A SURVEY OF SELECTED ASPECTS OF
PUBLIC SERVICES FOR DEPENDENT CHILDREN
IN NEW ZEALAND
AND A BRIEF COMPARISON WITH
SERVICES IN MALAYSIA.

A Thesis
Presented to
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Master of Arts
in Education

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CHAPTER I

INTRODUCTION

A STATEMENT OF THE PROBLEM.

The problem of the care of dependent children is age old. From the viewpoint of society the recurring issues have been:

(i) Is it justifiable that society should bear the burden of incapable and irresponsible parents?
(ii) In what manner and to what extent should society assume responsibility?

Since the early times, the public attitude towards the care of dependent children has been changing. In Greece and Rome, it was not uncommon for individuals to rescue children from the widespread practice of infant exposure. During the middle ages, the Church provided most of the care of dependent children through such institutions as orphan asylums, monasteries and foundling hospitals. Today, the problem of the care of dependent children is increasingly becoming the responsibility of the state.

The emphasis has shifted from the protection of the society by doing away with unwanted children to the humanitarian belief that dependent children are part of the society and that "the sacredness of human personality is the ultimate foundation of good government, decent society, and enlightened culture."3

2 Ibid.
In New Zealand the problem of dependent children has long been recognized. The perennial issues have shifted from 'why' to 'how' and 'to what extent,' the dependent children should be provided for. One of the influencing factors has been, without doubt, finance.

The problem of dependent children in Malaysia is becoming more and more obvious today. In the past, when the problem was shared squarely by every member within the extended family system, there was little need for external aid. Today, with the gradual disintegration of the formerly closely-knit extended family, provisions for the care of dependent children will have to come from outside the 'large' family, either from the various voluntary bodies or from the state. There is no doubt that Malaysia has much to learn from New Zealand's experience, if only because New Zealand has had to attempt to solve problems involved in providing for dependent children.

Definitions of Terms Used:

Dependent children: a global term used to describe these children who have to depend upon others outside their homes for their needs - physically, morally and mentally. Therefore, 'dependent children' would include:

(i) Neglected children: whose parents (or parent) have failed to make adequate provision for their physical, emotional and intellectual needs.

(ii) Destitute children: whose parents (or parent) through poverty or inadequacy have wilfully neglected them.

(iii) Illegitimate children.

(iv) Delinquent children: children who have developed delinquent
tendencies and thus need care, training and treatment different from neglected and destitute children.

**Abbreviations Used:**

- **A. to J.**  
  Appendix to the Journal of the House of Representatives.
- **C.P.C.P.**  
- **C.P.C.G.**  
  The Canterbury Provincial Council Gazette.
- **D.C.W.O.**  
  District Child Welfare Officer.
- **J.P.A.P.C.**  
- **N.Z.P.D.**  
  New Zealand Parliamentary Debates.
- **N.Z.G.G.**  
  New Zealand Government Gazette.
- **N.Z.Y.B.**  
  New Zealand Official Year Book.

**Organisation of the Thesis:**

Chapters II, III and IV give an historical survey of the development of the child welfare system in New Zealand from 1840 to the present time in the following manner:

- Chapter II deals with the Colonial Period (1840 - 1852);
- Chapter III, the Provincial Period (1852 - 1876);
- Chapter IV, the National Period (1876 - 1960's).

Chapter IV is divided into three parts:

Part I covers the period 1876-1900, during which many significant developments took place in the provisions for the care of dependent children. For example, during this period legislation concerning the adoption of children and also the protection of children and infants was passed. Another significant development was the
transfer of control of the industrial schools and orphanages from the Justice Department to the Education Department.

Part II deals with the period from 1900 - 1925. During this period, the major part of the work in the care of dependent children centred around the implementation of the Acts passed in the period 1876 - 1900, and the alteration and the amendment of these to suit the needs of the time. There was little new legislation introduced.

Part III covers the years from 1925 to the 1960's. A very important development of this period was the passing of the Child Welfare Act, 1925. Really, there is no clear cut division between the end of the period 1900 - 1925 and the beginning of the period covered by Part III. The year 1925 was chosen as the demarcation line because from that date onward, the child welfare system was placed on a legal basis. Part III is concerned mainly with the implementation of the 1925 Act and the growth and work of the Child Welfare Department.

Chapters V and VI are devoted to an examination of two of the major functions of the present day child welfare system:

Chapter V on "The Care of State Wards";

Chapter VI on "Adoption."

In Chapter VII an attempt is made to compare the system in Malaysia and that in New Zealand.

Chapter VIII gives a short summary and review of the whole topic.
The Scope of the Thesis:

The scope of the thesis is determined by four considerations:

(a) The main object of the thesis is to survey public (state) provisions for dependent children in New Zealand. Private provisions (orphanages and private industrial schools and institutions) will be mentioned only incidentally. The subject of private provisions for dependent children in New Zealand has already been treated quite extensively by other writers.4

(b) The theme of the thesis is concerned with children deprived of normal home life. These include the illegitimate, the neglected, the destitute and the delinquent children. Handicapped children as such, whether they be physically or mentally handicapped, are excluded.

(c) In the Chapters on the care of state wards and adoption, specific illustrations are drawn mainly from cases in the Christchurch area. One reason for this is that it has not been possible to make a nation wide study in the time available. Furthermore, the work of the officers of the Child Welfare Division in Christchurch is typical of the work of the Division throughout New Zealand. The Christchurch office deals with nearly one-tenth of the total cases in the Dominion.

4 For example:

Mathew, H.C. - The Institutional Care of Dependent Children in New Zealand.

Pratt, W.A.R. - The Story of the South Island Methodist Orphanage and Children's Home, Christchurch.

The Story of Dingwall, published by the authority of the Dingwall Presbyterian Orphanage Trust Board.
(d) Chapter VII was intended to present a comprehensive comparison of the New Zealand and Malaysian systems with appropriate specific data. Requests to the Social Welfare Department in Kuala Lumpur for such data were not fully met so that the comparison was necessarily limited, and only certain aspects of the Malaysian system could be included.
CHAPTER II
HISTORICAL BACKGROUND

In writings of the early period of colonization of New Zealand, one dominant theme seems to stand out clearly -- the tenacity with which the early settlers, and even the later second generation of New Zealanders, clung to the English systems of social provisions. This is well illustrated by A. E. Campbell when he writes:

".....the homeland continues to exercise an attraction that in certain spheres, may far outweigh the effect of the new and different physical and social environment. The colonist does not instantaneously develop a new philosophy by crossing the Equator."

Helen M. Simpson who considers nostalgia to have been the main cause of the immigrants’ tendency to hold so tenaciously to the British heritage remarks:

".....the geographical isolation which might have enabled us to cut free from mere tradition has in fact made us hold to it the more fiercely; and the trouble began in the first years of settlement when the homesickness, which we ought in this hundredth year to have conquered, was natural enough."

It is, therefore, readily understandable why in the development of public provisions for dependent children in New Zealand, so much reliance was placed upon the English systems by the early settlers in New Zealand.

The development of public provisions in this field in New Zealand, will be examined in the thesis, in three periods, commencing with the first thirteen years of settlement.

1 A. E. Campbell, Educating New Zealand, p. 2.

2 H. M. Simpson, The Women of New Zealand, p. 120.
The Colonial Period (1840 - 1853)

The early days of settlement witnessed periods of serious economic depression. The Wakefield scheme of settlement aimed at transplanting English society in New Zealand, without the inherent poverty of the mother country; but, ironically, the scheme proved to be the major cause of the economic difficulties encountered by the early immigrants.

Wakefield's scheme, laudable in its aim, was, however, doomed to failure as long as the promoters failed to recognize the impracticability of transplanting an English labour force into a developing rural economy of an essentially farming country. England's industrial economy employed human skill and labour on a wage basis. When Wakefield, therefore, tried to introduce into New Zealand the same system of livelihood for the labourers he met with disaster.

W. B. Sutch, in The Quest for Security in New Zealand, makes this point:

"Under such a system where there is a group of people possessing land, and factories, and other undertakings, and another group who have no means of producing wealth but to depend on selling their labour to those who own, and therefore, are employers - inequalities of income, insecurity, unemployment and poverty are inevitable concomitants, so much so that the results become the main problem of the country."

Dr Sutch goes on to state that in 1848 the majority of the population of New Munster depended more on wage labour than on farming, the ratio being "that for every farmer or merchant there

3 W. B. Sutch, The Quest for Security, P.VI.
was one domestic servant, three craftsmen and four farm labourers. 4

Thus the excess of labour in relation to capital resulted in acute unemployment, this being the last infliction that the immigrants expected to have thrust upon them, especially as they were quite prepared to live frugally in modest abodes such as "huts of mud, manuka, toe-toe or raupo." 5

This serious situation of unemployment naturally brought hardships, and as the hardships became more pronounced, men began to look for avenues of escape, even out of the country itself. This became apparent from the advertisement of the Benevolent Society of Carpenters and Joiners in May, 1842, when it declared that it would pay any captain who would be willing to take groups of carpenters and joiners (not fewer than twenty) to such distant lands as Valparaiso, Sydney or Hobart town.

In the new colony then, unemployment plus old age, sickness, drunkenness and destitution were social ailments amongst the population for which there appeared to be no form of social panaceas; not even the English Poor Law system, or the 'workhouse' - an institution known to them in England.

New Zealand was, therefore, forced to fall back on the 'community spirit' for social relief. Even this had to be on a voluntary basis, because the means of raising revenue from taxes was negligible, because of lack of developed land and other capital assets, together with a lack of local governmental authority to collect such levies. Furthermore, the policy of the Colonial Government towards social welfare was one of laissez-faire.

4 Sutch, op. cit., p. 30.
5 Ibid., p. 19.
Thus, when in 1846 New Zealand passed her first Ordinance for Destitute Person's Relief, the keynote of the Ordinance still echoed the concept of the English attitude — that salvation from destitution should be relieved by personal efforts. Consequently, the 1846 Ordinance confined its provisions chiefly to the distribution of outdoor relief through the hospitals, for it was contended that to do more would destroy the self-reliance of the recipients and encourage them to depend on the public, so harming the public morale.

Although the 1846 Ordinance did provide for some measure of assistance through the hospitals towards the care of destitute children, the existing English practice was followed in that the destitute children were grouped together with the aged, the diseased, the blind and the insane adults — "this mixed group of suffering humanity." New Zealand as yet made little distinction between the adult destitutes and the dependent and neglected children.

It was not until during Governor Grey's term of office (1845 - 1853) that some real positive attention was given to the destitute children. Grey was most interested to integrate the natives into the European civilization. He sought to achieve this through education. Thus in 1847, the first education ordinance in New Zealand was passed and under article 2 of the Regulations for Admission, Grey made it clear that the schools established in accordance with the Education Ordinance 1847 would also cater for the education of "the destitute children of all races, whether of Europeans or half-caste race or from other islands of the Pacific Ocean."  

6 H. C. Mathew, *The Institutional Care of Dependent Children in New Zealand*, p. 10.  
7 Education Ordinance 1847 - Regulations for Admission.
However, article 3 of the Ordinance was restrictive in that it allowed no illegitimate children to be admitted into those schools, unless by special consent. Financial considerations and the stigma then attached to illegitimate children were probable reasons for the insertion of this clause.

Gray's aim of bringing the two races together under the same educational project failed almost completely. The reason was clearly stated by The Southern Cross of 10 June, 1948: "...The principle of amalgamation is attractive in theory ... but it is absurd to imagine that European parents would at present send their children to the same school with the natives." 8

The Southern Cross proved itself to be right when for their part the European parents would not send their children to Gray's schools for the natives, and also many Maori parents withdrew their children from the schools, especially during the period of the Maori wars in the North Island. For example, up to 1863 the Three Kings School enrolled quite a large number of Maori and half-caste pupils of both sexes. About 1863, with the renewal of Maori wars, many Maori pupils left, thus reducing the number attending the school to four or five. However, there were still about twenty to thirty half-caste pupils at the school. From 1862 to 1863, the Auckland Provincial Government made a move to place a number of destitute European children at the school. There was to be a capitation allowance of £10 per pupil per annum. 9

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8 As quoted by A.G. Butcher, *Young New Zealand*, p. 312.
By the close of the nineteenth century, other denominational schools — St. Joseph Industrial School (Wellington); St. Mary’s (Auckland) and St. Stephen’s (Farnell) — also became associated with the care of the destitute and neglected European children.

**Summary:**

In short, it can be said that by the end of the first decade of New Zealand settlement, some attempts had been made, particularly under the humanitarian influence of Governor Grey’s education system, to provide for the dependent children in New Zealand, but with comparatively little success. It was only in later years that New Zealand gained impetus in this field, as the next two chapters will attempt to show.
CHAPTER III

THE PROVINCIAL PERIOD (1852 - 1876)

By the Constitution Act of 1852, New Zealand attained a federal form of government, the colony being divided into six provinces (Auckland, New Plymouth, Wellington, Nelson, Canterbury, and Otago) each being responsible for the welfare of the destitute children in its area. To quote Vogel: "Most of the provinces had other publicly supported institutions such as orphanages, industrial schools for neglected and criminal children... the police having instruction to bring all the neglected children before the magistrate." 1

As in the Colonial Period, the prevailing attitude of the people and the economic status of each province emerged as the two dominant factors of influence in the provisions for destitute children.

To a large degree the economic progress of the provinces was dependent upon the ready availability of cultivable land, the proceeds from the sale of which gave each provincial government revenue for public works. Where revenue was buoyant, social welfare services, such as the care of dependent children, were able to receive some measure of consideration.

In the North Island where much of the land was sold at very low prices (at 10 shillings an acre or 5 shillings of poor Crown land) proceeds from land sale were not as great as in the South Island.

1 W. B. Sutah, Poverty and Progress, p.69, quoting J. Vogel, The Official Hand Book of New Zealand.
where land prices ranged from £2 to £3 an acre. Furthermore, the North Island was constantly harassed by the Maori Wars which greatly retarded the work of preparing the bush-clad land for farming.

On the other hand, the South Island provinces made quick economic progress. There were very few Maoris in the south, and consequently, there was little Maori opposition to the progress of land settlement. The absence of difficult forests to clear facilitated settlement, especially for sheep farmers. As a result, land sales were favourable which meant that money was available for public works and social reforms. For example, in Canterbury, the Provincial government, in its opening session, set aside £50 for paupers and lunatics, the amount being increased to £150 in 1855.²

By 1857, the provisions made by the Canterbury Provincial Council for the outdoor relief of the destitute proved inadequate and a home was erected in Addington to care for the neglected children of all denominations.³

However, the 'good days' did not last long. In 1867-8, the price of wool on the world market fell. The Lyttelton Times, 20 July, 1867, recorded mass unemployment among wage-earners. Depression thus brought destitution and a consequent increase in the number of dependent children. A committee appointed by the Provincial Government recommended the erection of a new building to relieve the Addington Orphanage. The Lyttelton Times.

² P. J. Whalen, The Care of Destitute, Neglected and Criminal Children in New Zealand, p. 70.

³ Ibid.
12 December, 1865, reported a statement by the Government declaring that it had no money for such a purpose. Faced with this refusal, the committee made a counter-proposal, which was accepted, to convert the Lyttelton Hospital into an orphanage. Thus the Canterbury Orphan Asylum was opened on 1 July 1870, to replace the Addington Orphanage. 4

In Otago, a very important event was the discovery of gold in 1861. Men came from all parts of New Zealand and Australia and 'rushed' to the gold fields. The editor of the *Otago Witness* warned 'the Dunedin ladies that, should there be left in the town but one man, and he with a wooden leg, they would have to saw that leg off if they wished to retain him.' 5

Two important effects of the gold rushes were significantly related to the provisions for the destitute children. Firstly, the population of Otago increased rapidly. Within two years of the discovery of gold, the population of the Province rose from 12,600 to 60,000. 6 Reed remarks that the Province might have been better off without some of those immigrants. 7

E. Soper in *The Otago of Our Mothers* records that there were cases of wife-desertions as men rushed to the diggings. There was a case of a young mother killed by a fall of earth, and leaving behind three young children, totally unprovided for, as the father was believed to have left for Victoria. 8

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The second effect of gold discovery was the increased revenue which enabled the Provincial Council to improve the provisions for the destitute. Actually, no constructive action was taken until 1867 when James Macandrew was elected superintendent of the Province. Prior to that, the first venture to give free education for the neglected children was launched by Mrs O’Rafferty in 1863. This became the first Ragged (Free) School in Dunedin, and her effort was instrumental in prompting the Provincial Government to take more positive steps to care for the destitute children. One of the early provisions made by the Provincial Government was the passing of the Neglected and Criminal Children Ordinance in 1867. It may be of interest to mention, in passing, that this Ordinance was modelled on legislation in Victoria, namely, the ‘Act for the Amendment of the Law Relating to the Neglected and Criminal Children (1864)’, which in its turn was based on the 1861 British ‘Act for Amending and Consolidating the Law Relating to Industrial Schools’.

In the same year, the Ordinance was adopted by the Colonial Government as the Neglected and Criminal Children Act 1867, for the whole of New Zealand. The view was accepted that the problem of the neglected and criminal children was a responsibility of the Colonial Government, rather than of the Provincial Governments. The Act was the first legal approach towards the care of dependent children throughout New Zealand.

9 Soper, op.cit., p. 36.
11 A. to J., 1867, Nos. 11, 12.
In Auckland, the Provincial Government was rather disturbed by serious cases of pauperism leading to wife-desertion and neglect of children. In 1866, the Auckland Provincial Secretary, G. Haselden, tabled his 'Report relative to the Increase of Pauperism' in the Province of Auckland. He attributed the increase in unemployment and in abandonment of wives and families to the general depression in trade, 'the long wet autumn and winter,' and the indiscriminate admission of immigrants. The main outcome was an increase in the number of orphans and destitute children needing government care and protection. The Auckland Provincial Government was already in great financial difficulties. The Provincial Government had been forced to cut down the capitation allowance for destitute European children maintained at the Three Kings Institution, at the St Stephen's (Parnell); and at the St Mary's (Auckland). This move by the provincial government proved justifiable when the Commission of Inquiry into the Conditions and Nature of Trust Estates for Religious, Charitable and Educational Purposes set up in 1869 disclosed the ineffective way the managers of the schools had used the capitation allowance as well as the original land endowments. The Commission noted that other denominational schools with only land endowments had been run more satisfactorily on a less expensive basis. The Commission recommended the removal of the existing Trustees and vesting the Estates in a responsible officer or officers who could be relied upon to carry out the original aim of the Trust which was for

"the education of the children of both races, and of children of other poor and destitute persons being inhabitants of the Islands in the Pacific Ocean." The capitation allowance was reduced from £10 to £5 per person per annum. Financial difficulties, therefore, prevented the Provincial Government from making any major progress to care for the dependent children in its area.

In the Wellington Province, however, the situation was different in that finance was not so much a problem as the reluctance of the authorities to recognise the need to provide for dependent children there. The report of the Wellington Committee on the Colonial Hospital in 1854 well illustrated the general attitude of the local authority, when it said that:

"...purely charitable institutions tended to lessen the self-reliance of the people." In 1871, the Wellington Superintendent complained of the expenditure on the care of the destitute, saying, "I know of no exceptional reason why relief of the poor of the city of Wellington should be borne by the rest of the Province."

It is not surprising, therefore, that the Wellington Province had made no extensive effort to maintain its neglected children.

With the passing of the Neglected and Criminal Children Act 1867, the provision for such children was placed on a legal basis. Although, as W. P. Morrell and D. O. W. Hall point out, the eighteen-sixties were one of the most troubled decades in New Zealand, it would seem that the passing of the 1867 Act was the turning point in the development of public concern for dependent children.

15 A. to J., 1870, A-3, p. III.
17 Ibid.
Who, then, were the 'neglected' children? The 1867 Act defined them as:

(1) Any child found begging or receiving alms or being in any street or public place for the purposes of begging and receiving alms.

(2) Any child who shall be found wandering or frequenting any street, thoroughfare, tavern or place of public resort, or sleeping in the open air and who shall not have any home or settled place of abode or any visible means of subsistence.

(3) Any child who shall reside in brothels or associate or dwell with any person known or reputed to be a thief, prostitute or habitual drunkard, or with any person convicted of vagrancy under any Act or Ordinance now or hereafter to be in force.

(4) Any child who, having committed an offence punishable by imprisonment or some less punishment ought, nevertheless, in the opinion of two justices, regard being had to his age and the circumstances of his case, to be sent to an industrial school.

(5) Any child whose parent represents that he is unable to control such child and that he wishes him to be sent to an industrial school and gives security to the satisfaction of two justices before whom such child may be brought for payment of the maintenance of such child in such school. ¹⁹

The Act empowered:

(1) The Superintendent of any Province in New Zealand to establish for the purposes of this Act industrial schools and every such school be occupied and used for males and females exclusively

¹⁹ The Neglected and Criminal Children Act, 1867.
as any such Superintendent may direct.

(ii) The Superintendent of any Province to establish for
the purposes of this Act reformatory schools and every such
school be occupied by and used for males and females exclusively
as any such Superintendent may direct.

By this Act, children coming within the stated categories
could be placed in an industrial or a reformatory school up to
the maximum age of 15 years. In this way the Act aimed "to
provide for the care and custody of 'neglected' and 'criminal'
children, and to prevent the commission of crime by young
persons." 20

The Provinces showed various degrees of success in their
attempts to implement the Act, as well as in overcoming some of
the shortcomings in the Act.

In this respect, Otago again could proudly claim to lead
the Provinces by establishing the Caversham Industrial School
in 1869. The aim of the school, as E. Titchner said in his
annual report in 1881, was "...for the purpose of rescuing the
young boys and girls from the path of vice and infamy, and
providing them with such a training as would fit them to become
useful members of the society." 21

The institution, in offering its facilities to other
Provinces, was the first of its kind in the Colony. That it
filled a need is shown by the following rapid increase in
enrolment: 22

20 The Neglected and Criminal Children Act, 1867.
21 A. to J., 1881, B-6A, No. 127.
22 P. J. Whalan, The Care of Destitute, Neglected and Criminal
Children in New Zealand, pp. 36, 38, 39, 43.
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This rapid increase in the number of inmates naturally brought problems of accommodation which were neither foreseen nor provided for by the framers of the 1867 Act. The superintendent of the Otago Province proposed a system whereby children could be boarded out prior to their having served half of their committal period. This system was subsequently adopted and became incorporated in the Neglected and Criminal Children Amendment Act 1870.\(^{23}\) The administration of the Amendment Act 1870 did not prove effective as most of the children were too young while others required more education before they could be licensed out.\(^{24}\)

Although, as Vogel pointed out, parents were compelled, when able or found, to pay for the maintenance of their children at the industrial school, the cost of maintenance became as serious an issue as the accommodation problems.\(^{25}\) An approach was made to the Colonial Government for relief, but without success, the Colonial Government declaring that the care of the dependent children remained the responsibility of each Province.\(^{26}\)

Article 1 of the 1867 Act laid down that the industrial schools be occupied by and used for males and females exclusively. 'Exclusively' was intended to mean 'in segregation,' but no provision was made to enforce the article. Consequently, the authorities of any industrial school who failed to keep the sexes apart in separate schools could not be prosecuted. The Caywraham Industrial School accepted both sexes.

In the same way, there was no provision for enforcing the authority of the industrial school to separate the 'neglected' children from those with criminal tendencies. As a result, both types were admitted to the same institution, with the criminal group exercising a bad influence over the 'neglected' children. The only satisfactory alternative would have been a separate reformatory school for the criminal type.

The need for a separate reformatory must have been obvious to W. Rolleston, the Superintendent of the Province of Canterbury. In 1874, he urged the Provincial Government to establish a reformatory school for two reasons. Firstly, it was needed to relieve the accommodation problems of the Orphan Asylum which had been forced to refuse admission of 41 destitute children. Secondly, a reformatory school was necessary "...not only in the interest of the Orphanage, in which it was not right to associate the children of the respectable parents with those who are taken from the haunts of vice, but also for the reform of the growing class of juvenile criminals, for whom our goals are not fit for confinement."

27 J. of P.C.P.C., session 36, 1872, p.3
Therefore, Rolleston requested the Provincial Government to authorize him to proceed with the necessary arrangements to establish a reformatory school in Canterbury. 28

The Provincial Council finally agreed to the request but instead of a reformatory school the Burnham Industrial School was established. It was officially opened on 23, February, 1874. 29 Again, the move to separate the criminally inclined children from the neglected type failed because of the generally held idea that an industrial school was more necessary than a reformatory. Thus both types of children continued to receive the same treatment.

When compared with Otago or Canterbury, the Province of Wellington was not as successful in providing for its neglected and criminal children. Under Grey's education system, the Church of England was entrusted with the Wanganui Industrial School for "the indigent children of Europeans, the Maoris, as well as those from the Pacific Islands." 30 Two factors contributed to the failure of the attempt — the denominational character of the trust, and the high fees charged. Consequently, very few Maori children were in attendance at the school which was thus forced to take mostly children of those European parents who were able to pay the fees. 31 In the absence of a suitable institution for the neglected children, the Province was quite content to take advantage of the offers of accommodation at the Caversham Industrial School and the Burnham Industrial School, and

28 J. of P.C.P.C., session 35, 1871, p. 3.
29 Canterbury Provincial Gazette, Vol. XXI, Feb. 24, 1874, No. X.
30 1847 Education Ordinance - Regulations.
31 A. to J., 1870, A-3.
to send its indigent children to these two institutions. Beyond that nothing was attempted to improve the situation in the Wellington Province.

Meanwhile, the Province of Auckland was not lacking in resourcefulness when trying to cope with the problem of its neglected children. In 1870, the Auckland society for the Relief of the Neglected and the Destitute Children was formed. In the "Extracts for Rules and Regulation," the Association stated its aim as the support, the instruction and the industrial training of 'indigent' children as defined by the 1867 Act. A home was established for these children at Howe Street. Although the home received aid from the government, such aid was insufficient according to the 1881 Report which records: "Unlike most other parts of the Colony, the Provincial Government of Auckland was never able to spare funds for the erection of suitable buildings where boys and girls could be properly brought up together". With this lack of finance, the Association was faced with all the difficulties experienced by the other provinces, such as the accommodation problems, necessitating the boarding out of children above 12 years. Habens pointed out that, "the usefulness of the institution is considerably impaired by the recent determination to send out all boys above 12 years old, whether morally and educationally fit to go out or not."

The Association also realized the need to protect the neglected children from the bad influence of the criminal type, by housing

33 A. to J., 1881, E-6A, p. 7.
34 Ibid., p. 8.
35 A. to J., 1881, E-6A, No. 3.
the latter in a separate reformatory, but again insufficient funds prevented the Association from such undertaking.

It seems that insufficient finance was a major factor which prevented the Provinces from having a separate reformatory for criminal children. The same factor was also responsible for the inability of the Provinces to comply with the requirement of section three of the 1867 Act, which provided for the establishment of industrial schools for boys and girls exclusively. The difficulty was overcome by a new provision in the Neglected Children Act, 1873, which allowed the admission of both sexes, "provided that the sexes shall be strictly kept apart in separate dormitories and that at mealtimes and during school hours they shall as far as practicable be kept apart." Another weakness of the 1867 Act was the provision in section 15 which set down the age of 15 years as the maximum age that a child could be detained in an industrial school. A Dunedin N.P. cited a case where a girl, on the day when she reached 15, was taken away by her mother, a notorious prostitute. He, therefore, sought to introduce a Bill to remedy this defect, "by conferring a right in the master of the industrial school to the guardianship and custody of a child, and thus deprive immoral parents, to that extent, of their social privilege." His proposal was accepted and incorporated as section 3 of the 1873 Act which provided that the Master of each industrial school could act in loco parentis during

37 The Neglected Children Act, 1873.
the entire "nonage of such child" where the parents were unfit to have guardianship of their children.

In 1875, C. G. Bowen, the Christchurch Resident Magistrate, considered the word 'nonage' in the 1873 Act to be ambiguous and he advocated a more specific term. He also proposed that the legal provision should be made to empower the Government to put orphanages on the same footing as the industrial schools. In this way the orphanages could have the same power as the industrial schools to enforce discipline. Bowen's suggestions were subsequently embodied in the Neglected and Criminal Children Act, 1875, which substituted 'whilst such child shall be under the age of 21' for the term 'nonage of such child.'

Provision was also made for publication by the Government in the New Zealand Gazette of a proclamation giving orphanages the same status as the industrial schools.

Despite the proven need for reformatory schools, no provision was made for their establishment at this stage, mainly it seems, because of lack of finance.

Special mention is warranted here of the Hobmarama Naval Training School established under the Naval Training School Act, 1874, to provide a pool of New Zealand born sailors by maintaining and supporting vagrant boys. The school which was under the control of the Marine Department, admitted boys from 10 years to 14 years of age. The school, however, was not a success because of problems in management, and of insufficient finance.

40 N.A.P.D., 1875, P.743.
On 29 June, 1880, the school came under the control of the Education Department. Following the suggestion of the Secretary for Education, John Hislop, that the school could serve a better purpose by becoming an ordinary industrial school to which more children could be admitted, the Government gazetted the establishment as an industrial school as from 27 September, 1881. 42

**Summary:**

Thus, by the end of the Provincial Period, there had emerged some sort of pattern regarding public provision for deprived children. In the fifties and the sixties, various provinces, beset as they were by economic and social problems, had attempted, in several ways, to cater for these children. As a result, several significant developments had taken place, namely, the passing of the 1867 Neglected and Criminal Children Act, and of the subsequent Amendment Acts of 1870, 1873 and 1875 to overcome certain weaknesses in the principal Act, and the establishment of the Caversham and Burnham Industrial Schools and the Kohimarama Naval Training School.

CHAPTER IV

THE NATIONAL PERIOD (1876 - 1965)

Part I (1876 - 1900)

The National Period began with the abolition of the Provincial Governments in 1876. A major move that followed was the transfer of the control of the industrial schools and orphanages from the Provincial Governments to the Justice Department of the Central Government.¹

Except for the establishment of the Thames Orphanage and Training School in 1879,² there was little other important development until 1890, when the control of the industrial schools and orphanages was once again transferred from the Justice Department to the Education Department.³

This change in the control of the industrial schools and orphanages became the turning point in the treatment of destitute children. Educational and remedial methods soon replaced the former penal approach.

With its assumption of the control of the industrial schools and orphanages, the Education Department showed keen interest in the improvement in the working of these institutions. An important new development took place in respect to the inspection of institutions. Although the inspection of private institutions and orphanages was provided for in the Neglected and Criminal Children

¹ A. C. Mathew, The Institutional Care of Dependent Children in New Zealand, p. 15.
² A. to J., 1891, E-61, p. 12, Prospectus of the School.
³ A. C. Mathew, The Institutional Care of Dependent Children in New Zealand, p. 15.
Act 1867, (section 11), and later made more specific in the Education Act 1877 (section 99), Beck pointed out that there was 'no provision for enforcing the carrying out of any of the recommendations of the inspecting officers.'

In 1880, W. J. Habens, the Inspector-General, visited Australia. By then the Education Department had taken over the control of the Caversham Industrial School, the Burnham Industrial School and the Kohimarama Industrial School from the Justice Department. From his overseas trip, Habens brought home an appreciation of the necessity for a more vigorous inspection of these institutions. Special commissions were appointed to enquire into their working and management. The results of the commissions' enquiries revealed the conditions existing in the institutions. The standards of education and discipline at the Caversham Industrial School were cited as being as good as those anywhere else in New Zealand. However, the same could not be said for the Burnham Industrial School where the conditions of living, the standard of education and discipline as well as the general management of the school were rather poor. Consequently, the manager had to be replaced and rapid improvements were reported.

Another important idea that Habens brought home from his overseas trip was the boarding-out system. While in Australia, he saw favourable results of boarding-out as a means of easing accommodation problems in the institutions.

5 A. to J., 1880 (H-11 p. 1, H-11K, p. 6.)
6 A. to J., 1881 (E-6A, No. 12.)
7 A. to J., 1881, (E-6, p. 1)
The Harvard Association for Penal Reform also reported similar good results of the boarding-out system as practised in the institutions in Massachusetts and New York. 8

In New Zealand, by 1880 the boarding-out system existed on a small scale, chiefly, as Hislop reported, with a view to adoption.9

When accommodation problems became serious at the Burnham and Caversham institutions, Habens solved them with the boarding-out system.

There was also another aspect of the system in South Australia which Habens thought was valuable. He noted that the children who were boarded out associated naturally with other children in the homes and the school. The boarding-out system gave them the opportunity to develop self-reliance which otherwise could not be acquired in the seclusion of an institution which he said was a kind of prison. 10

These two important developments introduced by Habens became incorporated in the Industrial Schools Act, 1882.

The 1882 Act also provided for the extension of legal guardianship of the managers of the industrial schools over the inmates until the age of twenty-one; the appointment of lady official correspondents and lady official visitors to facilitate the working of the boarding-out system at the Burnham, the Caversham and the Auckland industrial schools. Furthermore, the Act classified the industrial schools into three categories:

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8 A. to J., 1881, (E-66, Paper No. 2, p. 6.)
9 A. to J., 1880, (E-42, p. 5.)
10 A. to J., 1881, (B6, p. 1.)
(a) Government school - such as Caversham;
(b) Local school - partially supported by the government, but chiefly financed by the municipal council, for example, the Thames Orphanage and Training School.
(c) Private school - wholly financed by private bodies, such as the various types of Church schools. 11

One of the major results of the working of the Act, through the provision for boarding-out, was a reduction in the number of inmates in the government industrial schools as shown by column (c) of Table I. On the other hand, the Roman Catholic institutions preferred to retain their children, 12 probably because of lack of homes able to take boarded-out Roman Catholic children.

Table I also shows that from 1883 to 1887 there was a significant increase in the number of children boarded out from schools controlled by the Education Department. However, from 1888 to 1899 there was a fairly steady decline. Butcher explained that the decline was probably because of a decrease in committals after the middle eighties, 13 which in turn probably resulted from the general tapering off of the depressions of the eighties.

Butcher's table seems to lend weight to his suggestion:

From 1880 to 1885 the average number of committals per year was 299. In the subsequent five years the figures were:

11 Industrial School Act, 1882.
12 A. G. Butcher, Education in New Zealand, p. 76
13 Ibid.
# Table I

**The Number of Children Boarded-Out From Schools Controlled by the Education Department**

<table>
<thead>
<tr>
<th>Year</th>
<th>(a) No. of Children Boarded-out</th>
<th>(b) Resident in Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>1882</td>
<td>226</td>
<td>227</td>
</tr>
<tr>
<td>1883</td>
<td>209</td>
<td>624</td>
</tr>
<tr>
<td>1884</td>
<td>392</td>
<td>432</td>
</tr>
<tr>
<td>1885</td>
<td>496</td>
<td>346</td>
</tr>
<tr>
<td>1886</td>
<td>544</td>
<td>312</td>
</tr>
<tr>
<td>1887</td>
<td>563</td>
<td>235</td>
</tr>
<tr>
<td>1888</td>
<td>500</td>
<td>233</td>
</tr>
<tr>
<td>1889</td>
<td>453</td>
<td>280</td>
</tr>
<tr>
<td>1890</td>
<td>426</td>
<td>260</td>
</tr>
<tr>
<td>1891</td>
<td>420</td>
<td>245</td>
</tr>
<tr>
<td>1892</td>
<td>417</td>
<td>223</td>
</tr>
<tr>
<td>1893</td>
<td>404</td>
<td>242</td>
</tr>
<tr>
<td>1894</td>
<td>394</td>
<td>227</td>
</tr>
<tr>
<td>1895</td>
<td>405</td>
<td>203</td>
</tr>
<tr>
<td>1896</td>
<td>390</td>
<td>191</td>
</tr>
<tr>
<td>1897</td>
<td>385</td>
<td>199</td>
</tr>
<tr>
<td>1898</td>
<td>403</td>
<td>181</td>
</tr>
<tr>
<td>1899</td>
<td>408</td>
<td>200</td>
</tr>
</tbody>
</table>

*Source: A. to J., 1883 to 1900, E-3.*
Butcher also recorded that by 1896, of 1,051 children under the care of the Education Department, only 181 were in the three government schools (Burnham, Caversham and Auckland Home); the rest were either at service or boarded-out.

In contrast, the Roman Catholic institutions had 315 inmates out of a total of 503 children in care. On this preference for institutional care over the boarding-out system, Butcher remarked that "Admirable as these (nuns) were in their devotion to their work, they could not keep the death rate in the institution down to the low level of the extra-mural system." 15

There were two immediate effects of the boarding-out system. The first one was the closing down of government schools: the Howe Street Home (Auckland) in 1885, 16 and the Kohimarama Industrial School in 1892. 17 The Thames Training Farm, a 'local school', was closed down in 1893. 18

The second effect was a greater concentration of poor inmates in the existing institutions, for the better inmates were either boarded out or placed at service.

During this time there was a high rate of absconding among

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14 A. G. Butcher, Education in New Zealand, p. 77
15 Ibid., p. 76.
16 N.Z. G.C., 18 June, 1885, p. 780.
17 A. G. Butcher, Education in New Zealand, pp. 77-78.
18 Ibid.
the inmates of the Burnham Industrial School. The general
public tended to blame the management for the absconding incidents,
but the Anglican Chaplain for the school disagreed. He blamed
the government for failing to provide adequately for the treatment
of the wild and the most undisciplined boys. He emphasized the
need to classify the various types of inmates in order to give
them due treatment. In other words, a reformatory school
rather than an industrial school could better serve the more
undisciplined ones at Burnham.

There was less absconding at the Caversham Industrial School.
Nevertheless, the need to classify the types and the sexes there
was also felt.

In 1895, the Industrial School Amendment Act raised the
maximum age of children for whom board payments could be made
from twelve to fourteen years. The Act probably had some
influence in reinforcing the bad effect of concentrating poor
inmates in the institutions, by reducing the need for the foster-
parents to return to the institutions the boarded-out children
when they reached their twelfth birthday.

When the Minister of Education spoke in 1900 of the need for
a review of the whole system of industrial schools in New Zealand
he duly reflected general dissatisfaction with the management of
the schools.

Besides these developments which affected directly the inmates
of industrial schools, there were also other legal moves introduced
during the period which were concerned with the welfare of dependent
children generally. One of them was the Adoption Act passed in 1881.

21. A. to J., 1900, E-1, P.xviii.
New Zealand became the first country in the British Empire to make such a statutory provision. The principal purpose of the Act was to give an adopting parent legal protection and security which he did not have under the previously existing law. In this way it was hoped to encourage the practice of adoption, for, in the words of Honourable Mr Waterhouse, who originated the idea of legal adoption in New Zealand,

"Those who benefited by it were generally those who were deprived of their natural guardians, and who would probably, but for the kindly care bestowed upon them by those who undertook to occupy the positions of parents, be exposed to want and privation." 22

The Adoption Act was amended in 1885 and replaced by the Adoption Act, 1895. Further amendments followed and eventually the 1895 legislation was consolidated as Part III of the Infant Act, 1908. Adoption Act 1955 supersedes all previous Acts and is now the main Act regulating adoption in New Zealand. (As one Chapter will be devoted to the topic of adoption later in the thesis, further discussion will not be included here.)

Two other important Acts which directly affected the welfare of destitute children and infants generally, were the Children’s Protection Act, 1890 and the Infants’ Life Protection Act 1893.

By 1890, the public had become concerned about "very young children earning their living in entertainment," who "were unduly excited at a very early age and that this was calculated to seriously injure them in both body and mind." The speaker added

that although mischief might not have grown to any great
extent (yet), prevention was better than cure.\(^\text{23}\)

The Children's Protection Act was passed for the prevention
of cruelty to and better protection for children. Clause five
specially dealt with the restriction on the employment of children.

The Infant Life Protection Act, 1893, was for the protection
of infants brought up away from their homes. Prior to the
passing of the Act many 'unplanned' babies were in the unfortunate
position of being brought up either in unsatisfactory foster-homes
or in the industrial school institutions. As there was no form
of registration or inspection of the former type of infant care,
it soon developed into 'baby-farming.' In moving the Bill for
the protection of infants, Sir P. A. Buckley (Wellington) cited
the report of the Inspector of Police which disclosed the conditions
of some of the houses that took in the infants, as of 'such a
character as almost made one's flesh creep.'\(^\text{24}\) The climax of
'baby-farming' featured by the Dean case in Invercargill provided
unanswerable argument for those who strongly supported the Bill.

Apart from the foster-homes, the industrial school institutions
became the other refuges for 'unplanned' babies. The Neglected
and Criminal Children Act, 1867, made no restriction on the age of
children committed to the industrial schools. Some unmarried
mothers and others not wishing to keep their babies, freely handed
them over to the masters of the industrial schools. E. Tither,

\(^{24}\) \textit{N.Z.P.D.}, 1893, Vol. 82, p.300.
the master of the Caversham Industrial School, in his report to the Secretary of Education, complained of the misuse of the industrial school by some sections of the public. 25 The Report of the Commission of Inquiry on the Caversham Industrial School fully supported Tönnies' complaint, and the school surgeon's suggestion that it would be better to place babies with wet nurses for the "harding together of a number of infants in the institution is a near approach to the much condemned system of baby-farming." 26 The Report strongly disapproved of committal of children under the age of 12 months. 27

In the Infant Life Protection Act, 1893, provisions were made for the registration and inspection by the Commissioner of Police, of houses which received infants whether for the purpose of adoption or maintenance apart from their parents, with payment or reward for more than three consecutive days. The Act was actually based on the Infants' Life Protection Act 1872 of Victoria (Australia).

The 1896 Infant Life Protection Act raised the age of infants in registered homes from two to four years. There were also stricter provisions for the inspection of foster-homes. For example, the 1896 Act not only required the Infant Home to be registered but also the owner to be licensed. The owner had also to keep a detailed record of each infant residing in the Home which was open to inspection by the Police or by a Justice of the Peace.

The Act repealed the 1893 Infant Life Protection Act. 28

25 A. to J., 1880, K-II, p. 5.
26 Ibid. p. 3.
27 Ibid.
28 The Infant Life Protection Act, 1896.
Summary of Period 1876 - 1900

The period could be divided into two parts. The first covers the years from 1876 to 1880 when the industrial schools and orphanages came under the control of the Justice Department. It was really a transitional period for the industrial schools and orphanages - from the parochial control of the Provincial Government to a more centralized control by the Justice Department. Consequently, it was rather a period of administrative change.

The second covers the years from 1880 to 1900. The control of the industrial schools and orphanages shifted from the Justice Department to the Education Department. There followed a period of reconstruction, consequent upon the change in the policy of care of dependent children - from penal treatment to preventive and educational care. Thus legal provisions were made for the adoption of children and the protection of children's and infants' life. In regard to the system of the industrial schools and orphanages, changes were proposed.
Part II (1900 - 1925)

The policy that 'prevention is better than cure' implicit in the various Acts passed during the period 1876 - 1900 was reinforced by several amendments to the Acts during the period 1900 - 1925.

The branch of the Education Department responsible for the administration of the Industrial Schools Act was the Special and Industrial School Branch. The management of the Branch came directly under the control of G. Högben who was recently appointed as Inspector-General of Schools in 1909. ¹

The growing public discontent with the management of the industrial schools during the previous years became stronger at the beginning of this period, especially after mismanagement of the Stoke Industrial School had been revealed. An investigation of the school was conducted by an appointed Commission of Inquiry. ²

A major outcome of the investigation was "The Private Industrial Schools Regulations and Industrial Schools Amendment Act" in 1900. The Act provided for more effective inspection and control of private industrial schools; and an increase in the permissible age of committal from fifteen years to sixteen years, thus widening the coverage enabling an older age group to profit from care and treatment.

In 1900, the whole system of industrial schools was reviewed.

¹ UNESCO, Compulsory Education in New Zealand, p. 33.
² A. to J., 1900, S.38.
In his annual report in 1900, the Minister of Education outlined two principles which the administration of the Branch would follow:

(a) better classification of the sexes and the types of children committed;

(b) the training of committed children in trades and farming. 3

According to the first principle, he classified the children committed to the industrial schools into two groups:

(i) the orphans or simply the destitute. The duty of the State was to act in the place of a parent, and as far as possible to put the children in the circumstances that would offer them a normal home life. He recommended the boarding-out system as best suited for this group of children.

(ii) those that showed various degrees of delinquency, for whom due treatment should range from truant schools to near-prison institutions.

The Minister of Education made a clear distinction between orphanages and industrial schools and reformatories. The boarding-out system was to replace the orphanages; the industrial schools were for those "...who need firm control and systematic treatment but who cannot be described as criminal or criminally disposed," while reformatories "...should contain those who are viciously uncontrollable, or are criminally disposed, or who are actually criminals too young for prison treatment."

3 A. to J., 1900, E-3, p.2.
There would be separation of the sexes, especially at the reformatories.

The Minister also made several suggestions for implementing the two principles:
(a) a truant school for each of the four large towns;
(b) two industrial schools (one for boys, the other for girls);
(c) two reformatories (one for boys, one for girls);
(d) receiving homes to provide temporary accommodation for children to be boarded out or to be placed in industrial schools; and also for girls in transit from one job to another.

One outcome was that the Burnham Industrial School became a reformatory for boys, and a girls' reformatory, Te Oranga Home, was established in Christchurch. The Weraroa Training Farm (Lewin) for boys was opened in 1905, after which the Caversham School was used as an industrial school for girls. Receiving Homes were established in Wellington and Christchurch. As Beck noted, these institutions were soon overcrowded when the courts made commitments without the knowledge of the Department, so that the Department's officers had no chance of advising the courts on the suitability of their decision. In other cases the managers of the schools resented any help from the Department.

The boarding-out system was also extended to solve the accommodation problems at the institutions (except for Roman Catholic institutions), and a male visiting officer, and later an

5 Ibid.
6 Ibid.
7 Ibid. See also Appendix I.
an assistant and two lady officers were appointed to visit the boys and girls who were boarded out. It was not an easy task to obtain trained people for the field work as well as for the administrative work of the Branch. As Beek recalled, there was no provision for understudies, and appointments for vacant positions were made from a list of applicants received through advertisements. Consequently, most of the staff had no knowledge of the work, but were chiefly attracted by the salaries offered.

In 1906, the Juvenile Offenders' Act was passed with the object of making better provisions for the hearing of charges against juvenile offenders under sixteen years of age. Clause three prohibited any juvenile offender from being put in a gap or lock-up pending the hearing unless his safe custody could not be otherwise provided for. Clause four provided for necessary privacy for the hearing of the case, while clause five provided the Magistrates with the discretionary power to admonish a juvenile offender without recording the charges against him. In essence, the Act aimed to develop preventive and educative rather than penal treatment. As the speaker for Auckland city, the Honourable Mr Baume, said, "It was wiser and less expensive to save children than to punish criminals."

Actually, in many parts of New Zealand, and particularly in Wellington, Christchurch, and Auckland, it had been quite common to hear charges against children in camera. The Act put the practice

9 J. Beek, Memoirs, p. 3.
10 Ibid., p. 6.
11 Juvenile Offenders' Act, 1906.
13 Ibid., p. 159.
on a legal basis, and became the precursor of the present-day procedure in Children's Court.

The 1910 New Zealand Official Year Book, recording the working of this Act revealed that for the year 1909, out of 471 cases summoned, 167 were dismissed and the rest were dealt with as shown by Table II. 14

<table>
<thead>
<tr>
<th>City</th>
<th>Summed</th>
<th>Dismissed</th>
<th>Convicted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Discharged</td>
</tr>
<tr>
<td>Auckland</td>
<td>124</td>
<td>86</td>
<td>9</td>
</tr>
<tr>
<td>Wellington</td>
<td>126</td>
<td>3</td>
<td>31</td>
</tr>
<tr>
<td>Christchurch</td>
<td>110</td>
<td>39</td>
<td>19</td>
</tr>
<tr>
<td>Dunedin</td>
<td>111</td>
<td>59</td>
<td>3</td>
</tr>
<tr>
<td>TOTAL</td>
<td>471</td>
<td>187</td>
<td>62</td>
</tr>
</tbody>
</table>

In the following year, 1907, the Infant Life Protection Act of 1893 was revised and remodelled and its administration was transferred from the Police Department to the Education Department. The aim of the 1907 Infant Life Protection Act was to provide supervision and protection for infants under the age of six years maintained away from their parents for more than seven consecutive days. An important provision was that concerned with the licensing

and inspection of all foster-homes. Adopted children were also to come under the Act. These precautions were taken to prevent baby-farming, and the extra burden fell on the managers of the industrial schools of Auckland, Caversham, the Receiving Homes in Christchurch and Wellington, and the supervisory nurses of the four main centres.

In 1908, the first year of the operation of the Act, Butcher recorded 1,017 cases which came before the Department.

A review of the 1907 Infant Life Protection Act was made in 1908. The result was the 1908 Infants’ Act which consolidated all previous Acts pertaining to guardianship, adoption and protection of children, namely:

- Infants' Guardianship and Contracts Act, 1887;
- Children's Protection Act, 1890;
- Adoption of Children Act, 1895;
- The Adoption of Children Amendment Act, 1906;
- The Statute Law Amendment Act, 1906;
- The Infant Life Protection Act, 1907.

The 1908 Infants' Act was divided into five parts, each dealing with a specific aspect of children's and infants' protection:

Part I = on guardianship and custody of infants;
Part II = on contracts and wills of infants;
Part III = on adoption of children;
Part IV = on protection of children;
Part V = on Infants' Homes.

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15 1907 Infant Life Protection Act.
16 J. Beck, Memoirs, p. 4.
17 A. G. Butcher, Education in New Zealand, p. 230.
18 1908 Infants' Act, schedule.
Except for some minor alterations and amendments, the 1908 Infants Act, operating in conjunction with the Child Welfare Act 1925 and the Adoption Act 1955, still remains the main basis of the present-day work for the protection of infants and children.

It was also in 1908 that all previous Acts regarding the inmates and the management of industrial schools were consolidated. The Acts included were: 19

(a) The Industrial Schools Act, 1882;
(b) The Industrial Schools Amendment Act, 1895;
(c) The Private Industrial Schools Regulation and Industrial Schools Act Amendment Act, 1900;
(d) The Infant Life Protection Act, 1907.

The Consolidated Act, 1908, made a clear distinction between the government industrial schools and the private industrial schools. In the schedule the government schools included the Auckland Industrial School, the Weraroa Training Farm, Te Oranga Home, the Burnham Institution and the Caversham Industrial School.

All Catholic Institutions were classified as 'private schools.'

By 1908, they were:

St. Mary's Industrial School (Auckland);
St. Joseph's Industrial School (Wellington);
St. Mary's Industrial School (Nelson);
St. Vincent de Paul's Orphanage and Industrial School (Dunedin).

An Industrial Schools Amendment Act was passed in 1909. It contained three new provisions:

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19 New Zealand Consolidated Statutes, 1908, Vol. II.
(i) the extension of the period of control over inmates beyond twenty-one years. The aim was to protect society from those not yet fit for discharge;

(ii) 'not being under proper control' was introduced as sufficient ground for committing a child to an industrial school. It was hoped that an early change of environment might prevent the child from becoming a delinquent;

(iii) the extension of the age of transfer from gaol to an industrial school, from eighteen to nineteen years old. The object was to prevent as far as possible the mixing of young offenders with hardened criminals in the gaols.

Honourable Dr Findlay (Attorney-General) remarked that the new provisions, ".....seek to elevate, or at least to save, the unfortunate, while we give a certain measure of protection to the life and health of society itself." 20

However, Beck was rather inclined to disagree with the provisions, because the boys, when they were finally freed, had become so institutionalized that rehabilitation was not only a slow but a difficult process. Beck saw the inadequacies of the whole system of reformatory and industrial schools as the means for caring for the neglected children, but he realized that the time was not yet ripe for him to introduce changes. 21

Meanwhile, the number of dependent children coming under the care of the Branch was increasing. This may have resulted from

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21 J. Beck, Memoirs, p. 5.
the fact that with a buoyant economy the New Zealand Government of the time was more ready than others in the past to provide for the dependent children.

**TABLE III**

<table>
<thead>
<tr>
<th>Year</th>
<th>1900</th>
<th>1901</th>
<th>1905</th>
<th>1907</th>
<th>1909</th>
<th>1910</th>
<th>1911</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boarded out: Govt. Sch.</td>
<td>402</td>
<td>418</td>
<td>568</td>
<td>986</td>
<td>757</td>
<td>792</td>
<td>855</td>
</tr>
<tr>
<td>Private &quot;</td>
<td>7</td>
<td>1</td>
<td>5</td>
<td>9</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>At School: Govt. Sch.</td>
<td>231</td>
<td>295</td>
<td>317</td>
<td>392</td>
<td>420</td>
<td>542</td>
<td>622</td>
</tr>
<tr>
<td>Private &quot;</td>
<td>367</td>
<td>348</td>
<td>331</td>
<td>329</td>
<td>351</td>
<td>263</td>
<td>246</td>
</tr>
<tr>
<td>At Service: Govt. Sch.</td>
<td>530</td>
<td>516</td>
<td>529</td>
<td>554</td>
<td>660</td>
<td>751</td>
<td>763</td>
</tr>
<tr>
<td>Private &quot;</td>
<td>166</td>
<td>189</td>
<td>197</td>
<td>181</td>
<td>179</td>
<td>124</td>
<td>130</td>
</tr>
<tr>
<td><strong>TOTAL: Govt. Sch.</strong></td>
<td>1163</td>
<td>1227</td>
<td>1414</td>
<td>1932</td>
<td>1837</td>
<td>2055</td>
<td>2240</td>
</tr>
<tr>
<td>Private &quot;</td>
<td>540</td>
<td>538</td>
<td>533</td>
<td>519</td>
<td>533</td>
<td>389</td>
<td>377</td>
</tr>
</tbody>
</table>

Table III shows the increasing number of dependent children under the control of the Special and Industrial Schools Branch from 1163 in 1900 to 2,240 in 1911. The total number at the 'private schools' shows a declining tendency, and the decrease in 1911 may have resulted from the government's action in taking over the control of the Orphanage of St. Mary's Industrial School at Stoke. In 1912, the government took over the whole school; converting it into a Boys' Training Farm. The move considerably relieved the accommodation problems at Waaroa.

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22 N.Z.Y.B., 1901 to 1912.  
25 Ibid.
Table III also compares the distribution of children under the care of the Branch with those under the care of voluntary organizations, in the three categories: (a) boarded out, or (b) at the institutions, or (c) at service. From the private schools there were less children boarded out or put out to service as compared with children in the government institutions. Most voluntary organizations preferred to keep their children in institutions, the majority of which were Catholic institutions.

About 1915, the Industrial Schools system was again revised with the object of incorporating a form of juvenile probation whereby young male delinquents could be supervised in the community, instead of being directly committed into the institutions. The system, which was originated by an Auckland Stipendiary Magistrate, Mr F. V. Fraser, was reported to have worked so well in the Auckland district that it soon spread to other centres too. 26

Such was the system of the care for dependent children before the outbreak of the 1914 - 1918 war. Beck described the condition of the system as "...chaotic, unco-ordinated, handicapped by inexperienced staff." 27

The war aggravated the situation. Not only was the strength of the staff at the Branch depleted from eight to three permanent positions, but the general expenditure was drastically curtailed. 28

As the war progressed, there was great difficulty in obtaining provisions and clothing for the inmates, and in addition the

28 Ibid.
increasing number of commitals further aggravated the existing accommodation problems. 29

In 1915 Beck was appointed as the Officer-in-Charge of the Industrial and Special Schools. He recalled the early days of his appointment as being "very fully occupied with the incessant problems of a war-time regime, and forming preliminary plans for changes in the system when the time was ripe." 30

The essence of his scheme was preventive rather than remedial. He firmly believed that as far as possible commital should be the last resort in a system of supervision, ranging from informal supervision to more formal supervision and placement in a receiving home for observation and control. For preventive work to be effective, there must be full investigation into the child's background. Beck also suggested that juvenile cases be dealt with by the Children's Court. 31

Beck's scheme, therefore, favoured the extension of the juvenile probation system and boarding-out in place of commital to an industrial school or a reformatory. Thus, instead of institutions, more receiving homes would be needed, where children could be assessed for formal supervision or boarding-out. More juvenile probation officers would be required for the supervision work.

Beck submitted his scheme to the Minister of Education who received the proposals favourably. 32 The Statute Law Amendment

31 Ibid., p. 42.
32 Ibid., p. 13.
Act, 1917, section ten, gave the Minister the authority to declare any school established under the Industrial Schools Act, 1906, a Probation Home for Children, and to appoint any fit and proper person a Juvenile Probation Officer. 33

The time was now ripe for Beck to put his plan into effect. He began with establishing new receiving homes at the four main centres and procuring the necessary staff. Except for the few very serious ones, the rest of the children at the existing institutions were either sent home or boarded out. The misfits from Burnham were sent to Wararco while those from Te Oranga went to Caversham. 34 At the same time the number of committals was reduced by extended use of the receiving homes where children were assessed in an attempt to board them out wherever possible.

In short, Beck's scheme resulted in the closing down of the Auckland, Burnham, Te Oranga and Stoke institutions; and committals to Caversham and Wararco (both being retained as training centres) were reduced by two-thirds. 35 Meanwhile, the system of receiving homes was extended beyond the four large towns to include Napier, Wanganui, Hamilton, Whangarei, Palmerston North, Hawera, Gisborne, Masterton, Greymouth, Blenheim, Timaru and Invercargill. 36

The work of reconstruction was not as smooth as it might have been. Beck's scheme met many obstacles, the most serious of which seemed to be the public opinion. Beck was very much aware of his

33 New Zealand Statute Law Amendment Act, 1917.
principal opponents — officialdom and public opinion. 37

He was most cautious about finding the suitable time to introduce his scheme — it was only when he was fairly certain of the presence of authority calculated to sympathise with his plan.

Another serious obstacle that Beck met was the scarcity of properly trained staff and the situation was made worse by the government’s war retrenchment programme. In 1918, the influenza epidemic added extra burden to the work of the Branch and retarded the progress of Beck’s scheme. 38 Finally, Beck lamented the lack of co-ordination between the Education Department and other government departments such as the Defence and the Pensions Departments, resulting in much overlapping of work. 39

In spite of all these handicaps, the system flourished. Beck realized the urgent need for protective legislation for the scheme. 40 Therefore, he presented the case before the Minister. Unfortunately, he was not successful. 41

A better turn came in 1924, when through the recommendation of Miss Jean Begg, Beck was given leave to visit Canada and America to study their systems of dealing with young people. 42 From his overseas trip, he prepared a report on 'Child Welfare in the United States of America and Canada' in which he made several recommendations for child welfare work in New Zealand. 43 Some of his major recommendations were embodied in the Child Welfare Act, 1925, namely:

37 J. Beck, Memoirs, p. 5.
38 Ibid., p. 16-17.
39 Ibid., p. 21.
40 Ibid., p. 23.
41 Ibid., p. 24.
42 Ibid., p. 27.
(i) the establishment of Children's Courts;
(ii) the repeal of all the Industrial Schools Acts and the elimination of the term 'industrial school';
(iii) the creation of a separate branch of the Education Department to be called the Child Welfare Branch with its superintendent as the legal guardian of all State children;
(iv) provisions for regulations governing street trading and employment of children generally and attendance of children at places of public amusement;
(v) investigation of all illegitimate births by child welfare officers.

Other recommendations included were concerned with the inspection of private institutions for children; assistance to and care of unmarried mothers and their children; investigation of Children's Court cases, and care of the feeble-minded, and the training of social workers.

Beck was specially interested in the running of Children's Courts overseas. He favoured their underlying principle which aimed at "correction of conditions, care and protection, and the prevention of a recurrence of such conditions through constructive work of the court," rather than penal treatment for young offenders. 44 The dominant note, he believed, should be the conservation of the child as a valuable asset of the community.

In 1925, the Child Welfare Bill was debated in Parliament. It was generally well received and finally passed as the Child Welfare Act, 1925. 45

44 op cit., p. 5.
One of those who rejoiced in the passing of the Act was Beck. In his memoirs he recalled that:

"With the passing of the Child Welfare Act 1925....I had a feeling of great relief and satisfaction that the long struggle, the - at times - baffling indifference of the authorities both in and out of the Department, who lacked the vision to see the necessity of progression, was nearing an end. For nearly ten years the lone-handed struggle had gone on." 46

Summary:

The period 1900 - 1925 could be divided into two phases. Phase one, from 1900 - 1915, was chiefly taken up with amending previous Acts to implement the Education Department's policy of prevention rather than punishment of young offenders.

Phase two, from 1915 to 1925, was more formative and perhaps more interesting because it was in this phase that the present system of child welfare began to take some definite shape. The functions of the Branch had widened tremendously, the outstanding feature being the development of preventive work, and of measures for the social readjustment of juvenile offenders through the boarding-out system introduced by Habens and expanded by Hogben, and through the juvenile probation scheme initiated by F. V. Fraser and extended and popularised by Beck in his system of informal and formal supervision.

By 1925, the Education Department had also the control of the administration of the Infants Act 1903 (Part V). In this case

46 J. Beck, Memoirs, p. 29.
the prevention of baby-farming was reinforced through provisions for strict licensing and vigorous supervision of infant-homes.
Part III (1925 - 1965)

In his opening address in Parliament on 16 July, 1925, the Minister of Education, Sir C. J. Parr, explained that the object of 1925 Child Welfare Bill was to put the Special Schools Branch in the wider context of the child welfare work, thus giving it an appropriate status. The functions of the Branch had increased and changed so that by 1925 the major part of its work was concerned with children boarded out or in receiving homes or on probation (the total number of cases being about 3,000), whereas the Branch's work with the special schools involved only 370 of these children.\(^1\)

The aim of the 1925 Child Welfare Act, was:

"To make better provisions with respect to the maintenance, care, and control of children who are specially under the protection of the State; and to provide generally for the protection and training of indigent, neglected or delinquent children."

This aim reflected the actual functions of the Branch since the work with the special schools formed only a small section of the whole.

The 1925 Act, which superseded all previous Industrial Schools Acts, was divided into six parts:

Part I dealt with the administration of the Act. By the Act, the former Special Schools Branch was legally constituted as the Child Welfare Branch of the Education Department. At the head of the Branch was the Superintendent who was responsible to the Director of Education.

\(^1\) _N.Z.P.D., 1925, Vol. 206, pp.583-584._
Part II dealt with the establishment of receiving homes and such-like institutions and their inspection.

Part III dealt with admissions to the above institutions and the guardianship and control of inmates.

Part IV dealt with Children's Courts.

Part V was concerned with financial provisions regarding the cost of establishment and maintenance of institutions, the maintenance of inmates, and their earnings.

Part VI dealt with miscellaneous matters. An important and interesting section under this heading was Article 41 which dealt with the notification of illegitimate births as first recommended by John Beck in his report on 'Child Welfare in the United States of America and Canada.' Although the Minister of Education was dubious about introducing the section, probably because of the stigma attached to illegitimacy, he was most concerned with the high death rate of illegitimate children as compared with that of legitimate children as shown by Table IV.

<table>
<thead>
<tr>
<th>Year</th>
<th>Legitimate Children</th>
<th>Illegitimate Children</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Births</td>
<td>Deaths</td>
</tr>
<tr>
<td>1921</td>
<td>27,309</td>
<td>1,248</td>
</tr>
<tr>
<td>1922</td>
<td>21,782</td>
<td>1,129</td>
</tr>
<tr>
<td>1923</td>
<td>26,707</td>
<td>1,183</td>
</tr>
<tr>
<td>1924</td>
<td>26,676</td>
<td>1,033</td>
</tr>
<tr>
<td>1925</td>
<td>28,821</td>
<td>1,056</td>
</tr>
<tr>
<td>1926</td>
<td>23,270</td>
<td>1,054</td>
</tr>
</tbody>
</table>

* Death rate per 1000 live births

3 A. to J., 1927, B-4, p. 10.
During the first two years of the working of the Act, the Branch was kept busy with the re-organisation of the system which Beck had initiated during the previous years. Matters of immediate concern and action were the selection of personnel for implementing the Act, the reconstructing of Te Oranga as a Girls' Home, the establishing of a new Boys' Home when the government converted the Mt. Albert Home for boys into a Girls' Grammar School, and also the investigation of illegitimacy cases.4

By 1927, the Minister of Education (Honourable Mr Wright) reported that the Branch was dealing with more than 6,000 dependent children, the total expenditure being £93,844. The table below shows the type and the extent of the Branch's work for 1927:

**TABLE V**

<table>
<thead>
<tr>
<th>Type of Care</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>In Institutions and Receiving Homes</td>
<td>243</td>
</tr>
<tr>
<td>In Roman Catholic Institutions</td>
<td>96</td>
</tr>
<tr>
<td>Boarded out</td>
<td>1,909</td>
</tr>
<tr>
<td>At service</td>
<td>888</td>
</tr>
<tr>
<td>With friends, etc.</td>
<td>641</td>
</tr>
<tr>
<td>Under Infant Life Protection</td>
<td>878</td>
</tr>
<tr>
<td>Adoption</td>
<td>361</td>
</tr>
<tr>
<td>On Juvenile Probation</td>
<td>1,641</td>
</tr>
<tr>
<td>School for Deaf</td>
<td>110</td>
</tr>
<tr>
<td>School for Feeble-minded</td>
<td>260</td>
</tr>
</tbody>
</table>

**Total** | 6,617 |

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From Table V, the two important functions of the Branch seemed to be the placement of children for board or at service and supervision of those on the 'Juvenile Probation.' The Branch's work with the Special Schools involved only 370 children out of the total 6,617 under its care.

Beck spoke of probation as a positive method of treatment — 'an intimate, personal relationship which deals with all the factors of a child's life, particularly his home,' and as such, it was, he believed, the most suitable educational influence for the child. 6

In 1927, there were suggestions from the authorities concerned with the work of the Child Welfare Branch that, considering the extent and type of work peculiar to the Branch, it should be constituted as a new Government Department, independent of the Education Department. The main argument seemed to be that as the work of the Child Welfare Branch was a specialized work, it should have a specialist as its Director and should have direct communication with the Minister of Education, instead of being under the control of the Director of Education who had more to do with normal schooling and teaching. To quote a speaker in the House of Representatives:

"The business of the Child Welfare Department should be to study the whole life of the child. The business of the Education Department is to study the primary, secondary and technical education of the child, and in that responsibility there is quite enough for the Minister and the Department to do." 7

6 A. to J., 1925, R-3, p. 4.
However, the government would not, mainly on financial grounds, agree to having a Child Welfare Department. The matter was, therefore, dropped. Nevertheless, several other suggestions from the House were accepted and incorporated in the Child Welfare Amendment Act 1927. The Act contained two parts.

Part I dealt with provisions for the establishment, registration, inspection and maintenance of private children's homes. Speaking on these new provisions, the Minister of Education, the Honourable Mr Wright, said that he realized the general resentment by the private institutions of undue state interference, but he explained that the real aim of the provisions was to ensure that children in such institutions were well taken care of.

Children's homes included orphanages and such like institutions where children were maintained apart from their parents or guardians, whether for payment or not, but excluded any institutions conducted wholly for educational purposes.

Furthermore, the manager of a children's home was required to keep a detailed record of each child in the home. In this way, the Superintendent could keep an overall check, apart from regular inspection, on the conduct of the home.

These new provisions naturally increased the work of the Branch.

Part II of the Amendment Act contained provisions regarding

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10 Child Welfare Amendment Act, 1927, section 12.
11 J. Beck, Memoirs, p. 32.
the conduct of the Children's Courts. Section 18 (1) prescribed that the Children's Courts be kept distinct from other Courts. The aim was to avoid the children having any contact with the adult courts.

The Act also raised the age of children who could be tried in Children's Courts from sixteen to seventeen, but cases of murder and manslaughter were to be excluded.

Section 31 of the Principal Act read:

"When a child is brought before a Children's Court charged with any offence, it shall not be necessary for the Court to hear and determine the charge. (But the Court) may, in its discretion, after taking into consideration the parentage of the child, its environment, history, education, mentality, disposition, and any other relevant matters, make an order committing the child to the care of the Superintendent, or make any other order in relation to the child that the Court would have power to make if a complaint in respect of the child had been made under section thirteen hereof."

Section 23 of the Amendment Act substituted the words "(But the Court)" with the words (whether or not in any such case the Court determines the charge, it). Strictly speaking the new amendment did not make such change regarding the original special powers of the Courts which did not require them to hear and determine charges against children in their presence before making the committal orders. The position of the children remained the same - they still did not have the opportunity to defend themselves.

However, Section 24 (12) of the Amendment Act provided some compensation when it did not make it necessary for the Courts to record convictions against the children even where the offences were proved and penalties imposed upon the children. The provision was an attempt to safeguard the future of the children.
by helping them to keep clean records as far as possible.

From 1930 - 1934, New Zealand felt the effects of the great depression. The work of the Branch was necessarily disturbed by financial curtailment, some important effects being the reduction of staffing and of weekly payment for children boarded out; and the closing down of receiving homes at Timaru, Wanganui and Napier. Fortunately, juvenile delinquency in New Zealand, as in the rest of the world, showed a decrease during the depression years. However, the work of rescuing the children as a result of the 1931 earthquake in the Napier district really tested the depleted resources of the Branch.

By 1935, New Zealand had gradually recovered from the effects of the great depression. The financial situation of the Branch had also improved, but the staffing problem was still to be solved. In this respect, Beck reported that the appointment of honorary Child Welfare Officers, especially in the outlying districts, had proved most helpful in facilitating the work of the Branch.

An important aspect of the work of the Branch was the education of the children under its care. In his annual report in 1936 the Minister of Education noted that some of the children in foster homes went for higher education either in secondary or technical schools or the colleges.

The work of the Branch was again disturbed by the outbreak of war in 1939. A significant result of the war was the increase

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12 J. Beck, Memoirs, p. 34
13 Ibid., pp. 33-34.
14 Ibid., p. 34.
15 A. to J., 1936, E-1, p.33.
TABLE VI

COURT APPEARANCES (1938 - 1947)

<table>
<thead>
<tr>
<th>Year (a)</th>
<th>Total number of charges (b)</th>
<th>Complaints under C.W. Act (c)</th>
<th>Total Court Appearances (d)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1938</td>
<td>2,447</td>
<td>535</td>
<td>2,982</td>
</tr>
<tr>
<td>1939</td>
<td>2,248</td>
<td>553</td>
<td>2,801</td>
</tr>
<tr>
<td>1940</td>
<td>2,464</td>
<td>489</td>
<td>2,953</td>
</tr>
<tr>
<td>1941</td>
<td>2,424</td>
<td>510</td>
<td>2,934</td>
</tr>
<tr>
<td>1942</td>
<td>2,421</td>
<td>515</td>
<td>2,936</td>
</tr>
<tr>
<td>1943</td>
<td>2,446</td>
<td>625</td>
<td>3,074</td>
</tr>
<tr>
<td>1944</td>
<td>2,493</td>
<td>583</td>
<td>3,076</td>
</tr>
<tr>
<td>1945</td>
<td>2,012</td>
<td>517</td>
<td>2,529</td>
</tr>
<tr>
<td>1946</td>
<td>1,786</td>
<td>454</td>
<td>2,240</td>
</tr>
<tr>
<td>1947</td>
<td>1,568</td>
<td>458</td>
<td>1,936</td>
</tr>
</tbody>
</table>

Source: As to J., 1939 to 1943, E.4.
of juvenile delinquency, as was noticed all over the world. The Superintendent of Child Welfare Branch attributed the increase chiefly to the break up of home life when the male members of the families had to go to war, and the general state of unrest and weakening of inhibitions in the adult community that usually resulted from war conditions. 16 Table VI shows the number of appearances in Children's Courts for the years 1938 to 1947.

From 1938 to 1942 the total number of cases coming before the Courts remained fairly steady. The effects of the war began to show only after 1942, with the increase of the number of Court appearances for the years 1943 and 1944. 17

Table VI also shows that Court appearances fall into two main categories:

In the first category were cases in which children were brought before the Courts because of complaints under the Child Welfare Act 1925, section 13 (1) with regard to destitute and neglected children, as well as children not under proper control. In this case the children were not directly the offenders, but they needed protection and care.

The second category was composed of specific offences by the children, for example, cases of theft, offences against property or morality or person, and less serious cases of traffic offences.

From Table VI it can be seen that a substantial part of the

16 A. to J., 1943, S-1, p.4.
17 For a fuller discussion refer to E. Philip, Juvenile Delinquency in New Zealand, 1946.
**TABLE VII**

**EXTENT AND TYPE OF CARE OF CHILDREN,**

**BY CHILD WELFARE BRANCH.**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Committed to the Care of Superintendent (a)</td>
<td>501</td>
<td>509</td>
<td>548</td>
<td>564</td>
<td>596</td>
<td>586</td>
<td>540</td>
<td>446</td>
<td>440</td>
</tr>
<tr>
<td>Children supervised by C.W.O. at their homes, (b)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>by order of Children's Courts</td>
<td>973</td>
<td>1,041</td>
<td>1,109</td>
<td>1,123</td>
<td>1,301</td>
<td>1,375</td>
<td>1,063</td>
<td>1,026</td>
<td>945</td>
</tr>
<tr>
<td>'Preventive' Supervision by C.W.O. without order of (c)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Children's Courts</td>
<td>1,691</td>
<td>1,906</td>
<td>1,739</td>
<td>1,960</td>
<td>1,978</td>
<td>1,954</td>
<td>1,905</td>
<td>1,629</td>
<td>1,569</td>
</tr>
</tbody>
</table>


Source: A. to J., 1939 to 1948, 2-4.
increase of juvenile delinquency during the war years was caused by an upsurge of cases from the first category from 515 in 1942 to 625 in 1943 and 583 in 1944. This upsurge was attributed to an increase in the number of girls charged as 'not under proper control' at a time when a large number of American servicemen were stationed in the country. 18

The other part of the increase in the number of total Court appearances resulted from an increase of juvenile offences, especially with regard to serious offences like stealing and wilful damage against property.

The rise in the incidence of juvenile delinquency substantially increased the work of the Branch as is shown in Table VII. A steady increase occurred in the number of commitments to the care of the Superintendent from 1938 to 1944. Similarly, there was an increase in the number of children under formal and informal supervision by the Child Welfare Officers. This extra burden really strained the resources of the Branch at a time when most of the male staff were away at war.

Another urgent problem that the Branch had to face was the increasing difficulty of finding sufficient suitable foster-homes. The Superintendent reported that by March 1943, the government institutions were kept fairly full. 19

In spite of these difficulties, the Branch intensified its work of dealing with juvenile delinquency. The honorary Child

18 Philipp, op.cit., p.16.
Welfare Officers greatly assisted the work of the Branch in outlying districts. The Branch also established Child Welfare offices in four new centres – Rotorua, Ashburton, Teumarunui and Blenheim, and it was very much concerned to step up its ‘preventive’ work which aimed at assisting children either individually or through their homes to prevent them from ever appearing before the Courts. This work was helped by the appointment in various Education Board districts of ‘visiting teachers’ whose function was not that of teaching but of providing a link between the school and the children’s home and the community. In this way problem children could be dealt with within the context of the school, the home and the community together.

In 1941, the first Conference of Child Welfare Officers was held in Wellington, and later regional conferences took place in Wellington, Christchurch and Dunedin to consider methods of dealing with the problem of juvenile cases. At each conference, there were special sessions to which representatives of teachers, churches, social workers and allied Government Departments were invited to discuss and plan ways to promote greater co-operation among all bodies concerned with child welfare.

However, the Superintendent, speaking on the plans of the conferences, remarked that the final solution to the problem of juvenile delinquency would be found not in regulations or in purely restrictive measures, but in provisions by the school, the church,

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20 A. to J., 1944, E-4, p.2.
21 A. to J., 1943, E-4, p.4.
22 Ibid.
the social organizations and the home of activities that could absorb the energies and capture the faith of the youth.23

Another new activity of the Branch started during the war years was the care of British immigrant children. Under this scheme, approved by the governments of the United Kingdom and New Zealand, 202 British children were, because of war conditions, sent to the Dominion in 1939.24 On arriving in New Zealand, these children came under the guardianship of the Superintendent who was responsible for placing them in foster homes. In his annual report 1943, the Superintendent noted that most of the children were doing well, either at school or at work.25 By 1946, one hundred and fifty-six of these had left for Britain.26

By 1947, normal times had returned. The conditions of staffing had improved, not only in number but also in the salary paid.27

An important event in 1948 was the passing of the Child Welfare Amendment Act which consisted of two parts.

Part I made legal provisions for the Superintendent of Child Welfare to assume guardianship of immigrant children brought to this country. There were two types of immigrant children - those from Britain who came under arrangement made between the governments of New Zealand and United Kingdom; and the refugee children sponsored by the International Refugee Organization and the New Zealand Government. These children were available for adoption.

23 A. to J., 1943, E-1, p.4.
24 A. to J., 1940, E-1, p.4.
25 A. to J., 1943, E-1, p.5.
26 A. to J., 1946, E-4, p.13.
27 A. to J., 1947, E-1, p.4.
The Minister of Health, speaking on the provisions, pointed out that the main aim was to give these unfortunate war-orphans and destitute children an opportunity to start a new life. 28

Part II of the Amendment Act was mainly concerned with miscellaneous amendments to the Principal Act.

Section 31 of the Principal Act as amended by section 27 of the Amendment Act 1927, stated:

"When a child is brought before a Children's Court charged with any offence, it shall not be necessary for the Court to hear and determine the charge. Whether or not in any such case the Court determines the charge, it may, after taking into consideration the parentage of the child, its environment, history, education, mentality, disposition, and any other relevant matters, make an order committing the child to the care of the Superintendent, or make any other order in relation to the child that the Court would have power to make if a complaint in respect of the child has been made under section thirteen thereof."

The new section 16 (1) of the Amendment Act, 1943, stated:

"When a child is brought before a Children's Court charged with any offence, the Court shall hear and determine the charge and, if the charge is proved, may, after taking into consideration the parentage of the child, its environment, history, education, mentality, disposition, and any other relevant matters, make an order committing the child to the care of the Superintendent, or make any other order in relation to the child that the Court would have power to make if a complaint in respect of the child had been made under section thirteen herein."

The new provision was important for, by providing the defendant the opportunity to defend himself, it put the work of the Children's Courts more in line with the accepted practice in other Courts.

Another significant amendment was section 12 (1) - (4) which changed the name of the Child Welfare Branch to the Child Welfare Division as it is still known today. The Minister of Health explained that the aim of the new provision was to place the Branch on a status appropriate to its specialized work in child welfare. The original name was inappropriate as it tended to give the idea that the Branch was but a local office. 29

In accordance with the new provisions in Part I of the Amendment Act 1949, one hundred and sixty-five British immigrant children arrived in New Zealand in 1950. 30 The number was increased to two hundred and seventy by new arrivals in 1951. By then ninety had been discharged from the care of the Superintendent. 31

However, so far, only eight refugee children had been brought to New Zealand with a view to adoption.

Another important event was the opening of the School of Social Science at Victoria University College, Wellington, in March, 1950. 32 At last a formal system of training available to staff of the Division was instituted.

In his annual report in 1953, the Superintendent of Child Welfare described the nature and scope of the work of the Division. 33 The legislation which broadly defined the activities of the Division comprised:

(a) The Child Welfare Act 1925 - the Principal Act;

(b) The Child Welfare Amendment Act 1927, which regulated the

30 A. to J., 1950, B-4, p. 2.
31 A. to J., 1951, B-4, pp. 3.
32 A. to J., 1950, B-4, p. 2.
33 A. to J., 1953, B-4, pp. 1, 2.
establishment and operation of private institutions for children;
(c) The Child Welfare Amendment Act 1943 which provided for the care of unaccompanied immigrant children;
(d) The Infants' Act 1908, Part V, which provided for the protection of young children living under private arrangement, apart from their parents or guardians.

In addition, the Division also performed activities not defined by the statutes, such as preventive work among juveniles and work in conjunction with relevant private agencies and other government departments concerned with the welfare of children.

To discharge these duties, the Division had Child Welfare Offices located in 17 cities and towns, and 110 Child Welfare Officers who were distributed among the centres mainly on a population basis. Thus, Auckland, being the largest centre, had 17 officers as compared to Greymouth with 2 officers.

The work of the field officers as outlined by the Superintendent was very much the same as is being discharged today. The work included:

1. Supervision and general placement and care of all children committed to the care of the Superintendent;
2. Visiting and oversight of all children placed by Courts under legal supervision of Child Welfare Officers;
3. Investigation and reporting of all cases coming before the Children's Courts.
4. Preventive work which involved making enquiries in the early
stages into cases of difficulty with children or bad adjustment in the home, with the aim of remedying the situation;
(5) Enquiries into cases of illegitimate births and making proper provisions for the child and the mother;
(6) Implementing provisions for infants' homes as contained in Part V of Infants' Act 1908;
(7) Work in connection with the adoption of children;
(8) Placement and oversight of immigrant and refugee children;
(9) Administration of affairs of Polish children who came to New Zealand during the last war;
(10) Domestic conciliation, discharged by special officers only;
(11) Investigation and report on miscellaneous matters connected with the welfare of children.

By 31 March, 1953, there were about 3,379 state wards; the number included 270 British immigrant children and 50 refugee youths.

As in the past and the present, the policy of the Division in 1953 was to board out as many children as possible. About 80.9 percent of the total 3,379 wards were boarded out, and only 9.8 percent stayed in the government institutions. 34

In addition, there were 3,127 children under the supervision of Child Welfare Officers - 963 through order by Children's Courts; 799 as preventive cases (not by Court order); 970 under provision of Part V of Infants' Act 1908, and the rest were in Special Schools. 35

34 A. to J., 1953, £-4., p.4.
The Superintendent reported that 1952 was the peak year for application for adoptions with 1,394 cases as compared with the previous record of 1,383 in 1946.

The Division's work with incidence of illegitimate births included assistance to the mothers to enable them to care for their babies or to place the babies if the mothers were unable to look after them. For 1952, there were 2,311 cases notified and of those investigated, the babies were placed in the following ways:

<table>
<thead>
<tr>
<th>Placement</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>With their mothers</td>
<td>923</td>
</tr>
<tr>
<td>With relatives</td>
<td>75</td>
</tr>
<tr>
<td>In licensed foster homes</td>
<td>523</td>
</tr>
<tr>
<td>Adopted</td>
<td>297</td>
</tr>
<tr>
<td>Committed as state wards</td>
<td>30</td>
</tr>
<tr>
<td>Inquiries incomplete</td>
<td>264</td>
</tr>
<tr>
<td>In hospitals</td>
<td>70</td>
</tr>
<tr>
<td>Died</td>
<td>49</td>
</tr>
<tr>
<td>Not located</td>
<td>71</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,302</td>
</tr>
</tbody>
</table>

Such were some of the major activities of the Division that had evolved by 1952.

In 1954, there was a new development in the method of care of very emotionally disturbed children - the establishment of a 'Family Home' in Wanganui. The object of this home was to avoid institutionalizing those children who were not suitable for foster-home placement because of personality and behavioural problems. Generally, these children made greater demands than could be met in ordinary foster-homes. Consequently, in the
past, some of the placements broke down repeatedly and the children failed to secure a settled home life. These failures and constant changing of foster homes only resulted in greater and harmful strain on the children who could easily develop delinquent tendencies. Furthermore, the successive failures and constant changing of homes were often a major cause of the Division's losing the services of potentially good foster homes. 36

On the other hand, the institutions could not provide the individual care of home life that these children needed most. The family home seemed to offer the best solution. The home belonged to the Division and was let rent free to a specially selected couple willing to care for children on a long term basis where necessary. In addition, the home also provided for many short-term placements, thus overcoming the lack of proper institutional facilities in the area.

The Superintendent reported that the working of the Whangarei family home had proved to be a most useful facility in enabling officers to carry out their work in the district. He recommended the establishment of such homes throughout the country. 37

By 1964, there were twenty-four such homes in New Zealand and more were planned. 38

About 1954 the general public and the school authorities became very much concerned about the increase in juvenile sexual

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offences, especially after incidents in the Hutt Valley. A special committee was appointed by the Government to investigate and report on moral delinquency in children and adolescents; and copies of the report were distributed among the public. The public received the report with highly critical reaction. Generally, there was an outcry against the distribution of copies of the report to the home, for they could easily fall into the hands of children.

A writer to the Press on 1 November 1954 concluded that in the long run the effect of the Committee's report was to disrupt family life by making many less secure parents suspicious and over anxious of the activities of their children. 39

Another writer criticised the members of the Committee for being too hasty in compiling the report. Furthermore, as the members themselves had acknowledged in the report, they had no first hand experience of the cases involved, and most of the evidence was hearsay. As the writer remarked: "The future was out of all proportion to the numbers involved."

He, therefore, recommended a fuller investigation where the commission was not pressed for time, had the power to summon witnesses and undertook inquiries at first hand. 40

Another criticism came from the Canterbury Housewives' Union. 41 The Union decided that what the report did was merely to blame the parents without offering them specific solutions.

41 The Press 23 December 1954, p.17.
Accordingly the Union put forward its suggestions such as the education of parents in child development and methods of rearing children, and concrete help to the parents, such as the improvement of housing conditions to relieve overcrowding.

The Superintendent of the Child Welfare Division was more inclined to be cautious in his interpretation of the juvenile delinquency figures as a whole. He reported that since the war the rest of the world was as much concerned as New Zealand was at the number of juvenile offences. It would be difficult to determine how far the number of juvenile offences as recorded by the Children's Courts statistics, actually reflected the deterioration in the behaviour of children, because Children's Courts statistics revealed only detected delinquency. They were not a completely reliable guide to trends of juvenile delinquency. In fact, the rate of increase of juvenile delinquency for 1955 was lower than it was for 1937. However, there should be no justification for complacency on the part of the public. He concluded by stating:

"...the problems posed challenge us to make the greatest possible efforts towards their solution even though some aspects of the problems, and these probably fundamental ones, cannot be dealt with by a Government agency such as this Division."

In spite of the varied opinions on the report of the Committee on Moral Delinquency in Children and Adolescents, some of its recommendations were incorporated in the Child Welfare Amendment Act 1954 (No. 2). Working in conjunction with this Amendment Act

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were the Police Offence Amendment Act 1954 and the Indecent Publications Amendment Act 1954.

This Amendment Act extended the term 'delinquent children' to include children who committed sexual offences, (section 2 (1A) and (1B)).

Another important recommendation of the Committee, which was incorporated in the Amendment Act was contained in Section 3 (1) which required the parents or guardians of the offending child to appear in Children's Courts with the child. There was no such requirement in the Principal Act. The new provision was needed 'to impress on the parents, where necessary, that they have some responsibilities.'

From the time the Division was established, it had placed much emphasis on the preventive aspect of its work. Since the 'fifties this aspect of the Division's activities had assumed tremendous importance. Preventive work is essentially concerned with the preservation and strengthening of family units where possible for, to a very large extent, the development of a child depends upon the physical and emotional nourishment supplied by the family. To quote from the annual report of the Superintendent of Child Welfare Division:

The whole community suffers serious economic and social loss when a family can no longer remain intact and its dependent members must be placed under official care, or when personality tensions induce delinquency which, besides making depredations on property, must be followed

by the costs of detection, prosecution and later superintending the offender. 44

Preventive work was of two types — the first type consisted of supervision on a long term basis, usually not less than a year. This was 'preventive supervision' in which continued work with the children or the parents was necessary to attempt to remedy the situation. Work done included visiting parents who were prone to neglect or ill-treat their children; encouraging a boy to develop healthy ways of using his leisure time; working with a school towards a child's better adjustment, and arranging specialist help where needed.

Where a problem was not deep-seated and of temporary nature, for example in cases of financial difficulties, treatment was on short term basis.

In 1957 the Juvenile Crime Prevention Section — for short J.C.P.S. — of the New Zealand Police Department began on an experimental basis in Christchurch. J.C.P.S. co-operated with the Child Welfare Officers to detect delinquency at an early stage and to deal with it, if possible, without Court action. It was reported that the experiment worked so well that the Minister of Police approved the expansion of the scheme throughout the country. 45

Although much of the Child Welfare Officers' work on preventive cases was intangible, and so could not be accurately

measured statistically, the number of such cases dealt with each year indicated roughly the magnitude of the work done:

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Preventive Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956</td>
<td>8,000</td>
</tr>
<tr>
<td>1959</td>
<td>10,000</td>
</tr>
<tr>
<td>1958</td>
<td>13,000</td>
</tr>
<tr>
<td>1959</td>
<td>over 16,000</td>
</tr>
</tbody>
</table>

Not all preventive work was successful. Sometimes guidance was rejected; basic attitudes which had become habits could not be easily modified; and a problem might be so complex that it would necessitate taking the child away from home. Nevertheless, these efforts of the Child Welfare Officers were not in vain for the relationship between the home and the Officers established could still be used to attempt to help the family, and work for the eventual return of the child to his home, where possible.

Therefore, whether the preventive work was successful or not, it placed a great demand on the services of the Division, especially as the public (the home, the school and various voluntary organizations) were becoming more aware of the nature and availability of the Division's work and were increasingly making use of it. In recent years there had been a steep rise in child population. The overall effect was to increase the Division's work in preventive field from 8,000 cases in 1956 to more than 16,000 in 1959.

By 1 April 1961, when new regulations providing for the registration, licensing and control of child care centres made

46 Child Welfare Annual Reports, 1958, p. 5. and 1959, p. 3.
under authority of the Child Welfare Amendment Act 1958, \textsuperscript{49} came into force, a new facet had been added to the work of the Division in child welfare. For this work a full-time supervisor was appointed in 1960. \textsuperscript{50} He was responsible for the Division's duties concerned with the licensing and supervision of privately conducted child care centres (day nurseries) as well as supervision of registered children's homes.

Also in 1960 and 1961 there were two new developments regarding certain aspects of the procedure of Children's Courts as contained in the Child Welfare Amendment Acts 1960 and 1961.

The Amendment Act 1960 contained provisions which gave to the children and the parents the right to appeal to the Supreme Court against decisions of the Children's Courts, (sections 343 to 344D). Although appeals had been heard informally in the past, the results of the Summary Proceedings Act 1957 had the effect of doing away with rights of appeal in the Children's Courts.

The Amendment Act 1961 gave the parents and the children access to the Court for the purposes of reviewing court orders in cases where the Superintendent had refused their applications to discharge the children from his control, (section 2).

Section 3 made similar provisions for a review of supervision order.

In both cases applications for their review could not be lodged until the orders had been in effect for twelve months.

\textsuperscript{49} The Act was designed to ensure that reasonable minimum standards were maintained in premises where children were cared for by the day.

\textsuperscript{50} Child Welfare Annual Report, 1960, p.5.
This was necessary to discourage possible misuse of the new provisions by the parents.

The Superintendent recorded that since the passing of the above legislation, seven appeals against committal had been heard; three were dismissed, one was adjourned, one was allowed, and legal supervision was ordered for the rest. There were five applications for review of committal orders. All were dismissed.

His conclusion was:

"....although the review legislation was most desirable in order to give effect to a principle, its passage should not be interpreted as an indication that injustices were in fact occurring earlier." 51

Other new important provisions of the Amendment Act 1961 permitted supervision orders to be replaced, in certain cases, by probation orders. For example, a young person who has committed an offence may be placed under supervision order by the Court which also has the power to replace such an order with a probation order when the young person reaches 17 years of age, or before that age on the application of a Child Welfare Officer, (sections 4 and 5). These measures were devised because supervision orders were strictly for young persons under 17 years old.

Section 11 of the Amendment Act excluded traffic offences from the Children's Court, except for serious cases punishable by imprisonment.

SUMMARY:

Briefly, the scope of the Division's activities in child welfare has considerably expanded since 1925. The number of cases that came under the control and the supervision of the Division illustrates the growing magnitude of the work of the Division. In 1914 there were 3,224 cases; in 1926 there were 5,592 cases and in 1964 there were 13,942 cases; while the strength of the staff has increased from 3 permanent positions in 1914 to 337 in 1964. 52

Since 1962 there has been a new trend to decentralise the field services where practicable. 53 This has been made necessary by the geographical expansion of the Division's work and the realization that for effective help to the child and the family it is necessary for the Child Welfare Officers to work in close contact with other agencies and the local community. The present situation is markedly different from that described by Butcher's in the early days:

"Notwithstanding that its multifarious activities now extend throughout the whole Dominion, and demand and secure the maximum amount of co-operation with local interest and assistance, it is of importance to note that the organisation of the Branch (as the Division then was) is still conducted entirely from the Central Department without the intervention of Education Boards or other local bodies." 54

As a result of the move to decentralise, two new district offices, one in Whakatane, the other in Takapuna, were opened in 1961. 55

54 A. C. Butcher, Education in New Zealand, p. 480.
To date, there are 29 district offices, 250 field workers, 396 institution workers and 245 clerical officers. Their duties in respect of the care of dependent children range from preventive work, Children's Court work, supervision of children's homes and day nurseries to the care of state wards.

The main authority of the Division's work is still the Child Welfare Act 1925 which the Report of the Committee on Moral Delinquency in Children and Adolescents described as a misnomer for the statute in fact was remedial rather than preventive. This anomaly between the preventive aim of the work of the Child Welfare Division and the remedial nature of the Principal Act is not surprising, considering the background out of which the Act was originally devised — the background consisting of provisions for the establishment of industrial schools designed for the neglected and criminal children. The framers of the Act did not envisage the tremendous part that preventive work would form in the activities of the Division.

Dr Sutch in his book Problems of Prosperity states that the future of New Zealand lies in the education of her people, "in making the most of our human assets." With growing public awareness of the preventive work of the Division, and growing efficiency of the activities of J.C.P.S., it would not be rash to look for expansion in the preventive field in the future.

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57 Ibid.
59 W. B. Sutch, Problems of Prosperity, p.35.
60 Juvenile Crime Prevention Section of Police Department.
In such a case there will be a need to review the provisions of the Child Welfare Act 1925 and promulgate new provisions devised to support the Division's preventive work in human preservation.
CHAPTER V
THE CARE OF STATE WARDS.

A major function of the Child welfare system is the care of State wards. By 1964, there were 3,684 State wards under the control and supervision of the Child Welfare Division. Table V shows the type of control and supervision over these children.

TABLE VIII
NUMBER OF CHILDREN UNDER CONTROL AND SUPERVISION OF THE CHILD WELFARE DIVISION AS AT 31 DECEMBER, 1964. 1

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>In foster-homes</td>
<td>1,642</td>
</tr>
<tr>
<td>With relatives or friends</td>
<td>379</td>
</tr>
<tr>
<td>In employment</td>
<td>710</td>
</tr>
<tr>
<td>Probation</td>
<td>6</td>
</tr>
<tr>
<td>In Government receiving homes</td>
<td>228</td>
</tr>
<tr>
<td>In Government 'family homes'</td>
<td>133</td>
</tr>
<tr>
<td>In Government hostels</td>
<td>25</td>
</tr>
<tr>
<td>In Training Centres</td>
<td>255</td>
</tr>
<tr>
<td>In Private Institutions</td>
<td>48</td>
</tr>
<tr>
<td>In Special Schools</td>
<td>71</td>
</tr>
<tr>
<td>In hospitals, convalescent homes, etc.</td>
<td>8</td>
</tr>
<tr>
<td>In residential colleges</td>
<td>4</td>
</tr>
<tr>
<td>In mental hospitals</td>
<td>170</td>
</tr>
<tr>
<td>In University or Training College</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>3,684</td>
</tr>
</tbody>
</table>

How does a child become a State ward? A child can become a State ward only through directions of the Children’s Court as specified by section 13 (4) of the Child Welfare Act 1925. The Magistrate commits the child to the care of the Superintendent of the Child Welfare Division, but he is not required to make any

order for the committal of the child into any institution. The
decision for such action is left to the discretion of the Super-
intendent (section 13 (6)).

There are two major types of complaints by which a child can
be brought before a Children's Court:
(a) Social type, where the complaint is related to children up to
17 years old, who are not under proper control, or are living in
an environment which is harmful to their physical or moral well-being.
(b) Criminal type, where the complaint is related to children from
7 to 17 years of age, who are charged with offences as defined by
section 13 (1) and (1A) of the Child Welfare Act 1925.

Complaints against the parents or the children can be made
either by the Police or by a Child Welfare Officer. Although the
main consideration of the Court is how best to help the child
without at the same time jeopardising the safety of the community
there are no specified rules regulating the conduct of the Children's
Court. The object is to allow as much flexibility as possible to
the Magistrates in the treatment of such a varied assortment of juvenile
cases. The Principal Act only lays down some requirements which all
the Children's Courts must observe. These requirements are:

(1) the need to keep the Children's Courts distinct from
other courts;

(ii) the duty of the parents or the guardians to appear before
the Children's Courts with the children;

(iii) the order that proceedings in the Children's Courts are not open to the public, except at the discretion of the Magistrate.

Consequently, Children's Courts throughout New Zealand probably differ from one another in their procedures.

In Christchurch, the procedure in the Children's Court is conducted as informally as possible. The Court is held on Friday of each week in the building of the Workers' Educational Association, away from any court. It is a small room, well heated, and with curtains drawn throughout the day to ensure privacy. The child and the parent wait in the adjoining hall for their turn to appear.

Below is a sketch plan showing arrangement in the Court:

1. Magistrate's table, placed on the same level as other furniture, in order that the atmosphere may be as informal as possible.
2. Court Clerk's table.
4. (a) (b) Chairs for use by the parents.
5. Police
6. Counsel for the child.
The maximum number present at any sitting, including the child, would be eight persons, if a defense lawyer was present.

The general procedure is that two or three weeks before a child appears before the Children's Court, the Police or the Child Welfare Officer would inform the parents of the complaint. The Child Welfare Officer would investigate and compile a case report on the child's background while the Police would investigate the incident which was the subject of the complaint. The case report on the child's background would include:

(i) the conditions of his home and family environment;
(ii) the child's physical development,
(iii) his personality,
(iv) school report on the child's progress at school,
(v) the types of companions the child associates with and other recreational activities,
(vi) the child's religious practice.

The Child Welfare Officer's report merely serves to inform the Magistrate of the child's background, and in no way decides what action the Magistrate should take. The final decision rests with the Magistrate who is vested with special powers either to commit the child to the care of the Superintendent, or to place him under preventive supervision of a Child Welfare Officer. 3

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Court Procedure:

The child appearing before the Court must be accompanied by his parents or guardians, as specified by section 29A (1) (3) of the Principal Act. It is designed 'to impress upon the parents, where necessary, that they have some responsibilities.'

The Court Clerk calls the name of the child, reads the nature of the complaint and asks the child whether or not he committed it. Then follows the police report on the incident. Finally, the child and the parents are questioned by the Magistrate who makes his decision on the basis of the answers from the child and the parents, the police report and the Child Welfare Officer's report.

The atmosphere in the Court is friendly yet firm. There is informality in the way the Magistrate questions the child and the parent, in the readiness of the Child Welfare Officer to help them, and even in the sitting arrangement of the Court. Authority is represented by the official presentation of the police report by a policeman in uniform.

There are several courses of action a Magistrate can take to deal with complaints in the Children's Court. Mr E. S. J. Crutchley, a Magistrate connected with this Court in Christchurch, firmly believes in what he terms the clinical approach — this being the preventive and educational method, rather than the penal treatment. He places a great emphasis on the importance of helping the child and the parents to discover and recognize the causes leading to the

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complaints against them; and thereby to deter them from repeating
the offence. Consequently, in his treatment of juvenile offences,
admonitions and discharges feature as the common measures of Court
action. In more serious cases sterner measures are adopted such as
preventive supervision by Child Welfare Officers. It is only when
the behaviour of the child or the circumstances of the child's
environment warrant his removal from his home that the Magistrate
would commit him to the care of the Superintendent, who, under
section 16 of the Principal Act, becomes the sole guardian of the
child. However, wherever possible, efforts are made to restore
the child to the parents. Otherwise, the child continues to be a
state ward until he is fit to look after his own affairs. In 1964,
out of 5,377 appearances in the Children's Courts in New Zealand,
794 resulted in committals to the care of the Superintendent, 5 who,
as the sole guardian of the wards, is responsible for deciding what
type of care they are to receive. Suggestions made by the Magistrate
and case reports from the Child Welfare Officers supply the Superinten-
dent with the necessary information, but he makes the final
decisions.

Section 19 of the Principal Act orders that except in circum-
stances to be determined by the Superintendent, no state wards may
be kept permanently in an institution. The policy of the Child
Welfare Division has been to board out state wards wherever possible.
In 1964, out of the total 3,653 state wards, 1,642 were boarded out. 6

6 Ibid., Table 1, p.32.
The significant part that the boarding out system plays in the care of State wards needs hardly be emphasized.

H. L. Hodder lists five basic needs of every child: 7

(a) genuine affection, a truly individual attention;
(b) security which includes a strong assurance of permanence, no matter what happens;
(c) justice which is absolute, equal, consistent and dependable;
(d) fun and games and happiness and the freedom to play;
(e) the right to shine within his own group, no more than, but not less than others.

The value of foster-home care or of institutional care would depend to what extent each type is able to fulfill the basic needs of the child. However, certain advantages and disadvantages arise because of the nature of each type of care.

According to Hodder, there are four advantages of foster-home care: 8

(a) It offers the child the best possible substitute for a normal home life;
(b) the child can receive individual attention and affection which may not be possible in a large institution;
(c) A good foster home offers the security of family life;
(d) in some cases, foster-home care leads to the adoption of the child, by which he is given a permanent home.

The disadvantages of the system arise when it results in the separation of brothers and sisters because foster-parents cannot accommodate all at one time. As placement is never perfect, there is always the risk of change from home to home which can be detrimental.

8 Ibid.
to the child. The child in a foster home also runs the danger of being lonely if he is sensitive to the difference of his background from that of other children in the family. In the institution where the inmates are all in the same plight, there is safety in numbers. Foster home care is also not suitable for children from broken homes where the parents still have an interest in the children and intend to have them back. The children's loyalties to and affection for their parents are already strained. It would only add to their emotional upset when they have to form new attachments with the foster parents.

J. Hitchman illustrates some of the disadvantages of foster home care from her own experience:

"I am not madly in love with boarding out. Having been passed like a parcel all over Norfolk and known five different homes before I was eleven, I was thankful to sink into anonymity of a children's home, where one was not expected to fulfill the motherhood urge of elderly spinsters, be unpaid servant in a family, or a footstool to heaven for the righteous. . . . A children's home, which, however comfortable, is not a home, is more understandable to a small child than a home which is so like but not his home." 9

In an assessment of the suitability of a foster home, the following factors need to be taken into account:

(a) **Motives of foster parents.**

Generally speaking, the Child Welfare Officer is wary of foster parents who take foster children with motives such as described by J. Hitchman, or with the idea of providing companionship for their children, or for themselves as in the case of some childless couples,

9 Janet Hitchman, *They Carry the Sword*, p. 33.
or for the steady income from keeping the foster children. An ideal motive seems to be the desire of the foster parents to provide the children with a home for the children's own sake.

(b) General personality of foster parents.

Are the foster parents warm hearted? Have they natural understanding of and ability for handling children? Do they like children and show a genuine affection and interest in them? Is the home atmosphere stable and free? If the foster parents have children of their own, how do they treat their children? How do the foster parents treat each other?

(c) Age of foster parents.

Generally, individuals under 25 or over 55 are not encouraged to foster state wards, the former being considered too young and the latter too old to be able to fulfil the needs of state wards.

(d) Health of foster parents.

It is important that foster parents are healthy, physically and mentally, to shoulder the extra burden of looking after state wards most of whom need more attention than normal children.

(e) Home conditions.

Is the home comfortable without being luxurious? Is it roomy and tidy and yet homely? Are there spare rooms for children, especially those above 5 years old? Are there sufficient toilet facilities?

(d) Geographical location of the home.

Is the home reasonably near to the school where the children could attend? For those who go to work, is there a convenient bus route close by?
Because all foster homes do not possess all the above qualities and because each child differs as to his needs, a substantial part of the task of the Child Welfare Officer centers around choosing the foster home that best suits the child in as many aspects as possible. The procedure includes interviews with foster parents as well as visits to their homes. Generally, an attempt is made to place the child in a foster home in which the social, economic and cultural standards are not too far removed from those to which the child has been accustomed. It is preferable that the foster parents be in the same age group as the child's parents or guardians and that a child from a large family be placed in a home with children rather than with a childless couple. 10 Much of the success of foster home placement depends on the case with which the child and the foster family can adjust to each other.

Section 14 of the Principal Act clarifies the question of religious education of the child. Unless specifically requested by the parents (or the child, if over 16 years old) that a change be made in the religious education of the child, the Superintendent is empowered to provide the religious education as specified by the committal order. Thus, the Child Welfare Officer tries to place the child with foster parents of the same denomination. Where this is not possible, the foster parents must allow the child to attend his own church.

Finally, an attempt is made to place the child in his home district unless such placement is judged detrimental to the child's

welfare. The underlying aim is, as far as possible, to retain the child in his familiar environment.

While awaiting placement the child is usually put in a receiving home or a boys' home. These aim to perform two important functions:

(a) to observe and assess the needs and abilities of the child,
(b) to train the child in the art of living with others in preparation for his placement in a foster home.

Once the matching procedure is completed, the child is gradually introduced to the foster parents. Brief visits from both sides are made, followed by short stays during the week-ends, then on to longer stays. The Child Welfare Officer continues to visit the child as his foster home and a record of his progress is kept - at first intensively but later less so, depending on the child's progress. In this way, should placement appear unsatisfactory, necessary action may be taken immediately.

For maintaining the state wards, foster parents receive a regular allowance which also covers pocket money for the wards. The table below shows the weekly rates of boarding fees and allowances.

### TABLE IX

<table>
<thead>
<tr>
<th>Age</th>
<th>Board/week.</th>
<th>Pocket Money</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>£ s. d.</td>
<td>£ s. d.</td>
<td>£ s. d.</td>
</tr>
<tr>
<td>Under 8</td>
<td>2. 2. 6</td>
<td>1/-</td>
<td>2. 3. 6</td>
</tr>
<tr>
<td>8 - 9</td>
<td>2. 2. 6</td>
<td>2/-</td>
<td>2. 4. 6</td>
</tr>
<tr>
<td>10 - 11</td>
<td>2. 4. 6</td>
<td>3/-</td>
<td>2. 7. 6</td>
</tr>
<tr>
<td>12 - 13</td>
<td>2. 4. 6</td>
<td>4/-</td>
<td>2. 8. 6</td>
</tr>
<tr>
<td>14 years &amp; over</td>
<td>2. 8. 0</td>
<td>6/-</td>
<td>2. 14. 6</td>
</tr>
</tbody>
</table>

The Division also provides the initial clothing requirements for the child as shown in Appendix II.

Children in the foster homes live much the same way as other children. Many of them are still at school, and assistance in the form of grants for examination fees, fees for academic activities, books and even boarding fees, is given to wards who seek a higher education at the University or the Teacher's College.

For wards who have left school, the Child Welfare Officers, with the help of the Vocational Guidance Officers and the School Career Advisers, help the wards to find positions. They are also encouraged to save part of their earnings, to pay part of their board and to buy their own clothing.

At home, the wards help the foster parents with household duties, now the laund or run errands in the same manner as ordinary children would be expected to do in their homes.

It has also been the policy of the Division to encourage contacts between the wards and their parents, unless such contacts prove detrimental to the well being of the wards. Thus, in most cases wards are allowed to spend their holidays with their parents - the length of time so spent depends on the conditions at home and the effect on the wards. The object of allowing such contacts is to contribute to the ultimate aim of eventual return of the wards to their parents where circumstances permit.

Although practically half of the state wards in New Zealand are boarded out, the Child Welfare Officers would readily agree that the finding of prospective good foster homes is becoming
increasingly difficult. First and foremost, it is a hard task looking after State wards, and in many cases there is no comparable reward, financial or otherwise. There is also the general fear among people of the risk of becoming too emotionally involved with the wards who may eventually return home. Most people prefer the cute, curly-haired little girls or boys to adolescents as the latter are, in general, more difficult to look after. Thus the nature of the task of caring for the State wards naturally limits the availability of foster parents. Secondly, there is the monetary factor which in the past, to a certain extent influenced the availability of foster homes. Today, with people generally better off economically, the small steady income or the extra helping hand around the house does not so readily motivate them to accepting the role of foster parents.

There does not seem much that can be done to recruit foster homes by monetary incentives. Although money is important to help the foster parents maintain the wards, it should not reduce the fostering of wards to a commercial transaction. Therefore, it should not be the aim of the Division to increase boarding rates merely to encourage more people to take foster children.

In the past, the Division used various media to recruit more foster parents - such as house-to-house canvasses, radio appeals, the press and the various church and women's organizations. The most satisfactory method has been found to be the 'self-perpetuating' method by which the success of a foster parent has encouraged others to join in the work. Therefore, it would probably be worthwhile for the Division to explore this method further. One of the ways
would be to provide greater assistance and support to existing foster parents in their difficult task of looking after foster children.

To recruit foster parents as well as to maintain good liaison between them and the Division is time-consuming. More full-time field officers would certainly be helpful and, indeed, necessary.

In addition to foster homes, another method of caring for State wards, which attempts to provide as much as possible the atmosphere of the natural home, is the family home. The Division has 28 family homes throughout the Dominion, two of which are in Christchurch. The first family home was opened in Whangarei in 1954.\textsuperscript{13}

Family homes serve two purposes. In small centres with no institutional facilities, family homes carry out the functions of the receiving homes, providing short-term care for wards awaiting permanent placements and employment, or for wards awaiting Court proceedings or for those in transit from one district to another. In larger centres, family homes provide long-term care for children with personality and behaviour difficulties, who are not suitable for admission into a long-term institution. Family homes, therefore, can on a small scale serve the dual purpose of receiving home care and institutional care, and therein lies one of their main advantages.

\textsuperscript{13} Manual of Child Welfare Division, J. 200.
Another great advantage is the close personal relationship which is more easily fostered than in an institution, because of the smaller size of family homes, each of which on the average accommodates from six to eight children.

Finally, as family homes provide a long-term stay where necessary, there is a greater stability of continual care than can be provided in the foster homes or in the institutions.

Family homes are large houses built and maintained by the Child Welfare Division. They are situated in ordinary residential areas, and are let rent free to carefully selected married couples, with or without children of their own, who undertake to care for five or six problem children. The foster mother manages the domestic affairs, while the foster father is free to take normal employment in the community. He is, however, expected to look after the children as an ordinary father would, thus providing as far as possible the normal family setting and environment.

Family homes are as well equipped as an average New Zealand home is. Below is a sketch plan of a Christchurch family home designed for six or seven children.
B₁ foster-parents' room  L lounge
B children's bedrooms  T Bathroom/toilet
G cupboard  T₁ toilet
D driveway  W wash-house
K kitchen  W hand-washing basin
D₁ dining room  W₁ foot-washing basin
G garage
Except in emergency circumstances, the District Child Welfare Officer, who is responsible for the admission of any child to a family home, restricts the number of children admitted to six or seven, or such number as is within the capacity of the foster-parents. Board rates and rates for pocket-money are the same as for the foster homes. Food is provided by the foster parents. The Division pays half the cost of the electricity used in the home and provides clothing and some miscellaneous items for the children. Wards who are employed are expected to pay for their board and their clothing according to their capacity to do so.

Wards in the family home live very much the same way as those in the foster homes. School age children, except for the very disturbed, attend school. They help the foster mother around the house during their free hours, and since the aim is to create as far as possible the normal family atmosphere, there is no segregation of sexes or age groups. In the family home at Kendal Avenue, Christchurch, for example, there were five girls and two boys, ranging in age from 10 to 15 years. All of them were still at school.

The wards and the foster parents maintain a close liaison with the Child Welfare Officer. Visits are made by both to each other. In this way any dissatisfaction on either side can be ironed out immediately. Correspondence keeps the wards in contact with their parents.

The useful contribution of family homes is now widely recognised.
Since 1963, four more homes have been under construction. A step has also been taken to expand the family home care to include working boys and girls in city areas where it has been increasingly difficult to obtain private board at a reasonable fee. Apart from meeting accommodation needs, family home care can provide them with necessary supervision and guidance.  

Because of the unspecialized nature of care provided in the family homes - they take in children who, for a variety of reasons, are not suitable for foster homes or the institutions - family homes lend themselves to a variety of uses as discussed above. There is little likelihood that family homes will take over the work of the receiving homes or the foster homes because of the expense involved and also because of the very nature of family homes.

**Institutional Care:**

There are two types of institutional care - the short-term care as provided in the receiving homes and the boys' homes, and the long-term care in the training centres.

**Short-Term Care:**

The Division controls six receiving homes, five boys' homes, one girls' home and a girls' hostel (Wellington). Receiving homes and boys' homes serve several functions. They provide short-term stay (usually from 3 to 6 months) for problem boys and girls up to seventeen years old, particularly for the observation and assessment by experienced staff and for short-term training to prepare them for foster homes or work placements. The homes also cater for

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1. The Dormitory at the Boys’ Home, Christchurch.

2. ‘Cubicle’ Bedrooms at the Boys’ Home, providing more privacy than the Dormitory.
emergency cases such as children awaiting Court proceedings, or in transit from one area to another, or from broken foster homes awaiting new placements, or children too difficult for care in foster home and family home.

Children can be admitted to the homes only by the Police or on the order of the District Child Welfare Officer.

The boys' home in Stanmore Road, Christchurch, is a big two-storied wooden building which can accommodate up to 25 boys ranging from 8 to 17 years of age. The building which is well heated throughout, contains one large dining room adjoining the kitchen, one large sitting room with a number of armchairs and a T.V. set for the boys, one furnished room for visitors, the matron's room, the manager's room and a well equipped laundry-room. The boys' bedrooms which are upstairs are divided into three groups — a dormitory, cubicles with no doors, and single bedrooms. Baths and showers are in plentiful supply as each boy is required to have a shower or a bath every evening. Another important part of the house is the gymnasium in which indoor games are played.

Most of the children at the Home are still at school, and as far as possible, they are allowed to attend their old schools to avoid taking them away entirely from their familiar environment. Some of the boys are at work. The rest take turn to help around the house, in the kitchen, in the garden, or in activities with one of the housemasters. The main object is to help the boys to become accustomed to community living. The boys learn to shoulder responsibilities by being encouraged to organize outings and games.
However, this does not mean that the boys can do as they please, for all activities they choose to do are supervised by the manager or the housemasters. Furthermore, there must be some authority and order in the Home to create basic security for the boys, as illustrated by the daily programme below:

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.30 a.m.</td>
<td>boys arise, wash and dress ready for breakfast - they also tidy their own section of the Home.</td>
</tr>
<tr>
<td>7.10 a.m.</td>
<td>breakfast</td>
</tr>
<tr>
<td>8.30 a.m.</td>
<td>leave for school or work. Those not going to school or work take turn to work with the housemaster or help around the house.</td>
</tr>
<tr>
<td>12.00</td>
<td>dinner. Boys not at school are free to rest or play games until 3.00 p.m.</td>
</tr>
<tr>
<td>3.00 to 5.00 p.m.</td>
<td>loosely organised programme such as outing if weather permits, otherwise indoor games.</td>
</tr>
<tr>
<td>5.00 p.m.</td>
<td>tea</td>
</tr>
<tr>
<td>5.00 to 6.00 p.m.</td>
<td>free</td>
</tr>
</tbody>
</table>
| 6.00 to 7.30 p.m. | ½ hour homework  
|               | ½ hour physical activities  
|               | ½ hour T.V.                                  |
| 7.30 p.m.  | baths or showers                              |
| 8.30 to 9.00 p.m. | T.V.                                         |
|            | By 10.00 p.m. lights are out.                |

On Sundays the boys attend churches of their denominations, and the rest of the weekend is spent on organised games or outings. Every Friday night the boys receive counselling from their Ministers. The Home has recently acquired a caravan - a priceless piece of
equipment as the boys do a lot of camping, especially during their long holidays. Contacts with their parents are encouraged, and occasionally the boys are allowed short stays with them.

As the boys admitted to the Home are problem children, training in community living and in discipline form the major duty of the staff. For good conduct, boys are rewarded with extra pocket-money, increase of privacy by change of sleeping quarters from the dormitory to the cubicles and to the single bedrooms, outings and T.V. Disciplinary problems are dealt with by deprivation of the above privileges. Corporal punishment (strapping) is seldom used except for serious cases such as absconding. The Home also has two secure rooms - well ventilated and heated - used mainly to give a period of solitary confinement to very disturbed children or very dangerous boys. Hourly watch is maintained over them in such cases. The manager keeps records of the boys' progress and their shortcomings and these are sent to the District Office regularly.

The Home is maintained by the Child Welfare Division. The boys receive pocket-money at weekly rates as shown below:

<table>
<thead>
<tr>
<th>Age</th>
<th>Money per Week</th>
</tr>
</thead>
<tbody>
<tr>
<td>9 and under</td>
<td>2/-</td>
</tr>
<tr>
<td>10 - 11</td>
<td>3/-</td>
</tr>
<tr>
<td>12 - 13</td>
<td>4/-</td>
</tr>
<tr>
<td>14 and above</td>
<td>6/-</td>
</tr>
</tbody>
</table>

Boys who have left school and work around the Home receive pocket-money up to 12/- a week. They are encouraged to save part of their money, but they may spend the rest as they please.

The staffing of the Home consists of the manager, the matron, two housemasters, a cook, two lady assistants, a gardener.
The manager is responsible for the general administration of the Home, maintenance of discipline, individual case work, planning recreational activities and also recruiting staff.

The matron is responsible for supervising the domestic duties of the Home and for keeping records of the boys' health as well as of their personal possessions.

One of the major problems of the Home is that of recruitment of suitable staff who are prepared to work amongst difficult boys. A high turn-over of staff of whatever category can seriously affect the smooth running of the Home. Under present day economic standards monetary rewards are not strong incentives because high salaries can be earned in positions elsewhere with less responsibility and less nervous strain. One can only hope that more dedicated people will come forward. Perhaps various voluntary organizations and the Churches could provide a 'labour pool' from which to recruit the staff.

There is also a high turn-over of boys, which results in lack of settled community life at the Home. To a certain extent this can defeat the aim of the Home, which is to give the boys a needed feeling of stability which they previously lacked. This is another difficult problem to solve as the very function of the Home is to provide short stay periods pending transfer to foster homes or to institutions. Perhaps the problem could be mitigated by the introduction of a small separate block within the home grounds, where the newcomers could be accommodated and gradually introduced into the main block. In this way both the old and the new boys could be integrated gradually to the mutual advantage of the boys and the staff.
Finally, there is the task of finding suitable foster homes for the boys who are ready for placement. As discussed earlier, it is becoming increasingly difficult to secure suitable foster homes. Consequently, the Home has to retain some of the boys longer than is desirable. Perhaps the use of family homes could be extended to cater for such boys, in the same way as is being done in city areas for working wards, who are not able to obtain suitable private board. 15

The receiving home at 142 Ferry Road, Christchurch, is run along slightly different lines from the boys' home. It is a rather old two-storied wooden building which can accommodate twenty girls and young children of both sexes. The usual period of stay varies from 3 to 6 months. Despite a lack of facilities the staff endeavour to make the place as comfortable as possible. Upstairs, there are two dormitories, each each containing six beds, and single and double bedrooms, and one room for small boys. Downstairs, there is a dining room and a girls' sitting room. The kitchen, a small matron's office, and a staff sitting room-cum-visitors' room complete the house. There is no gymnasium, but a tennis court is under construction. Unlike the boys' home, there is only a small compound outside the house for use as a playground. One gains the impression that whereas in the boys' home, outdoor activities such as sports and games give pleasure to the boys as well as form a major outlet for their aggression, there is little of such opportunity in the receiving home. Lack of facilities and staff probably contributes somewhat to absence of organized games.

15 see p. 98.
Education and training are more or less the same for both homes. Most of the girls go to school or work. The rest receive domestic training at home. Good conduct is rewarded by granting privileges such as T.V., extra pocket-money, or outings. Conversely, misbehaviour results in loss of privileges, and in serious cases, such as absconding, the girls may be kept in one of the three secure rooms for a few days, presumably to allow them to calm down after their hectic venture, rather than to punish them. The general belief is that reward provides a better incentive to improve the girls' conduct than punishment.

At the time of the visit, there were three young children in residence - one appeared to be asleep in the cot, another (a boy of five) seemed to be wandering aimlessly around the house, and the third (a girl) with the help of the matron, was fixing up some toys. There was a general impression of lack of facilities to keep the children occupied - whether outdoor or indoor. Perhaps a small room could be converted into a playhouse equipped with playthings. In this way, play as a pleasurable activity could also be well used for its therapeutic value.

As the house was not originally designed for a receiving home, it is difficult to equip it as one. The situation is made worse by frequent changes of staff, so that the children suffer from lack of continual care. A better environment would be created by a new building designed as a receiving home. This would also be in keeping with other centres in the Dominion.
Long term care and training:

The Division has four national training centres; namely, Kohitere at Levin for difficult boys; Hokio which is situated five miles away from Levin for boys of primary school age; Kingalea at Christchurch for difficult girls; and Fareham House at Featherston for very disturbed girls of primary school age.

The purpose of these centres is to provide extended care and training for children and young persons who are too seriously disturbed to remain in the community, whether at home, at work or in a foster home or a family home. The training period is designed to help them to prepare themselves for responsible adult life.

Admission to the centres are made by the Superintendent acting on the recommendations of District Child Welfare Officers. The Superintendent, guided by the reports on the children from the centres, decides the length of stay of each child.

To illustrate provisions for long-term care there follows a description of the Kingalea Centre. The Centre is chosen because it is the most conveniently situated in terms of time and distance for the study.

The Kingalea Centre at Christchurch is an 'open' national institution for girls. The institution was originally the Te Oranga Home, Burwood - a girls' training centre opened in 1900, to accommodate 'the better class of older girls' from the Burnham Industrial School and 'the inmates will be of such a class that

16 'open' denotes little use of secure facilities.
any persons desiring servants can go to the home and select
from them. 17 The Home was closed in 1918 as a result of Beck's
policy of extended care through home supervision and preventive
measures rather than institutional care. 18 Under the provisions
of the Child Welfare Act 1925, the Home was re-opened in 1925 and
gazetted as the Girls' Home, Burwood. 19 In 1944, the name was
changed to the Girls' Training Centre 20 until 1965 when it was
re-gazetted as Kingslea, Shirley, 21 after Mr King who in the
early days of the province owned much of the land in the Shirley-
Burwood area. The new name is necessary to avoid possible
confusion when the Justice Department starts to refer to some of
its institutions as training centres.

Since 1900, the Centre has developed from a ten-roomed house
on ten acres of land 22 into a self-contained complex on twenty-seven
acres of land. Similarly, the purpose of the Centre which is to
rehabilitate the girls remains unchanged, but the methods of
rehabilitation have since evolved from a system where punishment
was emphasised to the present day approach which concentrates on
giving the girls security, love and companionship.

Kingslea is composed of five houses or cottages, each of
which can accommodate up to 20 girls with its own matron, sub-matron,
house staff and cook. Therefore, each house is a self-contained
unit. The five houses are:

17 Lyttelton Times, 2 May 1900, p.3.
18 J. Beck, Memoirs, pp. 15 and 16.
22 Lyttelton Times, 2 May, 1900, p.3.

4. School and Library at Kingslea.
Slessor House,
Nightingale House,
Keller House,
Scottford House,
Mabel Howard Hostel.

There are also a clinic, three classrooms and a library, a technical arts unit, a recreation hall and an administration block. In addition, there are large playing fields, an outdoor swimming pool and two courts for outdoor games. Behind the school there is a large garden which supplies the Centre with most of the vegetables consumed. Kingslea has three gardeners to look after the garden and the grounds.

The Centre accommodates 94 difficult female state wards, both Maori and European. Most of the girls range in age from 14 years to 16 years, although the institution does admit girls as young as 12 years and as old as 17 years. The usual term of residence is from 13 months to 2 years.

The girls are distributed among the five cottages according to the recency of their admission, the degree of their behavioral difficulties and the improvement they have shown during their stay at the Centre. Thus, newly admitted girls are placed in Slessor House, the very difficult girls in Nightingale House and those who have made good progress in their training and behaviour graduate from Keller House to Scottford House and to the Hostel. This system of grouping has two main advantages - first, it classifies the girls and groups them approximately according to the degrees of personality difficulties. This facilitates the programming of care and training of the girls. Secondly, the graduation from one house to another,
with increasing privileges, acts as an incentive for the girls to improve their behaviour and training.

Medical and dental care is available at the clinic unit which also has five secure rooms for particularly difficult girls who need a period of rest and solitude and segregation from the other residents.

The training at the Centre has a two-fold purpose - through security, love and care to help the girls to understand and solve their own problems; and through educational and vocational training to prepare them for independent and responsible adult life.

On admission to the Centre, the girls are assessed by the Classification Committee which also decides their training and their treatment. Regular treatment by the visiting psychiatrist is given to very disturbed girls. Those not needing psychiatric treatment receive individual counselling from the Principal, the Counsellor and the Senior Housemistress. Each month the cases of two very difficult girls are discussed by a Case Conference consisting of the Principal, Assistant Principal, Nurse, Counsellor and Senior Housemistress along with four psychiatrists, three members of the staff of the University Department of Education and a social worker.

The girls also receive group counselling. On admission a girl attends a discussion group where she can learn about the Centre, its purpose and programme. Then she is placed in one of the six discussion groups and continues in this group throughout her stay. The aim of group discussion is to give the girl an opportunity to express her opinions, her feelings and aggression through openly discussing them and hearing other girls' problems. The method has proved itself valuable, for by encouraging the girls to reason out their strong
emotions against any difficulty in the past, it helps to lower tensions in the girls themselves and in their day-to-day living.

A full-time school consisting of three classes at the Centre provides for two groups of girls – those who have not reached the school leaving age (fifteen years); and those who, after encouragement, wish to continue formal education beyond that point. For the former group, school programme is based on state secondary school curriculum adapted to their levels of abilities. Girls in the second group receive advanced courses up to the University Entrance level through the Correspondence School. All girls have training in homecraft.

Most of the teaching at the School consists of individual tuition because of the wide range of abilities, attainments and needs of the girls. Teachers have to give precedence to the girls' fundamental needs of affection, recognition, understanding and security before they can expect any adjustment to learning. A common teaching difficulty is how to help the girls to overcome the prevalent attitude of side-stepping any difficulty in learning.

In some cases the girls are temporarily too disturbed or too difficult in behaviour to be accommodated in a class. A fourth teacher works with them on an individual basis.

Similarly, the Centre offers a wide range of opportunities for vocational training geared to prepare the girls for day-to-day living in the outside world. They learn sewing, gardening, cooking, home-craft, waitressing and laundry training. In fact they sew most of the linen and do most of the laundry not only for the Centre but also for the boys' home, the receiving home and the School for Deaf.
The standard achieved by the girls is such that usually they experience no difficulty in obtaining employment after discharge from the Centre.

The girls also learn to use their leisure creatively in such activities as music classes, art and handwork and hairdressing as well as the usual outdoor and indoor sports, such as basketball, tennis and swimming. They are also encouraged to participate in the Duke of Edinburgh Award School for Youth -- a nationwide scheme aiming at a high standard of achievement in character. The Scheme which was originated by the Duke of Edinburgh three years ago has three grades -- bronze, silver and gold. During the first seven months of 1966, twenty girls had participated in the Scheme for which the programme at the Centre covers various subjects such as sewing, handcraft, First Aid and hair-styling. During the same period four girls successfully completed the requirements for the bronze award.

While it aims to give the girls comfort, love and security, the Centre never loses sight of its basic aim of re-establishing the girls in the community. The Centre encourages the girls to have contact with the community through various outside activities. For example, in the July issue of the 'Centre News' which is a monthly newspaper prepared by the girls for circulation within the Centre as well as among ex-girls, there was an interesting report of the University Students' Christian Movement Dance held at the Centre during the month. 23

For 'Community Service,' it reported that the girls prepared 45,000 labels for the Leper Appeal. The Centre also has its club — Kingslea Social Club — with a membership of more than 100 men and women from various organizations and churches in Christchurch. Monthly meetings of the Social Club are held at the Centre, members being divided among the girls' houses for social activities and supper. Each group has its convenor. At the end of each evening the Social Club members meet the Principal to discuss such matters as future programme, problems that have arisen and activities of interest in the Centre.

The girls attend churches of their own denominations and receive visits from their ministers regularly as well as from women's groups and bible-class groups.

Girls are encouraged to invite outside friends to their annual concerts, exhibitions of art and handwork and mannequin parades. During the 1966 South Island Secondary School Art Exhibition held in Christchurch, two of the girls from the Centre received high commendation for their paintings which were exhibited. Their success was a great incentive for other girls at the Centre. These activities form part of the Centre's programme of re-adjusting the girls to a socially acceptable standard of living in the community.

A very interesting aspect of the Centre is the Girls' Council introduced 22 years ago by the Principal. The Council is composed of elected representatives from each house -- the term of office for each representative is four months.

The Council holds weekly meetings at which reports on general behaviour of the girls from each house is received, commented upon and
recorded in the Council's Newsletters which are published weekly and circulated among the girls. For example, the Newsletter of 16 May 1966 reports topics ranging from the Council's disapproval of recent cases of absconding from the Centre to the Council's constructive comment on the girls' performance at basketball, and the singing during the general assembly.

At these meetings rules and regulations on the girls' behaviour at the Centre are discussed and adopted, and to a certain extent, the work of the Council influences the administration of the Centre, and is valuable in giving the girls the opportunity to develop self-discipline by themselves.

The work of the Council is not merely confined to assessing the behaviour of the girls. The Council organises a sports committee and a social committee, and runs the girls' canteen. Girls take turns to be on the committees or to manage their canteen.

The Council which is literally the 'voice of the girls' also organises general meetings at which general questions of concern or interest are freely discussed by both staff and girls. In essence, the Council is a training ground for democratic living.

Like the work of the Council, disciplinary measures at the Centre aim at developing self-respect in the girls. The girls are encouraged to improve their behaviour through being rewarded with privileges such as pocket money ranging up to 12/6 a week or increase of privacy, freedom and comfort by being transferred from the less comfortable house such as the Nightingale House to the more comfortable Scottford House or the Hostel. The girls' rooms in the Hostel are not only larger but they are also better equipped than those at
the Nightingale House. A sense of comparative luxury prevails in the Scottsford House and the Hostel. This scheme of rewards which works on a system of regular marking by the staff helps the girls to assess and improve on their work or behaviour.

No corporal punishment is used for misbehaviour. Rather the girls responsible for it are deprived of the privileges mentioned above. For serious cases such as absconding, the girls are placed in the secure rooms for rest and solitude. It is also interesting to note that all girls, except those away at work, are encouraged to have afternoon naps. The general belief is that rest lowers the tension in the girls.

As will be appreciated from the aforesaid, Kingsale is a big complex organization with about 65 people on the staff as shown in Appendix III — a far cry from the provision of one matron for 15 girls in the 1900's.\(^{23}\) The staff are recruited from all walks of life, and many women take up positions at the Centre after their families have grown up. The present major problem is connected with the training of the staff to meet the new needs and the changing problems of the adolescents. Weekly staff training sessions are held at the Centre, but in New Zealand there are, as yet, no regular courses such as are available overseas. Such a scheme could prove valuable and economical in training new staff as well as providing refresher courses for the experienced staff.

Another major problem is connected with the rate of abscondings from the Centre. This is not a new problem nor is it peculiar to

\(^{23}\) Lyttelton Times, 2 May, 1900, p.3.
6. A Bedroom in the Hostel at Kingslea.
an 'open' institution such as Kingslea is. The problem reflects the background of the girls, the majority of whom have never experienced a settled life before they entered Kingslea. They were in the habit of running away from any difficulty rather than facing it. Absconding is, therefore, a second nature to most of them.

Another related problem is how to deal with violent reactions to ordinary frustrations in these emotionally disturbed girls.

The Centre has a clinic which has five secure rooms and runs along modern American methods. There is a high ratio of staff to girls so that the girls can be given a lot of individual treatment. Art, handicrafts and physical education are intensified and extra counselling is given to the girls. Cases of absconding and of very disturbed girls are treated at the clinic; the increasing number of such cases in the recent years has left the present secure accommodation of five beds inadequate to meet the demands of the situation. Plans to extend the secure accommodation are being considered.

In spite of these problems, the staff of the Centre make an impressive effort to give the girls companionship, security and a feeling of belonging which in general they have missed through having no loving, warm, comfortable and secure home life of their own.

Other aspects of the care of State wards:

Children become State wards and are removed from their homes only after serious Court deliberations, and even after Court committal, legislation provides for reinstatement of the children to their parents or guardians. Section 18 of the Principal Act provides for the reinstatement of the children to their parents if the former cease to be State wards before attaining the age of 21 years.

It is also the practice of the Child Welfare Division to work towards the eventual return of the children to their parents. State wards in foster homes or in family homes or in institutions are encouraged to establish and maintain contacts with their parents, unless such contacts are clearly undesirable. In some cases the Division gives financial aid to the parents who live far away from the wards to enable them to visit their children. According to the authorities at Kingalea, it is not unusual for them to provide casual accommodation for parents visiting their children at the Centre.

Wards are permitted to go on trial placements with their parents, but the Child Welfare Officers are always cautious of the parents' motives for wanting the wards home and also of the general effects on the children of spending some time at their homes. Sometimes the children's homes are far away from their foster homes and school, and to be away for some time can complicate certain decisions such as on their future education. It is also necessary to consider the foster parents' reactions to the idea of the children spending some time with their parents. Some foster parents are rather reluctant to let the children go on short stays with their parents because of the alleged belief that after such visits the children usually find it difficult to settle down again.
Then there are the administrative questions such as the distance and the cost of travelling involved, the length and frequency of stay and the board payments. The Child Welfare Officers have to consider all these questions before obtaining the approval of the District Child Welfare Officers to put the children on trial placements with their parents.

It has also been the policy of the Division to discharge wards who are getting married. The object is to give their parents the opportunity to consent to the marriage, which is the least that the Division can do for the parents.

Some of the State wards are young working people. Under section 37 of the Principal Act, the Division is responsible for supervising the expenditure of the wards' earnings. Wards are encouraged to save part of their earnings in the Post Office Savings Bank, and on their discharge, they have full claim on these savings. In the event of the death of a ward, the balance of his savings, after meeting the necessary expenses connected with the funeral, may, with the approval of the Minister of Education, be paid to any relative, or in the absence of any such person, to the Consolidated Fund.

Summary.

In the care of State wards, the Division aims to give the wards that which wise and loving parents would give to their children — security, stability, comfort and future. Though the kind of care may vary in foster homes, family homes and institutions, the aim is the same throughout — to provide individual care rather than the
traditional institutionalized treatment. The 'house' system in
Kingalea exemplifies the present trend of individual care in large
institutions, and the development of family homes illustrates
further attempts to provide the dependent children with a normal
home life as far as possible.
CHAPTER VI.

ADOPTION.

In New Zealand, the practice of adoption is not new. By 1880, Hislop reported cases of licensing—out of orphaned children from Cavensham Industrial School to childless couples with a view to adoption. In such cases, he explained, the children were licensed to the couples in terms of the Neglected and Criminal Children Act 1867, and if the children were not properly cared for or if the couples' conduct proved unsatisfactory, the children would be recalled to the school. ¹

However, in the majority of cases, adoption during this time was a more informal affair—a kind of voluntary guardianship when children were brought up by the foster parents as part of their families.

The main disadvantage of the informal procedure was that the natural parents could successfully claim the children at any moment. Consequently, both the children and the foster-parents were always in a precarious situation of being likely to be parted. There was no security of tenure and this in turn could produce insecurity in the children. Sometimes irresponsible parents used the situation to extort money from the foster-parents.

An important move to remedy the situation was the enactment of the Adoption of Children Act, 1881. New Zealand became the first country in the Commonwealth to make statutory provision for legal adoption of children. England did not make a similar move until 1926,

¹ A. to J., 1881, H-IX, p.7.
forty-five years after New Zealand.

In introducing the Adoption of Children Bill to the Legislative Council, the Honourable G. N. Waterhouse, the originator of the Bill, stated that the main aim of the Bill was to give an adopting parent legal protection and security, and thereby to encourage the practice of adoption which would greatly benefit those who were deprived of their natural guardians, and who would probably perish from destitution but for the generous care given by those willing to adopt them. 2

During the discussion of the Bill, speakers from the House of Representatives as well as the Legislative Council expressed various opinions on it. One speaker who described slavery as the origin of adoption feared that the Bill could easily be used 'for purposes bordering on slavery in the future.' 3

Another member thought that the Bill which had the effect of legitimising illegitimate children could undermine marriage law as there was nothing in the Bill to prevent a man from bringing into his family children of a former connection. 4

Some speakers were sceptical of the position of the adopted child in regard to the right of succession to the estate and title of the adoptive parents and their relatives. They feared that the Bill, by making an adopted child a legitimate child of the adoptive parents, might unfairly prejudice other members of the adoptive parents' family.

Other speakers expressed the view that an adoption order should not prevent a child from inheriting the property of his natural parents and their relatives.

4 Ibid., p. 94.
When the Bill was eventually passed, it had undergone so many alterations in the process of becoming law, that the consequent Act expressed no coherent policy. Under sections 5 and 6 of the Act, an adopted child became the child of the adoptive parents as if he was born to them in lawful wedlock, but for some purposes of the right of inheritance, he still maintained his relationship with his natural parents as if he had never been adopted. The sections expressed similar anomalies in regard to the child's relationship with his natural relatives and those of the adoptive parents.

It was not until 1944 that steps were taken to clarify the issue. Section 8 of the Administration Amendment Act, 1944, provided that an illegitimate child should not succeed on the intestacy of his mother or her relatives. Section 27 of the Statute Amendment Act 1949 carried the step of making an adopted child the legal child of the adoptive parents further by terminating the child's relationship with his natural relatives. This provision was repealed by the Infants' Amendment Act 1950 which contained new provisions which, with further alterations, were subsequently adopted as section 16 of the Adoption Act 1955. Under this section, an adopted child, with a few exceptions, became the child of the adoptive parents as if he was born to them in lawful wedlock, and thereby terminated his relationship with his natural relatives.

Under the Adoption of Children Act 1881, only District Judges had the power to make adoption orders. It soon became clear that this provision was restrictive because many parts of the country had no District Courts. The difficulty was overcome by the Adoption Amendment Act 1885 which extended the jurisdiction to make adoption orders
to Magistrates. When the District Courts were abolished in 1925, the Magistrate’s Courts became the sole body responsible for making adoption orders and they have continued in that role. 5

The Adoption Act 1881 limited the maximum age of children for adoption to twelve years. The Adoption Act 1895 raised it to 15 years and it was again raised to 21 years in 1939.

There was one aspect in the care of dependent children which the Acts of 1881, 1895 and 1899 did not attempt to deal with. The Acts made no effective provisions to curb ‘baby-farming’ — a widespread practice of placing unwanted babies in most unsuitable homes. In 1893, the Commissioner of Police reported that under this practice some babies were disposed of through adoption at a premium ranging from £5 to £20. There was no guarantee of any form of protection for the babies. 6

A move was made in 1906 to control baby-farming. Under section 2 of the Adoption of Children Amendment Act 1906, it was unlawful for any person adopting a child to receive any premium or other consideration in respect of such adoption, except with the consent of a Magistrate.

There were two important purposes for the strict control of premiums paid on adoptions — namely, to prevent persons from using adoption of children as a way to make profit and to ensure that there was a fair settlement between the foster mother and the natural parent regarding the child’s maintenance. Children were sometimes taken at a very low rate with the result that the children were not properly cared for. 7

6 Campbell, op.cit., p.11; quotation from Police report from A. to J., 1893, B-26.
7 N.Z.P.D., 1907, Vol. 137, p.120; and Vol. 140, p.654.
Further safeguards were provided with the passing of the Infants' Life Protection Act 1907 which contained stricter measures of licensing, maintenance and supervision of foster homes. Section 18 of the Act extended the same precautions to cases of adoption.

Under section 25 of the Adoption of Children Act 1955, the prohibition of payments for adoption was extended to include premiums to persons arranging for an adoption.

In the present day, the adoption procedure is governed by the provisions in the Adoption Act 1955 — an Act that 'will have gone as far as is humanly possible to wipe out, for all practical purposes, any distinction between the adopted child and the child of the ordinary marriage.'

To quote the Superintendent of the Child Welfare:

"The new Act embodies the best of overseas legislation and, as well, includes entirely new provisions. It would be correct to say that it represents not just a consolidation of the older Act and its amendments, together with some improvement, but rather a completely 'new look' of the law and practices."

Some aspects of the Adoption Act 1955, are:

(a) Age of Child: A person to be adopted must be under twenty-one years (section 2, definition of 'child').

(b) Age of Adoptive Parent: Except in special circumstances, an adoption order will not be made unless the applicant:

(i) Has attained the age of twenty-five years and is at least twenty-one years older than the child; or

(ii) Has attained the age of twenty-one years and is a relative

of the child; of

(iii) Is the mother or the father of the child. 10

These provisions are designed to ensure that in cases where the applicant and the child are not related, there is a normal parent-child age span, thereby reducing the risk of using adoption for illicit purposes.

(c) Section 4 (2) further safeguards the adoption in respect of a female child by making it unlawful for a male to adopt a female child unless the Court is satisfied that he is the father of the child.

(d) Consents to adoptions:

An interim order or an adoption order will not be made unless the Court receives the consents of the following:

(i) the parents of the child;

(ii) guardians appointed by the parents;

(iii) the spouse of a married applicant;

(iv) the Superintendent of Child Welfare, such as in the case of a refugee child, or an illegitimate child whose mother wishes him to be adopted as soon as possible after his birth. In the case of the illegitimate child, he must be at least ten days old before the Court will allow the mother to make a request for the appointment of the Superintendent as the guardian of the child. Furthermore, the parent is still responsible for the maintenance of the child until he is adopted.

These precautions in securing the consents of the parents and guardians are taken to safeguard the interests of those whose rights

10 Adoption Act, 1955, section 4. (1).
and relationship with the child will be terminated by the adoption. However, under section 8 of the Act, the Court may dispense with the consent of the parent or guardian on two grounds, namely, that the parent or guardian is unfit, by reason of any physical or mental incapacity to have the care and control of the child and the unfitness is likely to continue indefinitely; and that the parent or guardian has failed to perform parental duties.

In both cases, the Court will dispense with their consent if their inability and failure to discharge parental duties are distinctly established. The reason is that to sever the relationship between a parent and the child is a very serious step. To quote Campbell:

The Magistrate may refuse to dispense with the parent's consent although he may be satisfied that an adoption order would be in the best interests of the child. This difference arises from the fact that an adoption order affects much more than the custody or guardianship of the child. Consent cannot be dispensed with merely on the ground that the child would be better cared for by the adoptive parents. It must be shown that the person refusing consent has completely forfeited all parental rights.

Campbell cites the case of the mother of an illegitimate child, who refused to give her consent for an adoption order in favour of the foster parents with whom the child had been staying for over eight years. The mother placed the child when it was eight months old, and for the three years prior to her refusal of consent she had not been to see the child who was well cared for by the foster parents.

The Court refused to grant the mother's application for the custody of the child on the ground that it would be harmful to the welfare of the child. At the same time, the Court would not dispense with the mother's consent, contending that she had not been proved of any serious parental misconduct. 12

(e) Withdrawal of consents:

Before the passing of the Adoption Act 1955, a parent could withdraw consent at any time before the formal order was made. Under section 9 of the Act, withdrawal of consent is not permitted before the making of the interim order. Only then may the parent apply for revocation of the interim order, and the Court may comply with the wishes of the parent if it is satisfied that the making of an adoption order will not be in the best interest of the child, (section 12).

The overall effect of these provisions is to reduce the parent's right to withdraw consent once it is made. On the other hand, the provisions attempt to protect the interests of the intending adoptive parents, the least that legislation can do for them.

(f) Consent of the child to be adopted:

Strangely enough, the Act does not provide for the child to express directly whether he wishes to be adopted or not, considering that the Act defines a child as anyone below twenty-one. Although section 11 (b) requires the Court to give due consideration to the wishes, age and understanding of the child, the general effect is to allow the Court to make the adoption order if the Court is satisfied that the welfare of the child will be promoted by the adoption. The

12 Campbell, op.cit. pp. 33, 34.
consent of a child to be adopted is not made a prerequisite to
the making of an order.

In contrast, Campbell notes that in Scotland, by provision of
the Adoption Act, 1950, Section 2(4), an adoption order cannot
be made in respect of a minor (a male between fourteen and twenty-one
or a female between twelve and twenty-one) without the consent of
the minor. Probably in New Zealand the situation requiring for the
consent of the minor to be adopted has not arisen yet because until
now the majority of the children adopted are below six years (see
Graph II, opposite p. 139).

Other prerequisites for the making of the adoption orders as
stated in the Act are:

Under section 11 (a) an adoption order will not be made in
respect of any child unless the Court is satisfied, 'That every
person who is applying for the order is a fit and proper person to
have the custody of the child and of sufficient ability to bring up,
maintain, and educate the child.'

Section 11 (c) empowers the Court to carry out the wishes of
the parent or guardian of a child with respect to the religious
upbringing of the child.

This does not mean that an atheist is not qualified to adopt a
child, but it does mean that the Court will not make an adoption
order if it is satisfied that there is little likelihood that the
religious wishes of the parent will be complied with.

Before an adoption order is made, the Court is required to make an interim order, except in special circumstances such as where a woman wishes to adopt her own illegitimate child or where a child has been staying with the applicant for several years.

The purpose of the interim order is to provide a trial period during which the suitability of a placement can be tested. In this way, should placement prove unsatisfactory, the making of the adoption order could be avoided. Once an adoption order is made, it is only rarely that the Court will revoke it. An adoption order, like the marriage vow, is for 'better or for worse.'

By introducing the interim order as a prerequisite to the making of the final order, the Adoption Act 1955 provides the best possible safeguard for all those concerned with the adoption of a child.

The period of the interim order is usually for six months, unless the adoption order or application for its revocation is made before that period expires.

After the interim order has been in force for six months or such shorter period as specified in the order, the applicant may proceed to apply to the Court for the adoption order. 14

The main effects of an adoption order are stated in section 16 (1) and (2) of the Adoption Act, 1955:

'(1) Every adoption order shall confer the surname of the adoptive parent on the adopted child, with such first or Christian name as the Court, on the application of the person who is applying for the adoption order, may fix.

14. Adoption Act, 1955, section 15.'
(2) Upon an adoption being made, the following paragraphs of this subsection shall have effect for all purposes, whether civil, criminal or otherwise, but subject to the provisions of any enactment which distinguishes in any way between the adopted children and children other than adopted children, namely:

(a) The adopted child shall be deemed to become the child of the adoptive parent, and the adoptive parent shall be deemed to become the parent of the child, as if the child had been born to that parent in lawful wedlock:

Provided that, where the adopted child is adopted by his mother either alone or jointly with her husband, the making of the adoption order shall not prevent the making of an affiliation order or maintenance order, or of an application for an affiliation order or maintenance order, in respect of the child:

(b) The adopted child shall be deemed to cease to be the child of his existing parents (whether his natural parents or his adoptive parents under any previous adoption) and the existing parents of the adopted child shall be deemed to cease to be his parents, and any existing adoption order in respect of the child shall be deemed to be discharged under section twenty of this Act:

Provided that, where the existing parents are the natural parents, the provisions for this paragraph shall not apply for the purposes of any enactment relating to forbidden marriages or to the crime of incest:

(c) The relationship to one another of all persons (whether the adopted child, the adoptive parent, the existing parents, or any
other persons) shall be determined in accordance with the foregoing provisions of this subsection so far as they are applicable.

(e) The adoption order shall not affect the race, nationality, or citizenship of the adopted child.

(f) The adopted child shall acquire the domicile of his adoptive parent or parents, and the child's domicile shall thereafter be determined as if the child had been born in lawful wedlock to the said parent or parents.

Provided that nothing in this paragraph shall affect the domicile of origin of the child.

(h) Any existing appointment as guardian of the adopted child shall cease to have effect.

(i) Any affiliation order or maintenance order in respect of the adopted child and any agreement (not being in the nature of trust) which provides for payment for the maintenance of the adopted child shall cease to have effect.

Provided that, where the adopted child is adopted by his mother either alone or jointly with her husband, the order or agreement shall not cease to have effect by reason of the making of the adoption order:

Provided also that nothing in this paragraph shall prevent the recovery of any arrears which are due under any order or agreement at the date on which it ceases to have effect as aforesaid.

It follows from these provisions that an adopted child becomes a full member of the adoptive parents' family. He also assumes appropriate relationships with relatives of the adoptive parents.

The effect of section 16 (2) (a) and section 16 (2) (c) is to confer on the adopted child full rights of succession on intestacy, in the
estate of the adoptive parents and any of their relatives. However, in certain cases where the adoption order is made after the date of the death of the intestate, the adopted child cannot succeed to the estate, section 16 (2) (d).

Conversely, by virtue of sections 16 (2) (b) and 2(e), any previous relationship between the adopted child and his natural parents and their relatives is terminated by the adoption. Similarly, the adopted child has no claim in the intestacy of its natural parents or any of their relatives.

Other important provisions introduced by the Adoption Act 1955 concern cases of Maori Adoption.

Before 1901, adoption of children among the Maoris was based on Maori custom in which dependent children were voluntarily adopted by their relatives. After 1901 such customary adoptions had to be registered for settlement of intestacy of the adoptive Maori family. Under the Infacts' Act 1908, part III, Maori applicants could also adopt European children. But in 1909 the Maori Land Act was passed, which terminated the Maori customary adoption as well as adoption of European children by Maori applicants. Under the Maori Land Act, 1909, Maori applicants could adopt only Maori children or descendants of the Maoris. Furthermore, all Maori adoptions were placed under the jurisdiction of the Maori Land Court. This system continued until 1953 when it was incorporated in the Maori Affairs Act, 1953 (part ix).

The Adoption Act, 1955, repealed part ix of the Maori Affairs Act,15

15 Section 19 and Second Schedule.
and revived the 1908 Infants' Act provisions of allowing Maori applicants to adopt European children. The Adoption Act, as the main authority on adoption of children, makes the same provisions for both the European and the Maori adoptions, except where the applicant is a Maori who intends to adopt a Maori child in which case the application for an adoption order has to be made to the Maori Land Court. Section 21 reads:

Where the applicant, or (in the case of a joint applicant) one of the applicants, is a Maori and the child is a Maori, the application for an adoption order shall be made to and considered by the Maori Land Court; but every other application for an adoption order shall be made to and considered by a Magistrate's Court of civil jurisdiction:

Provided that no adoption order shall be invalid by reason of the fact that it was made in the wrong Court.

In 1962 an Adoption Amendment Act was passed, which further whittled away any existing difference between the procedure of Maori adoption and that of European adoption by transferring the jurisdiction of Maori adoption from the Maori Land Court to the Magistrate's Court. But the Maori Welfare Officers continued to serve Maori applicants as before.

In 1965 the subject of Maori adoption, especially as a result of the passing of the Adoption Amendment Act, 1963, was again discussed in Parliament.16 The speakers from Napier and Southern Maori electorates spoke of the adverse effects the provisions of the Adoption Amendment Act 1962 had on the applications for adoptions among the Maoris, because the Amendment Act cut right across the Maori custom and tradition of tribal adoptions which were permitted

in the Maori Land Court. Among the Maoris it was very common for
the grandparents to adopt their grandchildren rather than have them
brought up by outsiders. But some Magistrates refused to grant such
adoptions on the ground that they would complicate the adopted
children's relationship with their natural mothers.

Another weakness of the Amendment Act 1962, according to the
speakers, was that it made adoption for the Maoris more expensive
than in the past. Furthermore, it was argued that the Maoris were
more at home with the Maori Land Court which understood the Maori
customs and traditions. The Amendment Act 1962 would only encourage
the Maori to revert to traditional adoption and not have adoption
legalised. That would not be desirable.

However, these arguments were countered on the ground that most
of the present-day Maoris were well accustomed to the European laws.

Consequently, the Adoption Amendment Act 1965 contained no
new provisions regarding the adoption among the Maoris.

However, it contains three important new provisions for the
right of appeal to the Supreme Court in cases:

(a) where the Magistrate's Court refuses to dispense with the consent
of the parent;

(b) where the Magistrate's Court refuses to revoke an interim order
in respect of any child;

(c) where the Magistrate's Court refuses to make an interim order or
an adoption order.

In each case an applicant may, after one month has elapsed after
the date of the refusal, appeal to the Supreme Court against the
decision of the Magistrate's Court and the Supreme Court may set
as it thinks fit.
The results of the working of the new provisions have yet to be seen. Nevertheless, it would probably not be wrong to say that they add extra safeguards to the practice of adoption.

**The Present Day Procedure of Adoption in New Zealand.**

Today, the procedure of adoption is governed by the Adoption Act 1955 and the Adoption Regulations 1959 (1959/109).

There are several restrictions regarding the procedure of adoptions. Under section 6 (1) of the Adoption Act, it is not lawful for any person to place or receive or keep any child under the age of fifteen years in the home of any person for the purpose of adoption unless the Child Welfare Officer approved the arrangement; or an interim order in respect of the child is in force. Where the Child Welfare Officer refused approval, the person may apply to the Court against the Child Welfare Officer's decision (section 6 (3),(4)).

Under section 25, it is not legal for any person to give or receive premiums in consideration of the adoption or the making of arrangements for an adoption.

It is unlawful for any person, other than the Superintendent of Child Welfare or a Child Welfare Officer, to advertise for adoption (section 26).

Any person found committing any offences in respect to those provisions is liable to be imprisoned for three months or to be fined £50, or both (section 27).

In the usual procedure of adoption, an applicant, singly, or jointly with the spouse, approached a Child Welfare Officer dealing
with adoption. The applicant is given the form E.5/45 on
"Application to Receive a Child with a View to Adoption," to fill
in. This is followed by a formal interview with the Child Welfare
Officer who proceeds to compile a confidential report on the applicant.
Form E.5/54 18 "Child Welfare Officer's Summary Report on Adoptive
Applicants" is used. Meanwhile the Child Welfare Officer also
obtains reports from the applicant's three referees and also a Police
report (form E.5/32) 19 Another Child Welfare Officer visits the
applicant's home to make a general assessment of the suitability of
the home to receive the child. A summary of these reports is
recorded in the confidential form E.5/54. If the interview and the
various reports on the applicant are satisfactory, the Child Welfare
Officer may approve the application to place the child. If the
reports are not satisfactory, the applicant may be called in for
another interview. From then, nothing can be done but to wait for a
baby or child to become available.

When a baby for adoption is available, the Child Welfare Officer
makes a report on it (Form E.5/31) 20 and invites the adoptive parents
to visit the baby in the hospital. Meanwhile the Child Welfare
Officer contacts the applicant's solicitor who arranged for the
mother's consent to be taken. (The baby must be ten days old before
the mother's consent can be taken.) The Child Welfare Officer issues
the approval form E.5/102 21 "Child Welfare Officer's Approval for the
Placement of a Child for the Purpose of Adoption" to the adoptive

17 Appendix IV.
18 Appendix V.
19 Appendix VI.
20 Appendix VII.
21 Appendix VIII.
parent who can take the baby for one month during which the solicitor has to apply to the Court for the adoption order (Form 1 in the Schedule to the Adoption Regulations 1959) and file an affidavit in respect of the applicant (Adoption Regulations 1959, section 3(1)). Consent from the baby's parent or guardian is entered in Forms No. 2 and No. 3. Form No. 2 is used where the applicant and the parent know one another and Form No. 3 is applicable where they do not know one another.

The Child Welfare Officer visits the home regularly to see how the child is settling and furnishes a report for the Court. At an appointed time the applicant, the child and the Child Welfare Officer appear at a hearing in the Court. If the Court considers that the application for adoption should be granted, it may issue an interim order which becomes enforced for the next six months or such shorter period as the Court may decide. The Registrar of the Court formally issues the "Notice of Interim Order" to the applicants. The interim order provides the adoptive parent and, to an extent, the natural parents a trial period during which they can decide whether the adoption of the child should go through. In essence, it is a workable check of faulty placement, for during this period the Child Welfare Officer pays regular visits and reports on the child's progress. At the end of six months, the Child Welfare Officer sends a written report to the Court and recommends a final order. The applicant's

22 Appendix IX.
23 Appendix IX.
24 Appendix IX.
25 Appendix IX.
solicitor makes application to the Court for issue of the final order
(Adoption Regulations 1959, Schedule, Form No. 5). If the Court
is satisfied with the report and the recommendation from the Child
Welfare Officer it may consider issuing the final order. A notice
of adoption order is sent to the applicant (Form No. 6) and the
adoption order is drawn up by the Registrar in Form No. 7 (where
issued directly by the Registrar) or Form No. 8 (where the
application is dealt with finally by the Court).

The adoption order is filed in the Court and no copy may be
issued except as provided in section 23 of the Adoption Act 1955 and
regulation 13 of the Adoption Regulations 1959. The applicant is
issued with a new birth certificate.

At this juncture the work of the Child Welfare Officer with
the family officially ceases.

Although most of the adoptions are arranged by the Child Welfare
Officers, there are quite a number which are arranged by private
organisations and private persons, including the natural parents
(Refer to Table XI, page 139) who may not have special qualifications
for the task. To quote the Superintendent of Child Welfare:

Private persons and agencies who arrange placements of
children are expected to be selective and to accept a
measure of responsibility by exercising caution about
the type of applicant they will consider. While generally
this is observed there is sometimes a tendency to let the
wishes and needs of the applicants, to some extent, outweigh
the future welfare of the child available for placement.

A protective measure is provided by requiring all persons
intending to adopt to apply for the approval of Child Welfare Officers

26 Appendix II.
27 Appendix IX.
28 Appendix II.
before they are allowed to bring the child home, (section 6 (1) of Adoption Act 1955). The activities of unqualified intermediaries are further restricted by section 26 of the Act, which makes it unlawful for any person, other than the Superintendent of Child Welfare, to advertise in respect of any adoption.

**Statistical Analysis:**

The main purpose of adoption is to provide a child with a home in which the adoptive parents are willing to undertake to care for the child in place of its natural parents who are unwilling or unable to do so. Adoption is also a way to legitimise an illegitimate child. From the point of view of the adoptive parents adoption may serve as a means of fulfilling their desire for a family. Whatever may be the underlying aims of adoption, it has certainly become the most common practice today, apart from the foster homes, of providing the best possible substitute for a child's natural home. This trend is evident in the following statistics.

Statistics of adoptions in the New Zealand Official Yearbooks went back only as far as 1919. According to Campbell, records for the last century are not available but in 1907, Sir John Findlay, then Attorney-General, reported 75 cases of adoptions within the previous ten years. Since 1919, the total number of adoptions each year has been:

---

<table>
<thead>
<tr>
<th>Year</th>
<th>Final Adoptions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1919</td>
<td>266</td>
</tr>
<tr>
<td>1920</td>
<td>501</td>
</tr>
<tr>
<td>1921</td>
<td>584</td>
</tr>
<tr>
<td>1922</td>
<td>379</td>
</tr>
<tr>
<td>1923</td>
<td>398</td>
</tr>
<tr>
<td>1924</td>
<td>185</td>
</tr>
<tr>
<td>1925</td>
<td>558</td>
</tr>
<tr>
<td>1926</td>
<td>404</td>
</tr>
<tr>
<td>1927</td>
<td>421</td>
</tr>
<tr>
<td>1928</td>
<td>409</td>
</tr>
<tr>
<td>1929</td>
<td>402</td>
</tr>
<tr>
<td>1930</td>
<td>385</td>
</tr>
<tr>
<td>1931</td>
<td>329</td>
</tr>
<tr>
<td>1932</td>
<td>337</td>
</tr>
<tr>
<td>1933</td>
<td>332</td>
</tr>
<tr>
<td>1934</td>
<td>338</td>
</tr>
<tr>
<td>1935</td>
<td>340</td>
</tr>
<tr>
<td>1936</td>
<td>413</td>
</tr>
<tr>
<td>1937</td>
<td>444</td>
</tr>
<tr>
<td>1938</td>
<td>570</td>
</tr>
<tr>
<td>1939</td>
<td>530</td>
</tr>
<tr>
<td>1940</td>
<td>632</td>
</tr>
<tr>
<td>1941</td>
<td>561</td>
</tr>
<tr>
<td>1942</td>
<td>773</td>
</tr>
<tr>
<td>1943</td>
<td>577</td>
</tr>
<tr>
<td>1944</td>
<td>1,313</td>
</tr>
<tr>
<td>1945</td>
<td>1,194</td>
</tr>
<tr>
<td>1946</td>
<td>1,373</td>
</tr>
<tr>
<td>1947</td>
<td>1,339</td>
</tr>
<tr>
<td>1948</td>
<td>1,362</td>
</tr>
<tr>
<td>1949</td>
<td>1,249</td>
</tr>
<tr>
<td>1950</td>
<td>1,259</td>
</tr>
<tr>
<td>1951</td>
<td>1,405</td>
</tr>
<tr>
<td>1952</td>
<td>1,430</td>
</tr>
<tr>
<td>1953</td>
<td>1,445</td>
</tr>
<tr>
<td>1954</td>
<td>1,347</td>
</tr>
<tr>
<td>1955</td>
<td>1,455</td>
</tr>
<tr>
<td>1956</td>
<td>832</td>
</tr>
<tr>
<td>1957</td>
<td>1,637</td>
</tr>
<tr>
<td>1958</td>
<td>1,719</td>
</tr>
<tr>
<td>1959</td>
<td>1,809</td>
</tr>
<tr>
<td>1960</td>
<td>1,796</td>
</tr>
<tr>
<td>1961</td>
<td>2,114</td>
</tr>
<tr>
<td>1962</td>
<td>2,099</td>
</tr>
<tr>
<td>1963</td>
<td>2,336</td>
</tr>
<tr>
<td>1964</td>
<td>2,595</td>
</tr>
<tr>
<td>1965</td>
<td>2,837</td>
</tr>
</tbody>
</table>


For 1956 to 1965 - *Child Welfare Annual Reports*.

(1957 to 1965 issues).

* The reduction in number of final adoptions in 1956 resulted from new provisions of the Adoption Act 1955.
Graph I

LEGITIMACY of CHILDREN

--- Total no. of adoptions
--- Illegitimate children
--- Legitimate children

No. of Adoptions

Years

The following table shows the total number of adoptions for the years 1956 - 1965, as well as the legitimacy status of children adopted.

### TABLE X

**LEGITIMACY OF CHILDREN.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Legitimate Children</th>
<th>Illegitimate Children</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1956</td>
<td>265</td>
<td>567</td>
<td>832</td>
</tr>
<tr>
<td>1957</td>
<td>352</td>
<td>1,285</td>
<td>1,637</td>
</tr>
<tr>
<td>1958</td>
<td>452</td>
<td>1,267</td>
<td>1,719</td>
</tr>
<tr>
<td>1959</td>
<td>446</td>
<td>1,348</td>
<td>* 1,809</td>
</tr>
<tr>
<td>1960</td>
<td>419</td>
<td>1,377</td>
<td>1,796</td>
</tr>
<tr>
<td>1961</td>
<td>405</td>
<td>1,709</td>
<td>2,114</td>
</tr>
<tr>
<td>1962</td>
<td>298</td>
<td>1,801</td>
<td>2,099</td>
</tr>
<tr>
<td>1963</td>
<td>445</td>
<td>1,855</td>
<td>* 2,399</td>
</tr>
<tr>
<td>1964</td>
<td>419</td>
<td>2,128</td>
<td>* 2,595</td>
</tr>
<tr>
<td>1965</td>
<td>350</td>
<td>2,428</td>
<td>* 2,837</td>
</tr>
</tbody>
</table>


* Discrepancy in total represents cases of unknown legitimacy.

Graph I is the graphic representation of Table X. The unbroken line shows the general increase in the number of adoptions since 1956. The low total for 1956 resulted from the necessary readjustment in the adoption procedure because of the new provisions of the Adoption Act 1955.

The broken line with circles depicts the trend of adoptions.
Graph II

AGE of CHILDREN for ADOPTION

- Under 1 year
- 1 year and under 6
- 6 years and over

No. of Adoptions

Years

which are composed of illegitimate children; and the broken line with crosses, the adoptions of legitimate children. Since 1956, there has been a steady increase in the number of adoptions of illegitimate children compared with an irregular low rate of the adoptions of legitimate children. In the ten-year period, the ratio of the adoptions of legitimate children to those of illegitimate children was approximately one to four. It would therefore, be probably quite safe to conclude that the increase in the rate of total adoptions in the recent years is caused by the significant increase in the number of adoptions of illegitimate children.

Although children may be legally adopted up to the age of twenty-one years, most of the children adopted are below six years of age as shown by Table XI and Graph II.

### Table XI

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 1 year</td>
<td>252</td>
<td>730</td>
<td>818</td>
<td>908</td>
<td>1321</td>
<td>1626</td>
<td>1792</td>
<td>2017</td>
<td>2262</td>
<td>2503</td>
</tr>
<tr>
<td>1 to 6 years</td>
<td>337</td>
<td>621</td>
<td>559</td>
<td>560</td>
<td>169</td>
<td>147</td>
<td>163</td>
<td>151</td>
<td>126</td>
<td>135</td>
</tr>
<tr>
<td>6 years &amp; over</td>
<td>243</td>
<td>296</td>
<td>342</td>
<td>326</td>
<td>159</td>
<td>115</td>
<td>69</td>
<td>62</td>
<td>35</td>
<td>43</td>
</tr>
</tbody>
</table>

By 1965, about 89% of the total adoptions were of children under one year of age and less than 2% were of children of six years and over. Graph II well illustrates the development of this trend since 1959.
Table XII shows a further analysis of the legitimacy of children in each age group.

**TABLE XII**

**AGE AND LEGITIMACY OF CHILDREN ADOPTED.**

<table>
<thead>
<tr>
<th>Years</th>
<th>Under 1 Year</th>
<th>1 &amp; under 6 yrs.</th>
<th>6 yrs. &amp; over</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Legitimate</td>
<td>Illegitimate</td>
<td>Legitimate</td>
</tr>
<tr>
<td>1956</td>
<td>9</td>
<td>243</td>
<td>93</td>
</tr>
<tr>
<td>1957</td>
<td>53</td>
<td>477</td>
<td>137</td>
</tr>
<tr>
<td>1958</td>
<td>47</td>
<td>771</td>
<td>156</td>
</tr>
<tr>
<td>1959</td>
<td>51</td>
<td>857</td>
<td>177</td>
</tr>
<tr>
<td>1960</td>
<td>117</td>
<td>1204</td>
<td>81</td>
</tr>
<tr>
<td>1961</td>
<td>101</td>
<td>1525</td>
<td>65</td>
</tr>
<tr>
<td>1962</td>
<td>158</td>
<td>1634</td>
<td>63</td>
</tr>
<tr>
<td>1963</td>
<td>269</td>
<td>1736</td>
<td>74</td>
</tr>
<tr>
<td>1964</td>
<td>228</td>
<td>2012</td>
<td>57</td>
</tr>
<tr>
<td>1965</td>
<td>193</td>
<td>2291</td>
<td>54</td>
</tr>
</tbody>
</table>

An interesting fact is that most of the children adopted in the age group of under one year were illegitimate children. In the age group of one to six years, the number of illegitimate children adopted exceeded, by a wide margin, that of legitimate children for the years 1956 to 1959, but since 1960 the margin has been decreasing. However, in the age group of six years and over, the trend has been for the adoption of legitimate children to lead that of illegitimate children.
The trends of adoption for these age groups are probably explained on the ground that in most of the cases of illegitimate children, their natural mothers (whether married or unmarried) would probably feel it easier to have their babies adopted when they were still young and had not yet become attached to their mothers. Furthermore, in the case of unmarried mothers especially, early adoptions of the babies would probably give them another opportunity to start life afresh. From the point of view of the adoptive parents, it is perhaps easier to start off with babies than children of six and over who have already developed patterns of behaviour and attitude.

Most of the adoptive parents of young children are "strangers." However, as Table XIII shows, quite often children are adopted by a married couple where one is the natural parent. For example, a father may adopt his wife's child of a former marriage, or a girl, upon her subsequent marriage, may wish to adopt her illegitimate child. In both cases the children legally become part of the whole family. Children are also adopted by relatives, friends or foster parents. The number of adoptive parents composed of relatives and friends has also increased in recent years, as shown in Table XIII.

### TABLE XIII

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>With Strangers</td>
<td>424</td>
<td>1161</td>
<td>1140</td>
<td>1248</td>
<td>1327</td>
<td>1613</td>
<td>1635</td>
<td>1775</td>
<td>1944</td>
<td>2162</td>
</tr>
<tr>
<td>One Parent and Spouse</td>
<td>219</td>
<td>311</td>
<td>393</td>
<td>359</td>
<td>357</td>
<td>393</td>
<td>368</td>
<td>382</td>
<td>418</td>
<td>447</td>
</tr>
<tr>
<td>With relatives, etc.</td>
<td>69</td>
<td>160</td>
<td>186</td>
<td>202</td>
<td>122</td>
<td>106</td>
<td>96</td>
<td>179</td>
<td>236</td>
<td>228</td>
</tr>
</tbody>
</table>
Graph III

**TYPES of PLACEMENTS**

- ----- with Strangers.
- - with One Parent and Spouse.
- - - with Relations

---

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>No. of Placements</td>
<td>4,000</td>
<td>1,200</td>
<td>1,600</td>
<td>2,000</td>
<td>2,400</td>
<td>3,000</td>
</tr>
</tbody>
</table>
Graph III shows the graphic representation of Table XIII. The steadily rising unbroken line indicates the increase in number of 'strangers' as adoptive parents. This increase will probably continue in the near future with the rise in the number of illegitimate births. Most of the children adopted in the age group of six and over are probably children from broken homes, the parents having been divorced or separated or widowed, as there is little likelihood that parents would, at that stage, give up their children for adoption unless they were unable to care for them. Most of these children are probably adopted by their relations, or friends of the family, or foster parents of long standing for it is usually preferable for them to stay with people whom they know and who know them. Very few strangers seem to want to adopt older children because it is probably harder for both parties to adjust to each other. In the light of experience in recent years, it seems reasonable to conjecture that adoptions by relatives and friends will not increase as rapidly as those by 'strangers,' unless there occur social upheavals like war which can result in many broken homes.

Under the Adoption Act 1955, section 10, Child Welfare Officers are required to report on all applicants to adopt children, except in those cases where the Court decided to dispense with the requirement because one of the applicants is a parent of the child. Further, section 6 (1), (2), (3) requires that all persons, regardless of who arranges the adoption, must apply to a Child Welfare Officer.

METHODS OF PLACEMENTS

- By Child Welfare Officers
- By Natural Parents
- By Private Organizations
- By Maternity Homes

Years

No. of Placements
600
1,000
1,400
for written approval or must obtain an interim order from the Court before taking a child into their home. The majority of adoptive parents, however, seek the help of the Child Welfare Officers who not only approve adoptive placements recommended by private persons or organizations, but are becoming responsible for an increasing number of placements themselves as shown by Table XIV

TABLE XIV

METHODS OF PLACEMENT.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>By Child Welfare Officers</td>
<td>397</td>
<td>421</td>
<td>475</td>
<td>526</td>
<td>698</td>
<td>916</td>
<td>1046</td>
<td>1244</td>
<td>1565</td>
</tr>
<tr>
<td>By Private Organisations</td>
<td>268</td>
<td>328</td>
<td>421</td>
<td>435</td>
<td>481</td>
<td>340</td>
<td>317</td>
<td>356</td>
<td>295</td>
</tr>
<tr>
<td>By Maternity Homes</td>
<td>393</td>
<td>237</td>
<td>266</td>
<td>265</td>
<td>298</td>
<td>328</td>
<td>296</td>
<td>285</td>
<td>290</td>
</tr>
<tr>
<td>By Other Professionals</td>
<td>37</td>
<td>17</td>
<td>17</td>
<td>17</td>
<td>7</td>
<td>22</td>
<td>47</td>
<td>35</td>
<td>20</td>
</tr>
<tr>
<td>By Natural Parents</td>
<td>47</td>
<td>60</td>
<td>42</td>
<td>466</td>
<td>443</td>
<td>528</td>
<td>627</td>
<td>640</td>
<td>528</td>
</tr>
<tr>
<td>Others</td>
<td>11</td>
<td>23</td>
<td>27</td>
<td>39</td>
<td>164</td>
<td>50</td>
<td>102</td>
<td>51</td>
<td>27</td>
</tr>
</tbody>
</table>

Graph IV shows the four main methods of placement of children for adoption since 1956. The number of placements arranged by the Child Welfare Officers has exceeded the other three methods by an increasingly wide margin. This is probably because, with greater publicity of the work of the Division, more and more unmarried mothers avail themselves of the facilities offered by the Division.

Furthermore, the Division, with its nation-wide resources, is in a better position to place the increasing number of babies, especially
from the city areas where the unmarried mothers tend to congregate.32

It appears that if the present trend of illegitimate births continues, there will be a similar increase in the demand for help from the public. The Adoption Act 1955, by providing various safeguards has made adoption popular among the public. At the same time, it has placed a heavy responsibility and load of work on the resources of the Child Welfare Division.

CHAPTER VII

SERVICES FOR DEPENDENT CHILDREN IN MALAYSIA.

A survey of legal provisions for dependent children in Malaysia reveals a number of factors which have been important in the development of those provisions. Legal provisions for dependent children are essentially a post-war development. Since there was no distinctly Asian social theory regarding legal provisions for dependent children, much of the development was originally based on the system in the United Kingdom. Since the coming of independence in 1957, accompanied by a growing national consciousness, great efforts have been and are being made to evolve children's services appropriate to meet local demand. As such, services for dependent children in Malaysia, unlike those in New Zealand, are still at an experimental stage.

As provisions for dependent children are an integral part of the functions of the department of Social Welfare, it is necessary to look briefly at the development of Social Welfare services in order to understand those provisions.

Before World War II, the care of destitute children and orphans was mainly provided by charitable organizations and private individuals. It was chiefly a system of neighbourly, voluntary aid; the Government's role being limited to the provision of some grants-in-aid and a few special welfare services provided by the Labour and the Medical Departments.

1 Throughout the thesis, Malaysia refers to the area formerly known as Malaya.
During the War, Malaysia came under the Japanese occupation which lasted for three and a half years. When the Japanese occupation ended, the situation in the country was chaotic; families had been broken up and there was starvation and acute destitution. A large number of children had been left orphaned and homeless. The British Military Administration set up an ad hoc organization which worked in close co-operation with the Civil Affairs Officers to effect immediate relief by the distribution of food and clothing. Destitute children received priority in these emergency relief schemes.

The work of the ad hoc organization was merely to provide temporary war measures and with the return of civil administration in April 1946, a Social Welfare Department was set up to take over the work of the organization. The Department of Social Welfare soon established its branches all over the country.

Thus, the ad hoc organization, started in order to provide temporary measures of rehabilitation after liberation from the Japanese occupation, became instrumental in the establishment of the Social Welfare Department—a permanent institution of the government.

An important aspect of the early work of the Social Welfare Department was concerned with juvenile delinquency. The war conditions resulted in a rise in the incidence of juvenile delinquency in Malaysia, as in New Zealand. The Government, assisted by United Kingdom Colonial Development and Welfare grants of £500,000, set up the Probation and Approved School Services by establishing
four approved schools and six remand homes. 2 Probation and Youth Welfare Officers were sent to Britain for training and in 1947 the Juvenile Courts Ordinance, based on the English system, was passed.

The Care of Children and Young Persons Ordinance was also passed in 1947. The Ordinance provided general protection for all children in need. In the case of neglect, ill-treatment or destitution, the Ordinance provided for possible removal of children from their guardians to a 'place of safety' or a Children's Home. By the end of 1947, there were 46 Children's Homes maintained or aided by the Government. An experimental scheme for foster homes was also started in the same year. 3

Under the monolithic structure of the Malayan Union in 1946, the Department of Social Welfare was centralized in control and finance. With the promulgation of the Federation of Malaya Constitution 1948, social welfare services became the joint responsibility of the Federal and the State Governments. The Federal Government was responsible for the Probation and Approved Schools Services, services for children, handicapped persons and youths, and the training of the staff. The State Governments assumed responsibility for the general welfare services including public assistance, family welfare and other related welfare projects in their individual states. Since the administrative framework was comparatively new, overlapping of work between the two levels was inevitable, and as each State was not equally endowed in terms of

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3 Ibid., p. 35.
resources and need, responsibilities assumed naturally varied from State to State. However, the general principle was that those services that affected the whole of the Federation and thus needed a greater degree of co-ordination were dealt with at Federal level, whereas services of individual casework were handled by the individual States.

In 1952, the Adoptions Ordinance and the Registration of Adoptions Ordinance were passed. To a large extent these Ordinances were again based on the English legislation, and for the first time in Malayan history, legal adoption was provided.

The Children's Service section of the Social Welfare Department was also started in 1952 for the purpose of supervision, co-ordinating and extending social casework among children within the individual States.

The above system remains to the present day except that the work of Children's Service Section is becoming more and more the responsibility of the State Governments.

Thus, it can be said that Children's services in Malaysia have grown chiefly out of the results of war conditions. There have been new developments, not only in terms of the scope of services, but also in terms of cultural innovations. Furthermore, even from the start the system recognized the need to make provisions for delinquents distinct from those for destitute and neglected children.

In contrast, the Child Welfare services in New Zealand were originally designed to provide remedial measures specially for criminal and destitute children. The war conditions only increased and diversified the child welfare services. Like Malaysia, New
Zealand in the early days leaned heavily towards the existing English practice. In later years, New Zealand gradually evolved her system, which in some aspects, such as the institution of legal adoption, superseded the British system. In the same way, Malaysia is experimenting with various aspects of children's services to meet local needs, and so evolving her own system of child welfare work.

**Statutory Provisions:**

The major legislative provisions which govern the services for dependent children today are the Children and Young Persons Ordinance 1947; the Juvenile Courts Ordinance, 1947; the Adoption Ordinance 1952; and the Registration of Adoption Ordinance 1952.

Notwithstanding amendments and modifications effected through the years, the Children and Young Persons Ordinance 1947 and the Juvenile Courts Ordinance 1947, still retain most of the major provisions as originally included. It is of interest to note that both Ordinances were modelled on the English legislation, namely, the Children and Young Persons Act 1933.

The Children and Young Persons Ordinance 1947, which provided for general protection of children in need, consists of five parts.

Part I which deals with 'Preliminary' matters defines a 'child' as any person under the age of fourteen years, except for persons employed in public entertainment in which case the defined age is raised to sixteen years.

A 'young person' is defined as any person who has attained the age of fourteen years and is under the age of eighteen years.

The English legislation defines the upper age limit of 'young person' as under seventeen years. In New Zealand, the Child Welfare
Act 1925 defines a 'child' as a boy or a girl under the age of seventeen years.

Part II of the Ordinance which deals with provisions for the protection of children and young persons from cruelty and exposure to moral and physical dangers follows closely some of the provisions in Part I and Part II of the English legislation, sections (1,4) and (18,22) respectively.

Section 3(1) imposes a fine not exceeding Ks. $1,000 or a term of two years of imprisonment on anybody who,

".... wilfully assaults, ill-treats, neglects, abandons or exposes such a child or young person or causes or procures such child or young person to be assaulted, ill-treated, neglected, abandoned or exposed, in a manner likely to cause such child or young person unnecessary suffering or injury to his health....."

Section 4(1) prohibits child begging and heavy penalty of a fine of Ks. $250 or three months imprisonment may be imposed on any person who allows or encourages child begging.

Under section 5 (1), (2), (3), a child or a young person against whom the above offences have been committed may be conveyed to and detained in a place of safety by Court order.

Section 6 extends the use of place of safety for destitute children.

In cases where a Magistrate has reasonable cause to suspect cruelty to a child or a young person, he may issue a warrant to search for, or where necessary, to remove the child or young person to a place of safety and to apprehend the offending party. In this way the law seems to have gone as far as possible to rescue a child or young person from cruelty.
Sections 8 (1, 2) and 10 (1, 2, 3) regulate the employment of child labour. Child labour under the age of eight years is prohibited and only certain types of employment such as agricultural or horticultural light work, may be undertaken between the ages of ten and twelve. In such cases the Minister of Labour is empowered to prescribe the minimum wages for the children (section 9 (1)).

Employment of children for profitable public entertainment is also prohibited except where the children are above seventeen years old and possess a licence from the Commissioner for Labour.

Section 45 (g) of the Child Welfare Act 1925 also makes similar provisions regulation, restricting or prohibiting the employment of children at public entertainment. 4

Part III of the Ordinance deals with 'transferred children' who are defined as female children under the age of fourteen years who are not living with their parents or relatives. 'Transferred children' is a peculiar local problem and is not unlike baby-farming in New Zealand during last century. In most cases, it is extreme poverty that drives the parents to sell or give away their female children and because it has wide social acceptance, it is difficult to prohibit such a practice. Consequently, in the past the practice degenerated into an activity of acquiring young girls as a source of cheap labour or of prospective daughters-in-law or of support for old age. In some cases young girls were being trained for immoral purposes.

4 Also Infants Act 1908, section 29 (1(a, b, c)).
The problem of transferred children is probably typical more of the Chinese communities than other races. To quote K. Jones: "Family ties (among the Chinese) are usually very strong; but the family is a large and complex organisation involving several generations and several degrees of relationship; and, in consequence, parent-child ties are sometimes less strong than in other societies." 5

Provisions under Part III attempt to regulate the practice of transferring of children and to protect such children from being exploited.

Thus section 14 (1), (2) requires every person who intends to receive a transferred child into his care, and the child's parents to notify the Protector * of the intended transfer.

Section 14 (3), (4) empowers the Protector to make the necessary enquiry regarding the desirability and suitability of such a placement and to decide whether to allow the transfer or not.

Under section 19 (1), (2), (3), provisions are made for supervision and inspection of homes receiving the transferred children.

In cases where the intending parties fail to notify such a transfer, or where the transferred children are ill-treated or used for immoral purposes, the Protector may issue a warrant for the search of and the removal of transferred children to a place of safety or

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* A 'Protector' includes the Chief Social Welfare Officer, any Area Welfare Officer and such other officers as the Minister of Labour may, by notification in the Gazette, declare to be vested with all or any of the powers conferred and duties imposed upon a Protector by this Ordinance. Part I, Section 2 (1).
to the custody of a relative or other fit person until the children
attain the age of eighteen years or for any shorter period.

These measures are necessary to safeguard the welfare of
transferred children.

Another problem that is closely related to the problem of
'transferred children' is the trafficking in children. Part IV
of the Ordinance deals with this problem.

Section 25 (1), (2) makes it unlawful to anybody to participate
in trafficking in children. A person guilty of such offence is
liable to be imprisoned for two years.

In New Zealand legislation has gone a long way to control
baby-farming. Part V of the Infants Act 1903 lays down strict
regulations for the registration, the inspection and supervision
of any home licensed to receive an infant for the purpose of main-
tenance apart from its parents for more than seven consecutive days.
Part I of the Child Welfare Act 1927 makes similar provisions for
Children's Homes.

Part IV of the Children and Young Persons Ordinance 1947
provides for the prosecution of anybody found guilty of trafficking
in children. In this way, it hopes to discourage such a practice.
Perhaps preventive measures can be extended along the same line as
the provisions of Part V of the New Zealand Infants Act 1903.

Part V of the Ordinance deals with miscellaneous items such
as the power of the Minister of Labour to appoint any institution to
be a place of safety or to declare any orphanage, hospital, home or
institution as an approved place for the purpose of the Ordinance
(section 34 (a), (b)).
Section 39 (1) and (2, a to m) provides the Paramount Ruler with the power to make rules to give effect to the provisions of the Ordinance, for example in matters of the care, maintenance and education of dependent children.

Working in close association with the Children and Young Persons Ordinance 1947 is the Juvenile Courts Ordinance 1947 which incorporates a number of major provisions contained in part III and part IV of the British Children and Young Persons Act 1933.

The purpose of the Juvenile Courts Ordinance is to provide for the care and protection of children and young persons and the establishment of Juvenile Courts. There are nine parts in the Ordinance, namely: Part I on 'Preliminary'; Part II on the establishment and working of Juvenile Courts; Part III on 'Places of Detention'; Part IV on 'Probation'; Part V on 'Approved Schools'; Part VI on 'Contribution by Parents and Guardians' for the upkeep of their children maintained away from them; Part VII on the 'Care and Protection' of children and young persons in need of care; Part VIII on provision of and committal to 'Henry Gurney Schools' and Part IX on miscellaneous matters.

Regarding the provisions in Part II on Juvenile Courts, some interesting points of comparison can be drawn between the procedure of Juvenile Courts in Malaysia and that of Children's Courts in New Zealand.

Section (5) of the Ordinance orders that a Juvenile Court be kept distinct from other Courts, and section (7) required that children and young persons be kept separate from adult offenders all the time. There is similar provision for the Children's Courts under article 28 section 18 (2) of the Child Welfare Act 1925. However, where in the
Children's Courts, the maximum number of persons, including the child, that may be present during the proceedings is eight, there seems to be a greater number of persons permitted to attend a Juvenile Court:

(a) members and officers of the Court;

(b) parties to the case before the Court, their parents, guardians, advocates and pleaders, and witnesses and other persons directly concerned in that case;

(c) such other persons as the Court may specially authorise to be present.

Presumably, there is less privacy in a Juvenile Court than in a Children's Court.

Section (9) of the Ordinance contains a similar provision to that in section 29A of the Child Welfare Act 1925 regarding the duty of the parents or the guardians to appear before the Courts at which the cases of their children are heard. Presumably, this is to bring home to the parents their responsibilities towards their children.

A specific requirement of the New Zealand 1925 Act is that a Children's Court must receive a full report from the Child Welfare Officer on the home background and the personality factors of the child as well as a police report on the incident leading the child to appear before the Court. The Ordinance makes similar provision in section 10 (6) which states:

"...Before deciding how to deal with him the Juvenile Court shall obtain such information as to his general conduct, home surroundings, school record, and medical history, as may enable it to deal with the case in the best interests of the child or young person...."

In general, it may be said that except for a few requirements, the 1925 Act lays down no specific regulations regarding the conduct
of the Children's Court. This allows the Magistrate a wide margin
of flexibility in dealing with juvenile cases. In contrast, the
Ordinance stipulates specific procedure in Juvenile Courts. Section
10 (1) to (5) requires the Court to explain to the child the substance
of the alleged offence and where necessary to call for witnesses.
Furthermore, a child has the right to ask questions or make any
statement if he so wishes.

Where an offence has been proved, section 12 (1, a to g) lays
down several alternative courses of action that can be taken. The
Court may admonish and discharge the offender, or discharge him upon
his entering into a bond of good behaviour, or commit him to the
care of a relative or fit person, or order his guardian to execute
a bond to exercise proper care and guardianship, or place him under
supervision by a Probation Officer, or send him to an approved school,
or order him to pay a fine, compensation or costs. In cases where a
juvenile offender is punishable with imprisonment, the Juvenile Court
may commit him to the Supreme Court for sentence. However, as far
as possible, the Court tries to avoid sentencing or ordering a young
person to be imprisoned if he can be suitably dealt with in other
ways whether by probation, fine, or committal to a place of detention
or an approved school (Section 15 (2)).

The Ordinance, however, provides no special powers whereby a
Court can commit a child to be a state-ward as is provided by
section (31) of the 1925 Act. A child may be deemed to be under
legal custody during his transit to and from of stay at a detention
place.

Although the Ordinance has not gone so far as to make it
unnecessary for the Courts to record a conviction against a child even though the charge may be proved, as is contained in section 21 (2) of the 1925 Act, it refrains from using the words 'conviction' and 'sentence' in relation to children and young persons. Instead, the phrases 'finding of guilt' and 'an order made upon such finding' are substituted for them (section 12 (3)).

Another point of interest is that whereas an appeal against a Children's Court order was only recently provided in New Zealand (the Child Welfare Amendment Acts 1960, 1961) such a provision is provided by section 14 (11) of the Ordinance.

Nevertheless, on the whole, both the Children's Courts and the Juvenile Courts attempt to deal with any case in the manner which is to the best interest of the children.

Part III of the Ordinance deals with the provision and inspection of places of detention. Detention centres, or remand homes, as they are commonly known, function in the same way as the receiving homes or the boys' homes in New Zealand. Where it is possible, an attempt is made to place a child or a young person in a remand home in his home area (section 16 (2)).

Because there are no legally instituted Child Welfare Officers, as in New Zealand, it is necessary for the Ordinance to make provisions for the appointment of Probation Officers to supervise children and young persons under Court order.

Section 23 of Part IV of the Ordinance defines the duty of a Probation Officer as:

(a) to visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order, subject thereto, as the probation officer or
other person named in the probation order may think fit;

(b) to see that the person under supervision observes the
conditions of his bond;

(c) to report to the Juvenile Court as to his behaviour;

(d) to advise, assist, and befriend him and, when necessary,
to endeavour to find him suitable employment.

In cases where children or young persons have to be removed
from their homes the Courts may order them to be sent to approved
schools which are established for the education, training and
detention of juvenile offenders and also juveniles in need of
'care and protection.' Part V of the Ordinance, under section
26(1) empowers the Member for Industrial and Social Relations to
provide or appoint such schools.

Admission to the schools is by the Juvenile Court orders and
it is restricted to children above ten years old. Section 26
(a), (b) lays down the maximum period of stay as three years unless
otherwise decided by the Board of Visitors. Conversely, where
deemed necessary, the Board of Visitors may extend the period of
stay by six months so long as by that date a young person has not
attained his seventeenth birthday.

An important provision, not contained in the New Zealand 1925
Act, is connected with after care of persons released from an
approved school. Under section 31 of the Ordinance, a probation
officer is responsible for after-care supervision of a person
released from an approved school for a period of three years or
until he reaches the age of eighteen years. The aim is to minimize
the danger of a reversion to former habits.
Although most of the approved schools and institutions are either aided or maintained by the Government, contributions by the parents or guardians of a child are made compulsory whenever possible, (part VI, section 34 (1), (1A), (5)). The contribution order remains in force until the child is released from the institution.

Similar provisions are found in section 14 of the Child Welfare Amendment Act 1949 which permits the Superintendent to enter into agreements for maintenance of inmates.

Part VII of the Juvenile Courts Ordinance contains provisions for the care and protection of a child or young person in need of such help or beyond parental control. Before making any order regarding the care of such a child, the Juvenile Court is required to obtain information on the general conduct, home background, school and medical record of the child. When the Court is satisfied that the child is in need of care, it can commit him to an institution or an approved school, or to a relative or a fit person who would care for him, or order his parent to enter into a bond to exercise proper care and guardianship or place him under supervision of a Probation Officer. In each of these measures, the period of committal is three years. Where a child is beyond the control of his parents, the Court may commit him to a Henry Gurney School for three years (section 37).

The Ordinance defines a Henry Gurney School as a school under the direction and control of the Commissioner of Prisons and approved by the Secretary for Defence for the education, training and detention of persons to be sent there in pursuance of the Ordinance.
Part VIII of the Ordinance empowers the Secretary of Defence to establish Henry Gurney Schools where juvenile offenders with criminal habits or tendencies or association with persons of bad characters may be detained, "for such term and under such instruction and discipline as appears most conducive to his reformation and the repression of crime," (section 39 (b)).

The final part of the Juvenile Courts Ordinance deals with miscellaneous matters such as the provisions for the transfer of a juvenile offender from a prison to an approved school or to a Henry Gurney School or from one approved school to another.

In conclusion, a major difference that distinguishes the two Ordinances from the Child Welfare Act 1925, is that whereas the Child Welfare Act makes provision for the establishment of the Child Welfare Division which manages nearly all aspect of care for dependent children, the Ordinances make no similar provisions. Consequently, in the past, there has probably been much overlapping and many gaps in the care of dependent children in Malaysia, especially with respect to the neglected and destitute children. However, the Federal Government did provide for the juvenile offenders in the form of the Probation and Approved Schools Services. To remedy the situation, the Federal Government set up the Children’s Service Section in 1952 with the purpose of co-ordinating and extending social casework among children. (The work of Children’s Service Section will be discussed later.)

Two other Ordinances which govern the welfare work for dependent children are the Adoption of Children Ordinance 1952 and the Registration of Adoptions Ordinance 1952.
The first Ordinance has the same effect as the New Zealand Adoption Act 1955, namely, the adopted child becomes the child of the adoptive parents as if he had been born to them in lawful wedlock. He is also entitled to inherit. Similar restrictions are provided such as that an adoption order cannot be made unless one of the adoptive parents has attained the age of 25 years and is at least 21 years older than the child; or has attained the age of 21 and is a relative of the child; or is the mother or father of the child.

However, the procedure of adoption is different in the two countries. In New Zealand, there are several legal measures to safeguard the child, the natural parents and the adoptive parents. Section 10 (1 (a) (b)) requires the Child Welfare Officers to furnish a report on any application for an adoption to the Court. One of the most significant legal safeguards is the provision for the making of an interim order before the making of the final order. The interim order provides for a trial period for up to six months, during which time the Child Welfare can check upon the suitability of such a placement. Where placement proves unsuitable or where there is a change of mind by either the natural or the adoptive parent, appropriate steps can be taken immediately. In this way the danger of faulty placements can be minimized.

Although the Adoption Ordinance 1952 prohibits money transactions and requires that the suitability of the adopter and the welfare of the child be fully considered, it makes no specific provisions for a trial period. Rather it requires that the child must have been in the care and possession of the applicant for at least 3 consecutive months before the date of the final order. Presumably, this is a trial period for the adopters and the natural parents.
As the Ordinance does not provide for permanent appointment of Child Welfare Officers to investigate and report in the interest of the child, provision is made for the appointment of a guardian ad litem who acts in the capacity of a New Zealand Child Welfare Officer.

The Adoption Ordinance, however, does not apply to Muslims whose special laws of inheritance place great emphasis on blood relationship. However, under the Registration of Adoptions Ordinance 1952, the Muslims can apply for the registration of de facto adoption. Under section 6 (1), a Registrar is empowered to register a de facto adoption if he is satisfied that the child has been living for not less than two consecutive years before the date of the application with, and during that period the child was maintained and educated by, the applicant. The Registration of Adoptions Ordinance places the same restrictions as the Adoption Ordinance in regard to the making of an adoption order.

The implementation of the legislation:

In New Zealand, legislation provides for the establishment of the Child Welfare Division which is responsible for the care and protection of dependent children.

In Malaysia, there is no such legal set up with exclusive responsibility for the care of dependent children. Rather there seem to be several government branches, each specializing in providing for certain types of care. Thus the Children’s Service Section purports to provide care for the neglected and destitute children, while the Probation and Approved Schools Services deal mostly with juvenile delinquents, and the handicapped children come under the
responsibility of the Handicapped Persons' Services. The advantage of such a set up is that it is convenient for the allocation of finance. Some probably disadvantages include the lack of a specialised agency to look after the overall interest of a dependent child, and the danger of wasteful overlapping of work.

The work of Children's Service Section:

The Children's Service Section was established in 1952 with the aim of co-ordinating and extending casework among children.

The Section recognizes two main principles of child welfare, namely, that the child is an integral part of the family and can be best helped within the setting of the family and the community; and that a child deprived of a normal home life is conditioned to reacting against society and unless help is given early, he may grow up to be an ineffective personality and, perhaps, a juvenile delinquent.

The Section adopts three approaches to implement its principles, namely, (a) preventive approach, (b) through provision of substitute home, (c) through institutional care.

(a) The preventive approach includes:

(i) voluntary supervision. According to the Annual Report of the Department of Social Welfare 1963, voluntary supervision cases form one of the major groups of children coming to the attention of the Department. Most of these children have behavioural difficulties which can be resolved through advice and guidance of a social worker.

At the end of 1963, 412 cases representing 13.7% of the children's work of the Section, were dealt with.

(ii) Supervision of transferred children. These children have been transferred by their parents, mostly for economic reasons, to the care and custody of other persons. The Children and Young Persons Ordinance 1947 makes provision for the supervision of their welfare. In 1963, 583 cases were dealt with as compared to 616 cases in 1964.

(b) Provision of substitute homes:

By the Adoption Ordinance 1952 and the Registration of Adoptions Ordinance 1952, a dependent child can be legally adopted. In 1963, there were 227 cases registered and 405 dealt with under the Adoption Ordinance as compared with 171 and 551 respectively for 1964. The Department also recorded 127 cases registered and 407 cases dealt with under the Registration Ordinance for 1963 as compared with 166 cases and 464 cases respectively for 1964. On the whole, there seemed to be a gradual increase of cases of adoptions.

In cases where deprived children are not free for adoption, they are placed out in foster homes, where this is feasible. To quote the Department's note on foster home care:

Boarding out is not necessarily a better form of care for the child than the Institution or Home (Children's Home). For some children, only Home care is possible, for others it is desirable, while for others only foster home care will allow for the full development of their gifts and maturation of their personality. Thus boarding out exists side by side with institutional care for the social worker to choose whichever form is best suited to the particular child. 7

7 Department of Social Welfare, Cyclostyled notes on 'Foster Home Care for Children' - p.1.
In Malaysia, foster home care was first experimented with in 1947, but did not receive real impetus until 1952. Today the programme covers children of both sexes from babies up to the age of eighteen years.

Three types of foster home care are available, namely:

(a) where a family takes in a child voluntarily with no payment;

(b) where a monthly boarding allowance is paid;

(c) where a child is received into a family in return for certain work duties, for which he receives his keep and a small wage.

One of the duties of the Children's Section is to select from foster parents in the same way as a Child Welfare Officer is required to do. Factors like motives for fostering children, home conditions and religious persuasion are carefully considered before a placement is made.

When a foster home is approved, placement begins with a familiarisation programme as is done in New Zealand.

According to the Department's report, 8 apart from the national benefits to a child, foster home care is also cheaper than institutional care. Payment for foster home care per person averages about $145 per month as compared to the average cost of $112 for institutional care. Probably, the same can be said for foster home care in New Zealand. This is probably because in both cases, it is not the policy to encourage foster home care for monetary motive.

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As the foster home care is a Federal service, the cost is paid out of the Federal Government funds. In 1953, an allocation of $5,400 was set aside for foster home programmes as compared with $35,315 for 1963 and $47,915 in 1964. The Appendix X illustrates the extent of foster home care State by State from 1961 to 1964.

Just as in New Zealand, there are several problems attendant on foster home care in Malaysia. These include the common difficulty of securing sufficient suitable foster parents. One of the main reasons is that some people fear that they may become too attached to the foster children to be able to give them up when the time comes for them to do so.

Another problem arises from the fear and ignorance on the part of the parents who, consequently, prefer to send their children to an institution. However, some people have the wrong idea that their responsibility towards their children ceases with the children's admission to an institution. It is not an uncommon problem for a social worker having to trace parents who disappear from the scene.

Finally, another problem is a lack of qualified casework staff.

As most of the problems arise out of public ignorance of the nature and aim of foster home care, the obvious remedy seems to be to find ways to dispel the ignorance through educating the public. Although the Department does not want to encourage fostering of children through monetary incentives, thus reducing the programme to mercenary level, this does not mean that wider publicity on the work and the need for foster homes should not be undertaken. Much of the
publicity can be done through the press, dissemination of explanatory pamphlets, and, for those who are illiterate, other media such as T.V., radio and documentary film shows can be employed.

(c) Institutional Care:

Institutional care is provided in eight Government Children's Homes, 9 (Appendix XI) one for babies and toddlers, two for boys and the rest for children of both sexes.

Under the Children and Young Persons (Places of Safety) Rules, 1958, two forms of education are provided. For those of school age, the usual formal education is provided in the Homes, although where practicable preference is given for children to attend ordinary school outside the Homes. Vocational education prepares older children for the later responsibility of supporting themselves. Actually, an ingenious system is worked out so that the Boys' Home at Serendah complements the training of that at the Malacca Boys' Home. The Malacca Boys' Home receives all boys with academic potentialities, whereas the Serendah Boys' Home provides vocational training such as in motor repairing, woodwork and carpentry, tailoring, fishing and poultry keeping, and gardening. Presumably, domestic training is given for girls in the other Homes. Appendix XII illustrates the type and cost of education of children in the eight Homes.

Although the aim of the Homes is to equip the children materially, intellectually and emotionally, it is also the aim of the Homes that children should not be brought up divorced from outside community.

9 By 1964, there were 27 voluntary Children's Homes caring for 1,950 needy children. (Department of Social Welfare Annual Report, 1964, Appendix X.)
Thus, where possible, they are encouraged to keep in contact with their own people.

Furthermore, there has been a new trend to initiate a more personal form of care in the homes by having them broken into small family units. For example, in 1964, two new homes — the Tengku Ampuan Fatimah Children's Home in Kuantan and the Tengku Bujarich Children's Home in Kuala Lumpur — were opened to replace the old homes. Both homes were constructed on the 'cottage system' each comprising four dormitories, one nursery and a sick bay. The maximum capacity for each dormitory is 15 and 20 in the nursery. Perhaps the figure for the nursery is rather high, in which case, finance permitting, another nursery and the consequent increases of staff would perhaps improve the present programme for more individual care of children.

In regard to the care of children as a whole, another interesting function of the Children's Service Section is the organisation of the Universal Children's Day on 6 October of each year. The Section collaborates with the Malayan Child Welfare Council which received a yearly grant for the celebration. In 1963, the grant was M.S5,000. Some of the programmes in the 1963 celebration included taking the children to visit places of interest in and around the capital, and arts and crafts competitions for the handicapped children. The theme of the 1963 Universal Children's Day was 'A National Policy for Children.' The scheme is specially valuable for dependant children, because it gives them an opportunity to take part in the celebration with other children. As a method of rehabilitation, it is well to
expand the scheme, for example, by opening the Arts and Crafts competition to all children. The theme of the Day could be probably based more on the level of children's comprehension since it is their day.

Appendix XIII summarises the extent and type of work covered by the Children's Service Section.

Probation and Approved Schools Services Section:

There are several factors which lead to juvenile delinquency in Malaysia, namely: 10

(a) Deprivation or lack of parental care and attention because of broken home, too large a family, or both parents being at work;

(b) Economic poverty coupled with housing problems;

(c) Migration of youth from rural to urban area without any proper means of subsistence;

(d) Lack of leisure time facilities and recreational activities;

(e) Too many early school leavers from the lower secondary who are not able to continue with their studies and at the same time not qualified enough for employment;

(f) Bad associations.

It can be seen that most of these factors are environmental, and the work of the Section, therefore, largely centres around the correction of environmental influences.

Three approaches are used:

(a) Preventive supervision by probation officers;
(b) Placement at remand homes and probation hostels;
(c) The approved school services.

As mentioned earlier, the activities of the Section are governed by the Juvenile Courts Ordinance, 1947.

Section 12 (1) (a) authorises the Court to make probation orders for juvenile offenders for such specified period as the Juvenile Court thinks fit. The probation system seeks to rehabilitate a juvenile offender while he remains in the community at his normal work or school. The emphasis in dealing with the young offenders is more on treatment and less on punishment. One of the main duties of a Probation Officer is to investigate and report on the background and personality of the offender, and treatment consists mostly of helping the offender to surmount his difficulties and develop healthy leisure activities. By 1963, there were 70 Social Welfare Officers gazetted as Probation Officers covering the country. 11

Where it is considered that the offender needs a change of environment, he is taken to one of the remand homes or a probation hostel.

These institutions are equivalent to the receiving homes in New Zealand and are provided for the purposes of:

(a) detention of juvenile offenders who are not released on bail pending disposition of their cases;
(b) for conditional residence on probation orders;

(c) Places of transit;
(d) as hostels for juveniles wanting temporary accommodation.

The average stay is one year and every attempt is made to make life at the home or hostel as close as possible to that in a normal home. Outside activities such as schooling, employment and leisure activities and other outside contacts are encouraged. Within the home and the hostel, emphasis is on community living in the same way as is found in the New Zealand receiving home and boys' homes.

To date, there are seven remand homes/hostels for boys and one for girls, situated in Penang, Gejeh Mati (Kedah), Ipoh, Kuala Lumpur (one boys and one for girls), Malacca, Johore Bahru and Kuala Terengganu. As an illustration, in 1963, there were 565 admissions against 599 discharges. The number of residents admitted on remand and on transit was 261 and 275 respectively. At the end of the year, the total number of residential population was 93 (including 13 girls). In short, there was a high turn-over of cases at the homes and the hostels as there has always been in the boys' homes or the receiving homes in New Zealand. The very nature of the purposes of the homes creates an unsettled community life for it is not the aim of the homes to institutionalise the children for longer than is necessary.

For more serious cases such as criminal offences, the Approved Schools, as a last resort, are used. The usual term of stay is 3 years, although earlier release may be considered, depending on good conduct. On being released, a juvenile receives after-care in

the form of supervision by a probation officer for 3 years or until he reaches 18 years of age.

Like the institutions for long-term care in New Zealand, the aim of these Schools is to help the inmates to overcome their difficulties and develop more socially acceptable standards through precepts, discipline, educational and vocational training and healthy leisure-time activities.

By 1963, there were four Approved Schools, three for boys and one for girls. Each of the boys' Schools has the maximum accommodation for 120 boys and the girls' School for 50. The Girls' School (Sungei Lelong Girls' School, Malacca) takes in girls of all ages, but the boys' Schools are classified according to age groups at the time of admission. Thus: Sungei Besi Boys School (Kuala Lumpur) takes boys between 14 and 17 years; Taiping Boys' School (Taiping) between 12 and 14 years and Camp School (Telok Ayer Towar) below 12 years.

Each Approved School has its own Board of Visitors appointed under the Approved Schools Rules, 1949. Appointments of the Visitors are made by the Minister of Welfare Services and their duties include inspection of the schools and review of each case so as to authorize either release or extension of stay of inmates.

During 1963, there were 147 admissions made at the four schools; 28 juveniles were also admitted for care and protection. At the same time, 200 pupils were released, some of them went to urban areas from where they originally came. The after-care supervision helped them to steer clear of bad environmental influences.
The problems of juvenile delinquency are not only complex but everchanging. This is generally recognised as is evident by the quotation from the Annual Report, Department of Social Welfare, 1963:

"New institutions and new methods must be found to meet its challenge and to keep up with its pace and intensity. Unless measures are planned at a sufficiently early stage to meet this increase (in juvenile delinquency), many of the benefits of independence and economic development will be seriously undermined." 13

The same views were expressed by the Superintendent in the New Zealand Child Welfare Annual Report 1966, when he quoted the report for 1966 of the Chief of Children's Bureau of the United States Department of Health, Education and Welfare:

"What is alarming is that juvenile delinquency rose three and one-half times faster in 1964 than four percent increase during that year in the child population between the ages of 10 and 17. The prediction that one out of every nine children will be referred to a juvenile Court for delinquency - before reaching 18 years of age - points out how urgent it is to speed our efforts to meet the needs of our growing child population. We are paying an enormous price now - and the price will be even higher - if we do not take every step in our power to stem the rising tide of juvenile delinquency." 14

**Summary:**

As mentioned earlier, a striking feature of the Ordinances — the Children and Young Persons Ordinance, 1947; the Juvenile Courts Ordinance, 1947; the Adoption Ordinance, 1952, and the Registration of Adoptions Ordinance, 1952 — is their heavy reliance on the English model. This is inevitable because there is no distinctly Asian social theory; consequently, it has been necessary to adopt the Western methods. During the implementation of the Ordinances, good use has been made of the opportunity of adapting the Western methods to meet local needs. Thus legal provisions are made to protect transferred children and to prohibit trafficking in children.

Today the system in Malaysia is still at an experimental stage whereas the New Zealand system has long established itself. There are some aspects of the New Zealand system that probably would be worthwhile for Malaysia to study, for example the 'family home' care, the Juvenile Crime Prevention Section, and the adoption procedure.

In implementing new ideas, the child welfare services face several problems, some of which are the shortage of qualified staff, lack of research facilities, and financial difficulties.

The shortage of qualified staff used to be very acute. In 1959 an in-service-training plan was introduced with two main aims: to provide refresher courses for existing staff, and to train newly recruited officers. This plan provides the main avenue for training of staff.

The other avenue is the University of Singapore which offers
two Diploma courses in Social Studies, part I and part II. Part I, which offers the basic qualification for social welfare workers, is a two-year course and is a combination of theoretical studies in social work and other allied subjects, with practical work. The course is open to University graduates and non-graduates who pass the Special Entrance Examination. Most of the candidates who fall in the second group go to the University on secondment.

The Diploma in Social Studies, part II, is a separate and more advanced course which is more specialised in nature. It was started in 1957, and is open to holders of Part One Diploma and candidates of equivalent qualifications from overseas universities.

Since the number of staff that can be trained at the University of Singapore is limited, the main supply of trained staff is the in-service-training plan. This is one possible avenue that can be extended to provide increased supply of trained staff.

Another way is to introduce a Social Science course at the University of Kuala Lumpur. The course as provided by the University of Singapore tends to emphasise urban rather than rural social welfare problems, and probably Chinese problems as that race forms more than three-quarters of the population in Singapore. In Malaysia, the population of Chinese roughly balances that of the Malays and there is also a strong Indian minority. According to the last population census (1957), out of 2,126,000 people who made up the labour force, 1,245,000 were engaged in agriculture. 15 Obviously, the social

problems and needs of Malaysia are different from those of Singapore. Hence, there is a need for an appropriate course at the local university. Undoubtedly, such projects would involve a substantial amount of money.

Under the present financial arrangements, contributions are made by the Federal Government and the State Governments. Another source of financial support is the Social Welfare Lotteries Board, but the funds are limited by the Foundation Ordinance (1950) to the use of non-statutory organizations. Thus, it seems that statutory services have to rely mainly on financial support from the Federal and the State Governments. In 1963, Federal Government’s contribution amounted to M.£ 4,180,535, while contributions from the eleven State Governments totalled M.£ 3,614,374. The total M.£ 7,794,908 covered expenditure for social welfare as a whole. As the provision for dependent children is bound up with the social welfare work, it is not possible to make an estimate of the actual amount spent for dependent children services.

Nevertheless, it may be assumed that the prospect of adequate financial provision for social welfare, including that of children’s services, is not too unfavourable, in spite of difficulties in recent years resulting from political factors, from the nature of a dependent economy, and the pressing needs to provide basic social services such as schools and hospitals, and provide essential capital investments.

As basic social services develop, there follows a greater demand for social welfare services. The experience of Malaysia in recent years and of New Zealand over a longer period probably indicates that the overall development of a country involves also the development of provisions for her dependent children.
CHAPTER VIII

CONCLUSION.

The problems of dependent children are not only varied but also complex. Although in extreme cases it is easy to separate children who need help and protection from those who are criminal offenders, in the majority of cases it is difficult to decide where destitution stops and criminality begins. This is because the former greatly influences the occurrence of the latter. It is so very easy for a destitute, neglected child to develop into an ineffective personality, and a juvenile delinquent. Because it is difficult to decide to what extent personality factors influence an individual’s development, it is not surprising that in the past, whether in New Zealand or Malaysia, the tendency was to treat both groups in the same manner — by a penal approach.

Today the tendency is to try to treat the environmental factors along with the personality factors.

Thus in New Zealand, various forms of benefits, monetary or otherwise, exist in an attempt to keep the family intact, because the general belief is that every child is entitled to his natural home. Since the turn of this century, also, preventive supervision has been playing an increasingly significant part to rehabilitate the juveniles without having to take them away from the community for they form an integral part of the community they are in.

Where the natural home does not exist or has broken up, a substitute home is found for the dependent children. This is an attempt to offer them a normal home life.
It is only as a last resort that placement in an institution is made — when it is considered that a child needs rehabilitation away from his original environment.

In the past, the method of rehabilitation was of a penal nature. New Zealand has come a long way and developed its present system which is more in keeping with modern psychology which states that, to a great extent, the deprivation of normal home life is one of the causes of the various forms of juvenile delinquency. Thus, in the treatment of juvenile cases the main emphasis is on educational methods based on love, friendship and recognition of the needs of an individual child in a family setting.

In short, it can be said that since the passing of the Neglected and Criminal Children Act 1967, New Zealand has evolved a system that aims to cater for all the needs of dependent children. Whatever modifications and innovations that will be made in the future, they are likely to be peripheral.

In contrast, Malaysia is still experimenting and finding a system that will best answer the needs of local problems. Her two major problems are and will be finance and shortage of qualified staff. In the words of K. Jones: "If we look at what has been achieved to date, there is much of which Malaya (Malaysia) can be proud. If we look at what remains to be done, there is no room for complacency." 1

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1 Jones, K. Social Welfare in Malaya, p. 49.
APPENDIX I

Education Department,
Wellington, 1st November, 1905.

The Under-Secretary for Justice.

With reference to the circular issued by your Department on the 26th March, 1901, I am directed to ask you to be good enough to bring under the notice of the Stipendiary Magistrates the following revised statement of the purposes of the several industrial schools and reformatories.

GOVERNMENT SCHOOLS
Auckland Industrial School (Mount Albert)

For girls of any age, so long as they do not need reformatory treatment; and for boys not too old or too wild to be boarded out, or who can be placed at once at service or in the Costley Training Institution.

Boys' Training Farm, Wararoa, near Levin, Wellington. (Gazetted 26th October, 1905)

This Institution, to which the boys in the Caversham Industrial School are now being transferred, is open for the reception of boys who do not need reformatory treatment, but are not suitable for boarding out, either by reason of their age or temperament.

Wellington Receiving Home.

For young boys and girls fit to be boarded out, and for older girls that can be trusted at service.

To Oranga Home, near Christchurch (Reformatory).

This is a reformatory for girls whose character requires that they shall be kept under strict discipline. If young women of confirmed vicious or depraved habits are committed to the Home, the Department is able to make provision for their transfer to institutions more specially fitted for the care of such persons.

Christchurch Receiving Home.

The purpose of this Institution is similar to that of the Wellington Receiving Home — viz., to receive young boys and girls fit to be boarded out and for other girls that can be trusted at service.
Burnham Industrial School (Reformatory).

This is a reformatory for boys whose vicious or criminal tendencies do not admit of their being dealt with at any of the other Government or private industrial schools. The classification of the inmates provides for their separation according to various degrees of improvement.

Gaversham Industrial School, near Dunedin.

The purpose of this Institution is now similar to that of the Auckland Industrial School; it is for girls of any age so long as they do not need reformatory treatment; and for boys not too old or too wild to be boarded out, or who can be placed at once at service.

Children of any religious denomination may be sent to the before-mentioned schools.

PRIVATE INDUSTRIAL SCHOOLS.

The private industrial schools that have been proclaimed under the Industrial Schools Act are: St. Mary's, Auckland (Girls' Branch at Ponsonby and Boys' Branch near Lake Takapuna); St. Joseph's, Wellington (Girls); St. Mary's, Nelson (Girls' Branch at Nelson, Boys' Branch at Stoke); St. Vincent de Paul's, South Dunedin (Girls). The boys' schools mentioned in this paragraph deal with boys of any age, so long as they do not need reformatory treatment, and the girls' schools deal with a similar class of girls; but, all these private institutions receive children of only the Roman Catholic faith.

Although the above outline explains briefly the intended purpose of each of the establishments under the Industrial Schools Act, there will probably be many cases in which Magistrates will find a difficulty in determining which institution is best suited to receive any given boy or girl, and the Department would therefore be grateful if the Magistrates would, in any case of doubt, consult one of the managers, or this Department, for the purpose of arriving at a satisfactory conclusion as to which of the institutions will best meet the circumstances of the case. If this is done, the expense that has hitherto been incurred in transferring boys and girls immediately upon, or soon after, their admission to a school, will be much reduced.

R. C. GIBBES,

Secretary for Education.
# APPENDIX II

NORMAL CLOTHING AND OUTFIT REQUIREMENTS OF HARDS BOARDED-OUT AS SUPPLIED BY THE DIVISION.

### For Babies and Infants (1 year old)

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Item</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Singlet</td>
<td>4</td>
<td>Cardigans</td>
<td>2</td>
</tr>
<tr>
<td>Rompers</td>
<td>4</td>
<td>Leginette suit</td>
<td>1</td>
</tr>
<tr>
<td>Petticoats</td>
<td>3</td>
<td>Booties</td>
<td>4 pairs</td>
</tr>
<tr>
<td>Napkins</td>
<td>3 dozen</td>
<td>Bibs</td>
<td>6</td>
</tr>
<tr>
<td>Flannel squares</td>
<td>6</td>
<td>Bonnets</td>
<td>2</td>
</tr>
<tr>
<td>Waterproof pants</td>
<td>2 pairs</td>
<td>Shawl</td>
<td>1</td>
</tr>
<tr>
<td>Nightgowns</td>
<td>4</td>
<td>Suitcase</td>
<td>1</td>
</tr>
<tr>
<td>Waterproof sheet</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### For Infants (1 - 2 years old)

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Item</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Cape coat</td>
<td>1</td>
<td>Singlets</td>
<td>4</td>
</tr>
<tr>
<td>Raincoat</td>
<td>1</td>
<td>Socks</td>
<td>3 pairs</td>
</tr>
<tr>
<td>Hat</td>
<td>1</td>
<td>Shoes</td>
<td>1 pair</td>
</tr>
<tr>
<td>Sunhat</td>
<td>1</td>
<td>Sandals</td>
<td>1 pair</td>
</tr>
<tr>
<td>Romper suits</td>
<td>3</td>
<td>Slippers</td>
<td>1 pair</td>
</tr>
<tr>
<td>Dresses</td>
<td>3</td>
<td>Dressing gown</td>
<td>1</td>
</tr>
<tr>
<td>Cardigans - daily</td>
<td>2</td>
<td>Pyjamas</td>
<td>3</td>
</tr>
<tr>
<td>&quot; - best</td>
<td>1</td>
<td>Handkerchiefs</td>
<td>6</td>
</tr>
<tr>
<td>Bloomers</td>
<td>4 pairs</td>
<td>Comb</td>
<td>1</td>
</tr>
<tr>
<td>Hairbrush</td>
<td>1</td>
<td>Suitcase</td>
<td>1</td>
</tr>
<tr>
<td>Toothbrush</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### For Pre-School Children (3 - 5 years old)

- **Overcoat**: 1  
- **Raincoat**: 1  
- **Cap, Hat**: 1  
- **Sunhat**: 1  
- **Shoes**: 1 pair  
- **Sandals**: 1 pair  
- **Gumboots**: 1 pair  
- **Slippers**: 1 pair  
- **Socks - winter**: 3 pairs  
- **Socks - summer**: 3 pairs  
- **Singlets**: 3  
- **Boy's underpants**: 4  
- **Girl's bloomers**: 4 (winter)  
- **Girl's bloomers**: 4 (summer)  
- **Boy's shirts - winter**: 3 sets  
- **Boy's shirts - summer**: 3 sets  

### For Boys of School Age (5 - 15 years old)

- **Overcoat - winter**: 1  
- **Gym shoes**: 1 pair  
- **Raincoat**: 1  
- **Gumboots**: 1 pair  
- **Sweater**: 1  
- **Socks - school**: 4 pairs  
- **Cap**: 1  
- **Best - best**: 2 pairs  
- **Sunhat**: 1  
- **Underpants**: 3 pairs  
- **School shoes**: 1 pair  
- **Singlets**: 3  
- **Best shoes**: 1 pair  
- **Pyjamas - summer**: 2 pairs  
- **Sandals**: 1 pair  
- **Best - winter**: 2 pairs  
- **Slippers**: 1 pair  
- **Jeans**: 2 pairs
<table>
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<th>Item</th>
<th>Quantity</th>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shorts - school</td>
<td></td>
<td>T-shirts</td>
<td>2</td>
</tr>
<tr>
<td>- summer</td>
<td>2 pairs</td>
<td>Pullovers (school)</td>
<td>1</td>
</tr>
<tr>
<td>- winter</td>
<td>1 pairs</td>
<td>&quot; (best)</td>
<td>1</td>
</tr>
<tr>
<td>- best</td>
<td>1 pair</td>
<td>Sports Jacket</td>
<td>1</td>
</tr>
<tr>
<td>Sports trousers</td>
<td>1 pair</td>
<td>Blazer (school)</td>
<td>1</td>
</tr>
<tr>
<td>Swimming shorts</td>
<td>1 pair</td>
<td>Ties</td>
<td>2</td>
</tr>
<tr>
<td>Shorts - casual</td>
<td>2 pairs</td>
<td>Suitcase</td>
<td>1</td>
</tr>
<tr>
<td>Shirts - school</td>
<td></td>
<td>Scarf</td>
<td>1</td>
</tr>
<tr>
<td>- summer</td>
<td>2</td>
<td>Belt</td>
<td>1</td>
</tr>
<tr>
<td>- winter</td>
<td>2</td>
<td>Toothbrush</td>
<td>1</td>
</tr>
<tr>
<td>- best</td>
<td>1</td>
<td>Comb</td>
<td>1</td>
</tr>
<tr>
<td>Dressing gown</td>
<td>1</td>
<td>Handkerchiefs</td>
<td>10</td>
</tr>
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</table>

For Girls of School Age (5 - 15 years old)

<table>
<thead>
<tr>
<th>Item</th>
<th>Quantity</th>
<th>Description</th>
<th>Quantity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overcoat - winter</td>
<td>1</td>
<td>Petticoats</td>
<td>2</td>
</tr>
<tr>
<td>Raincoat &amp; hood</td>
<td>1</td>
<td>Brasieres</td>
<td>2</td>
</tr>
<tr>
<td>Berets</td>
<td>2</td>
<td>Singlets</td>
<td>4</td>
</tr>
<tr>
<td>Shoes - school</td>
<td>1 pair</td>
<td>Cardigan - best</td>
<td>1</td>
</tr>
<tr>
<td>&quot; - best</td>
<td>1 pair</td>
<td>&quot; - school</td>
<td>1</td>
</tr>
<tr>
<td>Sandals</td>
<td>1 pair</td>
<td>Dressing gown</td>
<td>1</td>
</tr>
<tr>
<td>Slippers</td>
<td>1 pair</td>
<td>Frock - summer</td>
<td></td>
</tr>
<tr>
<td>Gym shoes</td>
<td>1 pair</td>
<td>&quot; - best</td>
<td>1</td>
</tr>
<tr>
<td>Gumboots</td>
<td>1 pair</td>
<td>&quot; - others</td>
<td>2</td>
</tr>
<tr>
<td>Stockings</td>
<td>3 pairs</td>
<td>Frock - winter</td>
<td></td>
</tr>
<tr>
<td>Sockettes</td>
<td>4 pairs</td>
<td>&quot; - best</td>
<td>1</td>
</tr>
<tr>
<td>Bloomers - summer</td>
<td>4 pairs</td>
<td>&quot; - others</td>
<td>2</td>
</tr>
<tr>
<td>&quot; - winter</td>
<td>4 pairs</td>
<td>Shorts</td>
<td>2 sets</td>
</tr>
<tr>
<td>Suspender Belt</td>
<td>1</td>
<td>Jeans</td>
<td>2 pairs</td>
</tr>
<tr>
<td>Item</td>
<td>Quantity</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pyjamas - winter</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>&quot; - summer</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bathing suit/cap</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Toothbrush</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comb</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hairbrush</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handkerchiefs</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suitcase</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Source of Lists:** Manual of Child Welfare Division, Table U, No. 6.
APPENDIX III

THE STAFF AT KINGSLEA.

Principal, G.I.
Assistant Principal, G.I.
Senior Counsellor
Nurse
Clerk, Basic
Typist
Clerical Assistant

Housemistress, G.I.
Housemaster, G. II.
Housemaster, G. II.
Housemistress, G. II.
Housemistress, G. II.

Teacher, Senior,
Teacher, First Assistant
Teacher
Teacher
Teacher
Housecraft Teacher
Recreation Officer

Matron, G. II., Nightingale
Matron, G. II., Slessor
Matron, G. III., Hostel
Matron, G. III., Scottford
Matron, G. IV., Keller
Matron, G. IV., Clinic

Sub-Matron, G. I., Nightingale
Sub-Matron, G. II., Nightingale
Sub-Matron, G. II., Slessor
Sub-Matron, G. III., Slessor
Sub-Matron, G. III., Hostel
Sub-Matron, G. III., Scottford
Sub-Matron, G. IV., Keller
Sub-Matron, G. IV., Clinic
Sub-Matron, G. IV., Reliever
Sub-Matron, G. IV., Reliever

Cook, G. III.
Cook, G. III.
Cook, G. III.
Cook, G. III.

Instructress, Sewing, G. III.
Instructress, Sewing, G. III.
Laundress, G. II.
Matron's Assistant, G. I., (1)
Matron's Assistant, G. I., (2)
Matron's Assistant, G. I., (3)
Matron's Assistant, G. I., (4)
Matron's Assistant, G. I., (5)
Matron's Assistant, G. I., (6)
Matron's Assistant, G. I., (7)
Matron's Assistant, G. I., (8)
Matron's Assistant, G. I., (9)
Matron's Assistant, G. I., (10)
Matron's Assistant, G. I., (11)
Matron's Assistant, G. I., (12)
Matron's Assistant, G. I., (13)
Matron's Assistant, G. I., (14)

Night Staff:
Matron's Assistant, G. I., (1)
Matron's Assistant, G. I., (2)
Matron's Assistant, G. I., (3)
Matron's Assistant, G. I., (4)
Matron's Assistant, G. I., (5)
Matron's Assistant, Reliving - Clinic

Gardeners - 3
NEW ZEALAND DEPARTMENT OF EDUCATION—CHILD WELFARE DIVISION
APPLICATION TO RECEIVE A CHILD WITH A VIEW TO ADOPTION

<table>
<thead>
<tr>
<th>APPLICANT'S SURNAMES:</th>
<th>Phone No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS: (Describe location if necessary.)</td>
<td></td>
</tr>
<tr>
<td>HUSBAND: (Christian names)</td>
<td>(Date of birth)</td>
</tr>
<tr>
<td>Occupation:</td>
<td>Employer:</td>
</tr>
<tr>
<td>Religious Denomination:</td>
<td>Approximate annual income:</td>
</tr>
<tr>
<td>WIFE: (Christian names) (Maiden surname)</td>
<td>(Date of birth)</td>
</tr>
<tr>
<td>Occupation:</td>
<td>Religious denomination:</td>
</tr>
<tr>
<td>When were you married? / /19</td>
<td>Where were you married?</td>
</tr>
<tr>
<td>Have you any children of your own, or of one of you? If so, give their full names and birth dates:</td>
<td></td>
</tr>
<tr>
<td>Have you previously adopted a child? If so, give name(s) and birthdate(s):</td>
<td></td>
</tr>
<tr>
<td>If either of you has been married previously please state how the previous marriage was terminated. Where and when did this take place? If the wife has been married previously state her former name:</td>
<td></td>
</tr>
<tr>
<td>Has either of you been adjudged guilty of any offence against the law? If so give details and dates:</td>
<td></td>
</tr>
<tr>
<td>Give the names and addresses of at least two persons (not being relatives) who know you well as a married couple and who would be able to vouch for your character and suitability to adopt a child: (Note—References will be asked to report independently)</td>
<td></td>
</tr>
<tr>
<td>Do you have a particular child in mind in making this application? If so, give his or her name:</td>
<td></td>
</tr>
<tr>
<td>If you have preferences as to the age, sex, religious denomination of the child you hope to adopt, or any other matters concerning the child please state these together with any special reasons for your preferences:</td>
<td></td>
</tr>
</tbody>
</table>

The District Child Welfare Officer,

We have considered this matter together and now make joint application to take into our home a child for adoption. We believe that we can adequately maintain and satisfactorily care for any child who may be placed with us. We realise that our application may not succeed, or that we may have to wait a considerable time before a placement can be arranged.

(Husband) Date: / /19

(Wife) Date: / /19
## Child Welfare Officer's Summary Report on Adoptive Applicants

<table>
<thead>
<tr>
<th>APPLICANTS’ SURNAME:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>[Descriptive]</td>
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<table>
<thead>
<tr>
<th>Address:</th>
<th>Solicitor:</th>
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</table>

<table>
<thead>
<tr>
<th>Referred by</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Applications with Other Agencies:</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Reasons for Wishing to Adopt:</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Medical Advice About Infertility?</th>
<th>Doctor:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Present Accommodation:</th>
<th>Own Renting Buying House</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Expected Accommodation:</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Financial Position: (Broad outline only)</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Personal Background: (e.g.)</th>
<th>Wife:</th>
</tr>
</thead>
</table>

- Health
- Standard of education
- Intelligence
- Standard of living
- Personality
- Cultural and recreational interests
- Church affiliation
- Experience in child care

<table>
<thead>
<tr>
<th>Applicants' Description:</th>
<th>Husband:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Race</th>
<th>Wife:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Attitude to “Difficult” Placement:</th>
<th>Willing to Board a Child While Waiting?</th>
</tr>
</thead>
</table>

- (e.g., part-Maori, handicapped, or older child)

<table>
<thead>
<tr>
<th>Officer's Impressions:</th>
<th></th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Summary of Referees' Oral Comments:</th>
<th>Summary of Oral Police Report:</th>
</tr>
</thead>
</table>

/ /19

Senior Officer's Comments:

/ /19
POLICE REPORT ON APPLICANTS FOR ADOPTION

The Commissioner of Police,
WELLINGTON.

The persons named below wish to adopt a child. Would you please cause your records to be searched and advise me of any information which should be made known to the Court to assist it in deciding whether or not an application for an adoption order should be granted.

/ /19

Applicant's surname: ..................................................

Husband's forenames: .............................................

Husband's occupation: ..........................................

Wife's forenames: .................................................. Year born: __________________

Wife's maiden or earlier surname(s): ..................................

Applicant's address: ..................................................

(If moved to this address within three years, give former address also)

Any convictions disclosed: ........................................

Date of previous Police Report and Record No.: ...................

The District Child Welfare Officer,
P.O. Box

This Headquarters has no information about the above-named applicants.

The following information should be brought to the notice of the Court in the event of an application being made for an adoption order:

/ /19

for Commissioner of Police.
## NEW ZEALAND DEPARTMENT OF EDUCATION — CHILD WELFARE DIVISION

### REPORT ON CHILD AVAILABLE FOR ADOPTION

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CHILD:</strong></td>
<td></td>
</tr>
<tr>
<td>Christian name</td>
<td></td>
</tr>
<tr>
<td>Surname</td>
<td></td>
</tr>
<tr>
<td>Sex</td>
<td></td>
</tr>
<tr>
<td>Born</td>
<td></td>
</tr>
<tr>
<td><strong>Confinement at:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Due:</strong></td>
<td></td>
</tr>
<tr>
<td>Registered at:</td>
<td></td>
</tr>
<tr>
<td><strong>Religious denomination and any condition:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Birth weight:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Full term?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Legitimate:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Description:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>MOTHER:</strong></td>
<td></td>
</tr>
<tr>
<td>Christian name</td>
<td></td>
</tr>
<tr>
<td>Surname by which known</td>
<td></td>
</tr>
<tr>
<td><strong>Race:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Religious denomination:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Temporary address:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Doctor:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Solicitor:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Health, education, intelligence, personality, family history:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Description:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Reasons for desiring adoption:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Any other children?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>If mother is single, are her parents aware of situation?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>LEGAL POSITION:</strong></td>
<td></td>
</tr>
<tr>
<td>Mother's name</td>
<td></td>
</tr>
<tr>
<td>Father's or Husband's name</td>
<td></td>
</tr>
<tr>
<td><strong>Consents:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>If mother is married, has marriage terminated?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>How:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>When:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Where:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>If husband is not father of child, what is position regarding paternity, maintenance, husband's consent, address?</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Position regarding paternity and maintenance:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Officer's comments:</strong></td>
<td></td>
</tr>
</tbody>
</table>

---

C.W.O.
NEW ZEALAND DEPARTMENT OF EDUCATION—CHILD WELFARE DIVISION

CHILD WELFARE OFFICER'S APPROVAL FOR THE PLACEMENT OF A CHILD FOR THE PURPOSE OF ADOPTION

[Section 6 (1) (a) Adoption Act 1955]

Acting under the authority of section 6 (1) (a) of the Adoption Act 1955,

I, .........................................................................................., Child Welfare Officer,

of .............................................................................................. hereby approve the placement

in the home of ................................................................................................... and

.............................................................................................................................. his wife,

at ............................................................................................................................

of ...........................................................................................................................

(a ...... male child born on .......... at ..........................................................)

for the purpose of adoption.

............................................................................................................................

Date

............................................................................................................................

Child Welfare Officer.

NOTE—This approval is valid for one month only. Within one month from the date of the approval the adopting parents must, if the child concerned is still in their care, apply to the Court for an interim order of adoption. Failure to apply could constitute an offence under section 27 (a) of the Adoption Act 1955.
APPENDIX IX

Adoption Regulations 1959.

Reg. 6  Application for an Adoption Order.  Form 1

In the Magistrate's Court held
at.............

Adoption No............

In the matter of the Adoption Act
1955:

and

In the matter of an application
by.............to adopt a child.

(We) (I) (Full name or names), of (address, occupation), will apply


to the Magistrate's Court at.............on (to be filled in by Registrar)

day the...........day of.............19....., at.............a.m., to adopt

(Sex) child, born at.............on the...........day of

.............19.....

*Name may be omitted if applicants so wish.

We desire that on the making of the adoption order the names of the

child shall be.............

Dated at.............this...........day of.............19.....

Signature.............

Signature.............


Reg. 9  CONSENT TO ADOPTION ORDER.  Form 2

(General Form)

In the Magistrate's Court held
at.............

Adoption No............

In the matter of the Adoption Act
1955:

and

In the matter of an application to

adopt.............

(We) (I) (Full name or names), of (address, occupation), the parents

(or the mother or the father or the guardian) of (Full name), a (Sex)

child, born at.............on the...........day of.............19....., hereby

consent to an order being made for the adoption of the said child by

(Full name), of (address, occupation) * and (full name), his wife.
(Where appropriate in accordance with regulation 8 (2) (a) of the Adoption Regulations 1959 add.) A copy of the entry in the register of births relating to the said child is hereunto annexed.

We/I have read the explanation set out below of the effect of an order.

Signed by the said... on the... day of ... in the presence of **

A.B.  
(Occupation and address).

Signed by the said... on the... day of ... in the presence of **

C.D.  
(Occupation and address).

* Delete if inapplicable.  ** Witness must be one of the persons specified in section 7 (8) of the Adoption Act 1955, but not the solicitor acting for the applicants. See reg 9 (2) of the Adoption Regulations 1959.

Effect of Adoption Order.

Upon the making of an adoption order —

(a) The child is deemed for all purposes and as regards all relationships to become a legitimate child of the adoptive parents;

(b) Rights of guardianship and existing relationships in respect of the child cease except for the very special purpose of determining forbidden relationships in connection with marriage and with the crime of incest;

(c) Rights in respect of property and succession to property are determined according to the relationships created by the adoption, but property rights acquired before the adoption are not affected;

(d) Any affiliation order or maintenance order or agreement which provides for maintenance of the child, if made before the adoption order, ceases to have any effect except as to arrears owing and except where the child is adopted by the mother or by the mother and her husband:

Provided that, where the child is adopted by the mother or by the mother and her husband, the adoption does not prevent the making of any affiliation order or maintenance order which could previously have been made or prevent the mother from making an application for an affiliation or a maintenance order;

(e) The domicile of the child is changed to that of the adoptive parents, but the child's race, nationality, and citizenship are not affected.

Certificate by Witness

I hereby certify that before the said... signed the foregoing consent I fully explained to him (or her or them) the effect of the making of an adoption order as set out in the Adoption Act 1955, and that he (or she or them) appeared fully to understand the same.
Reg. 9 CONSENT TO ADOPTION ORDER Form 3
(Where identity of applicants is not known)

(Title as in form No. 2)

(we) (I) (Full name or names), of (Address, occupation), the parents
(or the mother or the father or the guardian) of (Full name) a (Sex)
child, born at............on the............day of............19............ hereby
consent to an order being made for the adoption of the said child by
the applicant or applicants named in Application No............(or the
person(s) who are (or is) entitled to receive the said child for
adoption in accordance with an approval which was given on............by
............a Child Welfare Officer), * subject to the following conditions
with respect to the religious denomination and practice of the
applicants or any applicant or as to the religious denomination in
which the applicant or applicants intend to bring up the child:

(Where appropriate in accordance with regulation 8 (2) (a) of the
Adoption Regulations 1959) add) A copy of the entry in the register
of births relating to the said child is hereunto annexed.

We/I have read the explanation set out below of the effect of an
order.

Signed by the said............on the............day of............19............ in the presence of **
A.B.
(occupation and address)

Signed by the said............on the............day of............19............ in the presence of **
C.D.
(occupation and address).

* Delete reference to religious condition if inapplicable.
** Witness must be one of the persons specified in section 7 (8) of
the Adoption Act 1955, but not the solicitor acting for the applicants,
See reg. 9 (2) of the Adoption Regulations 1959.
NOTICE OF INTERIM ORDER.

(Title as in Form 1)

To: .............. (Full name), of ..... (Address) and (Full name), his wife.

* Delete if inapplicable.

On .............. 19... the Court made an order in relation to your application to adopt a child. The order was an interim order only as required by the Adoption Act 1955, and while it remains in force the following conditions apply:

(a) You are entitled to the custody of the child "on the following terms:

(b) Any Child Welfare Officer may, at all reasonable times, visit and enter the residence in which the child is living:

(c) The child is not to be taken out of New Zealand without leave of the Court:

(d) You must give to a Child Welfare Officer at least seven days' notice before changing your residence:

Provided that where an emergency makes any immediate change necessary it will be sufficient if you give notice within forty-eight hours after leaving your previous residence.

The interim order is not an adoption order. An adoption order cannot be obtained until after a further application has been made to the Court after an interval of ........... The application to the Court for the issue of the adoption order may be made after ........... 19...* if the child has been continuously in your care for not less than ........... since the date on which the interim order was made or since such earlier date (if any) as the placing or receiving or keeping of the child in your home for the purpose of adoption was approved by a Child Welfare Officer.

The application to the Court for the adoption order must be made before the ........... 19... The interim order will lapse on that date.

If you do not apply in time you may lose the custody of the child.

........................

Registrar.
Reg. 12

APPLICATION FOR THE ISSUE OF AN ADOPTION ORDER AFTER AN INTERIM ORDER HAS BEEN MADE

(Title as in form No. 1)

The applicants hereby apply for the issue of an adoption order and state as follows:

(1) The interim order is in force and has continued in force for not less than (set out the prescribed period fixed by or in accordance with section 13 of the Adoption Act 1955).

(2) Where the child is under the age of fifteen years state facts to show that paragraph (b) of section 13 (1) of the Adoption Act 1955 has been complied with.

Dated at.............this................day of........19....

Signature:..................

To the Registrar,
Magistrate's Court,

Reg. 13 (1)

NOTICE OF ADOPTION ORDER

(Title as in form No. 1)

To:..................

An adoption order was issued (or made) in respect of..............
(State name of child following adoption) on..............19....

Registrar.
Reg. 13 (2) ADOPTION ORDER Form 7
(Where issued by Registrar)
(Title as in Form No. 1)

Whereas on the application of (name, address and occupation) * and (name) his wife, an interim order was made by ..........Exquire, Stipendiary Magistrate, for the adoption of (Full name), a (Sex) child, born at ..........on the ..........day of ..........19....., and the order specified that after the adoption order the child's name would be ..........

Now it is ordered that the said ..........be and he/she is hereby adopted by the said ..........and shall henceforth bear the name of ..........

Dated at ..........this ..........day of ..........19.....

Seal

........................................
Registrar

*Delete if inapplicable.

Reg. 13 (2) ADOPTION ORDER Form 8
(Where dealt with finally by the Court)
(Title as in Form No. 1)

Upon the application of (name, address and occupation) * and (name), his wife, it is ordered by ..........Exquire, Stipendiary Magistrate, that (full name), a (sex) child, born at ..........on the ..........day of ..........19....., be and he/she is hereby adopted by the said ..........and shall henceforth bear the name of ..........

Dated at ..........this ..........day of ..........19.....

Seal

........................................
Registrar

* Delete if inapplicable.
## APPENDIX X

**A Return of Boarding Out Placement showing Incidence and Comparative Cost for Years 1961-1964**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Johore</td>
<td>13</td>
<td>14</td>
<td>16</td>
<td>28</td>
<td>3,870</td>
<td>4,610</td>
<td>955</td>
<td>6,755</td>
<td>16</td>
</tr>
<tr>
<td>Malacca</td>
<td>13</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>4,525</td>
<td>2,325</td>
<td>730</td>
<td>360</td>
<td>1</td>
</tr>
<tr>
<td>Negri Sembilan</td>
<td>16</td>
<td>20</td>
<td>19</td>
<td>22</td>
<td>3,840</td>
<td>4,455</td>
<td>3,670</td>
<td>5,055</td>
<td>9</td>
</tr>
<tr>
<td>Selangor</td>
<td>11</td>
<td>30</td>
<td>51</td>
<td>64</td>
<td>2,250</td>
<td>3,745</td>
<td>4,590</td>
<td>6,955</td>
<td>14</td>
</tr>
<tr>
<td>Pahang</td>
<td>3</td>
<td>7</td>
<td>9</td>
<td>15</td>
<td>780</td>
<td>1,050</td>
<td>1,350</td>
<td>1,560</td>
<td>6</td>
</tr>
<tr>
<td>Perak</td>
<td>17</td>
<td>24</td>
<td>29</td>
<td>31</td>
<td>4,940</td>
<td>4,815</td>
<td>5,090</td>
<td>5,110</td>
<td>12</td>
</tr>
<tr>
<td>Penang</td>
<td>3</td>
<td>10</td>
<td>6</td>
<td>25</td>
<td>540</td>
<td>900</td>
<td>880</td>
<td>1,520</td>
<td>7</td>
</tr>
<tr>
<td>Kedah</td>
<td>18</td>
<td>27</td>
<td>52</td>
<td>58</td>
<td>4,085</td>
<td>5,690</td>
<td>7,875</td>
<td>9,050</td>
<td>15</td>
</tr>
<tr>
<td>Perlis</td>
<td>11</td>
<td>6</td>
<td>6</td>
<td>11</td>
<td>2,785</td>
<td>2,035</td>
<td>1,320</td>
<td>1,575</td>
<td>3</td>
</tr>
<tr>
<td>Kelantan</td>
<td>11</td>
<td>10</td>
<td>30</td>
<td>48</td>
<td>2,415</td>
<td>2,100</td>
<td>2,355</td>
<td>5,330</td>
<td>11</td>
</tr>
<tr>
<td>Trengganu</td>
<td>6</td>
<td>15</td>
<td>34</td>
<td>84</td>
<td>755</td>
<td>1,490</td>
<td>2,500</td>
<td>4,645</td>
<td>16</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td></td>
<td></td>
<td></td>
<td>1,164</td>
<td>120</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>122</td>
<td>167</td>
<td>253</td>
<td>122</td>
<td>31,949</td>
<td>33,341</td>
<td>35,315</td>
<td>47,915</td>
<td>110</td>
</tr>
</tbody>
</table>

**Source:** Department of Social Welfare Annual Report, 1964, Appendix VII.
### APPENDIX XI

**Admission and Discharges in Children's Homes with Statement of Comparative Cost, 1964.**

<table>
<thead>
<tr>
<th>Name of Home</th>
<th>Maximum accommodation allowed</th>
<th>Average numbers accommodated in 1964</th>
<th>Numbers in Homes on 31.12.64</th>
<th>Number admitted in 1964</th>
<th>Number discharged in 1964</th>
<th>Average cost per child per day for ration and fuel</th>
<th>Average cost per child per year for clothing and personal equipment</th>
<th>Per Capita Cost per child per day (PE &amp; COAR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sultan Abdul Aziz Children's Home, Kuala Kangsar</td>
<td>80</td>
<td>51</td>
<td>47</td>
<td>27</td>
<td>43</td>
<td>.94</td>
<td>54.18</td>
<td>4.15</td>
</tr>
<tr>
<td>Tengku Buhriah Home, Kuala Lumpur</td>
<td>80</td>
<td>60</td>
<td>61</td>
<td>97</td>
<td>117</td>
<td>1.07</td>
<td>50.40</td>
<td>2.50</td>
</tr>
<tr>
<td>Serendah Boys' Home, Serendah</td>
<td>100</td>
<td>81</td>
<td>87</td>
<td>32</td>
<td>24</td>
<td>.75</td>
<td>56.96</td>
<td>3.57</td>
</tr>
<tr>
<td>Negri Sembilan Children's Home, Seremban</td>
<td>80</td>
<td>59</td>
<td>66</td>
<td>50</td>
<td>29</td>
<td>1.02</td>
<td>44.51</td>
<td>3.57</td>
</tr>
<tr>
<td>Malaoca Babies Home, Malaoca</td>
<td>30</td>
<td>16</td>
<td>18</td>
<td>22</td>
<td>23</td>
<td>1.29</td>
<td>74.46</td>
<td>6.60</td>
</tr>
<tr>
<td>Malaoca Boys' Jubilee Home, Malaoca</td>
<td>100</td>
<td>72</td>
<td>69</td>
<td>16</td>
<td>15</td>
<td>.99</td>
<td>50.17</td>
<td>3.06</td>
</tr>
<tr>
<td>Jubilee Home for Children, Johore Bahru</td>
<td>130</td>
<td>107</td>
<td>96</td>
<td>46</td>
<td>26</td>
<td>.94</td>
<td>32.95</td>
<td>3.20</td>
</tr>
<tr>
<td>Tengku Ampuan Fatimah Home, Kuantan</td>
<td>80</td>
<td>57</td>
<td>56</td>
<td>39</td>
<td>24</td>
<td>.98</td>
<td>33.49</td>
<td>3.42</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>630</strong></td>
<td><strong>503</strong></td>
<td><strong>500</strong></td>
<td><strong>349</strong></td>
<td><strong>306</strong></td>
<td><strong>.99</strong></td>
<td><strong>48.74</strong></td>
<td><strong>3.78</strong></td>
</tr>
</tbody>
</table>

*Source: Department of Social Welfare Annual Report, 1964, Appendix IV.*
## APPENDIX XII

### Education and Instruction

<table>
<thead>
<tr>
<th>Name of Home</th>
<th>Number of School Children</th>
<th>Total Number of children</th>
<th>Total Cost (RM)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Primary</td>
<td>Secondary</td>
<td>Government</td>
</tr>
<tr>
<td>Sultan Abdul Aziz Children's Home, Kuala Kangsar</td>
<td>28</td>
<td>1</td>
<td>not available</td>
</tr>
<tr>
<td>Selangor Children's Home, Kuala Lumpur</td>
<td>10</td>
<td>4</td>
<td>14</td>
</tr>
<tr>
<td>Serendah Boys' Home, Serendah</td>
<td>43</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Negri Sembilan Children's Home, Seremban</td>
<td>19</td>
<td>7</td>
<td>25</td>
</tr>
<tr>
<td>Malacca Boys' Jubilee Home, Malacca</td>
<td>22</td>
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<td>Jubilee Home for Children, Johore Bahru</td>
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<td>Kuantan Children's Home, Kuantan</td>
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* Attending classes in Home

**Source:** Department of Social Welfare Annual Report, 1964, Appendix VI.
## APPENDIX XIII

Classification of Cases dealt with during 1964 by States and Categories.

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<tr>
<th>(1) Admission into Homes</th>
<th>Johore</th>
<th>Malacca</th>
<th>Negri</th>
<th>Selangor</th>
<th>Perak</th>
<th>Pulau</th>
<th>Kedah</th>
<th>Perlis</th>
<th>Kelantan</th>
<th>Trengganu</th>
<th>Total</th>
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<td>35</td>
<td>58</td>
<td>145</td>
<td>54</td>
<td>12</td>
<td>14</td>
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<td>119</td>
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<td>(3) Foster Home Placement</td>
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<td>4</td>
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<td>(4) Boarding-out cases/allowances to Parents of Needy Children</td>
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<td>9</td>
<td>14</td>
<td>12</td>
<td>6</td>
<td>7</td>
<td>15</td>
<td>3</td>
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<td>(5) Transferred Children</td>
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<td>165</td>
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<td>(6) Ill-Treatment of Children</td>
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<td>(7) Dispute over custody of children</td>
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<td>(10) Registration of Adoption</td>
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<td>(11) Discharges from Homes</td>
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<td>(12) Miscellaneous</td>
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**Total**

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<th>Johore</th>
<th>Malacca</th>
<th>Negri</th>
<th>Selangor</th>
<th>Perak</th>
<th>Pulau</th>
<th>Kedah</th>
<th>Perlis</th>
<th>Kelantan</th>
<th>Trengganu</th>
<th>Total</th>
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<td>351</td>
<td>366</td>
<td>233</td>
<td>632</td>
<td>525</td>
<td>214</td>
<td>170</td>
<td>42</td>
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**Source:** Department of Social Welfare Annual Report, 1964, Appendix IX.
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<td>Beck, John</td>
<td>Memoirs of John Beck</td>
<td>Cyclostyled Sheets, Head Office, Wellington</td>
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<td>Beck, John</td>
<td>Child Welfare in United States of America and Canada</td>
<td>(Special Reports on Educational Subject, No.15; Dept. of Education,) Wellington, 1927.</td>
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<td>Young New Zealand</td>
<td>Dunedin; (Coulter, Somerville, Wilkie) 1927.</td>
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<td>Wellington, 1941. (N.Z. Centennial Surveys, No. 8).</td>
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<td>The Law of Adoption in New Zealand</td>
<td>Wellington, (Butterworth) 1957.</td>
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<td>The Deprived Child and the Community</td>
<td>London (Constable), 1955</td>
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<td>Singapore, (Donald Moore Ltd.), 1953</td>
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<td>The Institutional Care of Dependent Children in New Zealand</td>
<td>Wellington, (N.Z.C.E.R. Educational Research Series, No. 18), 1942</td>
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<td>McKinnon, E.H.S.</td>
<td>Fifty Years of Active Work in the Interests of Women and Children</td>
<td>Dunedin, (Dunedin Branch of N.Z.S.P.W.C.), 1949</td>
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<td>The Otago of Our Mothers</td>
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<td>Recent Economic Changes in New Zealand</td>
<td>Wellington, (Whitcombe &amp; Tombs, Ltd.), 1936.</td>
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<td>Wellington, (Modern Books), 1941.</td>
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<td>Problems of Prosperity</td>
<td>Wellington, (Price, Milburn &amp; Comp., Ltd.), 1942.</td>
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(b) Malaya:


2. Suggested Sheets on Children's Service by Assistant Director of Social Welfare.


(c) Great Britain:

1. Memorandum by Home Office on the Conduct of Children's Homes, 1951.