

THE PROGRESS OF ADOPTION OF CHILDREN IN MISSOURI

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Adoption was unknown to the common law, and it has, therefore, always been a matter of statute in Missouri. Legislation grows out of experience, and statutes and statutory changes and construction of them in court decisions reflect social and economic history, and the story of adoption throws some light upon the changing pattern of life in general.

The applicable law in the revision of the statutes for 1889 consisted of 241 words divided into four sections. The first provided that any person in this state who should desire to adopt any child as his or her heir might do so by deed executed and acknowledged by the person adopting such child and recorded in the county of the residence of the person executing it, as in the case of conveyance of real estate. The second authorized a married woman to join with her husband in such a deed. The third declared that the child thus adopted should have the same right against the person or persons executing such deed, for support and maintenance and for proper and humane treatment, as a child has, by law, against lawful parents. The fourth authorized the Probate Court to change the name of an adopted child.

Exigencies which arose in the course of time were met by statutory changes and additions. In 1917 the conviction that adoption by deed had become an obsolete method was manifested by an act of the General Assembly which abolished it entirely and substituted for it a proceeding in the juvenile division of the circuit court.

The history of what preceded the abandonment of the old method and the acceptance of such a radical change is interesting and instructive.

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In earlier days adoptions of children were comparatively few. When the state was young and population was sparse they were largely by a relative of the adopted child or by a neighbor or by somebody who knew the circumstances. Even so, problems arose. By reason of their own changed condition, or cupidity, natural parents of happily adopted children sometimes asserted claims for custody of their children as against the adopting parents. In 1909 a statute provided that a parent or parents signing and acknowledging a deed of adoption should not afterwards have any right or claim to the services, wages, control, or company of the adopted child.

There came a period when what were generally called waifs presented a new problem. They were abandoned or orphan children who had been kept in a public or charitable institution until they were several years old and were then sent out for placement in homes. Oftentimes an agent, frequently from an eastern state, would go into a community and procure the placement of several of those waifs at one time. The evil of the system was that these children were of such an age that they could work and they were taken on account of the service they could render rather than on account of the affection that the persons who took them into their homes bore for them or could ever bear for them. Some were adopted and some were not. Some who took them wanted slaves and not children.

In 1909 provision was made for adoption of any minor child below the age of seven years who had been abandoned or entrusted by its parents to the care and custody of incorporated institutions.

The unmarried mother and her child have presented a social problem throughout the ages. Hester Prynne and her Pearl of great price exemplified a reaction that long prevailed in this country. Under the pressure of that attitude abortions were numerous and many of them resulted in death. Children were left with midwives and other less scrupulous persons to dispose of them as best they could. If such mother kept her child she could never escape her guilt, and, what was even more unjust, her child went forth with a handicap that only the strong could overcome and that drove the weak into vagrancy or crime. One must have lived in that time to appreciate today what the conditions actually were.

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In September, 1905, Dr. John W. Kepner, a reputable and ethical doctor, and Edwin P. Haworth and Cora M. Haworth, his wife, established a small hospital in Kansas City, Missouri, in which they received unmarried expectant mothers and gave them medical and nursing attention of a high order. Abortions were not performed. The child as well as the mother was given the best of care and medical attention. They also procured the adoption of the children born in their institution.

The homes into which children were adopted were carefully investigated and selected. Only husbands and wives of high character, suitable age and financial responsibility sufficient to insure support were permitted to adopt a child. They found that when properly selected people adopt babies of from a few weeks to a few months old and assume all of the pains and burdens that go with a child of such an age, the tendrils of affection enfold those babies until the adopting parents would fight for them as they would for their own flesh and blood. Instead of waifs adopted to work they have in such cases babies adopted to love.

Doctor Kepner died in 1931. Mr. Haworth's condition of health compelled his retirement from all active business in 1929. Mrs. Haworth continues in the work. If the histories of the several thousand who as babies in arms have left the institution thus founded to go into homes which they have blessed and in return have received parental affection and opportunity, and who in such environment have developed into useful men and women, could be gathered into a book it would be an enduring monument to those pioneers in the establishment of systematic and ethical procedure in the adoption of children. Saving natural mothers from social penalties and giving them opportunity to redeem their lives has been an important adjunct, but essentially it should be regarded as a by-product. There is universal sympathy for mothers, erring ones as well as saintly ones. The mother who, measured by social convention has no right to be one, may suffer heartache in separation from her child, but she and her child as well would be doomed to greater distress if they were made to suffer together. From the beginning of this work the conviction grew stronger and stronger that the good of the child must be the paramount consideration.

From its beginning in 1905 the institution with which the writer is familiar has been supported by collections from and services rendered by those whom it has served. It is the writer's belief that no charitable organization, public or private, could render better service at the same cost or equal service at a lower cost, or would be conducted with greater devotion to ethical ideals. The small margin of income over cost of maintenance and operation, in many years none at all, has gone into plant and equipment. Virtually this is a public service at private cost. When the term "commercial" is applied to it it may carry the misleading implication that it is conducted only with a profit motive. It were fairer to refer to it as a self-supporting hospital.

It has not been uncommon for foster parents to write to the institution during the early years of the child's life, and even to send photographs of their adopted children. Conditions during the war brought demands for birth certificates and in this connection reports of more children who have grown up came in. Of necessity reports have come from a minor proportion, but enough information has been received during the years to justify the positive assertion that the plan of adoption pursued in the Juvenile Court of Jackson County, Missouri, has resulted in placing children in an environment that gives them an opportunity equal to that of children who remain with their fathers and mothers in normal family life. There is temptation to say that the average is higher, but the data does not come from a sufficient number to make it certain.

The babies who have been born in this institution founded in 1905 now range in age up to forty years. They number more than ten thousand. It would seem that in the very nature of things it is impossible that none of them has gone wrong, but no word has come of any having been convicted of a crime or having been guilty of disgraceful conduct or having become a public charge. It seems incredible that if any of these things had happened in substantial number some individual instances would not have come to notice.

When a wife and her husband deliberately take upon themselves the burden and the inconvenience and the personal restraints that attend the care of a young baby they are moved by a yearning urge. They really want a child. A keen awareness of the responsibilities of parenthood naturally may be expected of such people, and the proportion of neglected children is consequently small in such circumstances. The baby is planted in the environment in which it will develop before its habits are formed, and as nearly as

possible it is placed in an environment that suits its heredity. Measured by eugenic standards these babies are of good stock. Their parents on either side are not licentious, depraved or degenerate in moral character, and they are vigorous and healthy in body. The worst that can be said of most of them is that they have lacked the moral strength and stability to resist a temptation in the normal stress of life.

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When adoption of children was brought under the jurisdiction of the juvenile courts of the state by the law of 1917, Judge Edward E. Porterfield was judge of that court for Jackson County, in which Kansas City is situated. The statute was somewhat sketchy, and properly so. He devoted the greater part of a hot summer to working out what he thought should be the court practice under the new law. He administered the law with great sincerity and devotion to child welfare until his death in 1933. For the last twelve years Judge Ray G. Cowan has presided over this court. He took up where Judge Porterfield left off, and his sincere effort to administer the law for the good of the child, and for the good of each child, and his courageous conduct of his office are appreciated by all who have had contact with his court and its work.

PRESENT PROCEDURE IN THE JUVENILE COURT IN KANSAS CITY

Approval of Applicants and Their Homes

The procedure of adoption is conducted under the jurisdiction of the Juvenile Division of the Circuit Court. The details are handled through an organized Adoption Depart-

ment under the close supervision of the judge of that division, which office in Jackson County has been held by Honorable Ray G. Cowan for so many years that he is familiar with the problems.

Upon application for a child blanks are supplied which, when properly filled out, disclose the educational, cultural and physical history of the applicants with medical reports on both applicants. Their banker, a minister or priest and their family physician are named as references, and a report is obtained from each. If the information thus acquired is satisfactory the Court Supervisor names a date for the applicants to appear before her for a personal interview. This personal conference affords an opportunity to see at first hand the physical appearance of the applicants and to get an insight into their character and to learn something of their future plans for a baby, etc.

If the applicants live in the Kansas City area the Supervisor completes the investigation. Our court has adopted the practice in the case of applicants who do not live in such area of sending its records to the welfare organization of the applicants' home area for investigation of and report upon the applicants and the home in which they propose to take the child. When a case study is approved by our Juvenile Court, the applicants' names are added to a waiting list for a baby.

Putting Babies into Homes

In earlier days a home was often sought for a child, but now a child is sought for a home. It is important that the right child be fitted into the right home. Many elements and factors enter into this selection. Baby placements are made in strict accord with the cultural and educational back-

ground and physical history of both the natural and foster parents. Histories are matched as closely as is humanly possible.

As soon as practicable after a baby is born in the hospital it is given a thorough physical examination by a doctor who is recognized by the profession as a specialist, and a record is made. The history of its natural parents is considered and compared with the histories of applicants for babies who have been approved by the court. Foster parents are tentatively selected for this particular baby and the baby's history and that of its natural parents, without naming them, are sent to the applicants to be considered.

If after considering the description sent to them they believe they probably want to adopt this baby they arrange to come to Kansas City at a stated time and see the baby personally. If they are then satisfied they sign a petition for adoption and go before the Juvenile Court. If the court is satisfied, a temporary custody order is made and they then take the baby, but the adoption is not granted until seven months thereafter.

The applicants for a baby and their home having been put on the approved list, the matter of placement of a particular baby and its adoption is within the sole jurisdiction of the Juvenile Court.

CO-OPERATION IN DEVELOPING PROCEDURE AND PRACTICE

Since the enactment in 1917 by the General Assembly of Missouri of the law which superseded the statutes which authorized adoption by deed, the high class ethical maternity hospitals have co-operated with the Juvenile Court of Jackson County in establishing and developing the procedure and

practice which we have described. In that time the adoption of children has grown to such proportions that the need of supervision and regulation of the placement of children is generally recognized in the various states—in some with more understanding than in others. The management of the hospital with which the writer is intimately familiar desires to co-operate in every reasonable manner in the promotion of child welfare and the regulation of child placement and adoption by law. At the same time, it feels that in working with infants and foster parents for forty years it has discovered principles that work everlastingly and are not changed by legislation and cannot be done away with by regulation by any agency of the state.

When we point so confidently to achievement and progress in this field we are met by a demand for statistical evidence, both as to conditions that formerly existed and to the changes that have been brought about. In the very nature of the thing a large proportion of misdeeds goes unrecorded and no book would be large enough to hold all of the good that is done. Valid inferences may be more convincing proof than incomplete statistics.

We are asked how we can say that back in 1905 abortions were numerous, and that children were left with unscrupulous persons to be disposed of. Commonly there is no proof of abortions unless the woman dies, or for some reason an abortionist is prosecuted. People who lived then and knew generally what was going on could repeat the names of doctors who were reputed to perform abortions. It was current gossip that some reputable physicians imparted information about such doctors to those who applied to them. A person with a modicum of worldly wisdom knew that a small proportion of the abortions performed came into notoriety. If you were now asked to prove that during prohi-

bition more illicit liquor was consumed than was accounted for by convictions, what would you say? Cases that are brought to law are symptoms of a condition that is wider spread.

When we speak of babies having been left with irresponsible and unscrupulous persons to be disposed of we do not mean they were dispatched, though that did happen in rare instances, deliberately or through neglect. We mean they were not painstakingly placed in the best environment for them as they are today through the agencies of the ethical hospital and the juvenile court. We mean they were fortunate if they were adequately sheltered, clothed and fed until they could fend for themselves, and more than usually fortunate if they found a home with foster parents who gave them such affection as they might have given their own blood.

It cannot fairly be said that the number of mothers who cannot keep their babies with them without shame or unsupportable privation has greatly increased since then. This particular hospital has placed more than ten thousand babies. What would have become of them if this ethical institution had not been open to them and if as their number increased they had been disposed of without the court supervision that is now provided by established practice? Undoubtedly some of them would have been disposed of disgracefully; some of them would have been farmed out respectably; and some of them would have been placed in institutions to grow until they became conscious of the world and then would have been confused and bewildered by a change to foster parents who were strange to them.

When we say that the unwed mother was, in the thought of the community, piloried in disgrace and that her child

was handicapped by an opprobrious name that followed him to the end we are expressing the thought and attitude of the time that is reflected in all contemporary history of it.

The primary objective of Doctor Kepner and those he associated with him was to give a fair chance in life to babies who were born under a handicap that to most of them otherwise was insurmountable. Saving unwed mothers from social penalties and giving them a chance to redeem their lives was a concomitant service. It is not claimed that such institutions have some mystic purifying process that cleanses the soul and makes weak characters into strong. It is asseverated that a woman who errs once does not need to be driven into a life of infamy. Those who have had long experience in the institution with which the writer is familiar are convinced that a large percentage of their patients have gone forth to take a place in society that without this help they could never have regained. This cannot be proved by statistics. Those who have been engaged in the work will tell you that the women who have come to them have not been depraved; in a discriminating sense they have not been immoral; in general they have not been what is now in common parlance termed "sophisticated". In one way or another contact has arisen with individuals in after years; these contacts have been scattered; they have been numerous enough to indicate a pattern. The implications strongly support the conviction that a largely preponderating percentage of those who have gone forth from this institution have achieved dependable character and a respected position in society.

When we assert that the plan of adoption pursued in the Juvenile Court at Kansas City has resulted in the nearest approach to placing children in an environment that gives them an opportunity equal to that of children who remain

with their natural parents, we are again assailed by those to whom statistics are the only form of proof. From 1905 to 1945 more than 10,000 babies have gone into adoption from this one institution. No word has come to any one of them having been convicted of a crime, or having become a public charge. When we are told that in the very nature it is impossible that there could be a group of 10,000 through forty years, without some one of them turning out to be bad, we are not disposed to argue to the contrary. We do argue quite earnestly, we think conclusively, that if an overwhelming proportion of them had not turned out to be good children and good men and good women it is likewise impossible that word of the misdeeds of some of them should not have come back. It has been a common thing for foster parents to write to the institution during the early years of the child's life, and to send photographs of their adopted children. Conditions of war brought demands for birth certificates which brought reports of children who have grown up. Foster parents have adopted another child after a first experience. Friends and neighbors of foster parents have come to the institution for babies in later years. Contacts have come in various and numerous ways. It is true that reports have come from a minor proportion, but from one source and another enough information has been received during the years to justify a positive declaration of faith in the plan that has been followed.

The author, a widely known lawyer of Kansas City, Missouri, has been counselor of The Willows Maternity Hospital since its inception.

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