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LUNCHEON MEETING

Mr. William Hodson, Chief of Division of Child Welfare Legislation, Russell Sage Foundation, presiding, Minneapolis

NEW LAWS RELATING TO THE FEEBLE-MINDED AND SOME STATISTICS

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There is a story about a college professor who was driving with a livery horse and carriage through a rural community down south when his harness broke suddenly and he was obliged to stop. He was sitting by the roadside wondering how he would get to the next town when a little negro boy ambled up and inquired the trouble. The professor told him that the harness was broken and he did not know how he could get to town. The boy looked the harness over, found the broken trace, pulled out his knife and cutting a few holes in the leather fastened the broken ends together with a piece of wild grape vine hanging conveniently near. "There boss, I guess you can get to town alright now" he said. But the professor did not move on. Instead he sat lost in thought. The pickaninny was puzzled: "What's the matter, boss, ain't that alright?" he asked. The professor replied slowly, "Yes, but what I can't understand is why I, a college professor, couldn't fix that harness and yet a little boy like you could do it in a minute." "Oh, that's easy" answered the pickaninny, "some folks are just naturally smarter than others."

With the development of psychological examinations we are proving the truth of this pickaninny's observation. Some people are *naturally* smarter than others and no amount of education will bring the duller group up to the intellectual level of the brighter. However, this duller group does not need to be a total loss to society if society will realize the inherent differences in human abilities and educate each member according to his needs, providing also additional guidance and restraint for those too deficient mentally to be able to meet unaided the demands and complex situations of our present day civilization.

This meeting of officials charged with the enforcement of laws relating to children seemed to present an opportunity to discuss the mentally defective members of society, those persons whose minds never develop far enough to enable them to "manage themeslves and their affairs" with ordinary prudence, and to tell you about the amendments to our compulsory commitment law for the feeble-minded, which were passed at the 1923 session of legislature. In 1917, the Minnesota legislature enacted a law providing for the commitment and guardianship of the feeble-minded. We have found in working with the several hundred cases committed under this law that it was not quite perfect, though it is one of the best in the United States, so we have from time to time had it amended. The bills, framed in order to facilitate our work with this group and provide some safeguards which the original statute does not possess, were based on the needs of actual cases in the Children's Bureau.

In order that you may understand their import, may I recall to you briefly as I go along the form of the original law. The compulsory commitment law as it is called, in contrast to the old statute permitting voluntary admission of feeble-minded to the state institution, makes possible the commitment by the probate court and two physicians forming a board of examiners, of any person adjudged feeble-minded, regardless of the age of the patient or the wishes of the patient or parents, provided that the patient comes within the legal definition of a feeble-minded person i. e.—"any person, minor or adult, other than an insane person, who is so mentally defective as to be incapable of managing himself and his affairs and to require supervision, control and care for his own or the public welfare." The commitment is made to the State Board of Control, thus allowing the Board to place the patient in the appropriate institution or to keep him under supervision in the community.

The first amendment was devised to provide better supervision for the patients who are on parole in the community. Some of the child welfare boards have not understood why the children's bureau asked them to investigate cases of adult feeble-minded persons. We have always contended that since these state wards are children in mind, they should be cared for through the county child welfare boards, regardless of age, especially since so many of the cases involve children also. This amendment now makes it legal for us to ask the child welfare boards to perform this service, for it reads that after a person is committed as feeble-minded the Board of Control can exercise "general supervision over him anywhere in this state outside any institution through any child welfare board or other appropriate agency thereto authorized by said Board of Control."

The following case illustrates how this amendment is of assistance. Bessie, aged twenty-one, became known to the county child welfare board at the birth of her second illegitimate child which occurred after the family moved to this state. It was impossible to establish paternity because Bessie told the improbable story that the father of her baby was some stranger who picked her up one night and took her to a dance, though the neighbors stated that in their opinion the stepfather was the father of Bessie's two children. A mental examination showed that Bessie had a mental age of ten years. Since her home was so undesirable, she was committed as feeble-minded to the guardianship of the Board of Control and work was found for her in a different county so she would not be under the influence of her stepfather. Because it was possible for the child welfare board to work with Bessie as well as her illegitimate child, the commitment seemed more reasonable to all concerned following as it did immediately upon the discovery of her misconduct, and the friendly contact established between the Board and the girl at the time she needed assistance in preparing for her confinement, has carried over after her commitment as feeble-minded to the guardianship of the Board of Control, thus making possible a supervision by kindly suggestions and warnings, rather than by rules and discipline.

The second amendment I wish to bring to your attention was framed to insure better supervision for the feeble-minded. There have been several patients whom we felt we could not parole because we feared the relatives would not protect them sufficiently unless we could somehow impress them strongly with their responsibility. Few of our patients' relatives can afford to lose much money so we decided that if they gave a bond guaranteeing the good conduct of a patient paroled to them they would exercise closer supervision than on any other condition, and we asked to have this amendment passed. "Upon the request of the relatives or friends of any person alleged or found to be feeble-minded they

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may be permitted to take charge of such person; but in such case the State Board of Control may require and approve a bond from such relatives or friends, running to the state, in a penal sum of not less than five hundred nor more than five thousand dollars, conditioned that such feeble-minded person shall be safely and adequately cared for and kept by the said relatives or friends and that they will indemnify and hold harmless the state and all political subdivisions, institutions and agencies thereof, from expense of any nature arising or resulting from any act or misconduct of such feeble-minded person committed while in their care.

This is the type of case which we parole under bond. Edna, age twenty-three, with a mental age of eight became pregnant by her employer while she was working out and gave birth to an illegitimate child in 1920. An investigation showed that the girl's mother was dead and her father had never given her very much attention, keeping her out of school to work after the mother's death and then allowed her to go off to work when a younger sister grew old enough to do the housework. Paternity was established and the baby placed in a private family to board, since we found Edna was not intelligent enough to care for the child. Then Edna was committed as feeble-minded and sent to an institution. At first, when the father made application for Edna's parole we did not feel that we could permit it, because the family has always been outside the social life of the community centering about the church, but when more intelligent and responsible relatives became interested and offered to act as the father's sureties on a bond of $1,500, we paroled the girl to live in her father's home. We are certain that with this sum at stake the relatives and the father will protect the girl against a second unfortunate experience, and through our child welfare board we can help the girl live a fairly normal and useful life at home.

The third amendment has to do with the discharge of persons committed as feeble-minded. The original statute makes discharge possible either by an order of the Board of Control or by the probate court on a hearing for discharge of guardianship. We found that occasionally the court in such a hearing disregarding both evidence and the welfare of the patient, discharged the patient when it would have been much better for him and for society, in the estimation of those who had studied and worked with the patient at length, to have continued the guardianship. For instance, Billie, age fifteen, with a mental age of about nine, was committed as feeble-minded after a long acquaintance with various social agencies. His mother had died in 1916 and the father unable to make a home for the children placed them in various institutions. Billie after a period in an orphanage, was sent to a private family where he did not do well. From them he went to two unmarried uncles who were decidedly feeble-minded. With them he was ill clothed and undernourished, and suffered from extreme nervousness aggravated by the friction between the uncles, who were his mother's brothers, and his father a moonshiner. It seemed best, in order that the boy might have regular schooling and a better home, to commit him as feeble-minded and place him in the state institution. This was done, but the two feeble-minded uncles grieved for the boy and finally employed an attorney to petition for a hearing for discharge of guardianship. To our surprise the court discharged the guardianship and allowed the boy to go back to his uncles, from whom he will get anything but the proper training for a feeble-minded boy.

Formerly, when such a discharge was granted it was final, but the new amendment allows for an appeal to district court. It reads as follows: "But no order or other action of such probate court authorizing the discharge of any person previously committed as a feeble-minded person to the care and custody of the state board of control shall be effective for any purpose until the lapse of five days after a copy thereof shall have been filed with said board of control as hereinabove provided. And if within said five days the board of control or its attorney shall file with said probate court a notice of appeal to the district court of said county from such order of said probate court, then the said order shall remain suspended and ineffective and such feeble-minded person shall remain under the guardianship and in the care and custody of said board of control until such appeal shall have been heard and determined by said district court. An extra copy of said notice of appeal shall be deposited with said probate court and it shall be the duty of said court forthwith to transmit same to the person who petitioned for the discharge of such feeble-minded person or to his attorney.

"The district court shall be deemed to have jurisdiction of said matter from the date of filing said notice of appeal, and no other act or thing shall be necessary to be done by the board of control to make said appeal effective. But said probate court shall within five days after the receipt of such notice of appeal transmit all its original files in said proceedings to the clerk of said district court, who shall be responsible for the safekeeping and return thereof to said probate court after said appeal shall have been determined. At any time after receipt of said original files by said district court, either party to said proceedings may bring said matter on for trial upon five days notice to the other party. And thereupon it shall be the duty of said district court, without a jury, and in or out of term, summarily to hear, try and determine said matter de novo as though no trial in said probate court had occurred; and the trial thereof shall have precedence over every other matter or proceeding whatever in said district court which shall as promptly as possible thereafter make its order or decree affirming, modifying or reversing said order of the probate court so appealed from and making such other or further provision concerning such feeble-minded person as his own or the public welfare may require. . . ."

The three pieces of legislation relating to the feeble-minded which were enacted by the 1923 legislature are then, the amendment authorizing the Board of Control to exercise supervision of a feeble-minded ward through the county child welfare board, one permitting the Board to parole feeble-minded patients under bond, and one providing for an appeal from probate to district court in the question of discharge of patients committed as feeble-minded to the guardianship of the Board.

Besides bringing to your attention recent legislation regarding the feeble-minded, I want to try to give you some idea of the extent of feeble-mindedness in Minnesota so that you may realize that we must all work together if we are to prevent the increase of this group and furnish the social control its members need.

Dr. Kuhlmann of the Research Bureau operating under the Board of Control has made several surveys recently to determine the number of feeble-minded children in various school districts and the number of feeble-minded inmates in the different state institutions. He found that 26% of the men at the St. Cloud Reformatory were feeble-minded, 30% of the girls at the Home School in Sauk Centre, and 33% of the boys at the Red Wing Training School. In the special