

HOUSE No. 2150

The Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, July 12, 1911.

The committee on Ways and Means, to whom was referred so much of the message from the Governor, transmitting a report upon the State Board of Charity and the institutions under its care, as relates to regular appropriations, report no legislation necessary thereon and submit the following statement:—

Hearings have been held at which the whole subject has been fully discussed.

It appears to the Committee that the recommendations of His Excellency and of his experts may best be considered under two heads:

I. Matters which might properly be subjects for legislation.

II. Matters which are purely administrative.

In the first named class may be placed the following:

1. The finding of His Excellency that to continue the State's present system of treating advanced cases of tuberculosis is "sheer nonsense."

2. The recommendation that legislation be effected at once to make the towns and cities responsible for the direct care of indigent minors to a larger extent.

3. The suggestion that law should be enacted which should demand definite proof as to where the funds paid out by cities and towns for the care of State cases has gone, before reimbursement is made by the State.

4. The request that the present legislature "consider at once a reorganization of our State institutions, by which children can be provided for without close association with either an almshouse or an insane asylum."

5. The recommendation that the duties of the State Board of Charity be changed so that responsibility for public expenditures shall be taken from the said Board and that they shall remain only as an advisory Board over all the private and public charitable institutions all over the State; with the further recommendation that a definite and separate business management be created for each of the different departments of the present Board combining such management under one general business manager.

6. The finding that at present the State Board has not the authority to inspect private charitable institutions and the recommendation that the legislature "enforce a better business plan, a broader and better defined policy" in the matter of supervision of private charities.

7. The recommendation that the appropriation of the State Board of Charity be fixed at last year's rate of expenditure.

8. Approval of the appropriation of \$394,000, for maintenance of the State Infirmary; approval of the regular appropriation of \$38,219.49 for the Massachusetts Hospital School.

In the second class may be placed the following:—

1. All matters relative to efficiency in the work of the departments and institutions concerned, such as

(a) The work of the State Board of Charity in the care of its minor wards, especially with reference to the system of placing out and method of dealing with applications for adoption.

(b) The work of the division of the State Board in charge of matters relative to State adult poor, especially with reference to its execution of statutes relating to reimbursement of cities and towns for the care of unsettled poor.

(c) The relation of supervisory to administrative functions in the powers and duties of the State Board of Charity.

Your committee finds in the message and inquiry no question of the faithfulness or efficiency of the trustees and officers

in charge of the institutions here concerned nor of the State Board of Charity. The questions raised deal solely with the character of the laws which these officers are called upon to execute.

The policy of the State relative to tuberculosis is to be found in the Acts and Resolves. By Revised Laws, chapter 88, the Institution at Rutland was created for the purpose of treating tubercular cases. By chapter 474 of the Acts of 1907, the three other State Sanatoria were created for the same purpose. All of these institutions are now being administered in strict accordance with the law. The present plan of removing sources of infection and educating the public in right methods of combating consumption by treating individuals so that they may carry home knowledge of methods of treatment has steadily increased in value.

This is a new legislative problem in which Massachusetts, like other jurisdictions, is feeling her way to more perfect methods. (See chapter 76, Resolves 1910, and report upon a system of caring for tubercular patients, rendered by the Commission appointed in pursuance thereof.) Until such time as we find means better than isolation and the educational method of inducing the people to make an every day fight against the White Plague, it is too early to say that the present practice of dealing with tuberculosis is "sheer nonsense." To reason that since to go on attempting to care for all persons advanced in this disease would be sheer nonsense therefore the plan should be abandoned and none should be cared for by the State, is in effect to contend that the poor who are suffering the ravages of consumption and thereby infecting all persons with whom they come in contact with a disease highly dangerous to the public health must be condemned to die in their misery without help and beyond hope. Should the miserably poor, who dwell in tenements, near death with the poor man's disease, be denied the relief which a humane Commonwealth has thus far been giving them?

The Commonwealth expended in the fiscal year ending Nov. 30, 1910, for the support of all classes of children in

its care a total of \$564,925.38. (See Auditor's report under date of Jan. 5, 1911 — Page 35.)

This amount was made up as follows:

Division of Minor Wards — including salaries and ex- penses,	\$57,200 00
Support of Indigent and Neglected Children,	405,000 00
Expenses of Auxiliary Visitors,	1,148 27
(Traveling expenses of 60 women serving without compensation.)	
Support of Pauper Infants,	67,396 22
Tuition in public schools of children boarded out,	34,180 89
(See Sec. 4, Chap. 44, of the Revised Laws.)	

The number of children in the care of the State Board of Charity Nov. 30, 1910, was 4,740.

Divided as follows: —

Neglected,	2,541
Juvenile Offenders,	319
Dependent,	1,880

Of this number there were:

At board,	3,069
Placed in homes free of expense to the State,	1,335
Placed in State Infirmiry and similar institutions,	316

Neglected children and juvenile offenders are committed by the courts, and the State Board of Charity has no option but to provide for them. If parents are encouraged to neglect and abandon their children the responsibility must be charged to the operation of the neglect law (Chapter 334, Acts 1903 — Chapter 181, Acts 1909).

The State Board of Charity has discretion in the matter of receiving dependent children although such children as are found in cities and towns who are without settlement therein may be committed and the Board must make provision for them. (See Section 20, chapter 83 of the Revised Laws.) By reference to Page 97 *et seq.* of the State Board of Charity's report for 1910 it will be found that while applications to provide for dependent children (Section 36, Chap-

ter 83 of the Revised Laws) numbered 955 as against 837 in the preceding year, only 172 children were accepted as against 185 in 1909. Also there was collected from relatives \$2,748.39 as against \$779.75 in the preceding year. One hundred and twenty-nine applications were withdrawn and 116 assumed by relatives as a result of the efforts of this department. This would not seem "to encourage the neglect and abandonment of children by their parents" as stated by the Governor.

More than ever towns ("Smaller communities") are recognizing their responsibility to dependents who have a claim upon them. Last year towns and cities assumed the care of 106 children in whose behalf applications were made to the State Board of Charity, and reimbursed the Commonwealth for the care of children to the amount of \$4,038. This is \$2,043 more than received in any preceding year and indicates that the Governor's statement that the policy of the State "encourages the smaller communities to work off on the State a burden that ought to be borne locally" is not in accordance with the facts.

As was stated above there were 3,069 children boarded by the Commonwealth on Nov. 30, 1910 — and not 4,500 as stated by the Governor. It is true that there were but 56 adoptions during the past year. There are in truth about 600 children in the care of the State Board of Charity who are legally available for adoption. (See Section 3, Chapter 154 of the Revised Laws, Amended, Acts 1907, Chapter 405.) Here again the Governor's statements are wrong. However it has always been the policy of the State Board of Charity to secure the consent of parents in making adoptions. The greater number of those legally eligible for adoption are unsuitable because of mental or physical defects and it would be fair to place the number available at less than 100. Between 45 and 50 of these are now placed in families on trial for adoption. When a child in the care of the State Board of Charity is legally adopted the Board's authority and responsibility in regard to him is at an end, and, therefore, every precaution must be taken that the child's interests may be

conserved. Better one good adoption than ten indifferent ones with the risk of neglect or dependency to follow.

There is no way to compel citizens to receive State wards in their homes without compensation. Therefore, the care of children must be a matter of business arrangement. The question is, what is the best method? Formerly children were maintained in institutions. To care for the number now boarded by the Commonwealth (3,069) more than \$2,250,000, \$750 per capita unit, would have to be sunk in buildings — as an initial expense. The cost of maintenance would doubtless greatly exceed the present per capita under the boarding-out system, which is approximately \$3.30 per week. The per capita of the Lyman School for Boys was \$5.62 last year and for the Industrial School for Girls \$4.77.

Institution care for children was definitely abandoned by the Commonwealth with the closing of the State Primary School in 1895. Massachusetts' system of caring for children in private homes has been the model adopted by many other communities since that date, and is generally accepted by experts throughout the country as the standard. It is difficult to believe that a return to institutional care would be possible of serious consideration. Neither is it possible to believe that the vicious method of sending children by the carload to far distant communities, there to be distributed and lost to sight of relatives and friends, can ever return. Indeed, this method of disposition is forbidden by statute in many states where children were formerly thus sent. The above shows clearly that the State, whose obligation these future citizens are, must provide for them in the manner adopted by Massachusetts nearly 30 years ago. There is no risk of "commercializing the business of taking care of these State Wards for pay", as stated by the Governor.

It has earlier been pointed out that the only class which the State has any discretion in accepting is the dependent. There is no statute law which can compel towns and cities to support children who have no settlement and it will doubtless continue to be the duty of the State to provide for unsettled children.

It is true that the number of children for whom the State

is called upon to provide increases at a greater per cent than the population, but the cause for this will be found in the greater activities of organizations engaged in child welfare work, resulting in more prosecutions for neglect with consequent increase in commitments. This is undoubtedly the tendency of the times and will continue as far as public opinion will support it. Standards of living and conduct are steadily rising and neglecting parents will perforce have to comply with them. This His Excellency has overlooked. When education and sense of family responsibility have reached that stage that neglect of children will have disappeared, the care of neglected children will cease to burden the State. But even then accident, sickness and death will continue to result in homeless, parentless, destitute children, for whom the State must always provide in the most humane and approved methods to the end that dependency and its direful consequences in disease and delinquency shall not be projected beyond the present generation so far as human intelligence and foresight can forefend. The present policy of the State Board of Charity carefully administered is the best help to the poor and so far from "spreading pauperism like an infection," as stated by the Governor, is adopting every available device to encourage applicants for relief to self-reliance and self-help, the true antidotes for pauperism.

The allegation that "we spend over \$330,000 a year in helping the adult poor," is not borne out from the fact that the State Board is asking for but \$259,365 for all of the needs of that division, exclusive of Penikese Hospital, and last year's expenses were but \$259,976, inclusive of deficit, for the same purpose.

His Excellency's message further states that "public money is being poured out without any businesslike and adequate safeguard." This is contrary to fact and may best be answered by reviewing a typical case commencing with the first application to the overseers of the poor for pauper relief and showing the various modes and methods of procedure of the division of State Adult Poor until the town

or city is reimbursed by the Commonwealth for the aid they have rendered a State charge.

Some member of a family in want applies to the overseers of the poor of a town and in the cities to the almoner, stating the circumstances as to the necessity for relief. A history of the family is taken and frequently a visit is made to the applicant's home. If, in the judgment of the overseers of the poor or almoner, he finds that they are in need of immediate relief, an order is given, in the towns on the local store, in the cities on the city store if they have one, otherwise, on the store that the overseers contract with. The order is for a limited number of articles necessary to sustain life. If the family is unsettled, that is, in their opinion a state charge, immediate notice is sent to the Division of State Adult Poor. *Immediate* notice is construed to mean within twenty-four hours. After aid is first rendered, when this notice is received by the department, it is stamped with the date of mailing and entered upon the books of the office. The Visitor assigned to the district wherein the family resides is furnished a blank, with *number of case, name of pauper, town and mailing date of notice*. He is required to visit and report within 14 days. Upon visiting the town, he calls first upon the family and his first question to the man or woman is "have you applied to the Overseers of the Poor for aid?" Upon receiving an affirmative answer, he questions them as to what the aid consists of. Frequently, they are questioned as to who told them to apply to the poor department. He obtains a history from them, and, if satisfied they are unsettled, vigorously questions as to the necessity for relief; how they lived in the past, amount of income past and present and prospects for the future. The home conditions are also fully investigated, relatives able to assist are consulted and, frequently, friends and employers. A written report in full is referred to the superintendent of the Adult Poor Division for his decision. If the report shows that the family was not in need of pauper aid, the town or city is so notified and no reimbursement is made for aid already given to that family. If aid was needed

and the visitor finds upon his visit that the family does not need further aid, a communication is immediately sent that town stating the facts and all aid is discontinued. When the report shows that it is not a proper case to aid outside the State Infirmary, the town upon being notified, stops the aid, and, if further aid should be needed, a new notice is sent to the State Board and the case is again investigated by the Board's Visitor. If the Superintendent of Adult Poor authorizes a continuance of the aid, the Visitor makes frequent visits to the family keeping in touch with conditions in order to stop aid at the earliest moment. When the aid is closed, a bill in detail signed by the Overseers of the Poor is sent the Division. It is itemized as to the *kind of relief, dates and amounts*. It is entered upon the books of the office and examined by the Visitor, under the direction of the Superintendent. When the Visitor makes his final report on this case, he also examines the Overseers of the Poor books and makes a copy of what the aid consists of, dates and amounts. If in doubt, he examines the original order. In some towns, it is necessary to consult the books of the local store. If the bill and report compare, the former is approved by the Visitor. If there is a question of doubt, it is referred to the Division's examiner for further investigation and report. When the bill is finally approved, it is scheduled and examined by the Superintendent and, if satisfactory, endorsed with his approval. It is then sent to the Secretary of the State Board of Charity, the bonded auditor of the Board who audits it and, in turn, sends it to the State Auditor for final audit. A warrant is then drawn, and, with the bills, is sent to the Governor and Council. Their procedure is as follows, —

Council Chamber,, 1911.

The foregoing warrant is examined and found to correspond with the auditor's certificate; and the payment to be made under it appears to be just and according to law.

.....

For the Committee on Warrants."

The next step is by His Excellency the Governor, who addresses the following to the Treasurer and Receiver General:

“By and with the advice and consent of the Council, you are ordered and directed to pay unto the parties named on the annexed roll the sum of.....on account of....., for which this shall be your sufficient warrant.

Given at the Council Chamber, in Boston, the..... day of....., in the year One Thousand Nine Hundred Eleven, and of the Independence of the United States of America, the one hundred and thirty-fifth.

.....
Governor.”

The moneys are paid by the State Treasurer to the City or Town treasurer, not to the Overseers of the Poor as stated by His Excellency. Chapter 85, Section 27, of the Revised Laws provides that “the State board may require such accounts to be accompanied by such statement of particulars and facts and substantiated by such affidavits, as it orders.” This is done when conditions seem to warrant. It is also invariably the rule to require the towns to send with their bills the original vouchers.

It is of interest, further, in this connection that of claims amounting to \$200,000 for 1910 made by the Overseers of the Poor for the relief of State charges more than \$25,000 was disallowed. A similar amount was disallowed in the preceding year and reference to the Board’s annual reports will find varying amounts each year.

The further statement in the Governor’s message that “the bills they render are not required to be audited either by the locality where they were incurred or by the State Auditor before the Board of Charity pays them,” is shown by the above to be untrue. It is hardly necessary to add that the Board of Charity handles no money whatever for the reimbursement of towns and cities for aid rendered State charges and, therefore, does not pay out money as implied by His Excellency’s statement.

The Governor's message goes on to state "that local politicians have been able to influence the distribution of State charity through their local Overseers as a sort of political patronage."

This assertion is in conflict not only with the report of His Excellency's experts, but with the stenographic record of the testimony as well, and is a complete misstatement. There is no evidence that a cent of the public money was ever paid for a case that was not honestly audited. To do so, would mean collusion between the Overseers of the Poor, one or more Visitors and the examiner in the Division of State Adult Poor, and an evidence of inefficiency on the part of the Governor himself who signs all warrants.

The request of His Excellency that the reorganization of our State institutions so that children at the State Infirmery may be further segregated or taken wholly away, involves the possible creation of a new State institution and certainly the expenditure of large sums of money. The State Board has repeatedly recommended the removal of the insane from the State Infirmery. The Board has likewise for a long time felt the need of better provision for the children who are necessarily confined at that institution whether by more complete segregation or by the creation of a separate institution. But inasmuch as both considerations, in the last analysis, involve large expense, the Board has contented itself with recommendation, and confined its request for appropriations to such needs only as have been most vitally important. In view of His Excellency's criticism of expenditures deemed by your Committee to be vitally necessary, and in the light of the Governor's avowed policy of vetoing special appropriations however badly needed, action upon this recommendation, involving as it does extensive outlays of money, seems inopportune.

Taking from the State Board of Charity as now constituted, its administrative powers, leaving advisory functions only, and lodging administrative matters in a centralized administrative system, involves the creation of a new Board or Commission to no good purpose. The present Board "supervises its own expenditures" as the Governor states

in the matters of administration only in the sense that any executive arm of the State Government takes responsibility for its own expenditures. That it "advises and supervises" the same subject matter as indicated by the Governor is but a confusion of terms. The Board has general supervision over ten state charitable institutions. (See R. L. ch. 84, section 2; Acts 1904, ch. 446, section 12; Acts 1907, ch. 474, section 14; Acts 1909, ch. 639, section 6.) In matters relating to these institutions, the Board's functions are almost wholly advisory. The administrative functions of this Board involve for the most part the execution of statutes which so far as the Board are concerned, operate automatically.

It is not clear what is meant by the recommendation that the Legislature "enforce a better business plan, a broader and better defined policy" in the matter of supervision of private charities. By R. L. ch. 84, sec. 14, and Acts of 1903, chapter 402, the State Board of Charity is empowered to require an annual report containing a financial statement from every charitable corporation. By chapter 379 of the Acts of 1909, the State Board is required to inspect all charitable corporations which consent or do not refuse.

By chapter 181 of the Acts of 1910 the Board is required to investigate, give a public hearing, and report its findings to the Secretary of the Commonwealth in the case of every petition for a charter for a charitable organization. The further extension of the Board's supervisory authority over private charitable corporations may be expected and should be provided by legislative enactment only to the degree that sound public opinion will sanction it to the end that such supervision may result in helpful oversight rather than perfunctory regulation. The Board has for many years favored reasonable extension of such supervision.

Your Committee, scrutinizing the work of the State Board of Charity finds to-day, as in the past, that the work of the Board shows high efficiency with a relatively low expenditure of the State's money. The problems of dependency and delinquency exist and must be met. The present machinery for handling these problems is in the opinion of your Committee competent.

The Committee therefore recommends that the several appropriations amounting to \$886,350 asked for by the State Board of Charity be granted; also that the appropriation of \$394,000 for maintenance of the State Infirmery and the appropriation of \$38,219.49 for maintenance of the Massachusetts Hospital School be granted, and the Committee further recommends that no additional legislation is necessary upon any of the above matters.

For the committee,

NORMAN H. WHITE.

