. Welfare officials explained that they have neither the staff nor funds to develop a round-the-clock staff, that the only foster home the Department works with in Las Vegas was not available, that after the return of the children to their neighborhood, they entered the case. They concede that they are not equipped to provide full protective service in Las Vegas. The breakdown in relations between the community - city and county agencies in Las Vegas and the State Welfare Department - jeopardizes the community and the children who must be served. Recriminations and personal attacks will never help children. Only understanding and digging into the roots of the problem can build the Welfare Department's Las Vegas Office so it can perform a sound public service in the field of child welfare and adoptions.

There are many other glaring gaps in services by the Welfare Department in the adoption field; investigative reports are relatively superficial; often in the past natural mothers in private adoption were not interviewed in the investigation; natural parents are sometimes interviewed in open office space within the hearing of many other persons, and a myriad of other inadequacies are easily detected. Are these failures dereliction in duty, or are the roots of the deficiencies buried much deeper? Why is the Department unable to render high-level child welfare services, to provide genuine skilled family counseling or full professional guidance in adoption cases? These services are vital to a good adoption program. Part of the answer is obvious. **THE ROLE ASSIGNED TO THE DEPARTMENT - BY STATUTE, BY AN OPINION OF THE ATTORNEY GENERAL (240-1957), BY A RESTRICTIVE AND LIMITED PHILOSOPHY PREVALENT IN THE STATE OF THE PROPER FUNCTIONS OF A WELFARE DEPARTMENT - IN EFFECT PROHIBITS GOOD PUBLIC CHILD WELFARE AND ADOPTION SERVICES.** The techniques needed to bring about the results demanded by the community in many instances would require acts beyond the authorized scope of powers of the Department under current statutes. It is not consistent to complain of unperformed functions and not clearly empower and equip the Department to meet these problems. Failure to operate effectively can be fairly ascribed to breakdown in performance and poor work only if the Department is authorized to fully do its true job.

Since this question is at the root of the whole adoption and child welfare problem, it is necessary to fully illustrate the meaning of the last paragraph and propose a solution.

What exactly are these statutory limitations and how do they impair precisely the rendering of good adoption and protective services? By statute, the Department is to render child welfare services. Under the Federal Social Security Act (Pub. Law 87-543), the current definition nationally is given of child welfare services. This includes strengthening of homes of children that might have to be separated from their parents, protection, prevention of neglect, abuse, exploitations or delinquency of children. In practice, this involves action and sometimes aggressive field work, often without solicitation or request of a court or the parents. It means that the Department, if following the Federal definition, has a positive obligation to detect at the first possible time, any symptoms of family breakdown and to take positive steps to remedy the situation on its own initiative. It means the Department would have the duty to make positive plans to meet the problems of children, whether residents or non-residents, left unattended in large numbers in cars and on the streets in various parts of the state (possibly working out day-care centers for these children, a technique now used for children of migratory workers with Federal help.)

Nevada law, as interpreted by Attorney General Opinion 240-1957, prohibits the Department from rendering many of these services except at the request of the Court or of the parties involved. While not a total prohibition, it is a severe restriction when considered along with other Nevada Statutes. Certain enumerated special services are assigned to the Department. Obviously, the Department is limited (outside of its money-dispensing functions) to their assigned services. These do not include child welfare services as defined in the Federal Social Security Act. A.B. 437, introduced in 1959, spelled out broadened powers for the Department in terms of protective services. It was defeated in the Assembly Social Welfare Committee. Again, A.B. 224, introduced in 1961, would have included in special services a clear assignment of duties to the Department in the area of protective services. This portion of the bill was deleted. The limitations on the Department's power are sharp and unequivocally spelled out by these legislative actions. The very existence of a special contract with Clark County to render certain services by the Department in neglect and dependency cases before court action implies a clear limitation by the Department in its basic functions in these cases. If the Department had full responsibility in these matters, no contract would be necessary.

Why is this a severe obstacle to a good adoption program? Temporary family breakdowns cause many families to place their children unwisely for adoption. When the emergency ends, they often demand the return of the child from the prospective adopters. This always creates a tremendous tragedy, often a painful court contest and damage to the child. Sound social planning by a social worker before the family breakdown has gone too far, restoration of the family unit through skilled guidance can avoid this unwise placement and a tragedy. To accomplish this, the worker may have to do much more than wait passively in her office for the mother to appear. People in distress require a more aggressive approach - perhaps even an unsolicited home visit, or an unsolicited visit with the husband who is about to desert. If the visits are unsolicited, despite the positive results that may emerge, the worker may well be acting beyond her authority under the Attorney General Opinion.

Frequently, in the past, natural mothers were not interviewed in adoption investigations being made for the Court. This is a fatal omission. When a determined effort was made to have the social worker interview all natural mothers, many Nevada attorneys protested about the Department's policy.

Attached for failure to render services, attacked when services are rendered (much criticism is leveled against the Department for denying children

to certain adoptive couples, for insisting on interviews with all natural mothers), a statutory change is needed to permit without challenge the Department to perform in its fullest sense good child welfare services. It is suggested that NRS 422.70 define child welfare services in the exact same language as contained in the Federal Social Security Act:

. . . the term "child-welfare services" means public social services which supplement, or substitute for, parental care and supervision for the purpose of (1), preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children, (2), protecting and caring for homeless, dependent, or neglected children, (3), protecting and promoting the welfare of children of working mothers, and (4), otherwise protecting and promoting the welfare of children, including the strengthening of their own homes where possible or, where needed, the provision of adequate care of children away from their homes in foster family homes or day-care or other child-care facilities.

Armed with this definition, the Department is empowered to provide fully protective services. It then becomes necessary to build a staff supported by an adequate budget that will allow the Department to carry out these new functions. At present, full and complete child welfare services are close to non-existent in Nevada - the State Welfare does not provide them, except in a very limited way. Nevada law prohibits county welfare departments from giving child welfare services, and private social agencies in the adoption and child welfare field are limited to the Catholic Welfare Bureau.

A LAW IS NEEDED REQUIRING LICENSING BY THE STATE WELFARE DEPARTMENT  
OR A LICENSING BOARD OF ALL HOMES PROVIDING CARE FOR CHILDREN

In fifteen of the seventeen Nevada counties, there are neither state nor county requirements for the licensing of homes caring for children where the placement is made privately. Two counties - Washoe and Clark - (the cities of Reno and Las Vegas) have licensing requirements to cover these homes. It is a simple matter, therefore, for those who wish to avoid licensing in Washoe or Clark County to establish themselves in any one of the other counties.

The state law provides for licensing by the Nevada State Welfare Department for all homes caring for children who are placed by the Court, a social agency or the Welfare Department. Homes caring for children where the placement is made privately are exempt from the state licensing statute; homes of close relatives of the children are also exempt. The social desirability of requiring licensing homes caring for children is self-evident. Unsuitable persons entrusted with the care of children can cause physical and psychological damage to a child.

Efforts in the past to enact a statewide comprehensive licensing of homes for all child care establishments have been opposed in Clark County by local welfare officials who do not wish to surrender what they feel is a well-functioning licensing operation. The following comments were made: (1) that the state presently notifies their licensed foster homes in advance before an inspection; and (2) that the state does not have an adequate size staff to diligently supervise and inspect licensees. The local official claimed to know of cases in which only three physical inspections were made in the course of nine years. The local official further indicated an unwillingness to even permit the state to supervise or check the records of the child welfare licensing board in that particular area.

In Washoe County, the operators themselves opposed state licensing of the child care homes.

Both Washoe and Clark Counties can easily continue to supervise and control these child care homes under a state licensing system. The proposed licensing law delegates to these two counties (and any other qualified county) the right to act for the State Welfare Department in carrying out the licensing function, as is done in California. In this way, there is complete coverage of the entire state. Uniform statewide standards are provided for, and Clark and Washoe Counties will not be deprived of their licensing function. Delegation of these functions has the added virtue of relieving the already short-staffed State Welfare Department of the need to assume a new, heavy responsibility.

Unless day care centers for children are licensed by a central state agency, Nevada may be ineligible for special Federal grants that should be available during the next session of Congress for these centers. A Federal law already passed authorizes the Federal Government to give financial assistance for day care centers if the disbursement of the funds will be handled centrally. Day care centers for children are not licensed by the Nevada State Welfare Department.

Comprehensive licensing of foster homes would give the State Welfare Department an opportunity to attach at early stages the problems connected with family disintegration, neglect and delinquency before they ripen into serious social problems. The first danger signal of deterioration in family relation-

ships is sometimes an early foster home placement. By having supervision over these homes, the Department can have its finger on the nerve center at the earliest possible state of social maladjustment.

Control over foster homes by licensing is a valuable weapon in combatting the baby black market, as well as other abuses involving children:

1. Jean Edgar, Sparks housewife and for many years operator of a foster home, engaged in a large-scale interstate adoption business in Sparks for over twenty-seven years. (See Appendix A.)
2. Grace Schultz, a female swindler, prostitute and confidence woman, who went to State Prison in California on charges connected with baby selling, operated a foster home for children.
3. Mrs. A. D. McKenna (now deceased) of Las Vegas for many years conducted a foster home for children in Las Vegas. Police files reveal that she made a practice of savagely beating many of the children, training the children to engage in shoplifting and thievery, and dunking their heads in toilet bowls for the purpose of punishment.
4. In Fallon, a home for boys operated irresponsibly and only for profit.

Only Alice In Wonderland logic can justify the dual licensing by county and state of certain foster homes used by the courts in Washoe County, while failing to have any licensing whatsoever in fifteen counties for child care facilities where placements are made privately.

In summary, the following observations were made regarding licensing of child care homes in Nevada:

1. A uniform state-administered system is vital.
2. A central registry of children living away from home should be maintained by the Welfare Department or other appropriate state agency. This central registry should be used as a springboard to detect family disintegration and attack dangerous situations to prevent future delinquency. Aggressive casework should be undertaken to meet these problems at their earliest possible stage so that the first point of contact is not when the situation has so completely disintegrated that the state steps in, either to place a child for adoption, or to commit a child to a state institution or - at a later stage - as an adult, to prison.
3. It is strongly recommended that children who are found to be in foster care of any description for an extended period of time have their cases completely reviewed by professional caseworkers by an appropriate state agency. These reviews should take place at least twice a year. If, on all the evidence, it appears that it is unlikely that a child will ever have the benefits of returning to normal family life, an action should be initiated by the appropriate agency - probably the Welfare Department - to terminate parental rights and make the child legally free for adoption.

Obviously, the evidence must be extremely strong that there is no likelihood that the child will return to normal family life, and this evidence, of course, will be presented to a Nevada court. This can be accomplished only if the state has a comprehensive licensing system and has knowledge of children under care away from home.

4. Licensing can become a farce and mockery if firm controls are not exercised over the facilities after the license is issued. This requires a strong, active, professional staff to administer the law. In the absence of such a staff, licensing is a mere ritual, and those engaging in malpractice are in the position to secure a license and operate in a way damaging to children.

The following is the proposed licensing statute (For the purpose of this statute, the central licensing agency is designated as the "State Child Welfare and Adoption Board".) Recommendation for the creation of such a board is discussed later:

A. Any person, agency, corporation, body or group giving care for children under sixteen shall require a license issued by the State Child Licensing Board. Care includes a day care and overnight care, provided with or without compensation. Child care facilities furnished by any hotel, gaming licensees or other business shall not be exempted from licensing. A home receiving children of relatives for care shall not require a license. All regulations relating to licensing under this section shall be issued by the State Child Licensing Board.

B. All child care licenses shall be valid for one year from the date of issue and be reissued each year at the discretion of the State Child Licensing Board. The Board may suspend, or refuse to issue or reissue, a license for cause. This decision shall be subject to review by the State Child Welfare Board at a formal hearing.

C. It shall be the duty of the State Welfare Department to compile a registry of children living apart from their natural parents, and to provide casework service to re-unite such children and their parents in appropriate situations. The Department shall conduct periodic review of all cases in which children living apart from their natural parents are being permanently deprived of opportunity of family life. When, under all the circumstances, the evidence clearly indicates the child cannot be reunited with its family, the Department may initiate a court action to terminate parental rights and make the child legally free for adoption.

Comment: Many children are held in perpetual foster care and never receive more than a token postcard or a yearly visit from parents. They are, in effect, permanently neglected. They should be given an opportunity to be liberated under these circumstances for adoption.

D. Any violation of Sec. A shall be punishable by a fine of not more than \$500, or by imprisonment in a county jail of not more than six months, or both.

E. The Department shall have the duty to offer consultation and educational service to licensees.

F. The Department may delegate the investigation and supervision of child care facilities, when necessary, to a county or city welfare department, but retain sole authority to issue license.

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Comment: The proposed statute leaves all administrative details, establishing rules and regulations to the controlling agency, the State Child Welfare and Adoption Board. To embody these rules and regulations in the statute, going into details as to the amount of

inspection that should be made by the Health Department, Fire Department, Police Department, outlining the physical dimensions required of the facilities and many other details would be cumbersome and make the law inflexible. The legislative body meets only every other year and all changes would have to be made in these details by amending the statute. The situation is completely different with respect to city ordinances that can be changed every month or with great regularity at the meetings of the city council. There are innumerable models for sound regulations existing throughout the United States for licensing child care facilities. They all follow a well-established pattern, and there is no need to go into detail in this report.

It is hoped that a training program to give foster parents skill and knowledge in child care can be conducted under the guidance of the State Welfare Department. As in European countries, possibly some sort of certificate could be issued to foster parents who have taken these courses, given them some sort of professional standing in the field of child care.

ALL SOCIAL WELFARE AGENCIES, CHILD CARE AGENCIES,  
ADOPTION AGENCIES SHOULD BE LICENSED

Only in Nevada can any person - insane, criminal or senile - operate an adoption agency (providing there is no direct care for children) without any official sanction or license.

Nevada has no law licensing adoption agencies. In fifteen of the seventeen counties (where there is no licensing requirement for child care facilities), Grace Schultz could have opened a baby farm, selling children for \$5,000 each without violating Nevada law. The necessity for a licensing statute covering social agencies does not warrant extensive discussion. It is an elementary, obvious need.

Ralph Benson, disbarred Los Angeles attorney, headed up a large-scale interstate baby selling ring. Part of his operation was with confederates in Las Vegas. On one occasion, he carried from Las Vegas, on an airplane in a bag, a baby that he sold for \$4,000 to a Los Angeles couple. The prospective adoptive father had been convicted of a sex offense involving children. Benson and his Las Vegas confederates did not violate any Nevada law for either baby selling or for operating an adoption agency without a license. For several years a large number of Las Vegas babies were being placed in Utah through arrangements made in newspaper advertisements. Those engaged in this activity in Clark County were actually operating an interstate child placing agency. In the absence of a licensing law, there was no way of controlling the child placing phase of this activity.

Jean Edgar conducted an interstate traffic in children for adoption for twenty-seven years from her home in Sparks, Nevada, charging from \$400 to \$1500 a child. She did this without violating any Nevada statute, and welfare officials were powerless to control her activities.

Two serious problems do arise relating to a licensing statute:

a. The Catholic Welfare Bureau for many years was the primary adoption agency in the state. Lately, the State Welfare Department's program in adoptions has greatly expanded. Catholic Welfare has performed a wide variety of useful services over the years, but if a licensing law is enacted and standards for licensing are followed as advocated by the Child Welfare League of America and United States Children's Bureau, Catholic Welfare might be ineligible to receive a license. This is due to the inadequate number of professional graduate social workers on their staff.

The practice in this agency of improvising fees or donations in each case, rather than publishing a standard fee schedule, is considered by the Child Welfare League of America as undesirable practice.

These observations are not intended as criticism in any way of an agency that has pioneered in child welfare in this state and that has operated as the sole private child welfare agency in Nevada. It would be a tremendous disservice to the community to curtail the vital services now performed by the Catholic Welfare Bureau in both Clark and Washoe Counties. As has been done in Oklahoma and several other states, a provisional or temporary license should be provided for in the statute. This would give the Catholic Welfare Bureau the opportunity to continue to operate usefully. This agency would then have a reasonable time to develop a professional staff.

The following is the proposed child-placing licensing statute:

A. Any agency, group, corporation, person or persons engaging in placing children for temporary care or adoption shall require a license from the State Welfare Department.

B. The Department shall print in its Manual all rules and regulations to be met by an applicant as a condition of issuance of the license. The Department shall provide consultation and educational service to licensed agencies.

C. The Department may issue a temporary authorization to an agency in existence at the time of enactment of this law, to be known as a conditional authorization to operate a social welfare agency. Such certificate must be renewed every six months. Such certificate shall be issued to enable an existing agency to continue to function while actively improving its standard of personnel and operation. A license to operate a social agency shall be issued wherever a conditionally authorized agency can establish that it is qualified to meet sound agency licensing standards. Conditional authorization may be withdrawn any time by the Department if, in the opinion of the Department, the agency is not making a maximum effort to improve agency standards.

D. All licensed social agencies shall in an application specify the functions they plan to perform and the license shall enumerate the functions in which the agency is authorized to engage. Each agency must secure additional authorization if it desires to expand functions.

E. NO PERSON, GROUP, ASSOCIATION, CORPORATION MAY PARTICIPATE IN ARRANGING FOR THE PLACEMENT FOR ADOPTION OF A CHILD EXCEPT A LICENSED CHILD WELFARE AGENCY. THIS PROVISION SHALL NOT APPLY IF THE PLACEMENT IS TO A RELATIVE WITHIN THE SECOND DEGREE. NATURAL PARENTS ARE NOT EXEMPT FROM THIS PROVISION.

F. Any violation of Section A is a misdemeanor.

Relatively few placements are genuinely made directly by the natural parents. Usually there is a loophole in the law permitting natural parents to place directly, and intermediaries who are really making the arrangements try to make it appear that the mother made the selection of the adoptive couple. This is a fiction and merely encourages a lot of play acting, handing babies over at gas stations. One Las Vegas girl described her experience of being forced to carry her baby out of the hospital and to the airport and to turn the child over to the adoptive couple as a "nightmare that I will carry with me all my life. I had to stand in the hospital, watch the couple dress the baby, and then I was just a courier." This ritual was performed so Beverly Hills baby seller Dr. Aaron Lax and his associate in the business, Attorney Jordan Wank, could claim that the mother, and not they, had placed the child. Of course, whoever is responsible for finding the adoptive couple is arranging the placement - the mechanics of transfer, or the ratification of arrangements by the natural mother, are not relevant.

The present law permits any corporation organized as a child-care agency to accept relinquishments and consent to adoptions. Having delegated the child-placing function for adoption to licensed agencies, all other persons should be eliminated from this activity or the licensing law. The material capitalized above should be a part of the licensing law.

ALL NEVADA LAWS RELATING IN ANY WAY TO CHILD WELFARE  
SHOULD BE CONSOLIDATED INTO ONE CODE

Scattered, fragmentized bit by bit throughout the Nevada Revised Statutes, are the laws relating to family and child welfare. Even the most diligent researcher could be challenged to pull together and secure a comprehensive view of existing Nevada laws in this field. One of the reasons why many attorneys tend to over-emphasize the mechanics of securing an adoption decree and minimize the child placing process is because in most states throughout the country all matters relating to child welfare and the placement of children is in a completely different section of the statute from the state adoption law, which is usually purely procedural. The adoption law merely outlines the mechanical steps that are required to be taken to secure an order of adoption. Even after diligent research, many attorneys through the United States are confused and unaware of restrictions on baby selling and child placing, because the pertinent statutes are so widely scattered in the law.

The provision requiring approval of placements by the State Welfare Department in adoption matters has never been enforced and is almost completely unknown to most of the members of the legal profession, even those handling adoption cases. This section of the law is located under the title of Foster Homes and in this classification, it is extremely unlikely that any conscientious attorney would even be able to find it on his own initiative.

Sprinkled and scattered all through Nevada Revised Statutes are matters relating to child adoption and public welfare. To add further new statutes diffused throughout the code would only intensify the confusion.

The following titles should be merged and coordinated under a family and children's code:

Adoption, Termination of Parental Rights, Foster Homes, Child Care Institutions, those sections of the law relating to issuance of birth certificates, all sections relating to the placement of children, licensing of child care facilities and sections relating to the powers of the State Welfare Department over child welfare. It is recommended that this consolidation should be effected even if sections have to be duplicated to some extent.

ALL PRIVATE NON-AGENCY PLACEMENTS FOR ADOPTION SHOULD BE PROHIBITED.  
ALL ARRANGEMENTS FOR ADOPTION SHOULD BE MADE BY LICENSED AGENCIES.

Connecticut and Delaware restrict all placements for adoptions to licensed state social agencies. These laws have functioned successfully without conflict and confusion in both states. Adoption irregularities, black market baby operations, have been minimized in these states. Both attorneys and doctors know exactly what they are permitted to do in connection with adoptions.

The key to Connecticut's success in limiting adoptions to social agencies was the deferring of the effective date of the law outlawing private adoptions for one year. During the intervening year, the state had private agencies strengthen their programs of services, particularly to unmarried mothers. The standard reason given by unmarried mothers for refusing to go to agencies - the inability to get immediate assistance - was removed. Attorneys, doctors and hospitals received literature on the new law and were all directly visited by representatives of the state welfare department to interpret the law to them.

The contrasting virtues of private placements made by doctors, lawyers, and citizens, as opposed to agency placements, have been debated with vigor. There are studies made by psychologists in California to show that private placements have better results than agency placements, and - opposing - another study in Florida on the same topic resulted in the opposite conclusion. A California report alleges that over twenty percent of the privately arranged placements fail. The Gesell Clinic at Yale developed statistics showing that agency placements are much superior. The evidence is inconclusive. There are, however, certain incontrovertible facts:

1. Baby-selling racketeering of children. Baby peddling on an interstate and international level does exist in the United States and Nevada. In the majority of these cases, certain doctors and lawyers have been directly involved. They have taken the position that the confusing and ambiguous state of the law on child placing authorizes them to engage in these commercial practices. At a recent baby selling trial in Los Angeles which resulted in a hung jury, the defendants, who were all doctors and lawyers, claimed that - since the law was unclear as to the role of doctors and lawyers in child placement - that they were entitled to engage in commercial child placing practices. No matter how the law is drafted, no matter how precise the wording of the law is, it is obvious that unless private placements are completely eliminated, baby selling under the camouflage of the practice of law and medicine will persist.

2. A good adoption program consists of a great deal more than simply making successful placements. If this were all that was expected, then private placements should continue. On the other hand, if a good adoption program consists of giving the maximum in community service available to the natural mother of the child and the adoptive parents, agencies obviously have a much superior position over private placements. The average attorney, trained in the techniques of commerce, necessarily anxious to serve his client who pays him (the adoptive parents) sees his function in arranging placements and in making sure that the child is transferred to his client with the minimum degree of interference. His next duty, normally, he feels, is to promptly secure an adoption decree and make sure that the natural mother does not change her mind. Out of kindness and humaneness and also to achieve the desired results, he may hold conversations with the natural mother and help her financially. He does not feel it is his duty to devote himself to helping her readjust in the community, nor does he feel obliged to help her work out her often complicated emotional problems. If there is an involved family situation connected with the mother's case which will require extensive specialized casework service, it is unlikely

that the average practitioner assisting in making placement for adoption would have the skill, time or knowledge to work this problem out. An attorney has a different set of duties and a completely different concept of his role in adoptions from that of a social agency. Appendix B contains a consent secured in Nevada from a natural mother by a Reno attorney. This form of consent has been used frequently in Nevada and other states. It is a normal contract used every day by attorneys in transacting legal matters and contracts. Obviously, it is a promise in exchange for consideration for a natural mother to give her child to a couple. The very wording of the consent makes it clear that it is inappropriate for the placement of a child and should apply only to the sale of an article. Yet, the attorney involved never conceived of this arrangement as that of a sale. He simply failed to have the social insight to understand that the contract was inappropriate in the particular situation.

The social problems of the natural parents cannot be met adequately through private arrangements. If, as sometimes happens, the adoption blows up and the child must be returned, a tragic situation invariably occurs when the arrangements have been made privately. The natural mother is compelled to physically repossess the child - a child that she has placed permanently for adoption. Attorneys and doctors do not have any facilities or techniques for meeting this situation. On the other hand, social agencies have foster homes in which to place a child, they are in a position to make referrals if the child has some defect to an appropriate clinic, and - if the condition is remedied - they are again able to place the child. Based exclusively on two considerations that a small minority of doctors and lawyers and other persons are engaged in organized baby selling in the United States and in Nevada; and, because of the infinitely superior services available for natural parents and children through agency placement for adoption, it is strongly recommended that all placements for adoption be limited to those made through licensed social agencies.

The natural question arises: How exactly has Nevada been affected by the baby black market? The following are illustrations:

1. After a Senate investigation and a hearing by the Richmond County Grand Jury in Georgia, Judge Harry A. Woodward resigned his position as Juvenile Court Judge of Richmond County, Georgia. With the collusion of his probation officer, Elizabeth Hamilton, he had sold children to the movie colony and to many couples in southern Nevada. In order to secure children for his commercial baby traffic, Judge Woodward would have brought before him - as Augusta's Juvenile Court Judge - natural parents with attractive children. He would then terminate parental rights, assume custody of the child, and place it for adoption with a West Coast couple. Judge Woodward received a six-hundred to a thousand-dollar fee in each one of these cases. Many of these children came into Southern Nevada. In one brutal case, an Augusta mother had left her child for care with a foster home operated by the court. She returned after several months' employment in Memphis, Tennessee, to resume custody of her child. She discovered that her child had been placed for adoption and that her name had been forged to a consent. This mother is still in search of her child. The adoption decree was secured in White Pine County and the placement had been made by Judge Woodward with a Las Vegas couple. Despite maximum efforts by the natural mother to locate her child, legal entanglements, her lack of financial resources, her inability for many years to even know whether the child was inside or outside of the State of Georgia, prevented her from ever securing justice.

2. A national baby selling syndicate, with its headquarters in Los Angeles, was headed up until recently by a disbarred California attorney, Ralph Benson. Benson's disbarment resulted from the felony conviction in an ambulance chasing case. Benson had extensive dealings with Las Vegas doctors and attorneys

in his baby selling business. On one occasion he sold a Las Vegas baby for \$4,000 to a Los Angeles couple. The adoptive father had been convicted of a sex offense involving a child. Benson transported the child by airplane from Las Vegas to Los Angeles in a suitcase.

3. Both Mrs. Jean Edgar of Sparks, Nevada, and Dr. Thomas Wyatt of Carson City operated large-scale interstate adoption businesses. While Mrs. Edgar received fees from \$400 to \$1500 a case, and apparently Dr. Wyatt acted without compensation in these matters, both have arranged adoptions that are voidable. In many instances, legal papers in these adoptions were falsified in such a way that at anytime these adoptions could be challenged and declared void. It was the common practice in both situations to represent a married natural mother as being unmarried. The consent then of the natural father and husband was not secured. Of course, at any time the husband and natural father would have a right to challenge and invalidate the adoption.

To illustrate: In New York, a wife - in the absence of the husband and father - gave birth to his child and placed the child for adoption for \$2,700, representing herself as an unmarried woman. The husband was then able later to invalidate the adoption.

4. A single woman, extremely wealthy (the Hubbard case, newspaper accounts of which were widely circulated), received a child privately for adoption despite the fact that two children had been previously taken away from her by court action in Illinois, and allegations of homosexual conduct. An adoption decree was granted in Washoe County, the court waiving any investigation and failing to submit notice of the petition to the Welfare Department. This occurred after a California Judge had denied a petition for adoption in the same case.

Irregularities, adoption abuses, and profiteering have taken place in Nevada and have affected the Nevada community to the same degree as these malpractices have affected California. Experience has demonstrated that persuasion, conferences, discussions and modifications of the law will never eradicate these practices.

The most practical objection to confining placements for adoption to social agencies stems from reluctance on the part principally of the legal and medical professions to turn over to the social work profession entire control over adoptions. It is proposed that this objection be met by creation of a northern and southern Nevada social agency and adoption board; this report will propose a wide range of functions for the board. The basic philosophy will be to place on a policy-making board representatives of all the community groups which might be concerned with child welfare in the adoptive process. Thus, the board should be composed of the social work profession, law, medicine and the judiciary. Its essential powers are:

1. Final authority in issuance or revocation of licenses for social agencies.
2. Final authority in developing or expanding the Manual of Procedure of the Welfare Department relating to child welfare and adoption, advisors and consultants to the Welfare Department and other state agencies on child welfare.
3. Issuance of adoption decrees. This would involve the delegation of issuing adoption decrees by the legislative body to this board rather than to the courts. This function which, of course, represents a radical change will be discussed later. The instant proposal is directed at permitting the legal and medical profession to have a policy voice in directing the state's adoption pro-

gram. It is not implied that the Welfare Department's function in administering the adoption program should be interfered with. On the other hand, if members of the legal and medical profession are able to meet on an official basis with social workers at the time policy decisions are made, and they are able to convey that to the members of their profession the reasons for these policies, the chances of the professions working in harmony instead of frequent conflict, as at present, would be increased.

The accusation is continuously made that social workers want to play God, want to be high-handed. The justification and reasons for many of their actions are misunderstood or unknown to the community, particularly doctors and lawyers. If these overall policies are understood and approved of initially by the leaders in the legal and medical professions, it is obvious that the energy that is misdirected now, contentions and disputes between these professions, will be minimized. A detailed discussion of the functions of the board, rotation of membership, is deliberately omitted from this report. This proposal represents a major change. First, the desirability of this change divorced from the mechanics of the change should be discussed. Frequently, desirable social changes are destroyed because little consideration is given to the social desirability of the change and total consideration is given to the mechanical details of how it will be implemented. -(See Appendix B.)

Permitting full participation by all professions, on the policy-making level, in the social welfare field should reduce much of the opposition of the medical and legal professions to the elimination of private placements for adoption.

The following is the wording of the proposed statute restricting child placement for adoption to licensed social agencies: "No petition for order of final adoption shall be presented unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by a licensed adoption agency or by the Department of Welfare. No such placement shall be necessary in the case of (1) a step-parent adoption; (2) an adoption by a blood relation; (3) a child placed by licensed agency outside of the state with the written consent of the Department of Welfare."

COUNTY WELFARE DEPARTMENT SERVICES SHOULD BE INTEGRATED WITH THE STATE WELFARE DEPARTMENT. THERE IS A STRONG POSSIBILITY THAT THE PRESENT NEVADA LAW DOES NOT PERMIT THE EXISTENCE OF A COUNTY WELFARE DEPARTMENT.

A careful reading of the Nevada law clearly establishes that, with the exception of aid to the indigent, all public welfare services are to be rendered by the State Department of Welfare. The law is explicit. NRS 428.010 clearly states that county aid and relief is to be administered by the Boards of County Commissioners for the benefit of the poor and indigent. No construction of this law coupled with the broad welfare powers given the State Department of Welfare allows the licensing of child welfare facilities by the county or for some of the other functions being carried out by the Washoe County Welfare Department. (This is not intended to challenge the fine services being rendered by Washoe County Welfare Department, but to raise question of law that should be settled. Obviously, many children are placed for daytime care in homes licensed by Washoe County, as well as the Las Vegas Child Welfare Board, who are not poor.)

This is directly relevant to child adoption. Clark County Relief Administration is technically performing the only welfare service authorized by law to a county public agency in Clark County. They are providing emergency assistance in the tradition of the dolo. An investigator operating under cover assumed the role of an unmarried mother, paid a visit to the Clark County Relief Administration; she told the worker that she was pregnant, not married, came from another state, and needed help. She was told directly to return immediately to her home state. That was the only kind of "assistance" available. The worker also said that she doubted the State Welfare Department would be able to help. (An account of this visit appears on page 6 of "A Survey of Adoption Practices in Nevada" prepared by the Office of the Attorney General, June 1961.)

There is no purpose in continuing on a county level welfare programs in the fifteen less populated counties of the state. Nevada, by statute, wisely renders basic welfare services on a state level. Fifteen counties do not have facilities for developing well-rounded welfare departments or are they able to give sound adoption services. In Washoe and Clark Counties, it is suggested that the existing county services can continue by delegation to the county, if overall control is retained by the state. Particularly, the Las Vegas Child Welfare Board has established a sound licensing system over child care facilities. In the case of Clark County, apart from the Child Welfare Board, there is actually no county or city welfare department. A relief administration is not a welfare department, in the contemporary sense of the word, because it is limited to giving emergency material aid only.

A STATE AGENCY DIRECTLY UNDER THE GOVERNOR CONSOLIDATING ALL INSTITUTIONAL,  
SOCIAL WELFARE SERVICES AND SOCIAL PLANNING SHOULD BE CREATED - A DEPARTMENT  
OF HUMAN WELFARE AND SOCIAL PLANNING

Social services to children, adults, prisoners, delinquents, handicapped, blind are completely fragmented into innumerable separate units in Nevada. There are innumerable more state agencies serving human beings separately in Nevada - a state with a population of three hundred thousand - than there are in Wisconsin or New Jersey, whose populations run into millions. The State's adoption child welfare program is one facet of a total state program involving all fields of human services.

The following is a partial list of welfare and institutional functions in the state, each one representing a separate department, agency or function:

- State Mental Hospital at Sparks
- State Mental Health Program under the  
State Health Department
- Boys' Correction School at Elko
- Girls' Correction School at Caliente
- State Prison at Carson City
- State Welfare Department
- County Welfare Departments
- City Welfare Departments
- Children's Home at Carson City
- Boys' Camp at Spring Mountain

Every institution and agency, even if requiring the same kind of specialized personnel, has been established separate and apart from each other. Only recently it was found that a program at the Rose de Lima Hospital operated by the Mental Health Unit, was failing to coordinate its functions with the operation of the Nevada State Hospital at Sparks - a natural consequence of having a mental health program in a small state split up between two departments.

One of the original purposes of establishing a mental health unit at the Rose de Lima Hospital at Henderson was to reduce the population of a state mental hospital in northern Nevada at Sparks. Southern Nevada patients, it was thought, could be treated closer to their homes and would not have to be separated completely from their families. This goal has not been achieved as yet. Patients who are committed through court petition are examined ordinarily by court-appointed psychiatrists and committed to the State Hospital at Sparks. The possibility of these patients remaining near their homes in southern Nevada and being treated at the Rose de Lima Hospital is remote if they are not first initially referred for psychiatric screening to doctors supervising the program at the Rose de Lima Hospital. To put it plainly, because two separate departments are involved, apparently the state mental health unit which is concerned with the Rose de Lima program doesn't even get to know the existence of many of the patients committed by the court to the hospital at Sparks.

Directly pertinent to child adoption is the separation between the Nevada Welfare Department and the State Children's Home. Although the Children's Home is under control of the State Welfare Board, the Home is operated independently and on its own. The result has been, until recently, many years of constant friction and often antagonism between these two units of the state government. The Home and the Welfare Department must operate together. The Children's Home has children who are in need of homes and the Welfare Department is the agency that must find the homes. Yet, within the past year, a bitter philosophical

and personal disputes between the now retired director of the Home and the Welfare Department deprived many children of the opportunity of being placed for adoption. The Children's Home director was reluctant to place children in foster homes and even for adoption, because he was a strong advocate of institutional life for children, and furthermore did not have any confidence in the foster homes selected by the State Welfare Department.

The now retired Home director had made a major contribution to the institution by offering leadership in the creation of a series of cottages that have a home-like atmosphere, providing good group living facilities for children. It is natural that he should want to know the details of the kind of homes these children were to be placed in by the State Welfare Department. Much of the friction in this needless dispute might have been eliminated if a state coordinator had been able to provide the Home director positive information concerning these foster homes. Obviously a conflict of personalities operated, to the detriment of the children in this situation. This conflict was a natural consequence of the separation of the Children's Home from the State Welfare Department, creating a competitive attitude between the directors of these two agencies.

The boys' and girls' training schools are needlessly operated as two separate state units. The boys' forestry camp at Spring Mountain in Clark County - a training school for boys - is operated as a county facility and is autonomous from the boys' training school at Elko.

A state unit dealing with alcoholism which properly should be under the state mental health program functions in isolation on its own.

These illustrations could be continued in great length. Clearly, however, whenever a new function or activity is created in the state structure, a new agency is established. The process of fragmentization dilutes the effectiveness of these programs to such an extent that some of the agencies are conducting almost skeleton programs, despite a devoted and dedicated staff.

It is now proposed that a consolidation be effected in which these units would not lose their identity - namely, that a central agency operating directly under the Governor be created to coordinate the operations, planning and functioning of these institutions and agencies. Central buying, from a practical point of view, certainly would save the state money. A central pool of psychiatrists, psychologists, and specialists could be developed to work in all these institutions and agencies. Total overall planning on a state-wide basis would be possible. A national leader in the social-welfare, social-planning field could be put at the head of this unit. Such a man would have national standing and would have the direct and personal confidence of the Governor and the legislative body. He would keep the Governor informed of the functions of these departments, saving the Governor the need for following their activities from reports received from many different sources.

Following are some of the functions that are proposed that the central institutional agency would perform:

1. Social Planning. There is a total absence of any professional staff engaged in overall social planning in the human welfare field in Nevada. Furthermore, other sources of information, or other devices that are often used to achieve the same results as a central planning unit, are not available in this state. There are no legislative committees engaged in active field investigation to gather information in the human welfare field in this state. In New York and California, for example, there have been legislative committees investigating child welfare and adoption. These committees have both had field staffs and have

accumulated information that can be used for new legislation in developing new programs. Another device that is frequently used is an investigative unit in the Attorney General's office that frequently (in New York and California) investigates matters of a non-criminal nature in the area of human welfare fields; e.g., in California, agents of the Attorney General's office made an exhaustive study of conditions in the state mental hospitals as well as a study of abuses relating to independent adoptions in California. The Attorney General's office in Nevada has no investigators nor does the office itself have any statutory investigative powers apart from those inherent in the very nature of an attorney general's office.

There is an absolute need for a central planning study to be made to determine what the state's needs are in the human welfare field. A firm decision must be made as to the state's public policy and responsibilities in giving services to those who are not residents of the state but have social needs and are physically within the state. This is particularly important in Nevada with its population of three hundred thousand with eighteen million people passing through each year.

Another vital function for a central state social planning unit would be to explore the state's needs for a shelter for unmarried mothers. Can the Convent of the Good Shepherd in Clark County be used for the purpose, or should the state continue to use facilities in California? Would it be prudent to invite California agencies to operate such a facility in Nevada? Would they be willing to do this? Another area for exploration by a central unit is to determine ways of bringing private services in the social welfare field into the state - to determine whether these services are appropriate to the needs of the state, to establish citizens' groups to develop private sponsorship for these services. Most of these private agencies that operate even on a national footing enter a local community only if they are assured of financial support on a local basis. A central planning unit could help organize local support for these agencies.

The Nevada community is deeply concerned about the welfare of its children. In fact, the Variety School in Las Vegas provides excellent care for emotionally disturbed and organically brain damaged children. Only lack of adequate social planning can account for a brutal condition involving children at the Nevada State Hospital. In the childrens ward, in the day room, there are gathered approximately 25 children. The majority are suffering from extreme organic physical damage to their neurological systems; in some cases, they are incapable of walking, talking, and are completely demobilized. The very visual sight of this condition in a large group of children is a tragic one for the lay person, since many of these children will never improve and will be helpless for the rest of their lives. What must be the staggering impact, however, on children who are forced to be confined most of the day in the same area, who have no serious organic defect, but only psychiatric problems that can be corrected by specialized treatment. These children can progress, will probably re-enter the normal world and have normal appearances. Obviously, these two categories of children should be segregated, because the children who have psychiatric problems are being severely damaged by exposure round the clock to physically defective, deteriorating patients. While this may not be directly relevant to adoption problems, this illustrates the lack of long-range planning on a state level. A separate and small facility is required to segregate these two completely different categories of child patients.

A second illustration showing the damage inflicted by lack of adequate central planning concerns the new House of the Good Shepherd in Las Vegas. This home which opened in August was designed to care for delinquent girls. Before opening, the Sisters were assured by representatives of the state that there

would be no problems about their receiving girls. The facility was and is critically needed. In early October, a girl was committed to the Home by the Clark County District Court. Without going into complete detail, it was soon discovered through an informal opinion of the Attorney General's office that state funds could not be used for the commitment, and, further, that the home possibly required formal approval of the State Welfare Department. This blocked an efficient operation of the home, causing a serious legal entanglement. Next, the Attorney General's office, in effect, reversed its opinion, but to no avail, for it was discovered that there were no state funds available anywhere to care for the girls at the home. This needless snafu could easily have been avoided if the law had been carefully checked, and full and complete plans had been made for the integration of the home into the existing structure of laws in the state.

Other functions proposed for a central social planning agency in Nevada are as follows:

1. The use of aggressive caseworkers to discover forcefully existing social problems.
2. Creation of a pool of specialists in psychiatry, psychology and psychiatric social work to service all state agencies requiring these skills.
3. Children are the victims in Clark County of a form of governmental neglect. Verbal guerilla warfare between local officials and the State Welfare Department, failure to delineate clearly areas of responsibility between state and county in area of protective services for children, absence of a firm assignment of duties to the Welfare Department by statute has left huge gaps in services. Retaliation rather than sound social planning becomes the motivation in this atmosphere for community and administrative actions. Good adoption and child welfare services, even with new laws, expanded services are impossible in a hostile emotional climate where relationships between agencies have deteriorated. Long-range professional social planning can meet these deep-rooted problems.

State Welfare Departments, including Nevada's, while professing or attempting to perform therapeutic services, by necessity, have become literally paymasters for Federal money to be distributed throughout the state. The alleged services given by public welfare departments are awesome on paper - guidance, casework service, family counselling, and a multiplicity of complex helpful functions. By necessity, the departments are absorbed in distributing Federal and state funds. Forms, files, eligibility requirements, interoffice conferences, statistics, writing of manuals, absorb the energies of these departments. The valiant image of a community leader and a settlement worker aggressively attacking in the streets and the field, critical social problems is dead. Pioneers in the U.S. Children's Bureau invaded the mines, the sweat shops and the farms, learning about social problems, fighting exploitation of children. In 1935, Public Welfare and Social Security were merged. Public Welfare, while desperately yearning to provide non-material services effectively, was reduced to Federal cashier. Public agencies have supported, guided, supervised and financed outstanding programs and agencies, giving fine non-material services; but private agencies, particularly in the West, have been the most creative and effective in social planning, counselling and working with emotionally disturbed people.

The whole structure of most state welfare departments is heavily influenced by the need to secure Federal funds. A few departments, such as in Wisconsin and New Jersey, are sufficiently well-staffed and financed to fully give, in addition to financial assistance, the other services of a non-material nature.

In the eastern states, most of the personalized services, such as guidance to unmarried mothers, are given through private agencies that are well financed and are able to have a free hand with the distribution of money. By a free hand, is meant that a pregnant girl can receive money through these agencies to meet some psychological or emotional need while public agencies are not able to disburse money for these purposes. It is, therefore, vital that a central unit in the state be actively engaged in developing private agencies within Nevada.

The following is the proposed consolidation law:

#### DEPARTMENT OF SOCIAL SERVICES

##### Purposes of Act:

1. It is the purpose of this Act to establish a central authority over certain institutions, agencies, and all social services conducted by the state, with the object of:

- (a) Coordinating and integrating within one department all social services;
- (b) To provide a source for professionally trained staff especially in the field of social work, psychiatry and psychology, available for services to all agencies and institutions;
- (c) To prevent dilution and fragmentization of existing services;
- (d) To provide an aftercare service to help rehabilitate and re-establish in the community all persons who have been separated from community life through commitment to state institutions;
- (e) To provide long range social planning;
- (f) To provide assistance and services to both residents and non-residents of the state;
- (g) To license social agencies.

##### Department of Social Services:

1. There shall be established a Department of Social Services. The Department shall have control, supervision and policy formulating powers over the Department of Welfare, the Nevada Youth Training Center, the Girls Training School, the Boys Forestry Camp at Spring Mountain, the State Hospital at Sparks, the Mental Health Program currently under the State Department of Health, and the State Prison at Carson City. Other agencies and institutions may be placed under the jurisdiction of this department by administrative action of the Governor of the State of Nevada.

(a) There shall be appointed by the Governor, a director of social services, directly responsible to the Governor.

(b) The director may establish additional divisions within the department and may appoint administrative and advisory boards.

2. There shall exist as separate divisions within the department of social services:

- (a) A division of youth re-education composed of Nevada Youth Training

Center, Girls Training School, Boys Forestry Camp at Spring Mountain, and all juvenile probation services.

(b) A division of welfare which shall continue the functions of the existing Department of Welfare but include as a subdivision the state home for children at Carson City. All county welfare functions shall be transferred to this division.

(c) State Prison at Carson City.

3. Within the administration of the Department of Social Services there shall be included the following units:

(a) A unit on social planning to conduct long range surveys evaluating effectiveness of existing programs and determine future needs. It shall be the duty of this unit to encourage and work with private social agencies to assist them in initiating programs within the state.

(b) A field unit using aggressive casework techniques to provide protective services on a state level for adults and children, and to furnish field information for the studies being conducted by the unit on social planning.

(c) A unit on aftercare services to provide follow-up services for all adults and children when released from any state institution or agency.

HIGHEST PRIORITY SHOULD BE GIVEN AFTER THE CREATION OF A DEPARTMENT OF HUMAN WELFARE AND SOCIAL PLANNING TO DEVELOPING A FRAMEWORK WITHIN WHICH GENUINE SOCIAL PROGRESS IS POSSIBLE

A central department for all institutions and social welfare functions of the state sometimes has been used principally as an efficient way to administer the institutions and to engage in central purchasing. Emphasis on these items should be deferred and the central agency should initially be used for social planning and developing and training personnel in the specialized fields required by the institutions and public agencies in the state. This means a small department, initially composed not of purchasing agents, builders, or a central custodial staff, but of educators, leaders in psychiatry, social work and public administration.

A training institute in the north and south should be created immediately, perhaps within the framework of the University of Nevada, to give specialized training in the skills necessary to those already employed by the Welfare Department, State Prison, Mental Health Department. There is relatively little in-service training for the many earnest and dedicated employees in these agencies who have not had an opportunity to develop professional skills. Perhaps incidents of the following nature would not occur if the staff members understood the social repercussions of their conduct; for example, unmarried mothers are interviewed in an open area in the State Welfare Department office in Las Vegas and the conversation can be overheard by anyone nearby. One social agency in the state has the practice of asking for donations in advance, based on the subjective opinion of a member as to the net worth of the applicant. Perhaps even the policy of a state prison permitting an open gambling casino to be conducted by the prisoners would be re-evaluated if the staff received training that could help develop a richer educational and vocational training program in the institution. Obviously, the reason this gambling casino is in the prison is because of the present inadequacy of the overall activity program of the institution.

Since Nevada has a difficult time getting specialized trained personnel in the social welfare field, it is imperative that those who are employed receive the training within the state. Furthermore, many Federal programs giving financial assistance to the states in the area of child welfare and juvenile delinquency are geared for grants to training programs for staff. A Federal grant was refused to Clark County's boys' forestry camp because this was a single project that did not directly involve all community agencies. It was discovered that the kind of programs that are receiving Federal money are those in which staff is being trained, or such as Youth Opportunities for Greater Los Angeles, a program functioning in Los Angeles County at present. A good adoption program requires a trained, specialized staff. Most of the techniques and skills needed are the very same required in working out emotional problems in a prison or a boys' training school.

A NEW REGIONAL APPROACH TO FEDERAL ASSISTANCE IN CHILD  
WELFARE AREA SHOULD BE CONSIDERED

The present Federal formula of allocating child welfare funds is based essentially on the ratio of Nevada's child population to that of the total nation. Other factors enter into the formula but no consideration is given in this formula to the large number of problems arising from the passage of 18 million persons through the state each year, many of them with children. Nevada's needs in this area are not directly related to its permanent resident population, and the Federal formula is inappropriate since it presupposes a community with a relatively static population.

Public and private institutional welfare services in the states of Arizona, New Mexico and Nevada could be most effectively developed in many areas by joint regional action. It would be more logical that Federal assistance in certain child and human welfare areas be allocated on a regional rather than a state basis.

Physical facilities, in time, to service adoption and welfare needs, undoubtedly can be developed in Arizona, New Mexico and Nevada. Specialized staff such as psychiatric workers, clinical psychologists and other specialists will not be available to these facilities if these states operate separately. At the moment, a position is open and cannot be filled at the girls' training school for clinical psychologist. Custodial and administrative staff can be found. However, only custodial care without effective treatment is possible in the absence of specialists trained in the fields of psychiatry and sociology. These specialists are needed to train the staff as well as for direct treatment purposes. The absence of skilled personnel damaged the boys' camp at Spring Mountain at its early stage. This excellent project had a rebirth immediately with the employment of a probation officer trained in juvenile delinquency work as director.

Based on a regional approach, the following could be accomplished:

- a. A new regional pool of skilled professional people could be established to work in the fields of adoption, juvenile delinquency and mental health.
- b. In the adoption field, hard-to-place children could be placed in any one of the three states; in fact, the child welfare units of the states could operate cooperatively in placing children for adoption and giving service to unmarried mothers.
- c. A chain of small training schools for boys and girls could be established. These schools could each have a different type of problem situation; for example, one school could specialize in the mentally slow delinquent; another on the more aggressive delinquent.

Neither the machinery, personnel or skilled staff exists in the western and Rocky Mountain states to fulfill the real intent of certain Federal welfare programs. If these funds were allocated on a regional basis, they would better serve, meeting the needs of children and adults. (This is with particular reference to funds in the child welfare, mental health, and juvenile delinquency fields.)

In some states, in order to get Federal funds, to meet Federal eligibility requirements, skeleton agencies have been established that only exist to distribute money and give little in the way of non-material services.

MINIMAL CHANGES RECOMMENDED IN PROPOSED NEW ADOPTION LAW.  
EMPHASIS SHOULD BE IN EXPANSION OF SERVICES

The basic changes proposed in the new adoption law fall in the following areas:

1. Consolidation of all sections of the Nevada statutes relating to children, including adoption, into a family and children's code.

2. Licensing of all child care homes and all adoption or social agencies by a central agency board or the State Welfare Department.

3. A prohibition against baby selling.

4. Establishment of a state child welfare and adoption board, composed of representatives of the legal, medical and social welfare professions, to license social agencies, to help set policy in the child welfare and adoption field, and eventually to grant orders of adoption.

5. Elimination of all private placement for adoption. All adoptive placements must be made through licensed public or private social agencies.

6. A requirement, in the event private placement should continue, that the Welfare Department receive advance notice of all placements. The Department shall then be required to conduct a pre-placement investigation to stop flagrantly unsuitable placements.

7. County clerks or other local officials shall provide, without compensation, assistance and guidance in filling out forms or applications for adoptions. This would obviate the needless expense of attorneys entering into uncomplicated routine applications for adoptions; this follows the English procedure.

8. Other changes are of a more routine, but necessary, nature and are enumerated a few pages hence.

Since so many vital basic changes are necessary, minor technical matters have not been touched in this report. For example, abrogation of adoptions is a subject that can absorb endless hours of debate, but is a situation that arises only rarely. There are many instances of a technical nature where consent to adoption is waived in certain states. Many of these situations rarely arise. To focus attention on essentials, many of these subjects were touched on superficially or not at all.

Originally, a relatively elaborate law was drafted. After a careful study of existing social service facilities in Nevada, it was decided that the machinery and agency structure to implement such a law did not exist at the moment. Wisconsin has an outstanding adoption law, and it has in addition extremely well developed social services to support this law. An effort was made to tailor the proposed provisions to Nevada's needs and capacities.

## PROPOSED CHANGES IN ADOPTION LAWS

Adoption applications should be enlarged to embrace questions relating fully to the petitioner's background. The existing petition, as provided under the present law, is too superficial. To save the time of a social investigator, the petition should be expanded so that almost all of the necessary information required is on the application and the social investigator can then devote more time to giving service to the natural and adoptive parents.

### Application for Final Order of Adoption Should be Expanded

Most of the information needed for the home study should be incorporated in the application for the final order of adoption. NRS 127.110 should be amended by adding the following provisions: "An affidavit should be affixed to the application containing the following information: (1) Medical report of both applicants; (2) Certified copy of criminal record of both applicants; (3) Any record of insanity, tuberculosis, or other major emotional or physical disorders of both applicants; (4) Full details of the circumstances under which the child was secured and all monies expended for any purpose whatsoever in connection with the placement of the child or adoption proceeding.

"A further affidavit shall be secured from all persons participating in the adoptive arrangements disclosing fully their role and the amounts of money received."

### Provision is Made for a Local Official to Assist Petitioner in Filling Out Forms Needed to File Petition Without a Fee

This means the service will be given gratuitously and that the services of a lawyer will not be required. This is standard practice in Great Britain. Arizona has such a provision in its law although it is not fully utilized in the case of private adoptions. There is no reason why the services of an attorney are required in a simple adoption matter.

In each county a statute shall read as follows: "In each county, either the city clerk or another official shall be designated by the State Welfare and Adoption Board to provide, without compensation, assistance to applicants for orders of adoption, in preparing the necessary documents and forms."

### Provision is Made to Make Baby Selling a Felony

The need for such a statute is obvious. Baby selling cases may be rare and it may be difficult to enforce this law, but it is needed as a firm declaration of the public policy of the state.

The following is the wording of the proposed statute making baby selling a crime: "No person and no agency, association, corporation, institution, society, or other organization except a licensed agency, may, or shall, request, receive or accept any compensation or thing of value, directly or indirectly for arranging, or assisting in arranging the placement of a child for adoption or permanent free care. Any violation of provisions of this Section shall constitute a felony.

"Licensed adoption agencies are entitled to receive fees and to pay salaries and other expenditures for their operation."

In large part, this is the New York statute, which has been tested. It

does not make, however, the giver of the money culpable, since that would result in prosecution of adoptive parents. Doctors and attorneys are not exempt from the statute. Too many baby sellers attempt to camouflage money received for the child under the guise of legal or medical fees. To determine whether money was received in exchange for a child or valid professional service, the label applied "medical or legal fee" should not be binding. All the circumstances surrounding the transaction should be taken into consideration before evaluating what the money was really paid for. The amount of money involved is irrelevant. The real question is: Was the selection of the adoptive home influenced or determined by the compensation being given by an intermediary of the adoptive couple? If the sole reason for selecting an adoptive home was the ability of a couple to pay the intermediary one dollar, social damage has been inflicted.

The following wording should be added to the statute: "For the purpose of this Section, the natural mother and the prospective adoptive couple shall not be deemed accomplices."

Many black market baby trials have ended in acquittals because most of the witnesses were adoptive couples and natural parents who could be considered under the law accomplices to the intermediary and their testimony required independent corroboration. This corroboration is often impossible to secure. The object of the statute is to eliminate the activities of the middleman baby seller. Prosecution against natural and adoptive parents is not socially desirable or practical.

This relates only to those making a practice of commercialized child placing or baby selling. It is their standard practice to label all payments received as either payments of expense to natural parents, medical or legal fees. This camouflage enables them to avoid prosecution and to operate on a national coast-to-coast racket, mainly from California. Posing as public benefactors, receiving acclaim even in national magazines, they have cunningly exploited defects in state laws to continue their operation. Nevada's baby selling problems are largely attributable to the California racket, which still continues unchecked.

Exempting from baby selling statute payments to natural parents and physicians of necessary and usual expenses in connection with birth of child will have, irrespective of the legislative intent, the effect of completely sanctioning and authorizing baby selling in Nevada.

A sale of a car is made if money is spent by the buyer for the car, and the seller gives the buyer the car in exchange. The manner in which the seller disposes of the monies received, whether for necessary expenses, for charity, for profit or for loss has no relevancy to whether or not a sale is made. By exempting monies used for expense of natural parents and other items, the law would in effect say you may sell babies providing you use the monies for desirable purposes. The manner in which the money given is used is not relevant. Was the payment of money to the placer a condition for receiving the child? Profit is not necessary in a transaction to consummate a sale.

In a Las Vegas case in which a child was placed with a professional baby seller from Los Angeles (Ralph Benson) for \$4,000, the adoptive father has a record involving a sexual offense with a child. What protection does this adoptive child have if the intermediary is exempt from prosecution because all of the money in the end had to be used for the natural parents' expense and medical fees? Obviously, the sole reason for the selection of this patently unqualified couple was their ability to pay a large sum of money.

Adoption Decrees Received from Out of the Country Should Receive  
Full Statutory Recognition in Nevada

Legal entanglements, confusion in the area of conflict of laws, raises serious question as to the validity of many adoption decrees received overseas, especially in Greece, Korea and Japan. Wisconsin, Minnesota and other states have enacted statutes to give these decrees the same force and effect as if they had been granted within the state. Otherwise, at a later date the rights of inheritance of the child adopted overseas may be challenged in court.

The following is the wording of the proposed statute: "Orders of final adoption secured in countries outside of the United States shall have the same force and effect as if these orders were rendered within the State of Nevada.

"No order of adoption shall receive recognition, however, if the procedure followed in the foreign country is in conflict with the public policy of the State of Nevada."

American citizens sometimes naively have assumed that the Federal law recognizes the validity of foreign adoptions. This is not true. The Federal law recognizes foreign adoptions solely as a basis for admission into the United States and for the purpose of obtaining citizenship. The Federal law is silent on the legal consequences flowing from a foreign adoption decree. A decree secured in Korea may enable a child to be admitted to the United States and become a citizen. At the same time, the child's rights of inheritance may not be reflected by this very same decree. In fact, following English cases (and some American cases), it is very likely that within the next fifteen or twenty years, some children adopted recently overseas in countries whose public policy concerning adoption is sharply different from ours may find themselves disinherited. To protect these children the above statute is proposed.

Convicted burglar Leo Lamberson of South Bend, Indiana, has been responsible for operating an international baby selling racket within the United States and Greece. An over-two-year investigation disclosed endless misrepresentations, frauds, and other manipulations used by Lamberson and his associates in operating their racket. Many fine Americans, however, have Greek children as a result of these operations. If challenged in court, many of the decrees gotten in Greece through Lamberson's efforts might be declared invalid without the above proposed provision. One Southern California couple actually received an adoption decree, which, when challenged, was declared invalid in a Greek court and have lost their child.

Placements for Adoption Restricted to  
Licensed Public and Private Agencies

The reasoning supporting this proposed change is discussed beginning with page 16. The following is the wording of the proposed statute: "No petition for order of final adoption shall be presented unless prior to the filing of the petition the child sought to be adopted has been placed for adoption by a licensed adoption agency or by the Department of Welfare. No such placement shall be necessary in the case of (1) a step-parent adoption; (2) an adoption by blood relation; (3) a child placed by licensed agency outside of the state with the written consent of the Department of Welfare. (4) This statute shall become effective one year after enactment of this section."

The Count Index Book Under Present Practices  
Breaches the Confidentiality of Adoption Proceedings

There is little purpose to keeping the files and records of an adoption proceeding confidential if substantially the same information can be partially acquired through the examination of the court's index book, which is available to the public. A separate index book for adoption proceedings should be maintained and kept confidential. This merely necessitates adding to NRS 127.140 the words "and index book" directly after the words "the files, records."

If Private Placements Continue, the Department of Welfare Should Receive  
Pre-placement Notification from Intermediaries or  
Adoptive Parents in Every Case

Only when an adoptive placement is fragrantly dangerous to the physical well-being of the child, or when extreme psychological damage might be inflicted on the child, are courts willing to stop the adoption. Irrespective of when a court is alerted to an undesirable adoptive placement, it is extremely rare for the court to oppose the placement and remove the child on the grounds of unsuitability. Subtle psychological reasons that are very meaningful to professional social workers have not been accepted by courts in the past as grounds for stopping an adoption and removing the child. In California, the reputed head of the Mafia was granted a final decree of adoption. A decree was also issued when the adoptive father had just completed a five-year prison sentence for having incestuous relations with his own daughter.

The following provision has been effective in Great Britain. In practice, the Welfare Department is notified before the placement and a brief investigation is made by the Department. While the investigation is obviously superficial, a quick check is made of the prospective adoptive couple's criminal record, contact with any mental hospital, standing in the community, and medical record. Usually, information that would establish the couple as flagrantly undesirable can be secured quickly in this way. If this should happen, the Department consults with the intermediary or the natural parent, disclosing the undesirable information. Ordinarily, it is not necessary to go to court under these circumstances to stop the placement - usually the natural parent or the intermediary voluntarily terminates the arrangements. For example, in Exeter, England, in one case a pre-placement investigation revealed that the prospective adoptive father had a record of severe alcoholism and had tuberculosis in an infectious stage. The Department alerted the doctor who was the intermediary and other arrangements were made for the placement of the child.

The following is the wording of the proposed statutes: "The Department of Public Welfare shall receive notice fourteen (14) days before a physical placement of a child for adoption is to be made from (a) a licensed social agency, (b) the prospective adoptive parent, (c) and/or any persons participating in making the arrangements.

"In the event the placement is being made by a licensed social agency, the notification shall merely be retained by the Department for informational purposes. In the event the arrangements are being made privately, the Department shall conduct an investigation covering medical, mental and criminal backgrounds of the prospective adoptive couple to determine the suitability of the placement. The investigation shall also embrace all other relevant factors relating to the qualifications of the adoptive couple. This investigation shall not be a substitute for the home study conducted on behalf of the court when an application for an order of adoption is pending.

"If, in the Department's opinion, the placement is detrimental to the interests of the child, an application shall be filed with the court to terminate the placement. The court may in its discretion return the child to the care and control of the natural parents or place the child with the Department of Welfare or licensed private agency for adoption."

NRS Chapter 127 is Headed "Adoption".  
The Heading Should Be Changed to: "Orders of Final Adoption"

Children are already informally adopted when application is made to formalize this status. The implication of the present wording of the statute is that the court creates the adoption. This is completely untrue. If the court placed the child, then the court would be making an adoption. In reality, the court action is merely the registration of an already established relationship.

The court, by issuing the decree, legally strengthens the existing relationship, gives more security to the child and the adoptive couple. Thousands of couples certainly foolishly have adopted children and have failed to secure a formal decree of adoption. They are living on a day-to-day footing with these children in exactly the same emotional relationship as if they had a final decree of adoption, and by will they are protecting the rights of inheritance of the child. Decrees of adoption did not exist in England until 1926; in Holland and Portugal, not until the past two or three years. Nonetheless, in all of these countries, thousands of children have grown up in the exact family relationship as formally adopted children in America.

The consequences of the over-emphasis of the role of the court in creating the adoptive relationship has been to lead many attorneys into the trap of sincerely feeling that arranging placements for adoption is an inherent part of the practice of law. Some few have even gone further and engaged openly in professional baby selling, using as their justification that they are simply "practicing law." Once a child has been received in a home where it is the intent of the couple to treat the child all through life as their natural child, an informal adoption has already been established. When the couple applies to the court for an order of final adoption they are asking to have this existing relationship registered, strengthened and more fully protected. Failure to secure the decree does not make the adoptive relationship illegal or unlawful; it simply makes it vulnerable and insecure.

While it appears that the judge has considerable discretion and can order the removal of the child or deny the issuance of the decree, these negative powers are rarely exercised. Usually, the court is alerted to the situation many months after the child has already been informally adopted. While the judge might not himself have selected the particular home for the child, he is faced with accomplished facts. Removal of a child would only create tragedy and new problems. Denial of a decree of adoption without removal simply means that the child will remain in the same home emotionally insecure. In all likelihood, a decree will be secured in another court or in another state.

The following is an illustration of this point: Las Vegas housewife Grace McKenna was found by the police to have physically assaulted numerous children in her care. She had a license to operate a foster home. Some of the children were trained by her to become professional thieves, shoplifters and burglars. Stolen property taken by these children was found in her home by the police. She engaged in the practice of ducking the children's heads in toilet bowls and inserting hot peppers in sensitive parts of their anatomies as punishment. The police file on her relationship with children reads like an incredible chapter out of Dickens. This file is supported by photographs. Nonetheless, in the mid-50's, with all this information publicly available, she made application to Las Vegas District Court to adopt a child. The court, on learning of these negative facts about her background, did not order the removal of the child or even deny the application for an order of final adoption. Mrs. McKenna's lawyer was notified of these negative facts and he withdrew the application for an order of adoption. The child, however, remained in Mrs. McKenna's home until her death in August 1962 - a period of more than five years. It is hardly likely that the court would have made the original placement of the child with Mrs. McKenna, but apparently there was a reluctance to exercise removal powers in the absence of evidence of physical abuse of this particular child, despite Mrs. McKenna's sordid history in her relationship with children.

Despite the wording of the law, despite extensive home investigation, despite the numerous steps required to get an order of adoption, in effect this is a registration proceeding that could have been delegated by the legislative body to a state agency or board.

Issuance of Final Orders of Adoption Should be Delegated  
to a State Child Adoption and Licensing Board

This approach has been successfully used in Ireland. In fact, records of the parliamentary discussion when the Irish adoption bill was pending disclosed that there was no objection by the Irish attorneys to the delegation of the issuance of orders of adoption to a board. An on-the-spot investigation in Dublin of this procedure reveals the following facts: (1) Normally, no attorneys fees are involved, since the clerk of the board helps the adoptive couple to get the information and file the necessary papers; (2) Attorneys are used whenever there is a controversy or a legal issue involved; (3) A knowledgeable group of persons in the adoption field is developed through the experience of the chairman, who is a judge, a social worker and doctors and lawyers. It operated as a quasi-judicial board. Rural judges rarely acquire any profound knowledge of child welfare or adoption because they have only occasional adoption cases. It should be noted that even in Great Britain, where the courts issue decrees of adoption, the procedure is usually guided by the clerk of the court who helps the adoptive couple without charge to fill in the necessary papers. Attorneys are rarely involved unless there is a controversy, an appeal, or a technical issue.

If the above suggestion is followed, other proposals in this report will have to be re-drafted.

All Consents for Adoption Except in Agency Placements Should Be  
Taken Before a Representative of the Welfare Department

(This provision shall only operate in the event private placements are not eliminated. In the absence of private placements, this provision will become academic.)

NRS 127.040 should be amended and have the following provision added: "All consents must be taken before a representative of the Welfare Department. No consent shall be taken or approved by the representative of the Welfare Department until a careful determination has been made that the consent is being given freely and in the best interests of the child. If consent was taken outside the state, consent must have been taken before the representative of the Welfare Department of the foreign state."

The most critical moment in arranging adoption is the signing of the consent (relinquishment is the word used in connection with children being surrendered to licensed social agencies; consent is used in this discussion when the arrangements are being made privately). Under existing Nevada law, in practice this consent is often taken in most careless and sometimes reckless ways. For example, convicted abortionist Wyatt, who engaged in a large-scale interstate baby placing, took all of his consents from the natural mothers in blank, filling in the other information at a later date. Some consents in his cases were even taken before birth and the other information filled in after birth out of the presence of the natural mother who had already gone home to California. Often Wyatt would take the mother to a real estate office, insurance broker's office, and have the consent signed in an open place of business.

S.N., a natural mother who placed her child through Wyatt, gave complete false information in her consent, immediately left the state, and could not be located after three days' search. Nonetheless, this consent was used as a basis for the placement of a child for adoption.

Mrs. Jean Edgar made a practice of representing married mothers as being unwed mothers, obviating the need for the consent from the husband and natural father. These consents were used as a basis for securing an order of adoption. The orders of adoption, of course, could be set aside if challenged. Several of the natural mothers, who were interviewed and who were married, were instructed to falsely represent themselves on the consent as unwed - they were told it would be "easier" that way.

A consent submitted from Augusta, Georgia, in a White Pine County adoption had the natural mother's name forged to it. Naturally, the court was not aware of this.

Many consents known as "ether consents" are taken shortly after birth when the mother has scarcely regained consciousness.

Frequently, both the court and even the attorneys have no real knowledge of the facts lying behind the consent or of the true identity of the natural mother. At present, the court is not able to know even the circumstances under which the consent was obtained.

It is imperative, therefore, that the consent be taken before a representative of the Department of Welfare who is trained in professional social work and understands the problems of adoption. This procedure is followed in California, and, while the California law is extremely defective in many respects, this aspect of it has worked well. It is not practical to have the consent taken, as in Colorado, by a judge. This process was observed and the natural mothers are too apprehensive and awed in the presence of the judge to speak spontaneously or disclose their real attitude toward the adoption. The procedure before a judge is reduced to ritual with the natural mother eagerly bobbing her head in agreement to every question asked by the court.

To avoid endless changes of mind that can cause chaos in an adoptive home, it is recommended that NRS 127.040 be further amended to read as follows: "No consent for adoption can be withdrawn without approval of the court."

It is further recommended that those sections of the law giving formal details about consent be deleted. These details can be worked out administratively. Putting the details in the law adds rigidity. The adoption law itself should not be simply a manual of procedural steps or a glorified legal form book. It should emphasize principles. Endless details dilute the impact of a statute, make it unreadable.

There are a wide variety of circumstances under which consent is waived in many states. The basis for the waiver of consent is usually insanity, drug addiction, conviction of a felony, abandonment, and alcoholism. It is recommended that a detailed consideration of this phase of the law be deferred. Many of these situations arise infrequently and, when they do, for the time being, a procedure can be initiated to terminate parental rights. Attention should be principally focused on major changes.

One further amendment should be made to NRS 127.040. Many women while married become pregnant through acts of infidelity; these women frequently also have children by their husbands. If they are required to notify their husbands of their pregnancy in order to secure his consent to the adoption, they are likely to lose custody of their already born child or children. Consequently, many of these women simply refuse to use agency assistance and go into the black market, passing themselves off as single. To meet this socially undesirable situation, it is recommended that consent may be waived after a court hearing if the natural mother can establish that her husband is not the father of the child.

The following is the proposed wording: "Consent of husband shall not be necessary if the court is convinced by preponderance of proof that the husband is not the natural father of the child to be placed for adoption."

NRS 127.040 is difficult to understand; it should be rewritten: "Written consent to the specific adoption proposed by the application shall be required by the court from: . . . (e) the licensed child-welfare agency that has placed the child for adoption."

Fear that Family and Friends Will be Notified by Welfare Department Officials of an Out-of-Wedlock Pregnancy Forces Many Girls into the Baby Black Market - Financial Resources Investigation Should be Waived Under Certain Circumstances When an Out-of-Wedlock Mother Applies for Public Assistance

Sally W. sold her baby to a convicted New York attorney, Marcus Siegel. When she asked for her child back, Siegel gave her a death certificate and told her the child had died of a brain disorder. In fact, he made her buy a cemetery stone for the child. It was later discovered that these statements were false and that her child was very much alive. Siegel had told these malicious lies in order to block her request for the return of her child.

The beginning of this tragedy took place in the Welfare Department of New York City. Sally W., a resident of a small town in New Jersey, was applying for financial assistance. When the worker asked her for the names and addresses of all her relatives, she became hysterical. She explained that she had fled to New York anxious to conceal her pregnancy from her friends and relatives. When told that

no assistance was available unless she divulged this information, she ran out of the office, and within a few days was in the hands of baby seller Siegel. As a result of this situation and thousands of similar ones, the New York Law has been corrected NOT TO WAIVE THE FINANCIAL ELIGIBILITY INVESTIGATION IN ALL CASES, BUT ONLY IN THE CASES WHERE, IN THE OPINION OF THE DEPARTMENT, SOCIAL INJURY WILL BE INFLICTED IF A FULL INVESTIGATION IS CONDUCTED. The following is the wording of the proposed statute which should be placed in the portion of the Nevada code under "Aid to Needy Children" and repeated again in the "Children's Code": "Whenever, in the opinion of the director of the State Welfare Department, social damage may be inflicted as the result of a full financial eligibility investigation in the case of a pregnant woman applying for assistance, such investigation shall be conducted without directly contacting friends, neighbors, or relatives of the applicant." (Nevada's Welfare Department has followed an enlightened policy in attempting to avoid these damaging investigations.)

Once a Consent or Relinquishment has Been Signed, No Social Agency or Individual Should be Permitted to Re-involve the Natural Mother Without Approval of the Court

Some licensed agencies have a practice, in case a child turns out to be unadoptable or the adoption blows up and the child is returned, of notifying the natural mother and re-involving her in the case. The same practice is followed more frequently in private placements. A particularly tragic case occurred in Chicago where a girl who had placed her child for adoption with Harry Cohen, a baby seller. Cohen had sold the child to a New York couple who had paid \$2,600. When the child was six months old, it developed Negroid characteristics, and Cohen forced the mother to stand on a Chicago street corner and accept the return of the child. It is therefore recommended the following statute be enacted: "After a consent or relinquishment has been signed, no person or agency shall contact the natural mother for the purpose of returning the child or making alternative adoptive arrangements without the approval of the court."

The following further change is recommended in conjunction with this section: "The acceptance by the Welfare Department or licensed private agency of a relinquishment of a child born out of wedlock shall relieve the mother and her parents from any and all liability of the support of such a child."

It is morally incorrect to expose the mother to an emotional guessing game; if the adoption works out well for the agency, she is in the clear - if there are obstacles she is emmeshed once again. Agencies have a moral obligation once they take a relinquishment from a mother to liberate her from any further economic or emotional responsibility for the child.

A Social Study Should Be Conducted in All Cases of Parental Rights. The Termination of Parental Rights Statute Should be Revised and Integrated With The Entire Children's Code and Adoption Law

NRS 128.100 should have the following added language: "The Department of Welfare shall be notified of an action to terminate parental rights immediately after the filing of petition and shall conduct a social investigation of the facts surrounding the petition. A report and recommendation shall be submitted to the court prior to the hearing on the petition."

It is inconsistent that parental rights can be altered in an adoption situation only after a home study by the Welfare Department, but in a broader variety of cases coming under the termination of parental rights statute, no home study by the Department is required. This inconsistency weakens the adoption law. In the event there is fear that the Department of Welfare will discover derogatory information about the adoptive couple - it has happened in other states and on occasion in Nevada - the parental rights are terminated without a home study. Years later when the child is ten or eleven years old, an application is then made to secure an order of adoption. Of course, at this time, the order is granted.

The Word Illegitimacy in Chapter 127 Should be Changed to  
"Orders Settling Rights of Paternity." Furthermore,  
An Administrative Device Should be Found to Conceal  
Illegitimacy in the Issuance of Birth Certificates

Obviously, the chapter heading "Illegitimacy" should be changed. The use of this word is against the public policy of this state.

At the bottom of the birth certificate form there is a question concerning legitimacy. This question has no value and should be eliminated. The information received through hospitals is based on the word of the mother, who frequently conceals her marital status; thus this information has no factual value, is unreliable and socially damaging. Any statistics based on answers to this question are incorrect and misleading.

With the best of intentions, the State Health Department issued abbreviated or supplementary birth certificates which merely contain the name, date of birth, omits most of the details contained in an ordinary birth certificate. This is given when the full birth certificate would reveal the out-of-wedlock status of the mother. There are one or two other circumstances under which this form is issued. The defect of this procedure is that those who request a birth certificate and receive an abbreviated one in return become immediately concerned that the full certificate would reveal that they were born out of wedlock. One possibility is to make it routine to send out abbreviated birth certificates unless otherwise requested. Most people need only verification of the date and place of birth; and the abbreviated form is acceptable for most purposes.

TWO INVESTIGATIONS ARE NOW MADE IN PRIVATE AGENCY CASES AND OFTEN NONE WHEN PRIVATE PLACEMENTS ARE MADE. THIS DUPLICATION SHOULD BE ELIMINATED AND HOME STUDIES SHOULD BE MANDATORY IN ALL CASES.

It is recommended that Section 127.120, Nevada Revised Statutes, be amended to read as follows (underscoring indicated new wording; ( ) indicated wording to be deleted).

120.120 Petitions filed in duplicate, investigation, report and recommendation of state welfare department; (court may order independent investigation; costs.)

1. \*\*\*.

2. The state welfare department, except when placement has been made by a licensed child welfare agency, shall verify the allegations of the petition and investigate the condition and the antecedents of the child and make proper inquiry to determine whether the proposed adopting parents are suitable for the minor.

The department shall, within 30 days after receiving the copy of the petition for adoption, submit to the court a full written report of its findings, which shall contain a specific recommendation for or against approval of the petition, and shall furnish to the court any other information regarding the child or proposed home which the court may require. The court, on good cause shown, may extend the department's time, designating a time certain, within which to submit a report.

(3. If the court is dissatisfied with the report submitted by the department, the court may order an independent investigation to be conducted and a report submitted by such agency or person as the court may select. The costs of such investigation and report may be assessed against the petitioner or charged against the county wherein the adoption proceeding is pending.) (Entire section deleted.)

4. No petition for adoption shall be approved unless the child shall have lived for a period of 6 months in the proposed home.

To avoid disclosure of identity of adoptive couples, code numbers should be used, as in England, in lieu of the true names of the couple when natural parents are signing consent for adoption. (Only applies in case of privately arranged placements - for future consideration.)

## CONCLUSION

Nevada is suffering from an acute attack of "fragmentitis". Dynamic new programs and a determined effort to improve social welfare and adoption agencies and the state's institutions along with strengthened child welfare laws can only become meaningful with the one cure for "fragmentitis" - positive social planning by a central agency. Despite the embryonic stages that many of Nevada's child and human welfare agencies and institutions are in, strong resistance has already developed to change - each small new bureau is tending to see its functions in isolation (notable exception is the state mental health program). The proposed new adoption law can only become meaningful if with vision, determination, all existing agencies intelligently integrate their programs. Then Nevada's late start in developing its social agencies may afford the opportunity of offering national leadership in developing new, dynamic programs to help human beings in all areas, including adoptions.

AGREEMENT FOR ADOPTION

THIS AGREEMENT, made this 7th day of April, 1955, by and between (name withheld), of the City of Sparks, County of Washoe, State of Nevada, hereinafter referred to as Party of the First Part, and MRS. WILLIAM EDGAR, of the City of Sparks, County of Washoe, State of Nevada, as agent and attorney-in-fact for certain undisclosed principals, as Party of the Second Part.

WITNESSETH:

WHEREAS, said undisclosed principals, acting by and through their agent and attorney-in-fact, Mrs. William Edgar, are desirous of adopting, pursuant to the provisions of law, a minor child and to raise and treat said minor child as their own lawful child and heir, and

WHEREAS, (name withheld), the natural mother of a child to be born, hereby approves and consents that said child shall be so adopted, and

WHEREAS, PARTY OF THE SECOND PART, for and on behalf of her undisclosed principals, agrees with Party of the First Part to pay all expenses incident to the birth of said child, specifically including hospital and medical expenses and a sum to represent board and room, being the sum of Thirty-Seven Dollars (\$37.00) per week, through the birth of said child on or about the 12th day of May, 1955, and for four (4) weeks after the birth of the anticipated child,

NOW, THEREFORE, in consideration of the premises and the mutual covenants herein expressed,

IT IS AGREED AS FOLLOWS:

1. The Party of the Second Part, on behalf of the undisclosed principals, shall provide suitable and adequate medical care and hospital accommodations for Party of the First Part and assume all financial obligations incurred thereby and by reason of the birth of the illegitimate child to be born to said Party of the First Part only.
2. For and in consideration of the covenants and promises of Party of the Second Part, (name withheld), Party of the First Part, covenants and agrees with Party of the Second Part to release and relinquish all her rights in and to said minor child and agrees to the adoption of said minor child by said undisclosed persons and agrees further to execute any and all documents necessary to the accomplishment of said adoption as required by law.

/s/ (name withheld)  
Party of the First Part

/s/ MRS. WILLIAM EDGAR  
MRS. WILLIAM EDGAR, as Agent and Attorney-in-Fact for certain undisclosed persons, Party of the Second Part

STATE OF NEVADA )  
 ) ss  
COUNTY OF WASHOE )

On this 9th day of April, 1955, personally appeared before me, a Notary Public in and for said County and State, (name withheld), known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

/s/ LYNN QUILL, Notary Public  
in and for the County of Washoe,  
State of Nevada

CHILD LICENSING AND ADOPTION BOARDS  
(proposed statute creating)

Alternate Proposals

A. CHILD LICENSING BOARD

A board shall be established within the Department of Welfare. The function of the board shall be as follows:

a. To formulate and adopt rules and regulations describing standards of placement, care and services to be required of child placement agencies.

b. To pass, to grant or deny applications for license for child care or placement agencies.

c. To supervise and review the placement and adoption program for the Department of Welfare.

d. To advise and assist in formulating new legislation in the child placement adoption field.

The board shall be composed of the director of the State Department of Welfare, a representative designated by the Nevada State Bar Association, a representative designated by the Nevada State Medical Association, a representative of licensed private welfare agencies designated by the Governor, and three members of the Nevada State Welfare Board.

B. NEVADA ADOPTION BOARD (This is different from the above board)

There shall be created a body to be known as the Nevada Adoption Board. The Chairman shall be a judge of either one of the District Courts or the Supreme Court of Nevada. The Board shall have on its membership at least two members of the Welfare Department, one member of the medical and legal professions, and two lay persons. The Board shall be appointed by the Governor after consultation with the Director of the Welfare Department. The members of the Board shall be appointed for four-year terms.

The Board shall have the power to grant or deny applications to issue orders approving adoptions.

The legal consequence of the granting of an order approving an adoption shall be the same as the legal consequences ensuing from the issuance of an adoption decree by a court.

All of the powers previously held by the courts in connection with the issuance or denial of adoption orders shall be transferred to the Nevada Adoption Board.

The Board shall have the power to recommend rules and regulations for the child placement and adoption functions of the Department; to propose legislation; to act in an advisory capacity to the Department in its child placement and adoption functions.

The Board shall render, without compensation, advisory services to natural and foster parents who require information and assistance in connection with the application for an order of approval of adoption.

No legal attorney must appear before the Board; but the Chief Clerk shall act as the legal advisor to those persons needing legal assistance.

The Board shall establish a body of rules and regulations for its operation.

The Board shall have the power at any time after a hearing to remove a child from an unsuitable adoptive home. A removal hearing shall be initiated only after the Board has received information that a child within the jurisdiction of the Board is in an unsuitable home or is about to be placed into an unsuitable home. If the notification is received by the Board before the placement has been consummated, the Board may issue an order enjoining the transfer of the child to the unsuitable home.

Note: The consequences of enactment of this provision would radically alter all the other provisions of the adoption statute to such an extent that it is feared that the draft would become incomprehensible and confusing. If the concept of an adoption board is to be seriously considered, a new, entire draft would have to be submitted.

Special Topics

## A. Areas in adoption for future consideration:

- (a) Should residence requirements be waived in adoption for military personnel?
- (b) When should abrogations and waivers of consents in adoptions be permitted?

B. An apparently inadvertent emasculatation of special services by Section 432.020 of NRS literally deprives the State Welfare Department of the power of initiating actions when it wants to give many vital services in certain areas. This entire section 432.020 should be deleted. The Department should be given power to initiate on its own neglect and dependency actions. Law seems to discourage this and leave this activity to enforcement agencies or relatives.

C. Bar and courts should review the Hubbard case - a single woman, extremely rich, took up residence in Washoe County after California denied her application for adoption. Two children already had been taken away from her because of her misconduct. A personal history involving homosexual misconduct was known to authorities. A decree of adoption was granted without the benefit of a Nevada home study.

D. What is the effect of provision limiting interfaith placement of children in Juvenile Act on placement policies in the adoption field?

E. Unity fund drives should, until agency services are developed locally in the state, focus exclusively on soliciting funds for local usage. Both in Washoe and Clark Counties, Community Fund drives are performing vitally needed functions for social services. Some of the funds secured are used for worthwhile projects outside of the state. While indirectly or even directly in the case of the City of Hope, Nevadans benefit by these out-of-state agencies, should not priority be given first to developing basic services within the state? For example, Travelers' Aid is a national agency which does not have a local unit in Nevada, but funds are raised in Washoe and Clark Counties for this agency on a national level. Wouldn't it be wiser to use this money to establish a Travelers' Aid in Nevada? This reasoning applies to several other fine out-of-state projects that receive Nevada money. In Miami and other communities, no money is sent out of the state until the immediate needs of local agencies are met.

Inadvertently, techniques used in Nevada Community Fund Drives sometimes tend to lead to a form of community self-deception. After the financial goals are reached, community members contributing and engaged in fund-raising, naturally feel that basic community needs have been met. They are not alerted to the absence of vitally needed basic services in the community. Community Fund raising is only permitted for existing agencies. This, of course, includes absence of needed adoption services. Could a technique be developed whereby the drive could establish a division with a professional staff - a form of welfare planning council devoted to working to bringing these agencies to Washoe and Clark Counties.

F. The following questions regarding Welfare Department merit future review.

(1) To what extent has Department been reduced to mechanical functions of verifying eligibility requirements for people applying for categorical aids, leaving little time to devote to skilled social service work. Is this realistically the main activity of welfare departments and the personalized, intensive casework service a dream to be discussed at conferences?

(2) Are public welfare departments forced by the need of conforming to Federal standards to apply varying standards and philosophies within their small departments because several different Federal units govern these programs. To be exact, Federal aid for child welfare, juvenile delinquency, and aid to needy children is controlled by different units or bureaus within the Federal government. Yet on a state level, the same department has to meet the practical and philosophical standards demanded by these different Federal departments. Shouldn't one Federal representative with one viewpoint, deal with one state agency in the child welfare and public welfare field when possible? Should Federal standards be more flexible? Can Nevada provide the same quality and type of program that New York and New Jersey are able to carry out? By requiring too much from states that have undeveloped welfare programs, a dilution of services is encouraged. Unable to really perform certain functions, states will set up paper programs that appear acceptable to the outsider, but in fact the function only exists in token fashion or as a skeleton operation.

G. A separate definition for dependency and delinquency should be drafted for juveniles. Now the words are often used interchangeably.

As a result of the foregoing findings and recommendations, the following bills were enacted into law at the 1963 session of the Nevada Legislature.

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Senate Bill No. 272 -- Senators Gallagher, Brown, Lamb and Whittacre  
(by request of the Legislative Commission)

CHAPTER 460

AN ACT to amend chapter 127 of NRS, relating to adoption of children and adults, by adding new sections directing the welfare division of the department of health and welfare to establish standards and prescribe rules for child-placing agencies; prohibiting persons without licenses to operate child-placing agencies from placing children for adoption or permanent free care and from requesting or receiving compensation for such placement; providing for the issuance and renewal by the welfare division of the department of health and welfare of temporary and permanent licenses to operate child-placing agencies; providing for the refusal to issue licenses, refusal to renew and revocation of licenses after notice and hearing; providing for appeals to the district court; providing for notification to the welfare division of the department of health and welfare of the placement of a child in the home of his prospective adopting parents, and authorizing the division under certain circumstances to seek a court order prohibiting such placement; providing penalties; to amend NRS sections 127.050, 127.120 and 127.185 relating to agencies which may accept relinquishments and consents to adoption, the filing of petitions for the adoption of children with the district court, and advertising concerning placement of children for adoption by unlicensed persons, by authorizing licensed child-placing agencies to accept relinquishments and consents to the adoption of children; authorizing licensed child-placing agencies to verify allegations of court petitions for adoption; providing a penalty for placing children for adoption without a license to operate a child-placing agency; and providing other matters properly relating thereto.

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

SECTION 1. Chapter 127 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this act.

SEC. 2. As used in sections 3 to 10, inclusive, of this act, "person" means an individual, partnership, firm, corporation or association.

SEC. 3. 1. The welfare division of the department of health and welfare, with the approval of the state welfare board, shall:

(a) Establish reasonable minimum standards for child-placing agencies.

(b) Prescribe rules for the regulation of child-placing agencies.

2. All licensed child-placing agencies shall conform to the standards established and the rules prescribed pursuant to subsection 1.

SEC. 4. 1. No person other than the parent or guardian of a child may place, arrange the placement of, or assist in placing or in arranging the placement of, any child for adoption or permanent free care without securing and having in full force a license to operate a child-placing agency issued by the welfare division of the department of health and welfare.

2. Nothing in this section shall be construed to prohibit the welfare division of the department of health and welfare from placing, arranging the placement of, or assisting in placing or in arranging the placement of, any child for adoption or permanent free care.

SEC. 5. 1. The application for a license to operate a child-placing agency shall be in a form prescribed by the welfare division of the department of health and welfare. The license shall state to whom it is issued and the fact that it shall be in force and effect for 1 year from the date of its issuance.

2. The issuance by the welfare division of the department of health and welfare of a license to operate a child-placing agency shall be based upon reasonable and satisfactory assurance to the division that the applicant for such license will conform to the standards established and the rules prescribed by the division as provided in section 3 of this act.

3. When the division is satisfied that a licensee is conforming to such standards and rules, it shall renew his license, and the license so renewed shall continue in force for 1 year from the date of renewal.

SEC. 6. 1. The welfare division of the department of health and welfare may issue to any child-placing agency in existence on July 1, 1963, a temporary license conditionally authorizing such agency to continue its child-placing operations.

2. Every child-placing agency to which such temporary license has been issued shall apply to the division every 6 months for the renewal of such license, and such license shall be renewed if the division is satisfied that the licensee is actively engaged in improving its personnel and operation standards.

3. The division may issue a permanent license to operate a child-placing agency to any holder of a temporary license issued pursuant to subsection 1 when the division is satisfied that such holder will conform to the standards established and the rules prescribed by the division as provided in section 3 of this act.

SEC. 7. 1. No person who does not have in full force a license to operate a child-placing agency issued under section 5 or section 6 of this act may request or accept, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption or permanent free care.

2. A child-placing agency licensed under section 5 or section 6 of this act may accept fees for operational expenses.

SEC. 8. 1. As early as practicable before the placement of a child in the home of his prospective adopting parents for the 30-day residence in such home required by NRS 127.110 prior to the filing of a petition for adoption, notification of such placement shall be given to the welfare division of the department of health and welfare by:

- (a) Any person proposing to make the placement; and
- (b) The prospective adopting parents of the child.

2. If such placement is to be made by a licensed child-placing agency, the division shall retain such notification for informational purposes only. If such placement is to be made by any other person, the division shall, as soon as practicable, conduct an investigation of the medical, mental, financial and moral background of the prospective adopting parents to determine the suitability of the proposed placement. Such investigation shall also embrace any other relevant factor relating to the qualifications of the prospective adopting parents, but shall not be a substitute for the investigation conducted by the welfare division of the department of health and welfare on behalf of the court under NRS 127.120 when an application for adoption is pending.

3. If, in the opinion of the division, the proposed placement is detrimental to the interests of the child, the division shall file an application with the district court for an order prohibiting such placement. If the court determines that the placement should be prohibited, it may in its discretion order the return of the child to the care and control of his natural parents, but if the parental rights of such parents have been terminated by a relinquishment or a final order of a court of competent jurisdiction or if the parents refuse to accept the child, then the court may order the placement of the child with the welfare division of the department of health and welfare or with any licensed child-placing agency for adoption.

SEC. 9. 1. After notice and hearing, the welfare division of the department of health and welfare may:

(a) Refuse to issue a temporary or permanent license if the division finds that the applicant does not meet the standards established and the rules prescribed by the division pursuant to section 3.

(b) Refuse to renew a temporary or permanent license or may revoke a permanent license if the division finds that the child-placing agency has refused or failed to meet any of the established standards or has violated any of the rules prescribed by the division pursuant to section 3.

(c) Revoke a temporary license if the division finds that the child-placing agency is not making a maximum effort to improve its personnel and operation standards.

2. The time and place for the hearing shall be fixed by the division. A notice of the time and place of the hearing shall be mailed to the last-known address of the applicant or licensee at least 15 days before the date fixed for the hearing.

3. At the hearing, the applicant or licensee shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own behalf.

4. The division shall not be bound by technical rules of evidence.

5. Any applicant or licensee adversely affected by an order of the division may appeal to the district court of the county of his residence within 30 days after the division's order is made, and the trial of the district court upon such appeal shall be de novo.

SEC. 10. 1. Any person who, without holding a valid license to operate a child-placing agency issued by the welfare division of the department of health and welfare under section 5 or section 6 of this act, requests or receives, directly or indirectly, any compensation or thing of value for placing, arranging the placement of, or assisting in placing or arranging the placement of, any child for adoption or permanent free care is guilty of a felony.

2. The natural parents and the adopting parents shall not be considered accomplices for the purposes of this section.

SEC. 11. NRS 127.050 is hereby amended to read as follows:

127.050 The following may accept relinquishments for the adoption of children from parents and guardians and may consent to the adoption of children:

1. The welfare division of the department of health and welfare, to whom the child has been relinquished for adoption;

2. [A corporation organized and existing under and by virtue of the laws of the State of Nevada as a child-caring agency, to whom the child has been relinquished for adoption; or] A child-placing agency licensed by the welfare division of the department of health and welfare pursuant to section 5 or section 6 of this act, to whom the child has been relinquished for adoption; or

3. Any child-placing agency authorized under the laws of another state to accept relinquishments and make placements, to whom the child has been relinquished for adoption.

SEC. 12. NRS 127.120 is hereby amended to read as follows:

127.120 1. A petition for adoption of a child shall be filed in duplicate with the county clerk. The county clerk shall send one copy of the petition to the welfare division of the department of health and welfare, which shall make an investigation and report as hereinafter provided. If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the investigation by the welfare division.

2. The welfare division or a licensed child-placing agency authorized to do so by the court shall verify the allegations of the petition and investigate the condition and the antecedents of the child and make proper inquiry to determine whether the proposed adopting parents are suitable for the minor. The welfare division or the designated agency shall, prior to the date on which the child shall have lived for a period of 6 months in the home of the petitioners or within 30 days after receiving the copy of the petition for adoption, whichever date is later, submit to the court a full written report of its findings, which shall contain a specific recommendation for or against approval of the petition, and shall furnish to the court any other information regarding the child or proposed home which the court may require. The court, on good cause shown, may extend the [welfare division's] time designating a time certain, within which to submit a report.

3. If the court is dissatisfied with the report submitted by the welfare division, the court may order an independent investigation to be conducted and a report submitted by such agency or person as the court may select. The costs of such investigation and report may be assessed against the petitioner or charged against the county wherein the adoption proceeding is pending.

[4. No petition for adoption shall be approved unless the child shall have lived for a period of 6 months in the proposed home.]

SEC. 13. NRS 127.185 is hereby amended to read as follows:

127.185 Any person or organization who or which, without holding a valid unrevoked license [or permit] to place children for adoption issued by the welfare division of the department of health and welfare [; advertises] :

1. Places, arranges the placement of, or assists in placing or in arranging the placement of, any child for adoption or permanent free care; or

2. Advertises in any periodical or newspaper, or by radio or other public medium, that he or it will place children for adoption, or accept, supply, provide or obtain children for adoption, or causes any advertisement to be published in or by any public medium soliciting, requesting or asking for any child or children for adoption, is guilty of a misdemeanor.

SEC. 14. The provisions of this act do not apply to placing, arranging the placement of, or assisting in placing or in arranging the placement of, any child for adoption or permanent free care which child was relinquished by its parent or parents for such purpose prior to July 1, 1963.

Senate Bill No. 274 -- Senators Gallagher, Brown, Lamb and Whitacre  
(by request of Legislative Commission)

CHAPTER 409

AN ACT to amend chapter 424 of NRS, relating to foster homes for children, by adding new sections defining terms; making it unlawful for any person to operate a child care facility in this state for compensation without having secured a license from the state welfare department; requiring the department to establish minimum standards for the conduct of child care facilities; authorizing the department to grant and renew licenses for the operation of child care facilities; providing such new sections are applicable only in counties having a population of less than 80,000; requiring boards of county commissioners of counties having a population of 80,000 or more and governing bodies of cities therein to establish minimum standards for the conduct of child care facilities and to provide for the licensing of such facilities; requiring the department to conduct hearings in certain cases and to establish rules for the conduct of such hearings; and providing other matters properly relating thereto.

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

SECTION 1. Chapter 424 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

SEC. 2. As used in sections 3 to 7, inclusive, of this act:

1. "Child care facility" means any home, private institution or group furnishing care to two or more children under 16 years of age on a temporary or permanent basis during the day or overnight for compensation, but does not include the home of a natural parent or guardian or a public institution.

2. "Person" means an individual, partnership, firm, corporation or association.

SEC. 3. It is unlawful for any person to operate a child care facility in this state for compensation without securing and having in full force a license issued by the state welfare department.

SEC. 4. 1. The state welfare department, subject to the approval of the state welfare board, shall establish minimum standards for the conduct of child care facilities.

2. All licensed child care facilities shall conform to the standards established as provided in subsection 1.

SEC. 5. 1. The application for a license to operate a child care facility shall be in a form prescribed by the state welfare department. The license shall state to whom it is issued, and the fact that it shall be in force and effect for 1 year from the date of issuance.

2. The issuance of a license by the state welfare department to any person for the operation of a child care facility shall be based upon reasonable and satisfactory assurance to the department that the person applying for such license will comply with the minimum standards for the conduct of child care facilities established by the department as provided in section 4 of this act.

3. The state welfare department shall renew any license for the operation of a child care facility if the department is satisfied that the person seeking such renewal has complied with the minimum standards established by the department for the conduct of child care facilities. Any license so renewed shall continue in force for 1 year from the date of renewal.

SEC. 6. 1. The state welfare department shall conduct a hearing before the state welfare board upon the petition of any person to whom the department has refused to issue a license to operate a child care facility, or whose license the department has revoked or refused to renew.

2. The state welfare department shall, subject to the approval of the attorney general, establish rules and regulations for the conduct of such hearings.

SEC. 7. 1. The provisions of sections 2 to 6, inclusive, of this act shall not apply in any county having a population of 80,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce. In counties having a population of 80,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, the governing bodies of cities and the boards of county commissioners, as the case may be, shall by ordinance establish minimum standards for the conduct of child care facilities and provide for the licensing of such facilities within their respective jurisdictions.

2. Nothing in this section shall be construed to apply to foster homes in any county having a population of 80,000 or more, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, licensed by the state welfare department pursuant to the provisions of NRS 424.010 to 424.100, inclusive, and used exclusively by the state welfare department.